

REGIONAL DISTRICT OF NANAIMO
BOARD MEETING
TUESDAY, APRIL 26, 2005
(immediately following Regional Hospital District meeting)

(RDN Board Chambers)

A G E N D A

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1. **CALL TO ORDER**
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4. **BUSINESS ARISING FROM THE MINUTES**
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Bylaw No. 1386 – Waste Stream Management Licensing Bylaw. (All Directors – One Vote)

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

7.1 **ELECTORAL AREA PLANNING STANDING COMMITTEE**

37-41 Minutes of the Electoral Area Planning Committee meeting held April 12, 2005.
(for information)

PLANNING

AMENDMENT APPLICATIONS

**Zoning Amendment Application No. ZA0415 – Wessex Enterprises Ltd./Addison
– Midora Road & Extension Road – Area C.** (Electoral Area Directors except EA
'B' – One Vote)

1. *That Zoning Amendment Application No. ZA0415 submitted by Harry May for Wessex Enterprises Ltd., to rezone the property legally described as Parcel Z (DD K83923), Section 13, Range 1 and Sections 12 and 13, Range 2, Cranberry District from Rural 6 Subdivision District 'V' (RU6V) to Comprehensive Development Zone 19 (CD19) in order to permit residential use and facilitate subdivision be approved to proceed to public hearing.*
2. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.308, 2005" be given 1st and 2nd reading.*
3. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.308, 2005" proceed to public hearing, subject to the conditions outlined in Schedule No. 1.*
4. *That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.300, 2004" be delegated to Director Hamilton or her alternate.*

That the minutes of the Public Information meeting held January 13, 2005 for Zoning Amendment Application ZA0415 be received.

**Zoning Amendment Application No. ZA0503 – Owners of Strata Plan
VIS5160/Hamilton – Horne Lake – Area H.** (Electoral Area Directors except EA
'B' – One Vote)

1. *That the minutes of the Public Information Meeting held on March 23, 2005 be received.*
2. *That Zoning Amendment Application No. ZA0503 submitted by Murray Hamilton on behalf of the Owners of Strata Plan VIS5160 to amend the Comprehensive Development 9 (CD9) and Water 4 (WA4) zones pursuant to Bylaw No. 500 to permit a boat ramp; one water storage structure and one three-sided roofed wood storage structure for each recreational residential lot; a 'lower loft' and to undertake some minor housekeeping amendments to the CD9 zone for the bare land strata properties around Horne Lake, be approved to proceed to public hearing subject to the conditions included in Schedule No. 1 as recommended by staff.*

3. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.314, 2005" be given 1st and 2nd reading.*
4. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.314, 2005" proceed to public hearing.*
5. *That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.314, 2005" be delegated to Director Bartram or his alternate.*

Zoning Amendment Application No. 0507 – RDN Recreation and Parks Department – Horne Lake Regional Park – Area H. (Electoral Area Directors except EA 'B' – One Vote)

1. *That the minutes of the Public Information Meeting held on March 23, 2005 be received.*
2. *That the Ministry of Transportation be requested to amend the Land Use Covenant registered on the title of Block 40, Alberni District, Plan 691N, except that part thereof shown outlined in red on Plan 1339R and except that part in Plan 46603 to include the additional park uses proposed in Zoning Amendment Application No. ZA0507.*
3. *That Zoning Amendment Application No. ZA0507 be approved to proceed to public hearing subject to the conditions included in Schedule No. 1 as recommended by staff.*
4. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.318, 2005" be given 1st and 2nd reading.*
5. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.318, 2005" proceed to public hearing.*
6. *That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.318, 2005" be delegated to Director Bartram or his alternate.*

Zoning Amendment Application No. 0508 – RDN Recreation & Parks Department – Qualicum River Corridor – Area H. (Electoral Area Directors except EA 'B' – One Vote)

1. *That the minutes of the Public Information Meeting held on March 23, 2005 be received.*
2. *That Zoning Amendment Application No. ZA0508 recognizing the existing fish hatchery uses and trail use be approved to proceed to public hearing.*
3. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.319, 2005" be given 1st and 2nd reading.*
4. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.319, 2005" proceed to public hearing.*

5. *That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.319, 2005" be delegated to Director Bartram or his alternate.*

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60449 – Reilly – 1651 Admiral Tryon Boulevard - Area G. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DP Application No. 60449.

That Development Permit Application No. 60449 to allow the installation of a new retaining wall at 1651 Admiral Tryon Boulevard within the Watercourse Protection Development Permit Area, and to vary the minimum setback from the sea from 8.0 metres to 3.0 metres, be approved, in accordance with the terms outlined in Schedule No. 1 of the corresponding staff report and subject to the comments received as a result of public notification pursuant to the Local Government Act, and that Development Permit Application No. 60449 be issued upon completion of the following items:

- a) *The applicants must provide, in the form of a letter of credit or cash, or certified cheque a security in the amount of CDN \$5,000.00, for required landscaping, both on the subject property and within the public road right-of-way.*
- b) *The applicants must register the geotechnical reports prepared by Davey Consulting and Engineering Limited, dated September 21, 2004 and subsequent addenda, including the save harmless clause, as a Section 219 covenant on the title of the subject property.*

Development Permit Application No. 60510 – Weighill – 1501 Gordon Road – Area A. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DP Application No. 60510.

That Development Permit Application No. 60510 submitted by Richard and Michele Weighill to approve land alteration works within the Streams, Nesting Trees and Nanaimo River Floodplain Development Permit Area, consisting of the introduction of large amounts of fill (approximately 24,000 m³ in total) to allow for the construction of a French drain on the property legally described as Lot 1, Section 17, Range 8, Cranberry District, Plan 31020 be approved subject to the terms outlined in Schedule No. 1.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90505 – Shannon/McLeod-Shannon – 1827 Ballenas Road West – Area E. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DVP Application No. 90505.

That Development Variance Permit Application No. 90505, submitted by Patrick Shannon and Rosie McLeod-Shannon for 1827 Ballenas Road West, to vary Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw

No. 500, 1987” by relaxing the interior side lot line setback requirement from 2.0 metres to 1.2 metres to legalize an existing accessory building according to the terms of Schedule 1, be approved subject to the notification requirements pursuant to the Local Government Act.

Development Variance Permit Application No. 90506 – Eagles – 1380 Leeson Lane – Area A. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to DVP Application No. 90506.

That Development Variance Permit Application No. 90506, submitted by James and Adrienne Eagles to vary “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” as outlined on Schedule No. ‘4’ to legalize the siting of an existing single dwelling unit and attached deck, and allow a second-storey addition according to the terms in Schedule No. ‘1’, be approved subject to the notification requirements pursuant to the Local Government Act.

Development Variance Permit Application No. 90508 – Seefried – Kirkstone Way – Area A. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to DVP Application No. 90508.

That Development Variance Permit Application No. 90508, submitted by Andrew and Linda Seefried to vary “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” by relaxing the maximum permitted dwelling unit height from 8.0 metres to 9.8 metres according to the terms of Schedule ‘A’, be approved subject to the notification requirements pursuant to the Local Government Act.

Development Variance Permit Application No. 90509 – McCullough – 1265 Marina Way – Area E. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to DVP Application No. 90509.

That Development Variance Permit Application No. 90509, submitted by the property owners, Ken McCullough and Iris McCullough, for 1265 Marina Way to relax the interior side lot line setback requirement according to the terms of Schedule No. 1, be approved subject to the notification requirements pursuant to the Local Government Act.

Development Variance Permit Application No. 90510 – Teppler – 2424 Ainsley Place – Area E. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to DVP Application No. 90510.

That Development Variance Permit Application No. 90510, submitted by Wolfgang and Carol Teppler, to vary Section 3.4.61 of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” to relax the maximum permitted dwelling unit height from 8.0 metres to 9.2 metres according to the terms of Schedule ‘1’, be approved as submitted subject to the notification procedures pursuant to the Local Government Act.

Development Variance Permit Application No. 90511 – Heinz-Farris – 2130 Sherritt Drive – Area E. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to DVP Application No. 90511.

That Development Variance Permit Application No. 90511, submitted by the property owners Steven Heinz and Jill Ferris for 2130 Sherritt Drive, to vary Section 3.4.61 of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” by relaxing the maximum height requirement from 8.0 metres to 8.7 metres in order to accommodate the construction and siting of a dwelling unit, be approved subject to the conditions outlined in Schedule No. 1, and to the notification requirements pursuant to the Local Government Act.

OTHER

Land Use and Subdivision Amendment Bylaw No. 500.303 – Fern Road Consulting Ltd., on behalf of Duanne Vincent – 930 Spider Lake Road – Area H. (Electoral Area Directors except EA ‘B’ – One Vote)

- 1. That the request by Fern Road Consulting on behalf of Duanne Vincent, to relax the minimum 10% frontage requirement for proposes Lot C, as shown on the plan of subdivision of Lot 4, Block 360, Newcastle and Alberni Districts, Plan 35096, be approved.*
- 2. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.303, 2004” be adopted.*

Development Approval Procedures and Notification Bylaw No. 1432.

(Electoral Area Directors except EA ‘B’ – One Vote)

- 1. That “Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2005” be given three readings.*

(Electoral Area Directors except EA ‘B’ – 2/3 Majority Vote)

- 2. That “Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2005” having received three readings, be adopted.*

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

42-47 Minutes of the Committee of the Whole meeting held March 8, 2005. (for information)

COMMUNICATION/CORRESPONDENCE

F.S. Rockwell, Vancouver Island Health Authority, re West Nile Virus. (All Directors – One Vote)

That the correspondence received from the Vancouver Island Health Authority with respect to the spread of West Nile Virus, be received.

COMMUNITY SERVICES

RECREATION & PARKS

Park Proposal for Arrowsmith Massif. (All Directors – One Vote)

That the Regional District of Nanaimo formally join the Alpine Club of Canada and the Federation of Mountain Clubs of British Columbia in partnering to approach the BC Government to seek the creation of a Provincial wilderness park for Crown Land Block 1380 (the Arrowsmith Massif).

That the Regional District of Nanaimo request the Board of the Alberni-Clayoquot Regional District support this initiative and invite their participation.

Oakdown Community Park Adjunct II/Trail Network License – Area H. (All Directors – Weighted Vote)

That Land and Water BC's offer of a 10-year license of occupation for Lots 39, 45 and 46, Plan 1884, DL 89, Newcastle District, be accepted.

Nanaimo River Regional Park Management Plan. (All Directors – One Vote)

That the Nanaimo River Regional Park Management Plan be approved.

REGIONAL GROWTH MANAGEMENT

Regional Context Statement – City of Nanaimo. (All Directors – One Vote)

That the Regional District of Nanaimo continue to accept the City of Nanaimo Regional Context Statement.

CORPORATE SERVICES

ADMINISTRATION

Signing Authorities for Deputy Administrator. (All Directors – One Vote)

That Robert Lapham, Deputy Administrator, be added as a signing authority for all financial instruments as outlined in agreements with the Royal Bank of Canada, the Municipal Finance Authority and Canaccord Capital and that this authorization apply equally to the Regional District of Nanaimo and the Nanaimo Regional Hospital District.

That the position and signature of the General Manager, Corporate Services are hereby revoked from all agreements with the institutions noted above.

DEVELOPMENT SERVICES

PLANNING

Sewerage System Regulations. (All Directors – One Vote)

That the Board receive the sewerage system regulations report for information.

That a letter be sent to the Ministry encouraging the sewage disposal industry to take advantage of emerging technology but advising that the RDN has serious concerns about past and proposed approval, monitoring and enforcement of sewage disposal system performance. Further that the Ministry be advised that not all areas of the Regional District are subject to building inspection.

ENVIRONMENTAL SERVICES

LIQUID WASTE

Greater Nanaimo Pollution Control Centre Tunnel Exit and Odour Control Construction Project Tender Award. (All Directors – Weighted Vote)

That the Regional District of Nanaimo award the contract to construct the tunnel exit and odour control works to Forbes Industrial Contractors Ltd. for the tendered price of \$690,150.

SOLID WASTE

Commercial Food Waste Ban. (All Directors – One Vote)

That the Board ban commercial food waste from RDN disposal facilities, effective June 1, 2005 in accordance with the Solid Waste Management Plan.

Partners for Climate Protection Program Update. (All Directors – One Vote)

That the update on the implementation of the Partners for Climate Protection Program be received by the Board for information.

Climate Change Standing Committee. (All Directors – One Vote)

That the minutes of the Climate Change Standing Committee meeting held April 6, 2005 be received for information.

UTILITIES

French Creek Sewer Local Service Area Bylaw No. 813.31 and Northern Community Sewer Local Service Area Bylaw No. 889.30 – H & F Ventures Ltd. – Lee Road – Area G. (All Directors – One Vote)

- 1. That “French Creek Sewerage Facilities Local Service Area Amendment Bylaw No. 813.31, 2005” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*

2. *That "Northern Community Sewer Local Service Area Amendment Bylaw No. 889.30, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*

COMMISSION, ADVISORY & SELECT COMMITTEE

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

That the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held March 10, 2005 be received for information.

Intergovernmental Advisory Committee. (All Directors – One Vote)

That the minutes of the Intergovernmental Advisory Committee meetings held March 10 and March 31, 2005 be received for information.

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

That the minutes of the Electoral Area 'A' Parks and Green Spaces Advisory Committee meetings held November 18, 2004 and January 20, 2005 be received for information.

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

That the minutes of the Nanoose Bay Parks and Open Space Advisory Committee meeting held March 7, 2005, be received for information.

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

That the minutes of the District 69 Recreation Commission meeting held March 17, 2005, be received for information.

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Traffic Light at Lee Road Intersection. (All Directors – One Vote)

That the Regional District send a letter to the Provincial Ministry of Transportation to express the concerns regarding the safety of the Lee Road and Highway 19A intersection and recommend that a lighted signal control be installed and further that the correspondence be copied to the Insurance Corporation of BC.

Vancouver Island Biosphere Centre Project. (All Directors – One Vote)

That staff review the criteria and look at the serviceability of possible sites within the Regional District for a Biosphere Centre and report back to the Board.

NEW BUSINESS

Forestry Land Downsizing. (All Directors – One Vote)

That staff prepare a report for the Board which would identify forestry land sites within the Regional District including Mount Benson, that may be proposed for subdivision and should be considered for zoning amendments that would restrict minimum parcel sizes to 50 hectares.

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.4 COMMITTEE REPORTS

8. ADMINISTRATOR'S REPORTS

- 48-56 RDN Officers Appointment and Delegation Bylaw No. 1433 and RDN Officers and Management Employees Terms and Conditions of Employment Amendment Bylaw No. 1417.01. (All Directors – One Vote)
- 57-59 Board Remuneration Review Committee. (All Directors – One Vote)
- 60-65 Islands Trust – Election Services Agreement. (All Directors – Weighted Vote)
- 66-75 Regional Context Statement for Town of Qualicum Beach Official Community Plan. (All Directors – One Vote)
- 76-81 Proposed Amendments to Subdivision Fees. (Electoral Area Directors except EA 'B' – One Vote)
- 82-87 Amendment Bylaw No. 500.316 – RG Fuller & Associates, on behalf of Land & Water BC – Fielding Road – Area A. (Electoral Area Directors except EA 'B' – One Vote)

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, MARCH 22, 2005, AT 7:03 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 G. Holme | Electoral Area E |
| Director L. Biggemann | Electoral Area F |
| Director D. Bartram | Electoral Area H |
| Alternate | |
| Director B. Johnston | City of Parksville |
| Alternate | |
| Director S. Tanner | Town of Qualicum Beach |
| Director C. Haime | 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 |
| B. Lapham | Gen. Mgr. of Development Services |
| N. Connelly | Gen. Mgr. of Community Services |
| J. Finnie | Gen. Mgr. of Environmental Services |
| M. Pearse | Manager of Administrative Services |
| N. Avery | Manager of Financial Services |
| N. Tonn | Recording Secretary |

DELEGATIONS

Sandra Thomson, Port Theatre Society, re Request for a Port Theatre Referendum Vote in Electoral Areas 'D' and 'E' in November 2005.

Ms. Thomson introduced the Vice President of the Port Theatre Society, Mr. Bill Scott, and provided a short overview of the District's financial contributions to the Port Theatre and noted the increasing attendance at events held in the Theatre. The Society is requesting that a referendum be held in Electoral Areas 'D' and 'E' as part of the November Local Government Elections.

Annette Tanner, re Regional Parks and Trails Plan.

Ms. Tanner was not in attendance. However, the Chairperson read a letter to the Board, sent by Ms. Tanner in her absence.

LATE DELEGATION

MOVED Director Holme, SECONDED Director Bartram, that late delegations be permitted to address the Board.

CARRIED

Robin Robinson, re Development Permit Application No. 60508 – Windward Developments/Turner – Viking Way – Area G.

Ms. Robinson spoke in opposition to Development Permit Application No. 60508, providing information with respect to past development permit approvals and noted the need to allow only smaller houses on the lots.

Helen Sims, Oceanside Development & Construction Association, re Amendments to Subdivision Review Fees.

Ms. Sims noted that the proposed increase to subdivision review fees are higher than those of any neighbouring municipality or regional district and requested that this proposal be reviewed.

Jeannette Thomson, re Regional Parks and Trails Plan.

Ms. Thomson requested that the Regional Parks and Trails Plan terms of reference be included in the final plan document, that the Parks Plan Committee meet six times a year and that the terms of reference include a list of priorities and an agenda of matters.

BOARD MINUTES

MOVED Director Sherry, SECONDED Director Bartram, that the minutes of the Board meeting held February 22, 2005 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Residents of Viking Way, re Development Permit Application No. 60508 – Windward Developments/Turner – Viking Way – Area G.

MOVED Director Krall, SECONDED Director Bartram, that the correspondence from the residents of Viking Way regarding Development Permit Application No. 60508 be received.

CARRIED

Peter Bolten, re Subdivision Bylaw Amendments No. 500.312 and 500.313.

MOVED Director Krall, SECONDED Director Bartram, that the correspondence from Peter Bolten regarding Subdivision Bylaw Amendments No. 500.312 and 500.313 be received.

CARRIED

Dianne Ennik, re Development Variance Permit Application No. 90503 – Rempel – 1479 Bay Drive – Area E.

MOVED Director Krall, SECONDED Director Bartram, that the correspondence from Dianne Ennik regarding Development Variance Permit Application No. 90503 be received.

CARRIED

Dave Scott, Fairwinds Community and Resort, re Proposed Amendments to RDN Fees and Charges Bylaw No. 1259.

MOVED Director Krall, SECONDED Director Bartram, that the correspondence from Dave Scott regarding the proposed amendments to Fees and Charges Bylaw No. 1259 be received.

CARRIED

D.G. Evans, re Development Permit Application No. 60452 – Snyder/Shortman – 2925 Marshall Road – Area H.

MOVED Director Krall, SECONDED Director Bartram, that the correspondence from D.G. Evans regarding Development Permit Application No. 60452 be received.

CARRIED

Kenneth & Myra Davies, re Development Variance Permit Application No. 90504 – Fern Road Consulting Ltd., on behalf of Lisa Holmgren – Meadow Drive – Area G.

MOVED Director Krall, SECONDED Director Bartram, that the correspondence from Kenneth & Myra Davies regarding Development Variance Permit Application No. 90504 be received.

CARRIED

M.E. Henigman, Ministry of Water, Land and Air Protection, re Development Permit Application No. 60508 – Windward Developments/Turner – Viking Way – Area G.

MOVED Director Krall, SECONDED Director Bartram, that the correspondence from the Ministry of Water, Land and Air Protection with respect to Development Permit Application No. 60508 be received.

CARRIED

UNFINISHED BUSINESS

BYLAWS

For Adoption.

Bylaw No. 813.30.

MOVED Director Biggemann, SECONDED Director Hamilton, that “French Creek Sewerage Facilities Local Service Area Amendment Bylaw No. 813.30, 2004” be adopted.

CARRIED

Bylaw No. 889.29.

MOVED Director Cantelon, SECONDED Director McNabb, that “Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No. 889.29, 2004” be adopted.

CARRIED

Bylaw No. 1397.

MOVED Director Biggemann, SECONDED Director Sherry, that “Melrose Terrace Community Water Supply Service Area Establishment Bylaw No. 1397, 2004” be adopted.

CARRIED

Bylaw No. 1398.

MOVED Director Biggemann, SECONDED Director Sherry, that “Melrose Terrace Community Water Supply Service Area Loan Authorization Bylaw No. 1398, 2004” be adopted.

CARRIED

Public Hearing.

Report of the Public Hearing held March 17, 2005 with respect to Bylaw Amendment Bylaw Nos. 500.312 & 500.313 – Fern Road Consulting, on behalf of Brookwater Homes Inc. and Pal – MacPherson Road and Marshland Road, Spider Lake Area – Area H.

MOVED Director Bartram, SECONDED Director D. Haime, that the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on March 17, 2005 as a result of public notification of “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.312, 2005” and “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.313, 2005” be received.

CARRIED

MOVED Director Bartram, SECONDED Director D. Haime, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.312, 2005” and “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.313, 2005” be given 3rd reading.

CARRIED

MOVED Director Bartram, SECONDED Director D. Haime, 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. 500.312, 2005 and 500.313, 2005.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

MOVED Director Hamilton, SECONDED Director McNabb, that the minutes of the Electoral Area Planning Committee meeting held March 8, 2005 be received for information.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0502 – Kerr/Van Ijzendoorn – 2910 Extension Road – Area C.

MOVED Director Hamilton, SECONDED Director Kreiberg, that Zoning Amendment Application No. ZA0502 submitted by Robert Kerr of U-Dog Fitness and Behaviour, on behalf of Jan H. Visser van Ijzendoorn, to rezone the properties legally described as Lot 3, Block 6, Section 12, Cranberry District, Plan 716 from Commercial 1 subdivision district ‘M’ (CM1M) and Lots 1, 2 and 4, Block 6, Section 12, Cranberry District, Plan 716 from Residential 2 subdivision district ‘M’ to a Comprehensive Development zone, in order to permit dog boarding, dog training and accessory vehicle marshalling be denied.

CARRIED

MOVED Director Hamilton, SECONDED Director Holme, that bylaw enforcement action be taken with respect to the existing dog boarding and dog training use on the properties legally described as Lots 1, 2, 3 and 4, Block 6, Section 12, Cranberry District, Plan 716.

CARRIED

Zoning Amendment Application No. ZA0505 – RG Fuller & Associates, on behalf of Land & Water BC – Fielding Road – Area A.

MOVED Director Hamilton, SECONDED Director Kreiberg, that Zoning Amendment Application No. ZA0505 submitted by RG Fuller & Associates, on behalf of Land & Water BC to rezone the properties legally described as Lots 16 & 17, Both of Section 14, & Lot 18, Sections 14 & 15, All of Range 6, Cranberry District, Plan 9244 from Residential 2 Subdivision District F (RS2F) to Comprehensive Development 22 Subdivision District 'Z' (CD22Z) in order to facilitate the future development of light industrial uses be approved to proceed to public hearing.

CARRIED

MOVED Director Hamilton, SECONDED Director Kreiberg, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.316, 2005” be given 1st and 2nd reading.

CARRIED

MOVED Director Hamilton, SECONDED Director Kreiberg, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.316, 2005” proceed to public hearing.

CARRIED

MOVED Director Hamilton, SECONDED Director Kreiberg, that the public hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.316, 2005” be delegated to Director Kreiberg or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60452 – Snyder/Shortman – 2925 Marshall Road – Area H.

MOVED Director Hamilton, SECONDED Director Bartram, that Development Permit Application No. 60452 submitted by Craig Snyder and Joanne Shortman to legalize land alteration, the siting of the existing dwelling unit and driveway access including culvert and to permit further landscaping within the Environmentally Sensitive Features Development Permit Area within 15.0 metres of Westglade Brook, be approved as outlined in Schedules No. 1 and 2.

CARRIED

Development Permit Application No. 60508 – Windward Developments/Turner – Viking Way – Area G.

M. Jessen, French Creek Residents Association, re DP Application No. 60508.

Mr. Jessen spoke in opposition to Development Permit Application No. 60508 and requested that the application be denied.

Richard Dean, re DP Application No. 60508.

Mr. Dean raised his concerns with the staff report and the covenant in place for eagle tree protection.

Sandy Robinson, re DP Application No. 60508.

Mr. Robinson spoke in opposition to Development Permit Application No. 60508 noting inappropriate house plan sizing for the lots concerned.

Gail Montgomery, re DP Application No. 60508.

Ms. Montgomery, owner of Lot 39, noted the importance of the trees in the area and the protection of the eagles. A smaller house plan has been chosen for this lot which would not encroach on the protected area.

MOVED Director Hamilton, SECONDED Director Kreiberg, that the Board approve Development Permit No. 60508 as recommended in the staff report, with the condition that the Development Permit shall not be issued until a covenant, to the satisfaction of the Manager of Development Services, is registered on title of Lots 38 and 39, restricting any building within 8 metres of the rear lot lines.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90503 – Rempel – 1479 Bay Drive – Area E.

MOVED Director Hamilton, SECONDED Director Holme, that Development Variance Permit Application No. 90503, submitted by William and Ruth Rempel, to vary “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” as outlined on Schedule No. 1 to legalize the existing accessory buildings as shown on Schedules Nos. 2 and 3, be approved subject to the notification procedures pursuant to the *Local Government Act*.

CARRIED

Development Variance Permit Application No. 90504 – Fern Road Consulting Ltd., on behalf of Lisa Holmgren – Meadow Drive – Area G.

MOVED Director Hamilton, SECONDED Director D. Haime, that Development Variance Permit Application No. 90504, submitted by Fern Road Consulting Ltd. on behalf of Lisa Holmgren for the parcel legally described as Lot 12, District Lot 49, Nanoose District, Plan VIP76162, to relax the maximum dwelling unit height from 8.0 metres to 8.5 metres to allow for the construction of a single dwelling unit, be approved subject to Schedule Nos. 1, 2 and 3, and the notification requirements pursuant to the *Local Government Act*.

CARRIED

OTHER

Restrictive Covenant – Wilson – Mallard Road – Area G.

MOVED Director Hamilton, SECONDED Director D. Haime, that the request to enter into a Section 219 covenant by eight property owners on Mallard Road to restrict the removal of vegetation, be approved.

CARRIED

MOVED Director Kreiberg, SECONDED Director Hamilton, that a letter of commendation be sent to the eight property owners on Mallard Road.

CARRIED

Request for Relaxation of the Minimum 10% Perimeter Requirement – WR Hutchinson, BCLS, on behalf of Sangha – Jameson Road – Area D.

MOVED Director Hamilton, SECONDED Director D. Haime, that the request from WR Hutchinson, BCLS, on behalf of Sangha, to relax the minimum 10% frontage requirement for proposed Lot A, as shown on the plan of subdivision of Lot 1, Section 12, Range 3, Mountain District, Plan 26828, be approved subject to the conditions set out in Schedule No. 1.

CARRIED

Bylaw No. 500 – Technical Review Planning Project – Public Consultation Framework.

MOVED Director Hamilton, SECONDED Director Bartram, that the staff report on the Bylaw No. 500 Planning Project be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that the Public Consultation Framework as set out in Schedule No. 1 of the staff report be endorsed by the Board.

CARRIED

Fees and Charges Amendment Bylaw No. 1259.02.

MOVED Director Hamilton, SECONDED Director Bartram, that the proposed fees for planning related applications as outlined in Schedule No. 1 be approved.

MOVED Director D. Haime, SECONDED Director Hamilton, that this item be deferred to the Ideas and Updates meeting of the Board for further discussion.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the regular Committee of the Whole meeting held March 8, 2005 be received for information.

CARRIED

Director Tanner requested that the Board bring forward Police Support Services Establishing Bylaw No. 1421 for further discussion and not refer it to the next Ideas and Updates meeting citing the importance of this item being resolved prior to the adoption of the five year financial plan bylaw.

The Chief Administrative Officer noted that it would not be possible to have the function operating in 2005 if the bylaw was not approved this evening. However, it was noted that if the intent of the Directors was to provide funding this year and work out the details of the service in 2005 then there were options using Grants-in-Aid which could be considered with the budget approval.

ADMINISTRATION

Southern Community Sewer Function Review.

MOVED Director C. Haime, SECONDED Director Sherry, that the "Terms and Conditions for Extending Regional Sewer Service" attached to the staff report be approved as presented.

CARRIED

COMMUNICATION/CORRESPONDENCE

Richard Taylor, UBCM, re 2005 Resolution Process.

MOVED Director Sherry, SECONDED Director McNabb, that the correspondence received from UBCM with respect to the 2005 resolution process, be received.

CARRIED

COMMUNITY SERVICES

RECREATION & PARKS

Extension & District Recreation Commission Services Agreement – Area C.

MOVED Director Hamilton, SECONDED Director Kreiberg, that the agreement with the Extension and District Recreation Commission be renewed for a two-year term from January 1, 2005 until December 31, 2006.

CARRIED

Regional Parks and Trails Plan.

MOVED Director McNabb, SECONDED Director Krall, that the Regional Parks and Trails Plan 2005 – 2015 be approved as a document to guide the acquisition and development of the Regional District's Regional Parks and Trails function.

CARRIED

MOVED Director McNabb, SECONDED Director Krall, that the Regional Parks Planning Committee continue as a working group and that staff advertise for community volunteers for the Regional Parks Planning Committee to review crown lands in the Regional District of Nanaimo.

CARRIED

Top Bridge Crossing – Canada – BC Infrastructure Program.

MOVED Director Cantelon, SECONDED Director Holdom, that the Board confirm its support for the Top Bridge Crossing application under the Canada-BC Infrastructure Program.

CARRIED

MOVED Director Cantelon, SECONDED Director Holdom, that the 2005 Annual Budget and the five year Financial Plan be amended to reflect the total costs of the Top Bridge crossing project and the Regional District's 1/3 contribution through an added tax requisition of \$55,000 and the borrowing of an equivalent amount.

CARRIED

REGIONAL GROWTH MANAGEMENT

Regional Context Statement – City of Parksville.

MOVED Director Johnston, SECONDED Director Holdom, that the Regional District of Nanaimo continue to accept the City of Parksville Regional Context Statement.

CARRIED

CORPORATE SERVICES

FINANCE

Parcel Tax Rate Bylaws No. 1180.05, 1181.05, 1182.05, 1183.04, 1184.05, 1185.05, 1186.05, 1187.05, 1188.05, 1189.05, 1190.04, 1191.05, 1192.05, 1193.05, 1194.05, 1206.04, 1336.02, 1371.01.

Bylaw No. 1180.05.

MOVED Director Holme, SECONDED Director Cantelon, that "Arbutus Park Estates Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1180.05, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "Arbutus Park Estates Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1180.05, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1181.05.

MOVED Director Holme, SECONDED Director Cantelon, that "Decourcey Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1181.05, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "Decourcey Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1181.05, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1182.05.

MOVED Director Holme, SECONDED Director Cantelon, that "Fairwinds Sewerage Facilities Local Service Area Parcel Tax Rate Amendment Bylaw No. 1182.05, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "Fairwinds Sewerage Facilities Local Service Area Parcel Tax Rate Amendment Bylaw No. 1182.05, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1183.04.

MOVED Director Holme, SECONDED Director Cantelon, that "Fairwinds Water Service Area Parcel Tax Rate Amendment Bylaw No. 1183.04, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "Fairwinds Water Service Area Parcel Tax Rate Amendment Bylaw No. 1183.04, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1184.05.

MOVED Director Holme, SECONDED Director Cantelon, that "French Creek Sewerage Facilities Local Service Area Parcel Tax Rate Amendment Bylaw No. 1184.05, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "French Creek Sewerage Facilities Local Service Area Parcel Tax Rate Amendment Bylaw No. 1184.05, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1185.05.

MOVED Director Holme, SECONDED Director Cantelon, that "French Creek Bulk Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1185.05, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "French Creek Bulk Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1185.05, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1186.05.

MOVED Director Holme, SECONDED Director Cantelon, that "French Creek Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1186.05, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "French Creek Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1186.05, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1187.05.

MOVED Director Holme, SECONDED Director Cantelon, that "Madrona Point Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1187.05, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "Madrona Point Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1187.05, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1188.05.

MOVED Director Holme, SECONDED Director Cantelon, that "Nanose Bay Bulk Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1188.05, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "Nanoose Bay Bulk Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1188.05, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1189.05.

MOVED Director Holme, SECONDED Director Cantelon, that "Nanoose Water Supply Service Area Parcel Tax Rate Amendment Bylaw No. 1189.05, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "Nanoose Water Supply Service Area Parcel Tax Rate Amendment Bylaw No. 1189.05, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1190.04.

MOVED Director Holme, SECONDED Director Cantelon, that "Pacific Shores Sewer Local Service Area Parcel Tax Rate Amendment Bylaw No. 1190.04, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "Pacific Shores Sewer Local Service Area Parcel Tax Rate Amendment Bylaw No. 1190.04, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1191.05.

MOVED Director Holme, SECONDED Director Cantelon, that "San Pareil Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1191.05, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "San Pareil Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1191.05, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1192.05.

MOVED Director Holme, SECONDED Director Cantelon, that "Surfside Sewer Local Service Area Parcel Tax Rate Amendment Bylaw No. 1192.05, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "Surfside Sewer Local Service Area Parcel Tax Rate Amendment Bylaw No. 1192.05, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1193.05.

MOVED Director Holme, SECONDED Director Cantelon, that "Surfside Properties Water Supply Specified Area Parcel Tax Rate Amendment Bylaw No. 1193.05, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "Surfside Properties Water Supply Specified Area Parcel Tax Rate Amendment Bylaw No. 1193.05, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1194.05.

MOVED Director Holme, SECONDED Director Cantelon, that "West Bay Estates Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1194.05, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "West Bay Estates Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1194.05, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1206.04

MOVED Director Holme, SECONDED Director Cantelon, that "Morningstar Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1206.04, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "Morningstar Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1206.04, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1336.02.

MOVED Director Holme, SECONDED Director Cantelon, that "Driftwood Water Supply Service Area Parcel Tax Rate Amendment Bylaw No. 1336.02, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "Driftwood Water Supply Service Area Parcel Tax Rate Amendment Bylaw No. 1336.02, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1371.01.

MOVED Director Holme, SECONDED Director Cantelon, that "Englishman River Community Water Supply Service Area Parcel Tax Rate Amendment Bylaw No. 1371.01, 2005" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Cantelon, that "Englishman River Community Water Supply Service Area Parcel Tax Rate Amendment Bylaw No. 1371.01, 2005" having received three readings be adopted.

CARRIED

Reserve Fund Bylaw Approvals – Bylaws No. 1411, 1412, 1413, 1414, 1415.

Bylaw No. 1411.

MOVED Director Bartram, SECONDED Director Sherry, that "Bow Horn Bay Fire Protection Service Building Reserve Fund Bylaw No. 1411, 2005" be introduced for first three readings.

CARRIED

MOVED Director Bartram, SECONDED Director Sherry, that "Bow Horn Bay Fire Protection Service Building Reserve Fund Bylaw No. 1411, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1412.

MOVED Director Bartram, SECONDED Director Sherry, that "Bow Horn Bay Fire Protection Service Insurance Deductible Reserve Fund Bylaw No. 1412, 2005" be introduced for first three readings.

CARRIED

MOVED Director Bartram, SECONDED Director Sherry, that "Bow Horn Bay Fire Protection Service Insurance Deductible Reserve Fund Bylaw No. 1412, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1413.

MOVED Director Bartram, SECONDED Director Sherry, that "Bow Horn Bay Fire Protection Service Fire Hydrant/Storage Reserve Fund Bylaw No. 1413, 2005" be introduced for first three readings.

CARRIED

MOVED Director Bartram, SECONDED Director Sherry, that "Bow Horn Bay Fire Protection Service Fire Hydrant/Storage Reserve Fund Bylaw No. 1413, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1414.

MOVED Director Bartram, SECONDED Director Sherry, that "Bow Horn Bay Fire Protection Service Capital Equipment Reserve Fund Bylaw No. 1414, 2005" be introduced for first three readings.

CARRIED

MOVED Director Bartram, SECONDED Director Sherry, that "Bow Horn Bay Fire Protection Service Capital Equipment Reserve Fund Bylaw No. 1414, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1415.

MOVED Director Bartram, SECONDED Director Sherry, that "Bow Horn Bay Fire Protection Service Vehicle Reserve Fund Bylaw No. 1415, 2005" be introduced for first three readings.

CARRIED

MOVED Director Bartram, SECONDED Director Sherry, that "Bow Horn Bay Fire Protection Service Vehicle Reserve Fund Bylaw No. 1415, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1403.

MOVED Director Bartram, SECONDED Director Sherry, that "Bow Horn Bay Fire Protection Service Reserve Fund Bylaw No. 1403 be repealed and any remaining balance be transferred to "Bow Horn Bay Fire Protection Service Vehicle Reserve Fund Bylaw No. 1415".

CARRIED

Bow Horn Bay Fire Protection Service Reserve Fund Bylaw No. 1403.

MOVED Director Bartram, SECONDED Director Tanner, that "Bow Horn Bay Fire Protection Service Reserve Fund Bylaw No. 1403, 2004" be introduced for first three readings.

CARRIED

MOVED Director Bartram, SECONDED Director Tanner, that "Bow Horn Bay Fire Protection Service Reserve Fund Bylaw No. 1403, 2004" having received three readings be adopted.

CARRIED

Revenue Anticipation Borrowing Bylaw No. 1422.

MOVED Director Krall, SECONDED Director McNabb, that "Regional District of Nanaimo 2005 Revenue Anticipation Borrowing Bylaw No. 1422, 2005" be introduced for first three readings.

CARRIED

MOVED Director Krall, SECONDED Director McNabb, that "Regional District of Nanaimo 2005 Revenue Anticipation Borrowing Bylaw No. 1422, 2005" having received three readings be adopted.

CARRIED

Implementation of a Hotel Tax – Areas E, F, G, H.

MOVED Director Holme, SECONDED Director Biggemann, that a service be created for the purpose of collecting a 2% hotel room tax in Electoral Areas E, F, G and H and that consent be obtained through the alternative approval process.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that the Oceanside Tourism Association be required to complete all of the application components to implement a hotel room tax to the satisfaction of Regional District staff prior to the adoption of the hotel room tax bylaw.

CARRIED

DEVELOPMENT SERVICES

BUILDING INSPECTION

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

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

- (a) Lot 20, Block 564, Plan VIP76465, Nanoose Land District, 2016 Kaye Road, Electoral Area 'G', owned by G. and G. McKimmon;
- (b) Lot 5, Block 419, Plan 30113, Nanoose Land District, 289 Allsbrook Road, Electoral Area 'G', owned by C. and K. Sandeman-Allen.

CARRIED

ENVIRONMENTAL SERVICES

Mt. Arrowsmith Aquifers Modeling Study.

MOVED Director Sherry, SECONDED Director Holdom, that the EBA Engineering Consultants Ltd. Mt. Arrowsmith Aquifers Modeling Project report be received for information.

CARRIED

MOVED Director Sherry, SECONDED Director Holdom, that staff be directed to consider the conclusion and recommendations of the report in establishing water supply management and watershed and aquifer protection priorities within the regional district.

CARRIED

MOVED Director Sherry, SECONDED Director Holdom, that staff be directed to convey the report to the newly formed Vancouver Island Watershed Protection Steering Committee to assist the committee in establishing priorities and action plans for watershed protection on Vancouver Island.

CARRIED

LIQUID WASTE

Canadian Environmental Protection Act: Wastewater Management.

MOVED Director Sherry, SECONDED Director Tanner, that staff continue to be involved in the BC local government working group and provide input to the Canadian Council of Ministers of the Environment about our concerns regarding the lack of harmonization between federal and provincial regulations and the costs for implementing any future requirements.

CARRIED

Northern Community Sewer Local Service Area Development Cost Charges Bylaw No. 1423.

MOVED Director Bartram, SECONDED Director Johnston, that "Northern Community Sewer Local Service Area Development Cost Charges Reserve Fund Expenditure Bylaw No. 1423, 2005" be introduced for first three readings.

CARRIED

MOVED Director Bartram, SECONDED Director Holdom, that "Northern Community Sewer Local Service Area Development Cost Charges Reserve Fund Expenditure Bylaw No. 1423, 2005" having received three readings be adopted.

CARRIED

French Creek Pollution Control Centre Biosolids Composting Quote Results.

MOVED Director Sherry, SECONDED Director McNabb, that Qualicum Farms Limited be awarded the contract for composting biosolids from the French Creek Pollution Control Centre for \$47.50 per tonne.

CARRIED

SOLID WASTE

2005 Garbage & Recycling User Rate Amendment Bylaw No. 1009.08.

MOVED Director Sherry, SECONDED Director Johnston, that "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.08, 2005" be introduced and read three times.

CARRIED

MOVED Director Sherry, SECONDED Director Johnston, that "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.08, 2005" having received three readings be adopted.

CARRIED

Arboretum Property Purchase – Release of Reserve Funds – Solid Waste Disposal Local Service Area Reserve Fund Expenditure Bylaw No. 1425.

MOVED Director Sherry, SECONDED Director McNabb, that "Solid Waste Disposal Local Service Area Reserve Fund Expenditure Bylaw No. 1425, 2005" be introduced for three readings.

CARRIED

MOVED Director Sherry, SECONDED Director McNabb, that "Solid Waste Disposal Local Service Area Reserve Fund Expenditure Bylaw No. 1425, 2005" having received three readings be adopted.

CARRIED

UTILITIES

Englishman River Streetlighting Local Service Area Boundary Amendment Bylaw No. 1353.01 – Area G.

MOVED Director Holme, SECONDED Director Tanner, that 2070 Kaye Road, PID 009-540-890, Part of DL 44, except parts in Plans 39893, 3132 RW and VI70839, District Lot 44, Nanoose Land District, be included into the Englishman River Community Streetlighting Local Service Area.

CARRIED

MOVED Director Holme, SECONDED Director Tanner, that "Englishman River Streetlighting Local Service Area Boundary Amendment Bylaw No. 1353.01, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Vancouver Island Watershed Protection Steering & Technical Committees.

MOVED Director Bartram, SECONDED Director McNabb, that the staff report be received for information; and that the Board support RDN participation in the Vancouver Island Watershed Protection Steering and Technical Committees.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held February 9, 2005 be received for information.

CARRIED

Intergovernmental Advisory Committee.

MOVED Director Hamilton, SECONDED Director Sherry, that the minutes of the Intergovernmental Advisory Committee meetings held February 7, 2005 be received for information.

CARRIED

Transit Business Plan Update Select Committee.

MOVED Director Krall, SECONDED Director Kreiberg, that the minutes of the Transit Business Plan Update Select Committee meeting held February 24, 2005 be received for information.

CARRIED

MOVED Director Krall, SECONDED Director Cantelon, that the Nanoose Bay Community Bus expansion proposal be deferred indefinitely.

CARRIED

MOVED Director Krall, SECONDED Director McNabb, that the 2004/05 Annual Operating Agreement (AOA) with BC Transit be approved.

CARRIED

MOVED Director Krall, SECONDED Director Kreiberg, that the Terms of Reference for a study on transit exchange and service delivery options for the longer term for downtown Nanaimo be approved and that staff issue a Request for Proposals for a Project Consultant for the study.

CARRIED

Regional Parks Plan Review Select Committee.

MOVED Director McNabb, SECONDED Director Kreiberg, that the minutes of the Regional Parks Plan Review Select Committee meeting held February 9, 2005, be received for information.

CARRIED

Area 'B' Parks and Open Space Advisory Committee.

MOVED Director Lund, SECONDED Director Holdom, that the minutes of the Area 'B' Parks and Open Space Advisory Committee meeting held January 10, 2005, be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Biggemann, that the minutes of the District 69 Recreation Commission meeting held February 17, 2005, be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Johnston, that the 2005 Annual Budget be adjusted and the Five Year Financial Plan be amended to provide for acoustical treatment estimated at \$50,000 in the Victor Kraatz Arena to be funded from the Prior Year Surplus as per Appendix 1 of the Oceanside Place Acoustics – Victor Kraatz Arena Report dated February 4, 2005.

CARRIED

MOVED Director Bartram, SECONDED Director Johnston, that the 2005 Annual Budget be adjusted and the Five Year Financial Plan be amended to provide for a video security monitor system estimated to cost \$11,000 for the Ravensong Aquatic Centre to be funded from the Prior Year Surplus as per Appendix 1 of the Video Security Monitor System Ravensong Aquatic Centre Report dated February 4, 2005.

CARRIED

MOVED Director Bartram, SECONDED Director Tanner, that the recommendations from the District 69 Recreation Commission Grants Committee for the following Youth Grants be approved:

| | | |
|---|----|-------|
| Ballenas Secondary – Dry Grad Committee | \$ | 200 |
| Youth Link – Linking Out Loud | \$ | 1,450 |

CARRIED

MOVED Director Bartram, SECONDED Director Tanner, that the recommendations from the District 69 Recreation Commission Grants Committee for the following Community Grants be approved:

| | | |
|--|----|-------|
| Arrowsmith Community Enhancement Society (ACES) | \$ | 2,167 |
| Ballenas Secondary Dry Grad Committee – Greening Project | \$ | 1,000 |
| District 69 Society of Allied Support Groups | \$ | 125 |
| Lighthouse Recreation Commission | \$ | 1,850 |
| Mid-Island Wildlife Watch Society | \$ | 1,000 |
| Nanose Bay Elementary School Parent Advisory Committee | \$ | 1,000 |
| Oceanside Community Arts Council | \$ | 1,500 |
| Parksville and District Historical Society | \$ | 500 |
| Qualicum Beach Seedy Saturday Association | \$ | 900 |
| Ravensong Aquatic Club | \$ | 1,250 |

CARRIED

Selection Committee.

Electoral Area 'A' Recreation Services Study Project Advisory Committee.

MOVED Director Kreiberg, SECONDED Director McNabb, that Shelagh Gourlay and Sheryl Friesen-Ellis be appointed to the Electoral Area 'A' Recreation Services Study Project Advisory Committee.

CARRIED

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

MOVED Director Holme, SECONDED Director Bartram, that Jo-ann Chase be appointed to the Electoral Area 'G' Parks & Open Space Advisory Committee for a term ending December 31, 2006.

CARRIED

Nanaimo Airport Commission.

MOVED Director Korpan, SECONDED Director Holme, that Brian Smith be re-appointed to the Nanaimo Airport Commission for a two year term ending April, 2007.

CARRIED

District 69 Recreation Commission Electoral Area 'G' Appointment.

MOVED Director Hamilton, SECONDED Director Cantelon, that Jo-ann Chase be appointed to the District 69 Recreation Commission as the Electoral Area 'G;' representative for a term ending January 1, 2006.

CARRIED

ADMINISTRATOR'S REPORTS

Bow Horn Bay Fire Protection Service Vehicle Reserve Fund Expenditure Bylaw No. 1427.

MOVED Director Bartram, SECONDED Director Holdom, that "Bow Horn Bay Fire Protection Service Vehicle Reserve Fund Expenditure Bylaw No. 1427, 2005" be introduced for first three readings.

CARRIED

MOVED Director Bartram, SECONDED Director McNabb, that "Bow Horn Bay Fire Protection Service Vehicle Reserve Fund Expenditure Bylaw No. 1427, 2005" having received three readings be adopted.

CARRIED

NEW BUSINESS

Director Bartram re Drinking Water Protection.

MOVED Director Bartram, SECONDED Director Holdom, that staff be directed to prepare a report for the Board's consideration that:

- (a) Identifies and summarizes all regional district initiatives and activities currently in process or planned for the 2005 budget year that support drinking water/watershed protection.
- (b) Outlines a drinking water/watershed protection strategy that identifies potential future RDN Electoral Area initiatives incorporating input and recommendations from the Drinking Water Protection Workshop and Action Plan, the Sustainability Committee, Arrowsmith Water Service, the BC Action Plan for Safe Drinking Water and the Vancouver Island Watershed Protection Initiative Steering Committee and that an overview be provided of the current scientific consensus regarding temperature and precipitation trends in the coming decade.
- (c) Identifies financial and staff resources that could be considered for the 2006 budget and 2006 – 2010 financial plan process that would be required to undertake the identified initiatives.

CARRIED

MOVED Director Bartram, SECONDED Director Holdom, that any financial assistance required to prepare terms of reference or cost estimates for the identified initiatives be obtained from the Electoral Area feasibility study funds.

CARRIED

COMMITTEE REPORTS

Transit Business Plan Update Select Committee.

MOVED Director Krall, SECONDED Director Holdom, that the minutes of the Transit Business Plan Update Select Committee meeting held March 10, 2005 be received for information.

CARRIED

MOVED Director Krall, SECONDED Director Cantelon, that the Regional District request that the City of Nanaimo allow for the relocation of the transit exchange for May 29th to a site that utilizes City property at the east side of Prideaux Street and the south side of Fitzwilliam Street.

CARRIED

The General Manager of Community Services provided an overview of the public open house held regarding the Prideaux Street exchange option.

MOVED Director Krall, SECONDED Director Bartram, that the Area H handyDART budget for 2005 provide for service to the end of May 2005.

CARRIED

MOVED Director Krall, SECONDED Director Cantelon, that the issue of rising fuel taxes and rising maintenance costs for transit vehicles be referred to staff for a report and that the Transit Select Committee provide a recommendation for Board consideration.

CARRIED

The Chief Administrative Officer noted that without a budget adjustment this evening, it will be very difficult to achieve a balanced budget without significant service cuts.

Director Krall noted that ticket prices may have to be increased to address the increased costs.

ADMINISTRATOR'S REPORTS

Financial Plan (2005 to 2010) Bylaw No. 1431.

MOVED Director McNabb, SECONDED Director Hamilton, that "Regional District of Nanaimo Financial Plan (2005 to 2010) Bylaw No. 1431, 2005" be introduced for first three readings.

CARRIED

MOVED Director McNabb, SECONDED Director Holdom, that "Regional District of Nanaimo Financial Plan (2005 to 2010) Bylaw No. 1431, 2005" having received three readings be adopted.

CARRIED

Nanaimo/Oceanside Film Society Request for Financial Support.

MOVED Director Johnston, SECONDED Director Holme, that the report on the financial support request from the Nanaimo/Oceanside Film Societies be received for information.

CARRIED

Bylaws to Create a Service to Collect a 2% Hotel Room Tax.

Hotel Room Tax Collection Service Establishing Bylaw No. 1429.

MOVED Director Holme, SECONDED Director Johnston, that voter assent by alternative approval process be used for the purpose of establishing a service to collect a 2% hotel room tax and that the number of electors be established at 14, 569.

CARRIED

MOVED Director Holme, SECONDED Director McNabb, that the elector response form as attached be approved.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that "Regional District of Nanaimo Hotel Room Tax Collection Service Establishing Bylaw No. 1429, 2005" be introduced for first three readings and be forwarded for approval to the Ministry of Community, Aboriginal and Women's Services.

CARRIED

Additional Hotel Room Tax Levy Bylaw No. 1430.

MOVED Director Holme, SECONDED Director Biggemann, that "Regional District of Nanaimo Additional Hotel Room Tax Levy Bylaw No. 1430, 2005" be introduced for first three readings and be held for adoption until consent of the electors has been obtained.

CARRIED

Oakdowne Road Community Park Adjunct – Area H.

MOVED Director Bartram, SECONDED Director Kreiberg, that Land and Water BC's offer of a Statutory Right of Way and section 219 Covenant, both in favour of the RDN, over the southern portion of Lot 44, Plan 1884, DL 89, Newcastle District, be accepted.

CARRIED

Director Tanner requested that the protection of the buffer zones around the wetlands be stressed.

The Chairperson and Director Tanner left the meeting at this time and Deputy Chairperson McNabb resumed the Chair. Alternate Director Chase joined the meeting as the Alternate Director for Electoral Area 'G'.

Urban Containment Boundary Change Requests – City of Nanaimo.

MOVED Director Krall, SECONDED Director D. Haime, that the City of Nanaimo's request to move the UCB to include the identified portions of the Biggs Road property and to include the identified portions of the Arbot & Mill Roads property, be supported.

CARRIED

Fees and Charges Bylaw Amendment No. 1259.03.

MOVED Director Sherry, SECONDED Director Cantelon, that "Regional District of Nanaimo Fees and Charges Bylaw Amendment Bylaw No. 1259.03, 2005" be introduced and read three times.

CARRIED

MOVED Director Sherry, SECONDED Director Bartram, that "Regional District of Nanaimo Fees and Charges Bylaw Amendment Bylaw No. 1259.03, 2005" be adopted.

CARRIED

Personnel Recommendation.

MOVED Director Holdom, SECONDED Director Kreiberg, that Bob Lapham be appointed to the position of Deputy Administrator.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Port Theatre Request for a Referendum Vote in Electoral Areas 'D' and 'E'.

MOVED Director D. Haime, SECONDED Director Holme, that Electoral Areas 'D' and 'E' undertake a referendum to participate in contribution to the Port Theatre, but that it be contingent on the theatre organization entering into an agreement for a maximum of three years (with the option to renew), which will provide some form of accountability for the benefit of the funds contributed by Electoral Areas 'D' and 'E'.

CARRIED

NEW BUSINESS

Parksville Curling Club Infrastructure Grant.

Director Holme brought forward a request from the Parksville Curling Club that the District pursue an infrastructure grant on the Club's behalf to replace the current ceiling with a low ease ceiling at a cost of \$40,000 to \$45,000. The District's one third share of the grant costs would be paid by the Parksville Curling Club.

Director Holme left the meeting during the discussion citing a possible conflict of interest.

MOVED Director Cantelon, SECONDED Director Hamilton, that the Regional District of Nanaimo make application for an infrastructure grant on behalf of the Parksville Curling Club for equipment requirements and that the District's share of the grant be borne by the Parksville Curling Club.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:42 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE SPECIAL BOARD MEETING
HELD ON TUESDAY, MARCH 29, 2005, 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 G. Holme | 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 |
| Alternate | |
| Director D. Tyndall | City of Nanaimo |
| Director L. McNabb | City of Nanaimo |
| Director R. Cantelon | City of Nanaimo |
| Director T. Krall | City of Nanaimo |
| Director G. Korpan | City of Nanaimo |
| Director B. Hoidom | City of Nanaimo |

Also in Attendance:

| | |
|-------------|---|
| K. Daniels | Chief Administrative Officer |
| N. Connelly | General Manager of Community Services |
| J. Finnie | General Manager of Environmental Services |
| J. Llewelyn | Manager of Community Planning |
| N. Avery | Manager of Financial Services |
| M. Pearse | Manager of Administrative Services |

CALL TO ORDER

The Chairperson welcomed Alternate Director Tyndall to the meeting.

ADMINISTRATION

Reconsideration of Financial Plan Regarding Transit – Bylaw No. 1431.

MOVED Director Krall, SECONDED Director McNabb, that the Southern Community Transit budget provide for an increased tax requisition of \$160,000 to account for added fuel costs and transit exchange development costs in 2005.

CARRIED

MOVED Director Krall, SECONDED Director McNabb, that the schedule to “Regional District of Nanaimo Financial Plan (2005 – 2010) Bylaw No. 1431, 2005” be adopted, as amended.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:10 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

April 19/05.

To Regional District of Nanaimo
Development Services
re-Variance Permit # 90509
regarding a request for a variance
at 1265 Marina Drive.

I am against this variance.
The shed over the mobile looks
terrible and goes right over to
the property line -

I hope you will not approve
this variance permit,

PLANNING DEPT

-04- 20 2005

RECEIVED

Sincerely,

Audrey Eggin
1338 Carmel Place
Nanaimo Bay B.C.

-04- 20 2005

RECEIVED

RDN - Nanaimo

April 19/05

Re Development Variance 90509
@ 1265 Marina Way
Beschomber.

This "Ugly Shed" was blatantly erected without proper permits or any consideration for the neighbors or the surrounding area in which we live.

This "Shed" does not belong in an upscale residential area and is detrimental to the value of surrounding properties.

It should be removed immediately.

The notion of easing the lot lines to legalize the siting of this structure is appalling.

I sincerely hope that the Regional District will not approve this variance permit.

Charles Egan
1338 Carmel Place
Nanose Bay B.C.

-04- 20 2005

RECEIVED

RE DEVELOPMENT VARIANCE 90509

RE 1265 MARINA WAY

BEACHCOMBER

NANOOSH BAY P.C.

DEAR SIRS

WHY WOULD THE OWNER OF THE ABOVE
PROPERTY EVEN BUILD THE SO CALLED
CAR PORT IN THIS AREA OF BEACHCOMBER
HE SHOULD MOVE THE WHOLE CONTRAPTION
DOWN TO FAIRWINDS OR DORCAS POINT JUST
SO WE DONT HAVE TO LOOK AT IN THIS
NICE NEIGHBOUR HOOD

THANK YOU

PETER + PAULINE WEBBER
1345 CARMEL PLACE

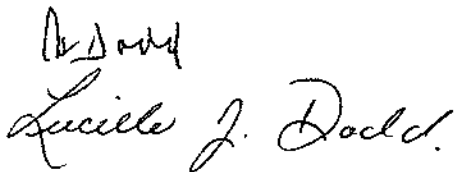
04-14-2005

April 17, 2005

RE: Variance Permit Application
NO. 90510
Lot 40, District Lot 78, Nanoose District,
Plan VIP 68559

As my wife and I own the residence at address 2421 Ainsley Place, this application is of particular concern to us both.

Based on the information you have sent us, it would seem reasonable to conclude that should this variance be allowed, our property will be affected to a very significant degree. Our view of the ocean will be lost in whole or in part, the net result being a corresponding loss in the value of our property. Accordingly, we oppose this application and do not feel the maximum dwelling unit height should be relaxed from 8.0 meters to 9.2 meters.


Lucille J. Dodd

John F. Dodd
Lucille J. Dodd
2421 Ainsley Place
Nanoose Bay, B.C.
V9P 9G9
250-468-9694

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, APRIL 12, 2005, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

| | |
|-----------------------|------------------|
| Director E. Hamilton | Chairperson |
| Director H. Kreiberg | Electoral Area A |
| Alternate | |
| Director B. Jepson | Electoral Area D |
| Director G. Holme | 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 | Deputy Administrator |
| J. Llewellyn | Manager of Community Planning |
| N. Tonn | Recording Secretary |

MINUTES

MOVED Director Bartram, SECONDED Director Stanhope, that the minutes of the Electoral Area Planning Committee meeting held March 8, 2005 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0415 – Wessex Enterprises Ltd./Addison – Midora Road & Extension Road – Area C.

MOVED Director Stanhope, SECONDED Director Holme,:

1. That Zoning Amendment Application No. ZA0415 submitted by Harry May for Wessex Enterprises Ltd., to rezone the property legally described as Parcel Z (DD K83923), Section 13, Range 1 and Sections 12 and 13, Range 2, Cranberry District from Rural 6 Subdivision District 'V' (RU6V) to Comprehensive Development Zone 19 (CD19) in order to permit residential use and facilitate subdivision be approved to proceed to public hearing.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.308, 2005" be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.308, 2005" proceed to public hearing, subject to the conditions outlined in Schedule No. 1.
4. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.300, 2004" be delegated to Director Hamilton or her alternate.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that the minutes of the Public Information meeting held January 13, 2005 for Zoning Amendment Application ZA0415 be received.

CARRIED

Zoning Amendment Application No. ZA0503 – Owners of Strata Plan VIS5160/Hamilton – Horne Lake – Area H.

MOVED Director Bartram, SECONDED Director Biggemann,:

1. That the minutes of the Public Information Meeting held on March 23, 2005 be received.
2. That Zoning Amendment Application No. ZA0503 submitted by Murray Hamilton on behalf of the Owners of Strata Plan VIS5160 to amend the Comprehensive Development 9 (CD9) and Water 4 (WA4) zones pursuant to Bylaw No. 500 to permit a boat ramp; one water storage structure and one three-sided roofed wood storage structure for each recreational residential lot; a 'lower loft' and to undertake some minor housekeeping amendments to the CD9 zone for the bare land strata properties around Horne Lake, be approved to proceed to public hearing subject to the conditions included in Schedule No. 1 as recommended by staff.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.314, 2005" be given 1st and 2nd reading.
4. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.314, 2005" proceed to public hearing.
5. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.314, 2005" be delegated to Director Bartram or his alternate.

CARRIED

Zoning Amendment Application No. 0507 – RDN Recreation and Parks Department – Horne Lake Regional Park – Area H.

MOVED Director Bartram, SECONDED Director Holme,:

1. That the minutes of the Public Information Meeting held on March 23, 2005 be received.
2. That the Ministry of Transportation be requested to amend the Land Use Covenant registered on the title of Block 40, Alberni District, Plan 691N, except that part thereof shown outlined in red on Plan 1339R and except that part in Plan 46603 to include the additional park uses proposed in Zoning Amendment Application No. ZA0507.
3. That Zoning Amendment Application No. ZA0507 be approved to proceed to public hearing subject to the conditions included in Schedule No. 1 as recommended by staff.
4. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.318, 2005" be given 1st and 2nd reading.
5. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.318, 2005" proceed to public hearing.
6. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.318, 2005" be delegated to Director Bartram or his alternate.

CARRIED

Zoning Amendment Application No. 0508 – RDN Recreation & Parks Department – Qualicum River Corridor – Area H.

The Deputy Administrator noted that Zoning Amendment Application No. 0508 requests a zoning amendment to the Qualicum River corridor from Resource Management I 'A' Subdivision District (RM1/A) to Public Use 6 'Z' Subdivision District (PU6/Z).

MOVED Director Bartram, SECONDED Director Kreiberg,:

1. That the minutes of the Public Information Meeting held on March 23, 2005 be received.
2. That Zoning Amendment Application No. ZA0508 recognizing the existing fish hatchery uses and trail use be approved to proceed to public hearing.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.319, 2005" be given 1st and 2nd reading.
4. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.319, 2005" proceed to public hearing.
5. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.319, 2005" be delegated to Director Bartram or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60449 – Reilly – 1651 Admiral Tryon Boulevard - Area G.

MOVED Director Stanhope, SECONDED Director Bartram, that Development Permit Application No. 60449 to allow the installation of a new retaining wall at 1651 Admiral Tryon Boulevard within the Watercourse Protection Development Permit Area, and to vary the minimum setback from the sea from 8.0 metres to 3.0 metres, be approved, in accordance with the terms outlined in Schedule No. 1 of the corresponding staff report and subject to the comments received as a result of public notification pursuant to the *Local Government Act*, and that Development Permit Application No. 60449 be issued upon completion of the following items:

- a) The applicants must provide, in the form of a letter of credit or cash, or certified cheque a security in the amount of CDN \$5,000.00, for required landscaping, both on the subject property and within the public road right-of-way.
- b) The applicants must register the geotechnical reports prepared by Davey Consulting and Engineering Limited, dated September 21, 2004 and subsequent addenda, including the save harmless clause, as a Section 219 covenant on the title of the subject property.

CARRIED

Development Permit Application No. 60510 – Weighill – 1501 Gordon Road – Area A.

MOVED Director Kreiberg, SECONDED Director Biggemann, that Development Permit Application No. 60510 submitted by Richard and Michele Weighill to approve land alteration works within the Streams, Nesting Trees and Nanaimo River Floodplain Development Permit Area, consisting of the introduction of large amounts of fill (approximately 24,000 m³ in total) to allow for the construction of a French drain on the property legally described as Lot 1, Section 17, Range 8, Cranberry District, Plan 31020 be approved subject to the terms outlined in Schedule No. 1.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90505 – Shannon/McLeod-Shannon – 1827 Ballenas Road West – Area E.

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit Application No. 90505, submitted by Patrick Shannon and Rosie McLeod-Shannon for 1827 Ballenas Road West, to vary Section 3.4.61 of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” by relaxing the interior side lot line setback requirement from 2.0 metres to 1.2 metres to legalize an existing accessory building according to the terms of Schedule 1, be approved subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

Development Variance Permit Application No. 90506 – Eagles – 1380 Leeson Lane – Area A.

MOVED Director Kreiberg, SECONDED Director Bartram, that Development Variance Permit Application No. 90506, submitted by James and Adrienne Eagles to vary “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” as outlined on Schedule No. ‘4’ to legalize the siting of an existing single dwelling unit and attached deck, and allow a second-storey addition according to the terms in Schedule No. ‘1’, be approved subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

Development Variance Permit Application No. 90508 – Seefried – Kirkstone Way – Area A.

MOVED Director Kreiberg, SECONDED Director Holme, that Development Variance Permit Application No. 90508, submitted by Andrew and Linda Seefried to vary “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” by relaxing the maximum permitted dwelling unit height from 8.0 metres to 9.8 metres according to the terms of Schedule ‘A’, be approved subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

Development Variance Permit Application No. 90509 – McCullough – 1265 Marina Way – Area E.

MOVED Director Holme, SECONDED Director Biggemann, that Development Variance Permit Application No. 90509, submitted by the property owners, Ken McCullough and Iris McCullough, for 1265 Marina Way to relax the interior side lot line setback requirement according to the terms of Schedule No. 1, be approved subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

Development Variance Permit Application No. 90510 – Teppler – 2424 Ainsley Place – Area E.

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit Application No. 90510, submitted by Wolfgang and Carol Teppler, to vary Section 3.4.61 of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” to relax the maximum permitted dwelling unit height from 8.0 metres to 9.2 metres according to the terms of Schedule ‘1’, be approved as submitted subject to the notification procedures pursuant to the *Local Government Act*.

CARRIED

Development Variance Permit Application No. 90511 – Heinz-Farris – 2130 Sherritt Drive – Area E.

MOVED Director Holme, SECONDED Director Kreiberg, that Development Variance Permit Application No. 90511, submitted by the property owners Steven Heinz and Jill Ferris for 2130 Sherritt Drive, to vary Section 3.4.61 of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” by relaxing the maximum height requirement from 8.0 metres to 8.7 metres in order to accommodate the construction and siting of a dwelling unit, be approved subject to the conditions outlined in Schedule No. 1, and to the notification requirements pursuant to the *Local Government Act*.

CARRIED

OTHER

Land Use and Subdivision Amendment Bylaw No. 500.303 – Fern Road Consulting Ltd., on behalf of Duanne Vincent – 930 Spider Lake Road – Area H.

MOVED Director Bartram, SECONDED Director Holme,:

1. That the request by Fern Road Consulting on behalf of Duanne Vincent, to relax the minimum 10% frontage requirement for proposes Lot C, as shown on the plan of subdivision of Lot 4, Block 360, Newcastle and Alberni Districts, Plan 35096, be approved.
2. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.303, 2004” be adopted.

CARRIED

Development Approval Procedures and Notification Bylaw No. 1432.

MOVED Director Bartram, SECONDED Director Kreiberg,:

1. That “Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2005” be given three readings.
2. That “Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2005” having received three readings, be adopted.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:46 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON TUESDAY, APRIL 12, 2005, AT 7:00 PM IN THE RDN BOARD CHAMBERS

Present:

| | |
|-----------------------|------------------------|
| Director J. Stanhope | Chairperson |
| Director H. Kreiberg | Electoral Area A |
| Director G. Lund | Electoral Area B |
| Director E. Hamilton | Electoral Area C |
| Alternate | |
| Director B. Jepson | Electoral Area D |
| Director G. Holme | Electoral Area E |
| Director L. Biggemann | Electoral Area F |
| Director D. Bartram | Electoral Area H |
| Director R. Longmuir | City of Parksville |
| Director T. Westbroek | Town of Qualicum Beach |
| Alternate | |
| Director B. Dempsey | District of Lantzville |
| Director L. Sherry | City of Nanaimo |
| Alternate | |
| Director J. Manhas | City of Nanaimo |
| Director B. Holdom | City of Nanaimo |
| Director L. McNabb | City of Nanaimo |
| Director R. Cantelon | City of Nanaimo |

Also in Attendance:

| | |
|-------------|---|
| K. Daniels | Chief Administrative Officer |
| B. Lapham | Deputy Administrator |
| N. Connelly | General Manager of Community Services |
| J. Finnie | General Manager of Environmental Services |
| N. Avery | Manager of Financial Services |
| N. Tonn | Recording Secretary |

DELEGATIONS

Greg Spears, Vancouver Island Biosphere Centre, re Project Update.

Mr. Spears introduced Glen Jamieson, who provided the Committee with a verbal and visual update of the Vancouver Island Biosphere Centre project and requested the Board's support in identifying a suitable site for the Centre.

Carol Roberts, re Traffic Light at Lee Road Intersection.

Alan Birchard presented a number of concerns and safety issues that he thinks should be addressed by the installation of traffic signals at the intersection of Lee Road and the Island Highway. He requested that the Board support residents in requesting the Ministry of Transportation to respond to the concerns due to the growing use of the intersection by commercial and residential vehicles. Ms. Roberts also stressed the need for traffic lights at the Lee Road/Island Highway intersection by providing information on a serious motor vehicle accident.

MINUTES

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the Committee of the Whole meeting held March 8, 2005 be adopted.

CARRIED

COMMUNICATION/CORRESPONDENCE

F.S. Rockwell, Vancouver Island Health Authority, re West Nile Virus.

MOVED Director Holme, SECONDED Director Cantelon, that the correspondence received from the Vancouver Island Health Authority with respect to the spread of West Nile Virus, be received.

CARRIED

The Chief Administrative Officer noted that staff will be attending the Technical Working Group meeting sponsored by the Vancouver Island Health Authority on April 22, 2005 and that a report will be forwarded to the Board with information obtained with respect to the regional control of the vector mosquito and the West Nile Virus.

COMMUNITY SERVICES

RECREATION & PARKS

Park Proposal for Arrowsmith Massif.

MOVED Director McNabb, SECONDED Director Hamilton,:

1. That the Regional District of Nanaimo formally join the Alpine Club of Canada and the Federation of Mountain Clubs of British Columbia in partnering to approach the BC Government to seek the creation of a Provincial wilderness park for Crown Land Block 1380 (the Arrowsmith Massif).
2. That the Regional District of Nanaimo request the Board of the Alberni-Clayoquot Regional District support this initiative and invite their participation.

CARRIED

Oakdown Community Park Adjunct II/Trail Network License – Area H.

MOVED Director Bartram, SECONDED Director Longmuir, that Land and Water BC's offer of a 10-year license of occupation for Lots 39, 45 and 46, Plan 1884, DL 89, Newcastle District, be accepted.

CARRIED

Nanaimo River Regional Park Management Plan.

MOVED Director Kreiberg, SECONDED Director McNabb, that the Nanaimo River Regional Park Management Plan be approved.

CARRIED

REGIONAL GROWTH MANAGEMENT

Regional Context Statement – City of Nanaimo.

MOVED Director Holdom, SECONDED Director Westbroek, that the Regional District of Nanaimo continue to accept the City of Nanaimo Regional Context Statement.

CARRIED

CORPORATE SERVICES

ADMINISTRATION

Signing Authorities for Deputy Administrator.

MOVED Director Westbrook, SECONDED Director Holme,;

1. That Robert Lapham, Deputy Administrator, be added as a signing authority for all financial instruments as outlined in agreements with the Royal Bank of Canada, the Municipal Finance Authority and Canaccord Capital and that this authorization apply equally to the Regional District of Nanaimo and the Nanaimo Regional Hospital District.
2. That the position and signature of the General Manager, Corporate Services are hereby revoked from all agreements with the institutions noted above.

CARRIED

HOSPITAL

Nanaimo Regional Hospital District Capital Equipment (2004) Bylaw No. 137.

MOVED Director Sherry, SECONDED Director Hamilton, that "Nanaimo Regional Hospital District Capital Equipment (2004) Bylaw No. 137, 2005" be introduced for first three readings.

CARRIED

MOVED Director Sherry, SECONDED Director Hamilton, that "Nanaimo Regional Hospital District Capital Equipment (2004) Bylaw No. 137, 2005" having received three readings be adopted.

CARRIED

DEVELOPMENT SERVICES

PLANNING

Sewerage System Regulations.

MOVED Director Bartram, SECONDED Director Holdom, that the Board receive the sewerage system regulations report for information.

CARRIED

MOVED Director Westbrook, SECONDED Director Holdom, that a letter be sent to the Ministry encouraging the sewage disposal industry to take advantage of emerging technology but advising that the RDN has serious concerns about past and proposed approval, monitoring and enforcement of sewage disposal system performance. Further that the Ministry be advised that not all areas of the Regional District are subject to building inspection.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

Greater Nanaimo Pollution Control Centre Tunnel Exit and Odour Control Construction Project Tender Award.

MOVED Director Sherry, SECONDED Director McNabb, that the Regional District of Nanaimo award the contract to construct the tunnel exit and odour control works to Forbes Industrial Contractors Ltd. for the tendered price of \$690,150.

CARRIED

SOLID WASTE

Commercial Food Waste Ban.

MOVED Director Sherry, SECONDED Director McNabb, that the Board ban commercial food waste from RDN disposal facilities, effective June 1, 2005 in accordance with the Solid Waste Management Plan.

CARRIED

Partners for Climate Protection Program Update.

MOVED Director Sherry, SECONDED Director McNabb, that the update on the implementation of the Partners for Climate Protection Program be received by the Board for information.

CARRIED

Climate Change Standing Committee.

MOVED Director Sherry, SECONDED Director Longmuir, that the minutes of the Climate Change Standing Committee meeting held April 6, 2005 be received for information.

CARRIED

UTILITIES

French Creek Sewer Local Service Area Bylaw No. 813.31 and Northern Community Sewer Local Service Area Bylaw No. 889.30 – H & F Ventures Ltd. – Lee Road – Area G.

MOVED Director Sherry, SECONDED Director Bartram,:

1. That “French Creek Sewerage Facilities Local Service Area Amendment Bylaw No. 813.31, 2005” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
2. That “Northern Community Sewer Local Service Area Amendment Bylaw No. 889.30, 2005” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held March 10, 2005 be received for information.

CARRIED

Intergovernmental Advisory Committee.

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the Intergovernmental Advisory Committee meetings held March 10 and March 31, 2005 be received for information.

CARRIED

Area ‘A’ Parks and Green Spaces Advisory Committee.

MOVED Director Kreiberg, SECONDED Director Hamilton, that the minutes of the Electoral Area ‘A’ Parks and Green Spaces Advisory Committee meetings held November 18, 2004 and January 20, 2005 be received for information.

CARRIED

Nanoose Bay Parks and Open Space Advisory Committee.

MOVED Director Holme, SECONDED Director Dempsey, that the minutes of the Nanoose Bay Parks and Open Space Advisory Committee meeting held March 7, 2005, be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Biggemann, that the minutes of the District 69 Recreation Commission meeting held March 17, 2005, be received for information.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Traffic Light at Lee Road Intersection.

MOVED Director Cantelon, SECONDED Director Westbrook, that the Regional District send a letter to the Provincial Ministry of Transportation to express the concerns regarding the safety of the Lee Road and Highway 19A intersection and recommend that a lighted signal control be installed and further that the correspondence be copied to the Insurance Corporation of BC.

CARRIED

Vancouver Island Biosphere Centre Project.

MOVED Director Westbrook, SECONDED Director Jepson, that staff review the criteria and look at the serviceability of possible sites within the Regional District for a Biosphere Centre and report back to the Board.

CARRIED

NEW BUSINESS

City of Nanaimo Recreation Funding.

Director Cantelon noted that the Province has announced that the City of Nanaimo will receive a grant in the amount of \$8.35 Million to fund the construction of the twin ice streets in the new Arena.

Forestry Land Downsizing.

MOVED Director Cantelon, SECONDED Director Holdom, that staff prepare a report for the Board which would identify forestry land sites within the Regional District including Mount Benson, that may be proposed for subdivision and should be considered for zoning amendments that would restrict minimum parcel sizes to 50 hectares.

CARRIED

Englishman River Regional Park.

The Chairperson congratulated the Board and staff on the Official Opening of the Englishman River Regional Park, the \$260,000 funding announced by the Provincial Government for the pedestrian bridge crossing at Top Bridge and the presentation by the Nanaimo Land Trust of a picture of Lot 604.

Island Corridor Foundation.

The Chairperson invited Board members to the press conference being held by the Island Corridor Foundation in the RDN Board Chambers at 2:00 pm, April 13, 2005.

ADJOURNMENT

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

CARRIED

TIME: 8:15 PM

CHAIRPERSON



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| REGIONAL DISTRICT OF NANAIMO | | |
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MEMORANDUM

TO: B. Lapham
Deputy Administrator

DATE: April 13, 2005

FROM: M. Pearse
Manager, Administrative Services

FILE:

SUBJECT: RDN Officers Appointment and Delegation Bylaw No. 1433 and RDN Officers and Management Employees Terms and Conditions of Employment Amendment Bylaw No. 1417.01

PURPOSE:

To consider amendments to the RDN Officers Appointment and Delegation Bylaw and the RDN Officers and Management Employees Terms and Conditions of Employment Bylaw to incorporate the recent organizational changes within the District.

BACKGROUND:

With the recent appointment of Mr. Bob Lapham to the position of Deputy Administrator, some changes are required to the officers bylaws to remove the references to the positions formerly known as General Manager, Corporate Services and General Manager, Development Services.

Regional District of Nanaimo Officers Appointment and Delegation Bylaw No. 1204.

In May 2000, the Board adopted the above noted bylaw. With recent organizational changes, this bylaw requires the references to General Manager, Corporate Services to be changed to the new position of Deputy Administrator and the reference to General Manager, Development Services to be deleted. In addition, some housekeeping amendments are required to change the references from the *Municipal Act* to the *Local Government Act*. Staff have prepared a new bylaw to reflect these changes.

Regional District of Nanaimo Officers and Management Employees Terms and Conditions of Employment Bylaw No. 1417.

In January 2005, the Board adopted the above noted bylaw. With recent organizational changes, this bylaw also requires the references to General Manager, Corporate Services to be changed to the new position of Deputy Administrator and the reference to General Manager, Development Services to be deleted. Staff have prepared an amendment bylaw to reflect these changes.

ALTERNATIVES:

There are no alternatives. In order to reflect the reorganization, the bylaws need to be amended to reflect the position of Deputy Administrator.

FINANCIAL IMPLICATIONS:

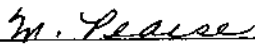
There are no financial implications to the alternatives.

CONCLUSIONS:


As a result of organizational changes, the Officers Appointment and Delegation Bylaw and the Officers and Management Employees Terms and Conditions of Employment Bylaw require amendments. References to the General Manager, Corporate Services needs to be changed to the new position of Deputy Administrator and the references to the General Manager, Development Services needs to be deleted. To correct the bylaws, staff are recommending the adoption of the two bylaws attached to this report.

RECOMMENDATION:

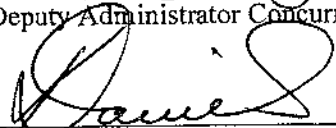
1. That the "Regional District of Nanaimo Officers Appointment and Delegation Bylaw No. 1433, 2005" be introduced and read three times.
2. That the "Regional District of Nanaimo Officers Appointment and Delegation Bylaw No. 1433, 2005" be adopted.
3. That "RDN Officers and Management Employees Terms and Conditions of Employment Amendment Bylaw No. 1417.01, 2005" be introduced and read three times.
4. That "RDN Officers and Management Employees Terms and Conditions of Employment Amendment Bylaw No. 1417.01, 2005" be adopted.



Report Writer



Deputy Administrator Concurrence



CAO Concurrence

COMMENTS:

Officer Appointment Bylaw 1433 and Terms and Conditions Bylaw 1417.01

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1433

A BYLAW TO PROVIDE FOR THE APPOINTMENT OF OFFICERS AND THE DELEGATION OF AUTHORITY

WHEREAS the Regional District of Nanaimo may, by bylaw under section 196 of the *Local Government Act*, appoint persons to the office of Chief Administrative Officer, Deputy Administrator, and the office of Manager of Financial Services and to any other offices that it has, by bylaw, designated as officer positions;

AND WHEREAS under sections 176(1)(e) and 192(1) of the *Local Government Act* the Board may, by bylaw, adopted by at least two thirds of the votes cast, delegate its powers, duties and functions, including those specifically established by an enactment, to its officers and employees;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to delegate to its officers and employees certain powers, duties and functions;

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

1. CITATION

This bylaw may be cited for all purposes as the “Regional District of Nanaimo Officers Appointment and Delegation Bylaw No. 1433, 2005”.

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

“**Applicant**” means a person applying for a special event permit or a license or permit to use a community park or recreation facility;

“**Board**” means the Board of the Regional District of Nanaimo;

“**Officer**” means persons holding the offices of the Regional District as set out in Sections 4 and 5 of this bylaw.

“**Regional District**” means the Regional District of Nanaimo;

3. OFFICER APPOINTMENTS

- (1) In accordance with Section 196 of the *Local Government Act*, the Board shall appoint, by resolution, persons to the following offices:
 - (a) “Chief Administrative Officer” to have the powers, duties and functions under s. 197 of the *Local Government Act*;
 - (b) “Deputy Administrator” to have the powers, duties and functions under s. 198 of the *Local Government Act*;
 - (c) “Manager of Financial Services” to have the powers, duties and functions under s. 199 of the *Local Government Act*;
 - (d) Offices which it has designated as officer positions in Section 3 of this bylaw.
- (2) In addition to the officer positions established under subsection (1), the Regional Board hereby designates the following positions as officers:
 - (a) “General Manager of Community Services”;
 - (b) “General Manager of Environmental Services”.

4. DEPUTY POSITIONS

- (1) The Deputy Administrator, General Manager of Community Services and General Manager of Environmental Services are appointed as Deputy Chief Administrative Officer.
- (2) The Manager of Administrative Services is appointed as the Deputy to the Deputy Administrator.
- (3) The Senior Accountant is appointed as the Deputy Manager of Financial Services.

5. DELEGATION INCLUDES DEPUTY

A delegation of a power, duty or function under this bylaw includes a delegation to a person who is from time to time the deputy of the delegate.

6. APPOINTMENT

- (1) Nothing in this bylaw shall prevent the appointment of the same person to two or more positions.

- (1) The powers, duties and responsibilities of those persons appointed to the positions of officers, which are not prescribed by statute or by bylaw, shall be as determined from time to time by the Board.

7. DEFERRAL OF APPOINTMENT

Nothing in this bylaw shall be interpreted as restricting the right of the Board to defer an appointment to any position other than a position by statute.

8. CHIEF ADMINISTRATIVE OFFICER DUTIES

- (1) In addition to the duties, powers and functions set out in s.197 of the *Local Government Act*, the duties of the Chief Administrative Officer shall include the supervision and direction of all officers and employees of the Regional District.
- (2) Without limiting the generality of subsection (1), the Chief Administrative Officer shall:
 - (a) appoint an Officer Select Committee consisting of himself or herself, one other appointed officer selected by the Chief Administrative Officer and two members of the Regional Board as selected by the Chairperson of the Board to interview applicants for positions as officers, and shall make recommendations to the Board regarding the engagement of such applicants by the Regional District.
 - (b) be responsible for hiring, supervising, suspending and discharging all employees of the Regional District, other than officers of the Regional District.
 - (c) administer all salaries of all officers and employees of the Regional District, within the limits of any salary plan or employment agreement.
 - (d) submit annually an organizational chart and list of appointed officers and employees along with the annual budget submissions.
- (3) The Chief Administrative Officer:
 - (a) must receive approval of the Board to establish or dissolve any department of the Regional District.
 - (b) is authorized to organize or reorganize departments of the Regional District as, in the opinion of the Chief Administrative Officer, may be necessary to carry out the more efficient and effective administration of the affairs of the Regional District provided that the Chief Administrative Officer shall not increase the number of permanent employee positions without first obtaining the approval of the Board.
 - (c) may assign to other appointed officers and employees of the Regional District any powers or duties assigned to the Chief Administrative Officer under this bylaw to achieve more efficient and effective administration of the Regional District's affairs.

9. PURCHASING AUTHORITY DELEGATION

- (1) The Board delegates to the following positions the powers, duties and functions of the Regional District under s. 176(1)(a) of the *Local Government Act* to make agreements respecting the Regional District's activities, works or services subject to the limitations on that delegated authority as set out in the Regional District's "Authorization to Purchase and Pay Accounts Policy" adopted by the Board on the 13th day of July, 1999:
 - (a) Purchases requiring agreements for the acquisition of goods or services which are below the "Manager" expenditure approval limits, as set out in the "Authorization to Purchase and Pay Accounts Policy", shall require the authorization of the General Manager of the Service Area;
 - (b) Purchases requiring agreements for the acquisition of goods or services which exceed "Manager" expenditure approval limits, as set out in the "Authorization to Purchase and Pay Accounts Policy", shall require the authorization of the Chief Administrative Officer and the Deputy Administrator.
 - (c) Purchases requiring agreements for the acquisition of goods or services which exceed "Chief Administrative Officer" expenditure approval limits, as set out in the "Authorization to Purchase and Pay Accounts Policy", shall require the authorization of the Board Chairperson and the Deputy Administrator.
- (2) The powers set out under subsections (b) and (c) may only be exercised by the persons referred to in these subsections acting jointly.

10. LAND AND LAND USE AGREEMENT DELEGATION

- (1) The Board hereby delegates the following powers, duties and functions to the Chief Administrative Officer and the Deputy Administrator:
 - (a) The power to accept a restrictive covenant under section 56 of the *Community Charter* or section 219 of the *Land Title Act*;
 - (b) The power to execute on behalf of the Regional District a discharge of a restrictive covenant referred to in subsection (a) which is no longer required or is to be replaced;
 - (c) The power to acquire a statutory right of way or easement on behalf of the Regional District in connection with the operation of sewer, water or drainage works or for the purpose of trails;
 - (d) The power to execute a discharge of a statutory right of way or easement referred to in subsection (c) which is no longer required by the Regional District or is to be replaced.

- (2) The powers set out under subsection (1) may only be exercised by the persons referred to in subsection (1) acting jointly.

11. LICENSES AND PERMITS DELEGATION

- (1) The Board hereby delegates the following powers, duties and functions to the Chief Administrative Officer and Deputy Administrator:
 - (a) The power and function to issue a special event permit on behalf of the Regional District in accordance with the "Regional District of Nanaimo Special Events Regulatory Bylaw No. 1010, 1996";
 - (b) The power and function to issue a license or permit to use a community park or a recreation facility.
 - (c) The power and function to issue a special occasion license.
- (2) The powers set out under subsection (1) may only be exercised by the persons referred to in subsection (1) acting jointly.

12. DEFEND LEGAL PROCEEDINGS DELEGATION

The Board hereby delegates to the Chief Administrative Officer the power to instruct counsel to defend any action or proceeding in any court of law, or before any tribunal, arbitrator or any other person, for or on behalf of the Regional District.

13. RECONSIDERATION BY THE BOARD

- (1) An applicant may have a decision of the Chief Administrative Officer and Deputy Administrator in relation to a permit reconsidered by the Board by submitting a written request for reconsideration, to the Deputy Administrator, within thirty days after the decision is delivered to or made available to the applicant.
- (2) At the reconsideration of a decision, the applicant is entitled to be heard by the Board in person or by a representative.
- (3) The Board may, following completion of its reconsideration, do one or more of the following:
 - (a) confirm all or part of the delegate's decision;
 - (b) set aside all or part of the delegate's decision;
 - (c) amend the delegate's decision or make a new decision.
- (6) The Board may adjourn a reconsideration under this section.

14. REPEAL

“Regional District of Nanaimo Officers and Officials Appointment Bylaw No. 1204, 2000” and amendments thereto are hereby repealed.

Introduced and read three times this 26th day of April, 2005.

Adopted by two thirds of the votes cast this 26th day of April, 2005.

CHAIRPERSON

DEPUTY ADMINISTRATOR

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1417.01

**A BYLAW TO AMEND THE OFFICERS
AND MANAGEMENT EMPLOYEES TERMS
AND CONDITIONS OF EMPLOYMENT BYLAW**

WHEREAS the Regional District of Nanaimo may, by bylaw under Section 200 of the *Local Government Act*, establish terms and conditions of employment, including the appointment and termination, of its Officers and Employees;

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

1. Section 1 of Bylaw 1417 is hereby amended by deleting the reference to "Regional District of Nanaimo Officers and Officials Appointment Bylaw No. 1091" and replacing with "Regional District of Nanaimo Officers and Officials Appointment Bylaw No. 1204".
2. Section 1 of Bylaw 1417 is hereby amended by deleting the words "General Manager of Corporate Services" and "General Manager of Development Services and replacing with the words "Deputy Administrator".
3. Section 7 of Bylaw 1417 is hereby amended by deleting the words "General Manager of Corporate Services" and replacing with the words "the Deputy Administrator".
4. This bylaw may be cited as "Regional District of Nanaimo Officers and Management Employees Terms and Conditions of Employment Amendment Bylaw No. 1417.01, 2005".

Introduced and read three times this 26th day of April, 2005.

Adopted this 26th day of April, 2005.

CHAIRPERSON

DEPUTY ADMINISTRATOR



| REGIONAL DISTRICT OF NANAIMO | | | |
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MEMORANDUM

TO: K. Daniels
Chief Administrative Officer

DATE: April 18, 2005

FROM: N. Avery
Manager, Financial Services

FILE:

SUBJECT: Board Remuneration Review Committee

PURPOSE

To advise the Board on the establishment of a Board Remuneration Committee and seek recommendations for committee appointees.

BACKGROUND

In 1995 the Board established a process to review and establish remuneration for our elected officials. A volunteer committee consisting generally of former elected members is delegated the task of reviewing remuneration rates following the attached Terms of Reference. The committee's recommendations will establish the basis of remuneration rates effective December 1, 2005 to December 1, 2008, coinciding with the year local government representatives are next elected.

Staff are seeking Board input on whether there should be changes to the terms of reference as well as suggestions of names of committee members who will be contacted to form the 2005 review committee.

ALTERNATIVES

- 1) Establish a Board Remuneration Review Committee in accordance with the terms of reference as attached.
- 2) Establish a Board Remuneration Review Committee in accordance with the terms of reference as amended.
- 5) Make no changes to the current remuneration bylaw for a further stipulated period of time.

CITIZENS/PUBLIC RELATIONS

The attached Terms of Reference for a Board Remuneration Review Committee establishes a committee based upon a selection of qualified individuals whose names have been put forward by Board members. Three members sat on the Committee in its last term. Staff propose that the same approach be taken in 2005 to ensure the selection of committee members who have had previous experience in public service.

Alternatively, the Board may wish to change the terms of reference as it deems appropriate. For example, the Board may wish to advertise for membership following its policy for appointments to Advisory Committees and Commissions. Positions to advisory committees and commissions are typically advertised when the terms of reference do not establish a different method for determining membership. The Board may also wish to amend the scope of the Remuneration Committee to address specific issues not identified in the current terms of reference.

SUMMARY

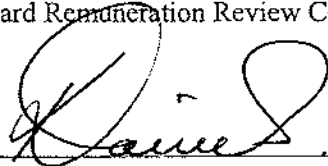
The Regional District's Board remuneration bylaw calls for a review of remuneration rates in the year of local elections. Remuneration rates for the three year period ending December 1, 2005 were established following the recommendations of an appointed review committee in 2002. Staff are seeking the Board's direction for the formation of a Board Remuneration Review Committee in 2005 with a mandate to bring remuneration recommendations for the next three year term for the Board's consideration on or about June 2005.

RECOMMENDATION

1. That the Board approve the attached terms of reference for the Board Remuneration Review Committee for 2005.
2. That Board members submit names of individuals who have experience in public service for consideration by the Board for appointment to the Board Remuneration Review Committee.



Report Writer



C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO
BOARD REMUNERATION REVIEW COMMITTEE
TERMS OF REFERENCE

March 1999

PURPOSE:

The purpose of the Board Remuneration Review Committee is to review the current remuneration level for the Regional District elected officials and provide recommendations to the Board on appropriate remuneration levels for elected officials for the following three year term.

Remuneration levels shall take into account a comparison of other Regional Districts' remuneration, the scope of responsibilities identified in the Procedural Bylaw, and inflationary factors occurring over the preceding three year period.

STRUCTURE:

The Board Remuneration Review Committee shall comprise of the following membership:

1. Individual Board members shall submit names of persons from the community that they wish to sit on the Board Remuneration Review Committee. Preference shall be given to those with experience as a public official, or who have an equivalent combination of knowledge and experience.
2. From the applicants submitted, the Board shall appoint up to four community representatives to sit on the Board Remuneration Review Committee. Appointments to the Committee shall be made in April of the year of the local government elections.
3. A Committee Chairperson shall be elected from amongst the members appointed to the Committee.
4. Recommendations from the Board Remuneration Review Committee shall be determined by consensus.

ROLE OF THE COMMITTEE:

The role of the Board Remuneration Review Committee shall be as follows:

1. To review the current indemnities of Regional District of Nanaimo elected officials with those of a selected peer group of Regional Districts.
2. To review the compensation levels of Regional District elected officials with respect to attendance at public hearings.
3. To meet with Regional District elected officials, as requested, to consider specific issues related to Board remuneration levels.
4. To prepare a report for submission to the Board in June of the year of the local government elections which provides recommendations on Regional District elected official remuneration levels for the next three year term.



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MEMORANDUM

TO: Bob Lapham
Deputy Administrator

DATE: April 12, 2005

FROM: Maureen Pearse
Manager, Administrative Services

FILE:

SUBJECT: Islands Trust – Election Services Agreement

PURPOSE

To consider a request from the Islands Trust to enter into an Election Services Agreement with the Regional District of Nanaimo for the purpose of conducting the Local Trustee elections on Gabriola Island (Electoral Area 'B') in November 2005.

BACKGROUND

The Islands Trust has approached the Regional District of Nanaimo requesting that the Board consider renewing its Election Services Agreement with the Islands Trust for the purpose of conducting the Trustee elections on Gabriola Island (Electoral Area 'B') in November 2005. The Regional District has conducted Islands Trust elections for a number of years. In 1996, the Regional District formalized this arrangement with the Islands Trust by approving an agreement similar to the one attached to this report. The agreement was developed in accordance with Section 40(2) of the *Local Government Act* and Section 9(1) of the *Islands Trust Act*, which authorizes regional districts and Islands Trusts to enter into agreements with other government agencies to conduct elections on their behalf. The local trustee election taking place in November 2005 will be held concurrent with the local government elections and may include an Electoral Area 'B' Director election. An agreement has been prepared which outlines the terms and conditions upon which the Regional District would consider conducting the Islands Trust election on the Trust's behalf.

ALTERNATIVES

1. Enter into an agreement with the Islands Trust to conduct the Trustee election on Gabriola Island on their behalf.
2. Do not enter into an agreement with the Islands Trust and require the Trust to conduct their own election.

FINANCIAL IMPLICATIONS

If the Regional District enters into an agreement with the Islands Trust for the November local government elections, the agreement can establish in advance the terms and conditions under which an election will be conducted on behalf of the Trust. Specifically, Schedule 'A' of the proposed agreement provides a detailed breakdown of the anticipated costs associated with conducting an election on Gabriola Island. The budget assumes the participation of the Regional District of Nanaimo, School District No. 68 and the Islands Trust. The projected cost to the Islands Trust is anticipated to be \$9,825 assuming three participants, and would cover the costs for advertising, rental expenses, ballots, election officials, supplies, legal and administration. Given that the three separate jurisdictions may be conducting a vote in November, some economies of scale could be achieved by having one government agency coordinating all three elections.


If the Regional District does not enter into an agreement with the Islands Trust, the Trust would be responsible for conducting their own trustee elections on Gabriola Island. However, if individual elections are required for both the Regional District Director and the local trustees, this alternative would be more expensive to both parties given the potential requirement to duplicate voting place rentals, election officials and/or other related costs.

CONCLUSIONS

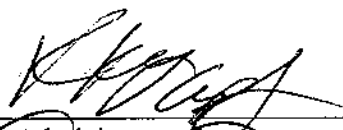
The Regional District has been approached by Islands Trust and been asked to conduct their Trustee elections in November 2005, which will coincide with our local government elections and may include an election for the Electoral Area 'B' Director. Given that the Regional District may be required to conduct its own local government elections in November, the added responsibility of including the Islands Trust elections within this task is not considered significant, provided that the costs are borne equally among the participants. If no Electoral Area Director election is required, the Islands Trust would bear the entire cost of the Regional District's portion of the November elections. The terms and conditions of the agreement have been presented to the Islands Trust and they have agreed to these terms, subject to Regional District Board concurrence.

RECOMMENDATION

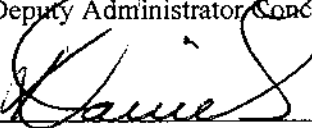
That the Chairperson and Deputy Administrator be authorized to sign the 2005 Election Services Agreement between the Regional District of Nanaimo and the Islands Trust for the purpose of conducting the November 2005 Gabriola Island local trustee election on behalf of the Islands Trust.



Report Writer



Deputy Administrator Concurrence



CAO Concurrence

COMMENTS:

2005 ELECTION SERVICES AGREEMENT

This Agreement made this _____ day of _____, 2005.

BETWEEN:

ISLANDS TRUST
2nd Floor, 1627 Fort Street
Victoria, B.C.
V8R 1T8

(the "Islands Trust")

AND:

REGIONAL DISTRICT OF NANAIMO
6300 Hammond Bay Road
P.O. Box 40
Lantzville, B.C.
V0R 2H0

(the "Regional District")

WHEREAS the Regional District is authorized under Section 40(2) of the *Local Government Act* and the Islands Trust is authorized under Section 6(4) of the *Islands Trust Act* to enter into an Agreement to permit the Regional District to conduct an election for the Islands Trust in conjunction with the Regional District election in November 2005.

AND WHEREAS the Regional District has agreed to provide the Islands Trust with the services described in Schedule 'A' to this Agreement on a contractual basis upon the terms and conditions contained in this Agreement;

NOW THEREFORE, the parties to this Agreement, in consideration of the covenants contained in this Agreement, and for other valuable consideration, the sufficiency and receipt of which is hereby acknowledged, covenant and agree as follows:

1.0 SERVICES

1.1 The Regional District will conduct, on behalf of the Islands Trust, the election for the local trustees of Gabriola Island in conjunction with the Regional District election for the electoral area director for Electoral Area 'B' (Gabriola Island).

2.0 TERM

2.1 The term of this Agreement is for the period commencing September 1, 2005 and terminating on December 31, 2005.

3.0 REIMBURSEMENT

- 3.1 The Islands Trust must reimburse the Regional District for all expenses incurred by the Regional District in providing the services under this Agreement, including without limiting the generality of the foregoing, the expenses listed at the rates set out in Schedule 'A'.
- 3.2 The Regional District will submit an invoice to the Islands Trust for expenses and the Islands Trust must, immediately upon receipt of the invoice, pay or cause to be paid the amount of the invoice no later than ten (10) business days after receipt of the invoice.
- 3.3 Where an expense is incurred by the Regional District in relation to the election, which is partly attributable to the Islands Trust election and partly to the Regional District election, the Regional District must apportion the cost between the Islands Trust and the Regional District.

4.0 DUTY TO ASSIST

- 4.1 The Islands Trust must cooperate and provide all reasonable assistance to the Regional District to enable it to carry out the services to be provided under this Agreement.

5.0 ASSIGNMENT

- 5.1 Neither this Agreement nor any right, benefit or obligation conferred or imposed under this Agreement is assignable in whole or in part, whether by operation of law or otherwise, by either party without the prior written consent of the other party.

6.0 TERMINATION

- 6.1 Either party may terminate this Agreement on or before September 1, 2001 upon thirty days written notice to the other party, if unforeseen circumstances make either party unable to comply with the terms of this agreement.

7.0 POST ELECTION

- 7.1 Following the election, the Regional District must provide reasonable assistance to the Islands Trust in the conduct of any defense to a legal challenge to an election, but the Islands Trust will be responsible for paying all legal costs of such defense.

8.0 WAIVER

- 8.1 One party's failure at any time to require the other party to perform an obligation under this Agreement does not affect the right to require performance of that obligation in the future. One party's waive of a breach of any provision of this Agreement is not a waiver or modification of that provision or of any other right under this Agreement.

9.0 INTERPRETATION

9.1 The validity, construction and enforceability of this Agreement is to be governed in all respects by the laws of the Province of British Columbia.

10.0 BINDING EFFECT

10.1 This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors and assigns.

IN WITNESS WHEREOF the parties to this Agreement have set their hands and seals as of the day and year first above written.

The Corporate Seal of the Islands Trust
was hereunto affixed in the presence of:

Authorized Signatory

Authorized Signatory

)
)
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)
)
)

(seal)

The Corporate Seal of the Regional District
of Nanaimo was hereunto affixed in the
presence of:

Chairperson

Deputy Administrator

)
)
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)

(seal)

SCHEDULE 'A'

A. SERVICES

- (1) The Regional District will conduct, on behalf of the Islands Trust, the election for the local trustees for Gabriola Island including, without limiting the generality of the foregoing, the registration of electors, the arrangements for a voting station, the appointment of presiding election officials and election officials, the publication and posting of statutory notices, the printing of ballots, the holding of advance and special voting opportunities, the conduct of voting, the counting of the votes on ballots, and the delivery of election materials to the Chief Election Officer.
- (2) The services to be provided by the Regional District under this Agreement do not include any services which may only be exercised by bylaw or resolution of the Islands Trust Council.

B. ISLANDS TRUST EXPENSES

| (1) Estimate of Reimbursable Expenses | Islands Trust Portion |
|--|-----------------------|
| (a) Voting Place Rentals | \$ 275 |
| (b) Ballots/Voting Machines | \$ 715 |
| (c) Election Supplies – Signage, Telephones, etc. | \$ 335 |
| (d) Elections Staff | \$ 900 |
| (e) Islands Trust Advertising | \$ 4,500 |
| (f) Legal Advice | <u>\$ 300</u> |
| SUBTOTAL | \$ 7,025 |
| | |
| (2) Administration Costs (5% of Overall Election Budget)* | |
| (Includes overhead charge to cover costs of general stationary, mileage, election forms, telephone charges, courier charges, facsimiles and RDN Chief Election Officer and administrative staff time.) | |
| (g) Administration Charge | <u>\$ 2,800</u> |
| TOTAL ISLANDS TRUST COST | \$ 9,825 |

* If an election is not required for Islands Trust, the administration charge shall be reduced from 5% to 2% of the Regional District's Overall Election Budget (Administration Charge: \$1,120).



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MEMORANDUM

TO: Neil Connelly
General Manager, Community Services

DATE: April 15, 2005

FROM: Christina Thomas
Senior Planner, Community Services

FILE: 6780 40 RGCS

SUBJECT: REGIONAL CONTEXT STATEMENT FOR TOWN OF QUALICUM BEACH OFFICIAL COMMUNITY PLAN

PURPOSE

The purpose of this report is to consider acceptance of the new Regional Context Statement (RCS) for the Town of Qualicum Beach Official Community Plan (OCP).

BACKGROUND

The Town of Qualicum Beach Regional Context Statement (RCS) is provided for consideration of acceptance (*see Attachment 1*).

Regional Context Statement Requirements

The *Local Government Act* specifies that RCSs must identify: [1] the relationship between the OCP and the matters included in the Regional Growth Strategy (RGS); and [2] if applicable, how the OCP is to be made consistent with the RGS over time. RCSs must fulfill these *Local Government Act* requirements by addressing nineteen items identified in the February 14, 2004 RDN Board-approved framework¹.

A municipality must obtain Board approval of new or amended RCSs prior to adopting an OCP bylaw that contains it, pursuant to the *Local Government Act*. RDN municipalities must fulfill this *Local Government Act* requirement by developing their RCS in accordance with following steps outlined in the RDN Board-approved framework:

| | |
|--------|--|
| Step 1 | Draft RCS prepared by municipal planner and referred to IAC |
| Step 2 | Intergovernmental Advisory Committee (IAC) reviews draft RCS |
| Step 3 | Municipal council gives 1 st and 2 nd reading to OCP bylaw that includes RCS |
| Step 4 | Municipal council conducts public hearing for OCP bylaw that includes RCS |
| Step 5 | Municipal council refers bylaw to board for consideration and acceptance of RCS to be included in OCP bylaw |
| Step 6 | Board considers acceptance of RCS to be included in OCP Bylaw |
| Step 7 | If accepted, municipal council grants 3 rd reading and adopts OCP bylaw that includes RCS. If not accepted, determine appropriate approach to resolve issues. |
| Step 8 | Municipal council grants 3 rd reading & adopts OCP bylaw that includes RCS. |

¹ The 19 questions are contained in the left column of the RCS the Town of Qualicum Beach has submitted and included in this report as Attachment 1.

Regional Context Statement Assessment

The Town of Qualicum Beach has been reviewing its OCP since last fall. As a part of the OCP review a new OCP, including a new RCS, was drafted. Consequently, on March 18, 2005 the Town submitted to the RDN for referral to the IAC a draft of the new RCS to be included in the OCP (step 1).

The IAC reviewed the RCS at its meeting on March 31, 2005 (step 2) and concurred that the RCS should be amended in several selected parts to establish a higher degree of consistency between OCP and the RGS.

The Town made adjustments to the OCP and the RCS, and on April 4, 2005 granted 2nd reading to the OCP bylaw that contains the version of the RCS that is the subject of this report (step 3).

The Town of Qualicum Beach conducted a public hearing about the OCP bylaw that contains the subject RCS on April 13, 2005 (step 4). Consequently, the Town is now requesting Board acceptance of the RCS included in the OCP bylaw (step 5).

The RDN Board has a maximum of 120 days from April 14, 2005 to decide to accept or reject the RCS (step 6). It is anticipated that the Town might like to consider 3rd reading and adoption of its OCP bylaw in May and, as such, the RCS is now provided for RDN Board consideration.

The RCS proposed for inclusion in the Town of Qualicum Beach OCP lays out the areas of consistency and inconsistency with the RGS, organized by the RGS goals and the nineteen items in the framework.

The RCS indicates that the OCP is mostly consistent with the RGS.

Consistent with the RGS, the OCP:

- Designates UCBs that are consistent with the RGS;
- Only supports the approval of new residential development of a density greater than 1 unit per hectare, commercial uses, and institutional uses on land designated by the RGS as Urban Areas inside the UCB;
- Only supports amendments to the UCB that are considered pursuant to the Urban Containment and Fringe Area Management Implementation Agreement (or its replacement) and specifies how often the Town will consider UCB amendments;
- Encourages a mix of uses that includes places to live, work, learn, play, shop and access services within designated nodal areas inside the UCB;
- Supports collaboration at the local level by governments, residents, and business interests regarding the character, land use and ultimate level of development in designated nodal areas inside the UCB;
- Promotes and encourages the retention of large rural holdings on land designated by the RGS as Resource Lands and Open Space;
- Provides for forestry and agricultural uses on land within the RGS Resource Lands and Open Space designation;
- Promotes sensitive development on land designated by the RGS as Urban Area so that impacts are minimized on rural uses on land designated by the RGS as Resource Lands and Open Space and Rural Residential;
- Provides for the protection of the environment and minimization of ecological damage related to growth and development;
- Supports cooperative initiatives related to economic development;

- Supports the provision and improvement of infrastructure to attract desirable economic development;
- Provides for tourism related development;
- Supports the provision of community water and community sewer services to land designated as Urban Area, as a first priority, to accommodate future growth and development, and to land designated Industrial, in recognition of the potential environmental or public health risks associated with industrial uses;
- Helps facilitate an understanding of, and commitment to, the goals of growth management among all levels of government, the public, and key private and voluntary sector partners.

The RCS indicates that the OCP is inconsistent with the RGS in two areas:

- The OCP support the provision of community sewer service and community water service to a possible future fire-hall site which might be located outside the UCB. The Town proposes that this inconsistency be addressed by considering adjustments to the RGS policy which presently only supports the provision of community water service and community sewer service to land outside the UCB where there is an environmental or public health threat that the services could remedy.
- The OCP designates a property as Industrial, inconsistent with the RGS designation of the property as Resource Lands and Open Space. The subject property is located between the Qualicum Beach Airport and the railway tracks located adjacent to the Chartwell residential neighbourhood of the Town. The Town proposes that this inconsistency be addressed by considering adjustments to the RGS land use designation for the subject property as a part of the next RGS review.

ALTERNATIVES

1. Accept the RCS subject to the Town of Qualicum Beach amending the OCP and RCS by stating in the policies regarding the provision of the services to a future fire hall site (i.e. Section 2.1.1 Policy 2, Section 2.5.2 Policy 3, Section 2.5.4 Policy 1) that the provision of services to the fire hall site is supported for environmental or public health reasons.
2. Not accept the RCS and identify specific issues to be addressed.

FINANCIAL IMPLICATIONS

Receipt of this report has no financial implications.

GROWTH MANAGEMENT IMPLICATIONS

The Town of Qualicum Beach RCS is a critical link between the Town's OCP and the RDN RGS as it delineates how the OCP is consistent with the RGS, and it effectively commits the Town to RGS consistent decisions.

For the most part, the Town of Qualicum Beach RCS indicates a high degree of commitment towards RGS implementation in the Town. UCBs are designated consistent with the RGS for the purpose of containing urban growth, areas of land are designated for urban development and a variety of appropriate uses and densities are supported in these areas, the servicing of urban development areas is identified as a first priority, and key aspects of the environment are protected through a variety of methods, including land use designation, development permit area designation and park designation.

The RCS indicates that there are two areas of inconsistency between the RGS and the OCP, as follows: [1] support for the provision of services to a possible future fire hall site outside the UCB, and [2] the Industrial designation of a parcel the RGS designates as Resource Lands and Open Space. The Town

proposes that both of these inconsistencies be resolved through amendments to the Regional Growth Strategy.

It is recommended that these issue regarding the provision of services to a possible future fire hall site not be resolved through amendments to the Regional Growth Strategy, as proposed by the Town of Qualicum Beach. Rather, it is recommended that the inconsistency be resolved by stating in the policies regarding the provision of the services to a future fire hall site (i.e. Section 2.1.1 Policy 2, Section 2.5.2 Policy 3, Section 2.5.4 Policy 1) that the provision of services to the fire hall site is supported for environmental or public health reasons (similar to the statements contained regarding the provision of services to the Pheasant Glen Golf Resort), given the nature of the activity.

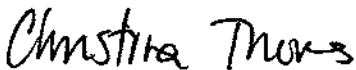
It is recommended that the RDN Board accept the Town of Qualicum Beach's proposed method of resolving the inconsistency regarding the Industrial land use designation given the ownership of the subject area of land (i.e. government), the Regional District's understanding relative to the proposed use of the subject area of land (i.e. a transportation related use), and the compatibility of this proposed use with the adjacent airport use.

SUMMARY

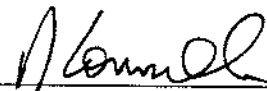
The new RCS proposed for inclusion in the Town of Qualicum Beach OCP is provided for consideration of acceptance (*see Attachment 1*) pursuant to the Local Government Act and the February 10, 2004 RDN Board approved framework for RCSs. For the most part, the new OCP has been prepared to be consistent with the RGS, and shows a high degree of commitment by the Town to implement the RGS goals and policies. However, two areas of inconsistency are present in the RCS and OCP: the provision of services to a possible future fire hall site and the Industrial land use designation of a property next to the airport. It is recommended that the issue regarding the servicing of a future fire hall site be addressed through amendments to the RCS and OCP prior to adoption of the OCP bylaw rather than amendments to the Regional Growth Strategy, and it is recommended that the issue regarding the Industrial land use designation of a property next to the airport be addressed through the next Regional Growth Strategy review, as suggested by the Town of Qualicum Beach.

RECOMMENDATIONS

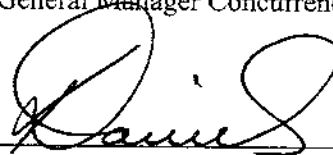
1. That the April 15, 2005 report, "Regional Context Statement for Town of Qualicum Beach Official Community Plan," be received.
2. That the Town of Qualicum Beach Regional Context Statement (RCS) be accepted, subject to the Town amending the OCP and RCS prior to adopting the OCP bylaw to state in the policies regarding the provision of the services to a future fire hall site (i.e. Section 2.1.1 Policy 2, Section 2.5.2 Policy 3, Section 2.5.4 Policy 1) that the provision of services to the fire hall site is supported for environmental or public health reasons.



Report Writer



General Manager Concurrence



CAO Concurrence

ATTACHMENT 1:
TOWN OF QUALICUM BEACH REGIONAL CONTEXT STATEMENT



TOWN OF QUALICUM BEACH

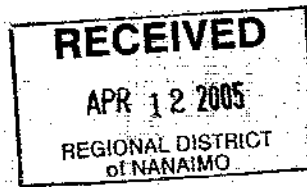
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Qualicum Beach, B.C.
V9K 1S7

INCORPORATED 1942

Telephone: (250) 752-6921
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E-mail: qbtown@qualicumbeach.com
Website: www.qualicumbeach.com

April 5, 2005

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



ATTENTION: Christina Thomas

Dear Ms. Thomas:

Re: Town of Qualicum Beach OCP

At their meeting last night, Council rescinded second reading of the new Official Community Plan Bylaw No. 590 and gave a new second reading which includes the changes that we have discussed in regard to consistency with the Regional Growth Strategy. Also, the Bylaw now includes the Regional Context Statement (RCS). This Bylaw will be presented at the public hearing scheduled for April 13, 2005 and then, in accordance with the approved framework, forwarded to the Regional Board for their consideration and acceptance of the OCP Bylaw including the RCS.

The Bylaw is provided to you at this time in order to provide an opportunity for an early review by staff. It is hoped that the matter can then be put forward to the Board at their next scheduled meeting after the public hearing. I think the date we discussed was April 26, 2005.

Thank you.

Yours truly,

P.T. (Paul) Butler
Director of Planning
Town of Qualicum Beach

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Encls.
File: 3360-20-OCP04

APPENDIX B
Town of Qualicum Beach
Official Community Plan Bylaw 590
REGIONAL CONTEXT STATEMENT

In accordance with the Regional District of Nanaimo Board resolutions passed on February 10, 2004, consistencies and inconsistencies between "Regional District of Nanaimo and Regional Growth Strategy Bylaw No. 1309" and Regional District of Nanaimo member municipality official community plans will be identified by answering the questions below.

| REGIONAL GROWTH STRATEGY | Consistency With OCP and RGS | | OCP REFERENCE |
|---|------------------------------|----|--|
| | YES | NO | |
| GOAL 1 : STRONG URBAN CONTAINMENT | | | |
| 1. Does the OCP designate Urban Containment Boundaries consistent with the Regional Growth Strategy? | √ | | Map Schedule 2.1 – Land Use Section 2.1.1 – Policy No. 1 and 5 |
| 2. Does the OCP only support the approval of: | | | |
| (a) New residential development of a density greater than 1 unit per hectare, commercial uses, and institutional uses on land designated by the Regional Growth Strategy as Urban Areas inside Urban Containment Boundaries? | √ | | Section 2.2.2.2 - Single Family Residential (12/ha) 2.2.2.3 Multi-Family Residential (60 units/ha); 2.2.1 (resid/comm. – 110 units/ha); Map Schedule 2.1 Land Use (Commercial, Institutional, Industrial designations) Schedule 2.2 – Village Neighbourhood (Commercial, Institutional Land Uses) |
| (b) New residential development to a maximum density of 7.5 units per hectare on land designated by the Regional Growth Strategy as Sub-Urban Area? | N/A | | |
| (c) For Parcel Z, DDK83923, Sections 12 & 13, Ranges 1 & 2, Cranberry Land District, in Electoral Area C, development up to a maximum density of one unit per hectare? | N/A | | |
| 3. Does the OCP only support amendments to the Urban Containment Boundary that are considered according to the process and criteria of the Urban Containment and Fringe Area Management Implementation Agreement (or its replacement, to be developed in 2004)? | √ | | Section 2.1.1 – Policy No. 4 |

Appendix B
 Town of Qualicum Beach
 Official Community Plan Bylaw 590
 REGIONAL CONTEXT STATEMENT
 Page 2

| REGIONAL GROWTH STRATEGY | Consistency With OCP and RGS | | OCP REFERENCE |
|--|--|---|---|
| | YES | NO | |
| <p>GOAL 2 : NODAL STRUCTURE</p> <p>1. Does the OCP encourage a mix of uses that includes places to live, work, learn, play, shop and access services within designated nodal areas inside Urban Containment Boundaries?</p> <p>2. Does the OCP support collaboration at the local level by governments, residents and business interests regarding the design, character, land use and ultimate level of development in designated nodal areas inside Urban Containment Boundaries.</p> <p>GOAL 3: RURAL INTEGRITY</p> <p>1. Does the OCP promote and encourage the retention of large rural holdings on land designated by the Regional Growth Strategy as Resource Lands and Open Spaces and Rural Residential:</p> <p>a. By allowing minimum parcel sizes for lands in these designations that re the same as, or larger than the minimum parcel size established for these lands in the applicable OCP by June 10, 2003?</p> <p>b. If the minimum parcel size for these lands is less than specified in the OCP by June 10, 2003, was the subject land in a community water service area on June 10, 2003 and is the maximum level of development supported the same or less intensive that was able to be permitted on June 10, 2003 by the zoning bylaw with the community water service?</p> <p>2. Does the OCP encourage forestry uses on land designated by the Regional Growth Strategy as Resource Lands and Open Space, particularly on land in the Forest Land Reserve?</p> | <p>√</p> <p>√</p> <p>√</p> <p>N/A</p> <p>√</p> | <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> | <p>Section 2.1.2 "Complete Nodal Community Policies";</p> <p>Section 2.1.2 – Policy No. 4 Map Schedule 2.2 – "Village Neighbourhood"; Section 2.2.1 'Village Neighbourhood' policies for a broad mix of uses within the nodal area.</p> <p>Section 2.2.6 – Policy No. 9</p> <p>Section 2.3 Natural Resources – Policy No. 1. There is no land within Qualicum Beach that was formerly part of the "Forest Land Reserve". Most rural lands are within Agricultural Land Reserve and may be inappropriate to encourage forestry rather than food production. However, Section 2.2.6 Policy No. 16 does provide for forestry uses on land designated 'Rural' (ie., Resource Lands and Open Space in the RGS)</p> |

Appendix B
 Town of Qualicum Beach
 Official Community Plan Bylaw 590
 REGIONAL CONTEXT STATEMENT
 Page 3

| REGIONAL GROWTH STRATEGY | Consistency With OCP and RGS | | OCP REFERENCE |
|---|------------------------------|----|---|
| | YES | NO | |
| 3. Does the OCP encourage agricultural uses on land designated by the Regional Growth Strategy as Resource Lands and Open Space, particularly in the Agricultural Land Reserve? | ✓ | | Section 2.2.6 – Policy No. 1, 2 and 3. |
| 4. Does the OCP promote sensitive development on land designated by the Regional Growth Strategy as Urban Area and Sub-Urban Area, so that impacts are minimized on rural uses on land designated by the Regional Growth Strategy as Resource Lands and Open Space and Rural Residential? | ✓ | | Section 2.2.6 – Policy No. 3 and 12. |
| GOAL 4: ENVIRONMENTAL PROTECTION | | | |
| 1. How does the OCP provide for the protection of the environment and the minimization of ecological damage related to growth and development? | | ✓ | Map Schedule 2.4 – Ecological Development Permit Areas (G1 – G12); Development Permit Area Guidelines for Aquatic Habitat Greenways and Upland Habitat Greenway. |
| GOAL 5: IMPROVED MOBILITY | | | |
| 1. Does the OCP support a mix of uses that includes places to live, work, learn, play, shop and access services within designated nodal areas inside the Urban Containment Boundaries? | | ✓ | Section 2.1.2 “Complete Nodal Community Policies”; Map Schedule 2.2 “Village Neighbourhood”; Section 2.2.1 “Village Neighbourhood” policies for a broad mix of land uses within the nodal area. |
| GOAL 6: VIBRANT AND SUSTAINABLE ECONOMY | | | |
| 1. Does the OCP support cooperative initiatives related to economic development? | | ✓ | Section 2 – General Objectives Bullet No. 7 |
| 2. Does the OCP support the provision and improvement of infrastructure to attract desirable economic development? | | ✓ | Section 2.2.1 – Downtown Traffic and Parking Study Section 2.2.4 – Industrial – Policy No. 4 (Qualicum Beach Airport) Section 2.5.1 – Highways and Community Parking – Policy No. 2 |

Appendix B
 Town of Qualicum Beach
 Official Community Plan Bylaw 590
 REGIONAL CONTEXT STATEMENT
 Page 4

| REGIONAL GROWTH STRATEGY | Consistency With OCP and RGS | | OCP REFERENCE |
|---|------------------------------|----|---|
| | YES | NO | |
| 3. Does the OCP provide for tourism related economic development? | √ | | Section 2.2.1 – Village Neighbourhood, Tourist Accommodation – Policy No. 1 and 2. Section 2.2.6 Rural – Policy No. 11 |
| 4. Does the OCP: a. generally support aggregate resource development on land designated by the Regional Growth Strategy as Resource Land and Open Space?; and b. only support small-scale aggregate removal on land designated by the Regional Growth Strategy as Rural Residential, Sub-Urban Area, and Urban Area? | N/A | | The Town has no ground resources of commercial significance. The Plan therefore makes no provision for management of the resource (Section 2.3 Natural Resources) |
| GOAL 7: EFFICIENT SERVICES | | | |
| 1. Does the OCP support the provision of community water and community sewer services to land designated as Urban Area, as a first priority, to accommodate future growth and development? | √ | | 2.5.2 Sewers – Policy No. 1 2.5.4 Water – Policy No. 2 |
| 2. Does the OCP only support the provision of community water and community sewer services to land designated as Resource Lands and Open Space and Rural Residential for the purpose of addressing and environmental or public health hazard, and not for the purpose of facilitating additional development beyond that supported in the applicable official community plan in place of June 10, 2003? | | √ | Section 2.1.1 Urban Containment Boundary – Policy No. 2 Section 2.5.2 Sewers – Policy No. 3 Section 2.5.4 Water – Policy No. 1 Above Sections would be consistent except they allow community services outside the UCB for a "possible future fire hall site strategically and centrally located within the fire service area" The Town supports the examination of the policies regarding extension of services outside the UCB in the Regional Growth Strategy as a means of establishing conformity between the servicing policies of the OCP (in regard to a possible fire hall site) and the Regional Growth Strategy. |

Appendix B
 Town of Qualicum Beach
 Official Community Plan Bylaw 590
 REGIONAL CONTEXT STATEMENT
 Page 5

| REGIONAL GROWTH STRATEGY | Consistency With OCP and RGS | | OCP REFERENCE |
|--|------------------------------|----|---|
| | YES | NO | |
| <p>3. Does the OCP support the provision of community water and community sewer services to land designated by the Regional Growth Strategy as Industrial, in recognition of the potential environmental or public health risks associated with industrial uses?</p> | ✓ | ✓ | <p>Section 2.1.1 Urban Containment Boundary – Policy No. 2 Section 2.5.2 Sewers – Policy No. 3 Section 2.5.4 Water – Policy No. 1</p> <p>Schedule 2.1 Land Use Map designates a town owned lot located to the north of and adjacent to the Qualicum Beach Airport as 'Industrial' this is inconsistent with the Land Use designation of 'Resource Lands and Open Space' in the Regional Growth Strategy. The Town supports the examination of the land use designation of this property in the Regional Growth Strategy as a means of establishing conformity between the RGS and the Town's OCP.</p> |
| <p>GOAL 8: COOPERATION AMONG JURISDICTIONS</p> <p>1. How does the OCP help to facilitate an understanding of, and commitment to the goals of the growth management among all levels of government, the public, and key private and voluntary sector partners?</p> | ✓ | | <p>Section 2 – General Objectives Bullet 6 (Relationship with Qualicum First Nations) Section 2 – General Objective identify Goals of the Regional Growth Strategy. Section 2.1.2 Complete Nodal Community – Policy No. 4 (collaboration with Advisory Planning Committee, local residents and businesses. Section 2.2.4 Industrial Policy 7 (Cooperation with School District 69) Section 2.2.5 Institutional – Policy 2. (cooperation with SD69) Section 2.2.6 Rural – Policy No. 6 (Urban Containment and Fringe Areas Agreement) 2.5.1 Highways and Community Parking – Policy No. 3 (cooperation with Ministry of Transportation) 2.5.5. Waste Disposal – Policy No. 2 (support operation of Regional Waste Management Function)</p> <p>2.6 Safety and Emergency Preparedness – Policy 5, 6 and 7. (Education and Partnership, Police Liason, Volunteer Programs) Section 3.1.18 Community Park Potential Plan Section 3.1.19 School District 69 Bus Garage (relocation).</p> |



**REGIONAL
DISTRICT
OF NANAIMO**

| | | | |
|------------------------------|--|--------|--|
| REGIONAL DISTRICT OF NANAIMO | | | |
| CHAIR | | GM Cms | |
| CAO | | GM ES | |
| DA CCD | | MoF | |
| APR 19 2005 | | | |
| <i>B. J. [Signature]</i> | | | |
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| | | | |
| | | DATE: | |

MEMORANDUM

TO: Robert Lapham
Deputy Administrator

FROM: Jason Llewellyn
Manager, Community Planning

SUBJECT: Proposed Amendments to Subdivision Fees

DATE: April 19, 2005

FILE: 3360-30-0506

PURPOSE

To provide additional information to the Board on subdivision fees in relation to the Board's consideration of proposed amendments to Fees and Charges Bylaw No. 1259.

BACKGROUND

At the Regular Meeting of the Board dated March 22, 2005 the Board received the report dated February 25, 2005 proposing an amendment to Fees and Charges Bylaw No. 1259, 2002. A letter from Fairwinds Real Estate Management Inc. and a delegation from a representative of the Oceanside Development and Construction Association (Attachment No. 1) objected to a flat fee structure for subdivision review.

At this meeting a motion was made to defer the issue to the Ideas and Updates meeting of the Board for further discussion. Staff were subsequently asked to report back to the Board with further information on options for subdivision fees. This report provides that additional information.

In 2004 the Department received 47 subdivision applications. The revenue generated from these applications was \$47,400.00. The processing of subdivision applications involves the approximate time equivalent of one full time planner. In addition there is the cost of involvement of other Department staff and the direct costs associated with advertising, meetings, and materials. It is estimated that the current subdivision fees result in a cost recovery of less than 60% of the total costs to the organization. The proposed fee increase may increase this cost recovery to 70%. However, raising fees to achieve total cost recovery would make RDN fees notably higher than other jurisdictions in the area.

Time spent on applications varies very significantly depending upon the size of the application, the issues involved, the quality of the plans provided, and the processes required to deal with outstanding issues such as parkland dedication. Processing applications not only includes the work of a planner involved after an application has been made, it also involves notable preliminary work dealing with the development community prior to subdivision application. It involves input by Recreation and Parks staff regarding parkland dedication and associated issues. It also involves clerical and managerial support. There are also the costs associated with answering public inquiries, holding public information meetings, and holding Parks Committee meetings.

The fees for large subdivisions may, or may not, exceed the actual processing costs depending upon the complexity of the application, and the work required with the applicants to resolve outstanding issues.

For smaller subdivisions the fees clearly do not cover the costs of processing the applications. As the size of the application decreases so does the percentage of cost recovery.

Flat Fee Structure

Traditionally the RDN has utilized a flat fee structure for subdivision applications. A flat fee structure applies the fee equally to each of the lots being created. This is equitable from the perspective that the costs are based equally on the benefit received by the applicant. Concern has been raised that the larger subdivision applications are covering a greater percentage of the actual costs associated with processing applications.

Graduated Fee Structure

The alternative to a flat fee structure are graduated fees where the fee per lot decreases as the number of lots involved increases. Graduated fees may be considered equitable in that they better reflect the actual costs to the RDN associated with processing an application, as the work involved does not increase proportionally with the increase in lots involved. However, with a graduated fee structure, if the total amount of fees generated is to be maintained the fees for smaller applications would also have to be increased. Therefore, applicants for smaller subdivisions may argue a reduced ability to pay compared to the ability of the larger development companies typically involved in larger subdivisions.

ALTERNATIVES

1. To approve Bylaw No. 1259.02 as proposed with a flat fee structure (attached to this report as Schedule No. 1).
2. To amend Bylaw No. 1259.02 to incorporate a graduated fee structure by replacing Section 4 with the Section 4 provided in Schedule No. 2 attached to this report, and to then approve Bylaw No. 1259.02 as amended.

FEE STRUCTURE IMPLICATIONS

A graduated fee structure has been provided below should the Board wish to consider this approach. Also provided is an example of the fees associated with various sizes of subdivision applications with the existing fees, the proposed flat fees, and the graduated fee structures.

Proposed Graduating Fee Structure (number of lots indicates total number of lots proposed)

Lots = 2-3 \$400.00 each lot
 Lots = 4-10 \$300.00 each lot
 Lots = 11 and above \$200.00 each lot

Examples of Fees Associated with Various Fee Structures

| NUMBER OF LOTS PROPOSED TO BE SUBDIVIDED | EXISTING FEES (\$200) | FLAT FEES (\$300) | GRADUATED FEES |
|--|-----------------------|-------------------|----------------|
| 2 | \$400 | \$600 | \$800 |
| 8 | \$1600 | \$2400 | \$2700 |
| 20 | \$4000 | \$6000 | \$5300 |
| 40 | \$8000 | \$12000 | \$9300 |

Staff note that this is primarily a policy issue to decide if fees should be based upon the relative value of the service provided to the applicant (flat fees), or if fees should reflect the cost to the organization to provide the service (graduated fees).

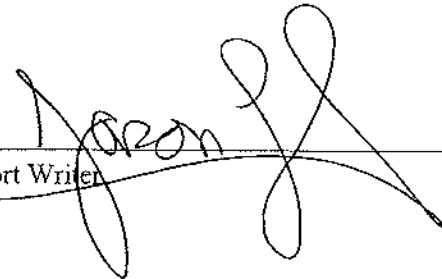
"Regional District of Nanaimo Fees and Charges Bylaw Amendment Bylaw No. 1259.02, 2005" as drafted contains a flat fee structure for subdivision applications. Should the Board wish to implement the graduated fee structure discussed, Bylaw 1259.02, 2005 must be first amended by replacing the proposed section 4 with the text identified in Schedule 2 to this report.

VOTING

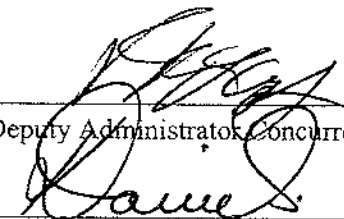
Electoral Area Directors – one vote, except Electoral Area 'B'.

RECOMMENDATIONS

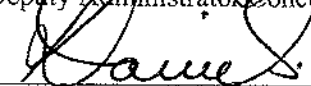
1. That "Regional District of Nanaimo Planning Services Fees and Charges Bylaw Amendment Bylaw No. 1259.02, 2005" be introduced and read 3 times.
2. That ""Regional District of Nanaimo Planning Services Fees and Charges Bylaw Amendment Bylaw No. 1259.02, 2005" be adopted.



Report Writer



Deputy Administrator Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2005/3360 30 0506 nr fees bylaw

Schedule No. 1

BYLAW NO. 1259.02

**A Bylaw to Amend Regional District of Nanaimo
Planning Services Fees and Charges Bylaw No. 1259, 2002**

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

- A. "Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002," is hereby amended as follows:
1. **Part 4 – General, Section 2 Advertising Deposits for Applications, Permits, and Land Use Contracts Amendments** is hereby amended by adding the following subsection after subsection d).
 - e) **Where an application is submitted for a Liquor or Food Primary Liquor or Food Primary licence or a temporary amendment Board approved licence, an advertising deposit in the amount of \$1,000.00 is required at the time of submission.**
 2. **Part 4 – General, Section 5 Fee Exception** is hereby amended by deleting the section and replacing it with the following:
 5. **Fee Exception**

Except for the cost of advertising associated with any application or permit, fees for planning services do not apply to a non-profit organization registered under the *Society Act*.
 3. **Part 5 – Planning Related Services, Section 3 Permit Applications** is hereby amended by adding the following after subsection c):
 - d) Where a development permit is being considered for approval concurrently with an amendment application, the fee shall be \$200.00 if there is no variance(s) requested and \$400.00 if a variance(s) is requested.
 4. **Part 5 – Planning Related Services, Section 5. Subdivision Applications** is hereby amended by deleting this subsection and replacing it with the following:
 5. **Subdivision Applications**
 - a) The fee for a fee simple subdivision application shall be \$300.00 plus \$300.00 for each parcel proposed to be created.
 - b) The fee for a building strata conversion application shall be \$300.00 for each building strata lot proposed to be created.
 - c) The fee for a bare land strata subdivision application shall be \$300.00 for each bare land strata lot proposed to be created.
 - d) The fee for a lot line adjustment subdivision application shall be \$300.00 for each lot line proposed to be adjusted.

- e) The additional fee for a subdivision application where there is a request(s) for relaxation of the minimum 10% perimeter frontage requirement shall be \$400.00.
5. **Part 5 – Planning Related Services**, is hereby amended by adding the following section after section 6:
7. **Liquor Licence Applications:**
- a) The fee for a Liquor or Food Primary application shall be \$800.00.
 - b) The fee for a Liquor or Food Primary application with an associated application to amend the current land use designation shall be \$400.00.
 - c) The fee for a temporary amendment Director approved application shall be \$400.00.
 - d) The fee for a temporary amendment Board approved application shall be \$800.00.
6. **Part 6 – Planning Department Products and Mapping Services** is hereby amended by inserting the following:
- e) \$15.00 for an Electoral Area Map with aerial photography and renumbering the subsequent subsections.

B. This Bylaw may be cited as "Regional District of Nanaimo Planning Services Fees and Charges Bylaw Amendment Bylaw No. 1259.02, 2005".

Introduced and read three times this ___ day of _____, 2005.

Adopted this _____ day of _____, 2005.

Chair

Deputy Administrator

Schedule No. 2

4. **Part 5 – Planning Related Services, Section 5. Subdivision Applications** is hereby amended by deleting this subsection and replacing it with the following:

5. Subdivision Applications

- a) The fee for a lot line adjustment application shall be \$400.00 per lot line.
- b) The fee for a fee simple subdivision application, building strata conversion application, and bare land strata subdivision application shall be as follows for each lot proposed to be created, including any remnant lots.
- c) \$400.00 base fee for each of the first three lots, plus
- d) \$300.00 for each of the next ten lots, plus
- e) \$200.00 for each lot in excess of ten lots
- f) The additional fee for a subdivision application where there is a request(s) for relaxation of the minimum 10% perimeter frontage requirement shall be \$400.00.



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| REGIONAL DISTRICT OF NANAIMO | | | |
| CHAIR | | GM Cms | |
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MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: April 15, 2005

FROM: Susan Cormie
Senior Planner

FILE: 3360 20 0505

SUBJECT: Amendment Bylaw No. 500.316, 2005
RG Fuller & Associates, on behalf of Land & Water BC
Electoral Area 'A' – Fielding Road

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held on Wednesday, April 14, 2005, and further, to consider Bylaw No. 500.316, 2005 for 3rd reading.

BACKGROUND

Bylaw No. 500.316, 2005 was introduced and given 1st and 2nd reading on March 22, 2005. This was followed by a Public Hearing held on April 14, 2005. 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 parcels legally described as Lots 16 & 17, Both of Section 14, & Lot 18, Sections 14 & 15, All of Range 6, Cranberry District, Plan 9244 and located adjacent to Fielding Road in the South Wellington area of Electoral Area ‘A’ (*see Attachment No. 1 for location of subject property*) from Residential 2 Subdivision District ‘F’ (RS2F) (minimum 1.0 ha parcel size without community services) to Comprehensive Development 22 Subdivision District ‘Z’ (CD22Z) (no further subdivision) in order to facilitate the future development of light industrial uses including construction office and yard, marshalling yard, mini storage warehouse, ornamental rock yard, prefabricated home building, product assembly use, production studio, warehouse, wholesale use, woodworking shop, and 1 dwelling unit.

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. 500.316, 2005.”
2. To receive the Report of the Public Hearing and deny “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.316, 2005.”

INTERGOVERNMENTAL IMPLICATIONS

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

Comments received include:

Ministry of Transportation – The Ministry has a number of conditions of approval with respect to this application including consolidation of parcels; dedication of Fielding Road; approval of drainage works; any natural drainage courses to be protected; and submission of access application. It is noted that the amendment bylaw is subject to the approval of the Ministry pursuant the *Highway Act*.

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

PUBLIC CONSULTATION IMPLICATIONS

Verbal 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. 500.316, 2005 is to rezone Lots 16 & 17, Both of Section 14, & Lot 18, Sections 14 & 15, All of Range 6, Cranberry District, Plan 9244 located adjacent to Fielding Road in the South Wellington area of Electoral Area 'A', in order to facilitate the future development of light industrial uses including construction office and yard, marshalling yard, mini storage warehouse, ornamental rock yard, prefabricated home building, product assembly use, production studio, warehouse, wholesale use, woodworking shop, and 1 dwelling unit.

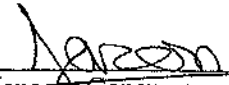
The bylaw was introduced and given 1st and 2nd reading on March 22, 2005 and proceeded to Public Hearing on April 14, 2005. The Ministry of Transportation has a number of conditions that are required to be met by the applicant. In addition, as the subject properties are within 800 metres of a highway interchange, pursuant to the *Highway Act*, this amendment bylaw is subject to the approval of the Ministry. 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, as staff recommends that Bylaw No. 500.316,2005 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 April 14, 2005 as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.316, 2005" be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.316, 2005" be given 3rd reading and be referred to the Ministry Transportation for approval pursuant to the *Highway Act*.
3. That the conditions, as outlined in Schedule No. 1, be secured and/or completed by the applicant to the satisfaction of the Regional District prior to consideration of adoption of Bylaw No. 500, 316, 2005.



Report Writer



Manager Concurrence



Deputy Administrator Concurrence



CAO Concurrence

COMMENTS:

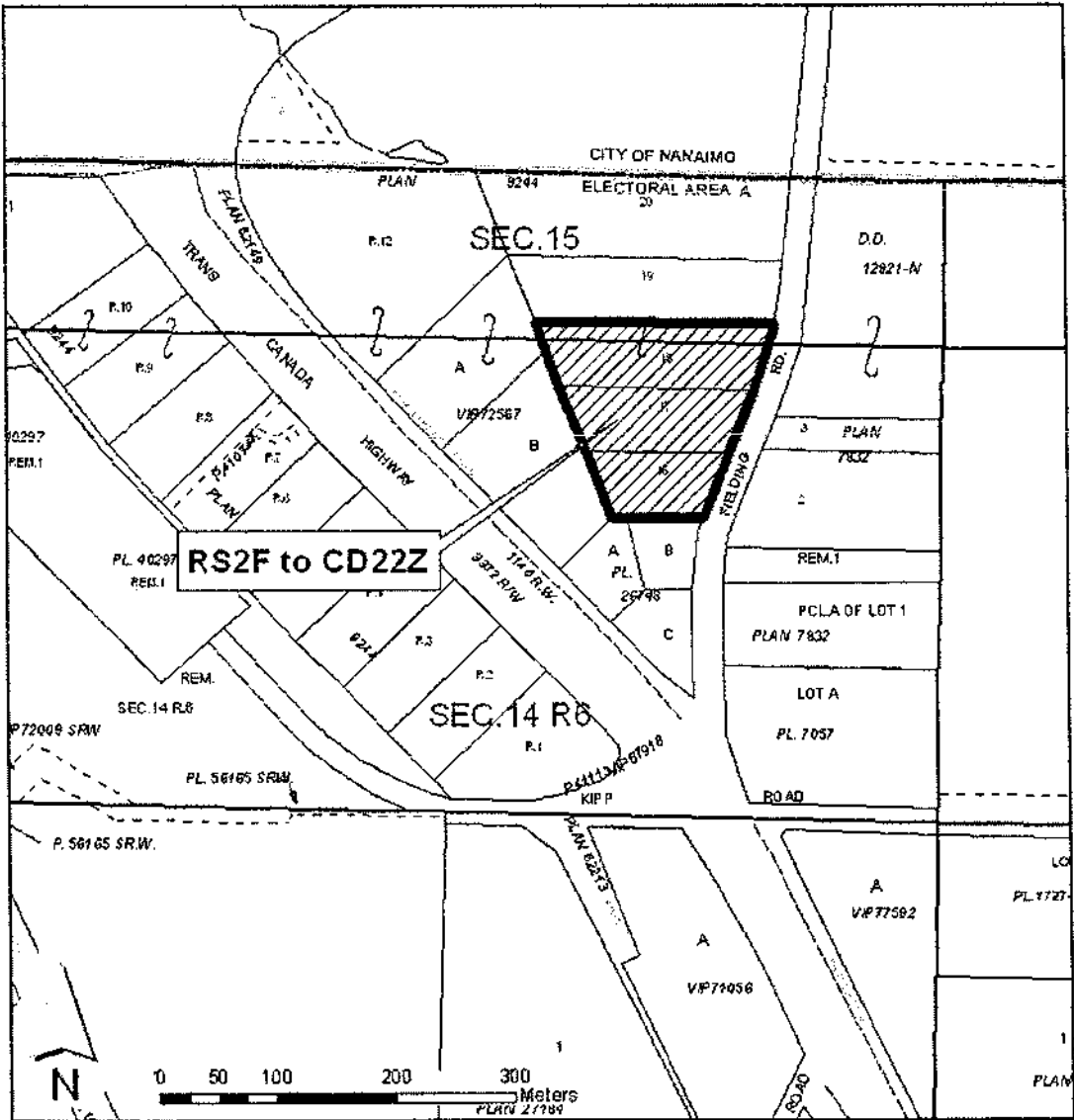
devsvs/reports/2005/ZA3360 30 0505 Fuller LWBC ap ph 3rd

Schedule No. 1
Conditions of Approval
Zoning Amendment Application No. ZA0505
Lots 16 & 17, Both of Section 14, & Lot 18, Sections 14 & 15, All of Range 6,
Cranberry District, Plan 9244 - Fielding Road

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.316, 2005 for final reading:

1. Applicant, at his expense and to the satisfaction of the Regional District, is to consolidate parcels into 1 parcel or register a covenant restricting no development of the parcels unless the Lots 16, 17, and 18 have been consolidated in one parcel.
2. Applicant, at his expense and to the satisfaction of the Regional District, to register on title the geotechnical report prepared by EBA Engineering Ltd. and dated August 21, 2000.
3. Applicant to provide proof of potable water to the satisfaction of the Regional District.
4. With respect to on-site septic disposal, applicant to provide Vancouver Island Health Authority confirmation of approval or if no longer the approving authority, applicant to provide confirmation of approval from an authorized person or professional engineer.
5. Applicant, at his expense and to the satisfaction of the Regional District, to register on title a section 219 covenant restricting that at the time of development, a landscaping screen a minimum of 4.0 metres in width will be provided the length of the property adjacent to Fielding Road, with the exception of accesses. Landscaping is to be completed in accordance with the Landscaping Regulations pursuant to Bylaw No. 500, 1987 or any subsequent bylaw.
6. Applicant to meet requirements of Ministry of Transportation as set out in its letter dated February 24, 2005.
7. Applicant to obtain approval from the Ministry of Water Land and Air Protection with respect to the required Site Profile.

Attachment No. 1
Location of Subject Properties



Attachment No. 2

REGIONAL DISTRICT OF NANAIMO

**Report of the Public Hearing
Held at Cranberry Community Hall, 1555 Morden Road, South Wellington, BC
April 14, 2005 at 7:00 pm
To Consider**

**Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.316, 2005
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
Susan Cormie

Chairperson, Director, Electoral Area 'A'
Senior Planner

There were 4 persons in attendance.

The Chairperson called the Hearing to order at 6:31 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 500.316, 2005.

Laurence Taylor, 169 Moilliet Avenue, Parksville, BC, asked a number of questions including why the parcels were being consolidated and clarification as to the permitted uses.

The Chairperson explained that consolidation of the parcels is a requirement of both the Regional District and the Ministry of Transportation through the zoning amendment process.

The Senior Planner also outlined that, due to site considerations, including protection of the aquifer, the limited availability of potable water, and on site septic disposal conditions, the parcels are to be consolidated. The Senior Planner also outlined the proposed land uses.

Ron Smith, 1868 Fielding Road, South Wellington, stated that he is concerned about the growing amount of traffic in the area and access onto the Trans Canada Highway. Mr. Smith stated that he would like to see a traffic proposal to address the intersection of the Trans Canada Highway, Schoolhouse Road, and Fielding Road.

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 6:42 p.m.

Certified true and accurate this 15th day April 2005.

Susan Cormie
Recording Secretary

Director Henrik Kreiberg
Chairperson, Electoral Area 'A'