

**REGIONAL DISTRICT OF NANAIMO**

**BOARD MEETING**  
**TUESDAY, MAY 24, 2005**  
*(immediately following Hospital Board Meeting)*  
  
*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

1. **CALL TO ORDER**
2. **DELEGATIONS**
3. **BOARD MINUTES**  
15-27 Minutes of the regular Board meeting held on April 26, 2005.
4. **BUSINESS ARISING FROM THE MINUTES**
5. **COMMUNICATIONS/CORRESPONDENCE**  
28 **Charles Rowe, Vancouver Island Health Authority**, re Follow-up to Presentation to Board by Dr. David Forrest.
6. **UNFINISHED BUSINESS**  
  
*From the Board meeting held April 26, 2005.*  
  
**Reconsideration of Resolution to Adopt Bylaw No. 1259.02 - Amendments to Planning Services Fees and Charges.**  
  
*That "Regional District of Nanaimo Planning Services Fees and Charges Bylaw Amendment Bylaw No. 1259.02, 2005" be adopted.*  
  
**BYLAWS**  
  
**For Adoption.**  
  
**Bylaw No. 805.04 - Electoral Area 'G' Community Parks Local Service Requisition Amendment Bylaw.** (All Directors – Weighted Vote)  
  
**Bylaw No. 1353.01 - Englishman River Streetlighting Local Service Area Boundary Amendment Bylaw – Area G.** (All Directors -- One Vote)

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

**7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE**

29-33 Minutes of the Electoral Area Planning Committee meeting held May 10, 2005.  
(for information)

**COMMUNICATION/CORRESPONDENCE**

**Michael Jessen, re Development Permit Application No. 60512 – Gardiner –  
Viking Way – Area G. (All Directors – One Vote)**

*That the correspondence from Michael Jessen with respect to Development  
Permit Application No. 60512 be received.*

**Dave Edgar, Ministry of Transportation, re Nanoose Bay Official Community  
Plan. (All Directors – One Vote)**

*That the correspondence from the Ministry of Transportation with respect to road  
network plans within the Nanoose Bay OCP. be received.*

**Karen Pelletier, Canuck Properties Ltd., re Nanoose Bay Official Community  
Plan. (All Directors – One Vote)**

*That the correspondence from Karen Pelletier with respect to an application for a  
proposed development at the Island Highway and Northwest Bay Road, be  
received.*

**Ross Peterson, Northwest Nanoose Residents Association, re Nanoose Bay  
Official Community Plan. (All Directors – One Vote)**

*That the correspondence from the Northwest Nanoose Residents Association with  
respect to the Nanoose Bay OCP be received.*

**W.R. Colclough, re Nanoose Bay Official Community Plan. (All Directors – One  
Vote)**

*That the correspondence from W.R. Colclough with respect to the Nanoose Bay  
Official Community Plan be received.*

## PLANNING

### AMENDMENT APPLICATIONS

**Zoning Amendment Application No. ZA0416 – Williamson & Associates, BCLS, on behalf of Sanway Inc. – Claudet Road – Area E.** (Electoral Area Directors except EA 'B' – One Vote)

1. *That the minutes of the Public Information Meeting held on April 25, 2005 be received.*
2. *That Zoning Amendment Application No. ZA0416 as submitted by Williamson & Associates, BCLS, on behalf of Sanway Investments Inc. to rezone Lot B, District Lot 84, Nanoose District, Plan VIP53591 from Resource Management 3 Subdivision District B (RM3B) to Comprehensive Development Zone 26 (CD26) be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.*
3. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.309, 2005" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.*
4. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.309, 2005" proceed to Public Hearing.*
5. *That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.309, 2005" be delegated to Director Holme or his alternate.*

### DEVELOPMENT PERMIT APPLICATIONS

**Development Permit Application No. 60509 – Heck – 1885 & 1879 Widgeon Road – Area H.** (Electoral Area Directors except EA 'B' – One Vote)

**Delegations wishing to speak to DP Application No. 60509.**

*That Development Permit Application No. 60509 with variance, submitted by Brian and Camilla Heck, for 1885 & 1879 Widgeon Road to legalize the siting of the gazebo and attached deck within the Hazard Lands Development Permit Area be approved, subject to the terms identified in Schedule No. 1 and notification procedures pursuant to the Local Government Act.*

**Development Permit Application No. 60512 – Gardiner – 579 Viking Way – Area G.** (Electoral Area Directors except EA 'B' – One Vote)

**Delegations wishing to speak to DP Application No. 60512.**

*That Development Permit Amendment Application No. 60512, to vary the minimum front and exterior lot line setback requirements of the Residential 5 (RSS) zone from 8.0 metres to 6.1 metres and from 8.0 metres to 6.0 metres respectfully, to permit the construction of a dwelling unit at 579 Viking Way be approved subject to the terms outlined in Schedule No. 1, and notification requirements pursuant to the Local Government Act.*

**Development Permit Application No. 60514 – Jorgensen – Osmond Ltd. – Grant – 1416 Reef Road – Area E. (Electoral Area Directors except EA 'B' – One Vote)**

**Delegations wishing to speak to DP Application No. 60514.**

*That Development Permit Application No. 60514, submitted by agent Peter Jorgensen of Jorgensen-Osmond Ltd., on behalf of Ray Grant, for 1416 Reef Road to allow the construction of a deck, the replacement of beach access stairs and the reconstruction and replanting of a bank, with variances for the deck and stairs, according to the terms outlined in Schedule No. 1, be approved, subject to the notification requirements; and that Development Permit Application No. 60449 be issued upon completion of the following items:*

- 1. The Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd., dated May 26, 2004, and subsequent reports are required to be registered on Title;*
- 2. The applicants shall enter into a Restrictive Covenant saving the Regional District of Nanaimo harmless from any action or loss that might result from hazardous conditions and acknowledging the land slip and slope retrogression risk associated with the use of the property to the satisfaction of the Regional District.*

**Development Permit Application No. 60515 – BC Conservation Foundation on behalf of Fisheries and Oceans Canada – Part of Block 1462 (Cameron Lake) – Area F. (Electoral Area Directors except EA 'B' – One Vote)**

**Delegations wishing to speak to DP Application No. 60515.**

*That Development Permit Application No. 60515 submitted by the British Columbia Conservation Foundation on behalf of the Department of Fisheries and Oceans for the property legally described as Part of Block 1462, located at the east outlet of Cameron Lake within Electoral Area 'F' be approved, subject to the terms outlined in Schedule No. 1.*

**DEVELOPMENT VARIANCE PERMIT APPLICATIONS**

**Development Variance Permit Application No. 90507 – Wylie – 5040 Seaview Drive – Area H. (Electoral Area Directors except EA 'B' – One Vote)**

**Delegations wishing to speak to DVP Application No. 90507.**

*That Development Variance Permit Application No. 90507, submitted by Vivian and Pamela Wylie, to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as outlined on Schedule No. 1 to legalize the existing single dwelling unit, accessory building and footbridge according to the Terms of Schedule No. 2, be approved subject to the notification procedures pursuant to the Local Government Act, and that Development Variance Permit Application No. 90507 be issued upon completion of the following item:*

- a) The applicants must register the save harmless clause and the vegetation restoration plan dated March 27, 2005 prepared by Sector Environmental Resource Consulting, as a Section 219 covenant on the title of the subject parcel.*

**Development Variance Permit Application No. 90512 – J & J Stevenson and S & J Bentley – Fourneau Road – Area G.** (Electoral Area Directors except EA 'B' – One Vote)

**Delegations wishing to speak to DVP Application No. 90512.**

*That Development Variance Permit Application No. 90512, submitted by S. & J. Bentley and J. & J. Stevenson, to reduce the original parcel size of one of the subject properties by more than 20%, to facilitate a boundary adjustment proposal at 425 Fourneau Way be approved subject to the terms in Schedule No. 1 and subject to notification procedures pursuant to the Local Government Act.*

**Development Variance Permit Application No. 90513 – Simonds/Winter – 787 Terrien Way – Area G.** (Electoral Area Directors except EA 'B' – One Vote)

**Delegations wishing to speak to DVP Application No. 90513.**

*That Development Variance Permit Application No. 90513, submitted by Robert Simonds and B. Leigh Winter, for 783 and 787 Terrien Way to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as identified in Schedule No. 1 to legalize the existing single dwelling unit, accessory building and retaining walls be approved according to the terms in Schedule No. 2 and subject to notification procedures pursuant to the Local Government Act.*

## **OTHER**

**Minimum Parcel Size Amendment to Bylaw No. 500, 1987 for Subdivisions Pursuant to Section 946 of the Local Government Act – Electoral Areas 'A', 'C', 'D', 'E', 'F', 'G' & 'H'.** (Electoral Area Directors except EA 'B' – One Vote)

- 1. That the report on the proposed amendment to the RDN Land Use and Subdivision Bylaw No. 500, 1987 concerning the increased minimum parcel size for subdivision pursuant to section 946 of the Local Government Act be received.*
- 2. That Bylaw No. 500.320, 2005 be given 1<sup>st</sup> and 2<sup>nd</sup> reading.*
- 3. That the Public Hearing for the proposed Bylaw No. 500.320, 2005 be waived and notice of the intent to adopt the amendment be published in the local newspapers and on the RDN website.*

**Draft Nanoose Bay Official Community Plan.** (Electoral Area Directors except EA 'B' – One Vote)

1. *That the report of the amended Nanoose Bay Official Community Plan containing discussion regarding amendments to the plan be received.*
2. *That the amended Draft Nanoose Bay Official Community Plan be received.*
3. *That the amended public consultation process as outlined in **Schedule No. 2** be approved.*
4. *That staff be directed to proceed with the zoning amendment process to amend the zoning setback from the ocean together with the other proposed amendments to the subdivision regulations that are proposed to implement the new OCP.*

**7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE**

34-41 Minutes of the Committee of the Whole meeting held May 10, 2005. (for information)

**COMMUNICATION/CORRESPONDENCE**

**Errin Armstrong, UBCM, re Policing Costs Resolution.** (All Directors – One Vote)

*That the correspondence received from UBCM with respect to policing costs resolution sent to UBCM and the Province's response, be received.*

**Murray Coell, Minister of Community, Aboriginal and Women's Services, re Water Conservation Regulation.** (All Directors – One Vote)

*That the correspondence received from the Minister of Community, Aboriginal and Women's Services with respect to the Province's new Water Conservation Plumbing Regulation, be received.*

**Raymond Brookes, re Section 57, Contravention of Bylaws – 3023 Park Place – Area E.** (All Directors – One Vote)

*That the correspondence received from Raymond Brookes with respect to the possible Section 57 filing on the property located at 3023 Park Place, be received.*

**COMMUNITY SERVICES**

**EMERGENCY PLANNING**

**West Nile Virus Risk Reduction Initiative.** (All Directors – One Vote)

*That the West Nile Virus Risk Reduction project for 2005 be approved.*

## **REGIONAL GROWTH MANAGEMENT**

**Regional Growth Strategy – Annual Report for 2003-2004.** (All Directors – One Vote)

*That the Regional Growth Strategy annual report for 2003 and 2004 be received.*

## **CORPORATE SERVICES**

### **ADMINISTRATION**

**Renewal of Legal Services Contracts.** (All Directors – Weighted Vote)

*That the Board renew its legal services agreements with Staples, McDunnold, Stewart in the area of municipal law and Harris & Co. in the area of labour law for a three year term expiring February 2008.*

### **FINANCE**

**2004 Financial Information Report.** (All Directors – Weighted Vote)

*That the 2004 Financial Information Act report be received, approved and be forwarded to the Ministry of Community, Aboriginal and Women's Services.*

**2004 Audited Financial Statements.** (All Directors – One Vote)

*That the report on the audited financial statements for the year ended December 31, 2004 be received.*

**Operating Results to March 31, 2005.** (All Directors – One Vote)

*That the summary report of financial results from operations to March 31, 2005 be received for information.*

**Annual Report of Directors' and Committee Members' Remuneration and Expenses.** (All Directors – One Vote)

*That the 2004 report on remuneration and expenses for Board and Committee members be received.*

**Amendments to Authorization to Purchase and Pay – Policy A2.9.** (All Directors – Weighted Vote)

*That the Purchasing Policy amendments to describe sole source awards, to reduce the number of quotations for goods and services costing less than \$10,000 from three to two and to acknowledge purchasing awards on other than strictly low price be approved.*

**Selection of Consultants – Policy A2.17.** (All Directors – One Vote)

*That the Selection of Consultants Policy A2.17 be approved as presented.*

**Alberni Clayoquot Regional District – Permissive Tax Exemption.** (All Directors – Weighted Vote)

1. *That the Board consider annually the merits of a permissive tax exemption for the Mt. Arrowsmith Regional Park.*
2. *That “Property Tax Exemption (Mt. Arrowsmith Regional Park) Bylaw No. 1437, 2005” be introduced for first three readings.*
3. *That “Property Tax Exemption (Mt. Arrowsmith Regional Park) Bylaw No. 1437, 2005” having received three readings be adopted.*

**DEVELOPMENT SERVICES**

**ENGINEERING**

**Request for Authority to Establish a Sidewalk Function in Electoral Area ‘E’.**  
(All Directors – One Vote)

*That the Board endorse the resolution attached to the corresponding staff report, requesting the authority for the operation and maintenance of a sidewalk function within Electoral Area ‘E’.*

**BUILDING INSPECTION**

**Section 57 of the Community Charter – Contravention of Bylaws.** (All Directors – One Vote)

**Property owners wishing to speak to their proposed filing.**

*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 3, Section 3, Gabriola Island, Plan 23476, Nanaimo District, 1983 South Road, Electoral Area ‘B’, owned by D. Ingram;*
- (b) *Parcel D (DD368811) of Section 13, Range 6, Mountain District, 2300 East Wellington Road, Electoral Area ‘D’, owned by D. Shortt;*
- (c) *Lot 5, Sections 12 and 13, Range 2, Plan 30985, Mountain District, 3116 Northwood Road, Electoral Area ‘D’, owned by L. Tiedjens;*
- (d) *Lot 20, District Lot 78, Plan 14212, Nanoose District, 3023 Park Place, Electoral Area ‘E’, owned by R. & S. Brookes.*



## **BYLAW ENFORCEMENT**

**Bylaw Enforcement Ticket Information Bylaw No. 1418.** (All Directors – One Vote)

*That “Regional District of Nanaimo Bylaw Enforcement Ticket Information Bylaw No. 1418, 2005” be introduced and receive three readings.*

*That “Regional District of Nanaimo Bylaw Enforcement Ticket Information Bylaw No. 1418, 2005” having received 3 readings be adopted.*

*That “Regional District of Nanaimo Ticket Information Utilization Bylaw No. 1015, 1998” be repealed.*

**Discharge of Firearms in Nanoose Harbour Area.** (All Directors – One Vote)

*That the request to the Ministry of Water, Land and Air Protection by Nance Roach to restrict the discharge of firearms in the Nanoose Harbour Area be supported.*

## **ENVIRONMENTAL SERVICES**

### **LIQUID WASTE**

**Sewage Disposal Regulation Amendment Bylaw No. 1224.02 – Pump and Haul.** (Electoral Areas ‘B’, ‘D’, ‘E’, ‘F’, ‘H’ & City of Nanaimo – Weighted Vote)

- 1. That “Regional District of Nanaimo Sewage Disposal Regulation Amendment Bylaw No. 1224.02, 2005” be read three times.*
- 2. That “Regional District of Nanaimo Sewage Disposal Regulation Amendment Bylaw No. 1224.02, 2005”, having been read three times, be forwarded to the Inspector of Municipalities for approval.*

### **SOLID WASTE**

**Solid Waste Management Regulation Bylaw No. 1428 – Commercial Food Waste Ban.** (All Directors – One Vote)

(All Directors – One Vote)

*That “Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1428, 2005” be introduced for three readings.*

(All Directors – One Vote)

*That “Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1428, 2005” having received three readings be considered for adoption at the same meeting.*

(All Directors – 2/3 Vote)

*That “Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1428, 2005” be adopted.*

**Ground and Surface Water Monitoring Services Contract – Regional Landfill.**  
(All Directors – Weighted Vote)

*That a contract for the provision of ground and surface water monitoring services at the Regional Landfill for 2005 to 2007 be awarded to Morrow consultants at a cost of \$201,455.*

**UTILITIES**

**Melrose Terrace Water Local Service Area Rates and Regulations Bylaw No. 1434 – Area F.**

(All Directors – One Vote)

*That “Melrose Terrace Water Local Service Area Rates and Regulations Bylaw No. 1434, 2005” be introduced for three readings.*

(All Directors – One Vote)

*That “Melrose Terrace Water Local Service Area Rates and Regulations Bylaw No. 1434, 2005” having received three readings be considered for adoption at the same meeting.*

(All Directors – 2/3 Vote)

*That “Melrose Terrace Water Local Service Area Rates and Regulations Bylaw No. 1434, 2005” having received three readings be adopted.*

**Melrose Terrace Water Local Service Area Uses Restrictions Bylaw No. 1435 – Area F.**

(All Directors – One Vote)

*That “Melrose Terrace Water Local Service Area Uses Restrictions Bylaw No. 1435, 2005” be introduced for three readings.*

(All Directors – One Vote)

*That “Melrose Terrace Water Local Service Area Uses Restrictions Bylaw No. 1435, 2005” having received three readings be considered for adoption at the same meeting.*

(All Directors – 2/3 Vote)

*That “Melrose Terrace Water Local Service Area Uses Restrictions Bylaw No. 1435, 2005” having received three readings be adopted.*

**French Creek Sewer Local Service Area Bylaw No. 813.32 and Northern Community Sewer Local Service Area Bylaw No. 889.31 – 1355 Lundine Lane – Area G. (All Directors – One Vote)**

1. *That "French Creek Sewer Local Service Area Bylaw No. 813.32, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*
2. *That "Northern Community Sewer Local Service Area Bylaw No. 889.31, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*

**Surfside Sewer Local Service Area Bylaw No. 1124.04 and Northern Community Sewer Local Service Area Bylaw No. 889.32 – 121 Kinkade Road – Area G. (All Directors – One Vote)**

1. *That "Regional District of Nanaimo Surfside Sewer Local Service Area Bylaw No. 1124.04, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*
2. *That "Northern Community Sewer Local Service Area Bylaw No. 889.32, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*

**COMMISSION, ADVISORY & SELECT COMMITTEE**

**District 69 Recreation Commission.**

(All Directors – One Vote)

*That the minutes of the District 69 Recreation Commission meeting held April 21, 2005 be received for information.*

*That the Commission support the City of Parksville, the Town of Qualicum Beach and the Regional District in preparing a bid to host the 2007 or 2008 BC Seniors Games with the condition that a volunteer Community Champion may be found to promote the bid.*

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

*That the Regional District, on behalf of the Parksville Curling Club, request that the City of Parksville seek electorate consent to lease the subject property to the RDN for a term of twenty years for the purpose of the operation of a public recreation facility.*

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

*That the implementation of a three month pass program for Oceanside Place beginning September 1, 2005, be approved.*

**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 April 28, 2005 be received for information.*

**Area 'A' Recreation Services Study Project Advisory Committee.** (All Directors – One Vote)

*That the minutes of the Electoral Area 'A' Recreation Services Study Project Advisory Committee meetings held April 12, 2005 and April 21, 2005 be received for information.*

**Emergency Preparedness Standing Committee.** (All Directors – One Vote)

*That the minutes of the Emergency Preparedness Standing Committee meeting held April 28, 2005, be received for information.*

**Grants-in-Aid Committee.**

(All Directors – One Vote)

*That the minutes of the Grants-in-Aid Committee meeting held April 29, 2005, be received for information.*

That the following grants be approved:

(EA's A, B, C, D, Nanaimo - Weighted Vote)

*School District 68:*

<i>Cedar School &amp; Community Enhancement Society</i>	\$	800
<i>Festival Gabriola</i>	\$	400
<i>Nanaimo Pumpkin Festival</i>	\$	400
<i>Nanaimo Search &amp; Rescue</i>	\$	800

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

*School District 69:*

<i>Bard to Broadway Theatre Society</i>	\$	400
<i>District 69 Family Resource Association</i>	\$	900
<i>Ladies Auxiliary to Royal Canadian Legion – Bowser</i>	\$	2,000
<i>Lighthouse Country Business Association</i>	\$	500
<i>Oceanside Community Response Network</i>	\$	300
<i>Old School House Arts Centre</i>	\$	900
<i>Parksville Garden &amp; Parkland Society</i>	\$	500
<i>Qualicum Cat Rescue</i>	\$	500

## **BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

### **Gabriola Radio Funding. (All Directors – One Vote)**

*That staff investigate and report back to the Committee on the District's ability to address the Gabriola Radio's request for funding and support in their application for a FM license through the CRTC.*

## **NEW BUSINESS**

### **Pesticide Strategy. (All Directors – One Vote)**

*That staff contact the Cowichan Valley Regional District regarding their newly adopted Pesticide Reduction Strategy and investigate the viability of the RDN pursuing a similar approach.*

### **7.3 EXECUTIVE STANDING COMMITTEE**

### **7.4 COMMISSIONS**

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

#### **Transit Business Plan Update Select Committee.**

(All Directors – One Vote)

42-43 Minutes from the meeting of the Transit Business Plan Update Select Committee meeting held May 12, 2005. (for information)

(All Directors – Weighted Vote)

44-45 *That the 2005/2006 Annual Operating Agreement (AOA) with BC Transit be approved.*

## **8. ADMINISTRATOR'S REPORTS**

46-50 Transfer of Security – Gainsburg Road – Area H. (All Directors – One Vote)

51-54 Barclay Crescent Sewer Initiative – Design/Build Contract Award – Area G.  
(All Directors – Weighted Vote)

55-58 Nelson Road Boat Ramp Improvement – Area A. (All Directors – One Vote)

59-66 Zoning Amendment Application No. ZA0413 – Wendy Huntbatch – 2116 Alberni Highway – Area F. (EA Directors except B – One Vote)

67-68 RDN Hotel Room Tax Collection Service Establishing Bylaw No. 1429 and RDN Additional Hotel Room Tax Levy Bylaw No. 1430. (All Directors – One Vote)

69-70                      Project Definition Mission -- RDN Partnership with Sunyani, Ghana. (All Directors – One Vote)

9.        **ADDENDUM**

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

11.      **NEW BUSINESS**

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

13.      **ADJOURNMENT**

14.      **IN CAMERA**

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGULAR MEETING OF THE BOARD  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, APRIL 26, 2005, AT 7:18 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. Westbrook	Town of Qualicum Beach
Alternate	
Director B. Dempsey	District of Lantzville
Alternate	
Director D. Tyndall	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Director T. Krall	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	Deputy Administrator
N. Connelly	Gen. Mgr. of Community Services
J. Finnie	Gen. Mgr. of Environmental Services
N. Avery	Manager of Financial Services
M. Pearse	Manager of Administrative Services

**LATE DELEGATIONS**

MOVED Director Hamilton, SECONDED Director McNabb, that representatives from NALT/Coalition to Save Mount Benson be permitted to address the Board as a late delegation.

CARRIED

**Dan Brady, Dean Gaudry, Rafe Hutchinson, Coalition to Save Mount Benson and Nanaimo & Area Land Trust re Land Acquisition on Mt. Benson.**

Mr. Hutchinson outlined the desire by the Coalition to Save Mount Benson and NALT to purchase the top 500 acres on Mt. Benson and noted that the Province has grants available to be used towards the purchase of private lands for park purposes. He requested that the Board support an application to request \$350,000 from the Province for this purpose and that the District present this request to the Province.

MOVED Director McNabb, SECONDED Director Cantelon,:

That the RDN support the application from the Coalition to Save Mt. Benson and NALT to receive a \$350,000 contribution from the Provincial Government to purchase land on Mt. Benson for park purposes;

And that staff assist the Coalition to Save Mt. Benson and NALT with the funding request to the Provincial Government.

CARRIED

#### **BOARD MINUTES**

MOVED Director Sherry, SECONDED Director Biggemann, that the minutes of the regular Board meeting held March 22, 2005 and the special Board meeting held March 29, 2005 be adopted.

CARRIED

#### **COMMUNICATIONS/CORRESPONDENCE**

**Audrey Eggins, re Development Variance Permit Application No. 90509 – McCullough – 1265 Marina Way – Area E.**

MOVED Director Holme, SECONDED Director Krall, that the correspondence from Audrey Eggins regarding Development Variance Permit Application No. 90509 be received.

CARRIED

**Charles Eggins, re Development Variance Permit Application No. 90509 – McCullough – 1265 Marina Way – Area E.**

MOVED Director Holme, SECONDED Director Krall, that the correspondence from Charles Eggins regarding Development Variance Permit Application No. 90509 be received.

CARRIED

**Peter & Pauline Webber, re Development Variance Permit Application No. 90509 – McCullough – 1265 Marina Way – Area E.**

MOVED Director Holme, SECONDED Director Krall, that the correspondence from Peter and Pauline Webber regarding Development Variance Permit Application No. 90509 be received.

CARRIED

**John & Lucille Dodd, re Development Variance Permit Application No. 90510 – Teppler – 2424 Ainsley Place – Area E.**

MOVED Director Holme, SECONDED Director Krall, that the correspondence from John and Lucille Dodd regarding Development Variance Permit Application No. 90510 be received.

CARRIED

**Will Barrett, re Development Variance Permit Application No. 90510 – Teppler – 2424 Ainsley Place – Area E.**

MOVED Director Holme, SECONDED Director Krall, that the correspondence from Will Barrett regarding Development Variance Permit Application No. 90510 be received.

CARRIED



**Sandra Keddy, Town of Qualicum Beach, re Proposed Boundary Extension.**

MOVED Director Holme, SECONDED Director Krall, that the correspondence from the Town of Qualicum Beach regarding a proposed boundary extension to include two additional properties be received.

CARRIED

**Donna Newall, re Development Variance Permit Application No. 90509 – McCullough – 1265 Marina Way – Area E.**

MOVED Director Holme, SECONDED Director Krall, that the correspondence from Donna Newall regarding Development Variance Permit Application No. 90509 be received.

CARRIED

**Jamie & Gail Graham, re Development Variance Permit Application No. 90509 – McCullough – 1265 Marina Way – Area E.**

MOVED Director Holme, SECONDED Director Krall, that the correspondence from Jamie & Gail Graham regarding Development Variance Permit Application No. 90509 be received.

CARRIED

**UNFINISHED BUSINESS**

**BYLAWS**

**For Adoption.**

**Bylaw No. 1386.**

MOVED Director Westbrook, SECONDED Director Longmuir, that “Regional District of Nanaimo Waste Stream Management Licensing Bylaw No. 1386, 2004” be adopted.

CARRIED

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

**ELECTORAL AREA PLANNING STANDING COMMITTEE**

MOVED Director Hamilton, SECONDED Director Bartram, that the minutes of the Electoral Area Planning Committee meeting held April 12, 2005 be received for information.

CARRIED

**PLANNING**

**AMENDMENT APPLICATIONS**

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

MOVED Director Hamilton, SECONDED Director Kreiberg, 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.

CARRIED

MOVED Director Hamilton, SECONDED Director Krciberg, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.308, 2005" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.

CARRIED

MOVED Director Hamilton, SECONDED Director Kreiberg, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.308, 2005" proceed to public hearing, subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Hamilton, SECONDED Director Biggemann, that the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.308, 2005" be delegated to Director Hamilton or her alternate.

CARRIED

MOVED Director Hamilton, SECONDED Director Holme, 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 Hamilton, SECONDED Director Bartram, that the minutes of the Public Information Meeting held on March 23, 2005 be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, 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.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.314, 2005" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.314, 2005" proceed to public hearing.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, 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 & Parks Department – Horne Lake Regional Park – Area H.**

MOVED Director Hamilton, SECONDED Director Bartram, that the minutes of the Public Information Meeting held on March 23, 2005 be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, 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.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, 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.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.318, 2005" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.318, 2005" proceed to public hearing.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, 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.**

MOVED Director Hamilton, SECONDED Director Bartram, that the minutes of the Public Information Meeting held on March 23, 2005 be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that Zoning Amendment Application No. ZA0508 recognizing the existing fish hatchery uses and trail use be approved to proceed to public hearing.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.319, 2005" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.319, 2005" proceed to public hearing.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, 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 Hamilton, SECONDED Director Kreiberg, 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 Hamilton, SECONDED Director Kreiberg, 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 m<sup>3</sup> 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 Hamilton, SECONDED Director Holme, 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 Hamilton, SECONDED Director Kreiberg, 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 Hamilton, SECONDED Director Kreiberg, 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.**

Sherry Westaway, owner of the property behind Mr. McCullough’s property, voiced her concerns with this application noting among other things that the variance will affect the view from her property.

Mr. McCullough, property owner, spoke to the concerns of Ms. Westaway.

MOVED Director Holme, SECONDED Director Hamilton, that this application be referred back to Committee.

CARRIED

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

MOVED Director Hamilton, SECONDED Director Holme, 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 Hamilton, SECONDED Director Holme, 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 Hamilton, SECONDED Director Bartram, 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 Albemi Districts, Plan 35096, be approved.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, 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 Hamilton, SECONDED Director Bartram, that "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2005" be given three readings.

CARRIED

MOVED Director Hamilton, SECONDED Director Kreiberg, that "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2005" having received three readings, be adopted.

CARRIED

**COMMITTEE OF THE WHOLE STANDING COMMITTEE**

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

CARRIED

**COMMUNICATION/CORRESPONDENCE**

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

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

CARRIED

**COMMUNITY SERVICES**

**RECREATION & PARKS**

**Park Proposal for Arrowsmith Massif.**

MOVED Director Westbrook, SECONDED Director Longmuir,:

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.

CARRIED

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

MOVED Director Bartram, SECONDED Director McNabb, 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 McNabb, SECONDED Director Kreiberg, 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 Cantelon, 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 Sherry,:

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.

CARRIED

***DEVELOPMENT SERVICES***

**PLANNING**

**Sewerage System Regulations.**

MOVED Director Sherry, SECONDED Director Westbrook,:

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.

CARRIED

***ENVIRONMENTAL SERVICES***

**LIQUID WASTE**

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

MOVED Director Sherry, SECONDED Director Holdom, 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 Westbrook, 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 Longmuir, 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 Tyndall, 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 Westbrook, that this application be referred back to Committee.

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 Krall, SECONDED Director McNabb, that the minutes of the Intergovernmental Advisory Committee meetings held March 10 and 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 Krall, SECONDED Director Holdom, 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 Westbrook, SECONDED Director Cantelon, 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 Holdom, SECONDED Director Sherry, 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**

**Forestry Land Downsizing.**

MOVED Director Sherry, SECONDED Director Krall, 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

**ADMINISTRATOR'S REPORTS**

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

MOVED Director McNabb, SECONDED Director Sherry, that "Regional District of Nanaimo Officers Appointment and Delegation Bylaw No. 1433, 2005" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Longmuir, that "Regional District of Nanaimo Officers Appointment and Delegation Bylaw No. 1433, 2005" be adopted.

CARRIED

MOVED Director McNabb, SECONDED Director Longmuir, that "RDN Officers and Management Employees Terms and Conditions of Employment Amendment Bylaw No. 1417.01, 2005" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Bartram, that "RDN Officers and Management Employees Terms and Conditions of Employment Amendment Bylaw No. 1417.01, 2005" be adopted.

CARRIED

**Board Remuneration Review Committee.**

MOVED Director Krall, SECONDED Director Jepson,:

That the Board approve the terms of reference for the Board Remuneration Review Committee for 2005.

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.

CARRIED

**Islands Trust – Election Services Agreement.**

MOVED Director Lund, SECONDED Director Cantelon, 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.

CARRIED

**Regional Context Statement for Town of Qualicum Beach Official Community Plan.**

MOVED Director Westbrook, SECONDED Director Dempsey, that the April 15, 2005 report, "Regional Context Statement for Town of Qualicum Beach Official Community Plan", be received.

CARRIED

MOVED Director Westbrook, SECONDED Director Dempsey, 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.

CARRIED

**Proposed Amendments to Subdivision Fees.**

MOVED Director Bartram, SECONDED Director Hamilton, that "Regional District of Nanaimo Planning Services Fees and Charges Bylaw Amendment Bylaw No. 1259.02, 2005" be introduced and read three times.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that "Regional District of Nanaimo Planning Services Fees and Charges Bylaw Amendment Bylaw No. 1259.02, 2005" be adopted.

DEFEATED

**Amendment Bylaw No. 500.316 – RG Fuller & Associates, on behalf of Land & Water BC – Fielding Road – Area A.**

MOVED Director Kreiberg, SECONDED Director Jepson, 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.

CARRIED

MOVED Director Kreiberg, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.316, 2005" be given 3<sup>rd</sup> reading and be referred to the Ministry of Transportation for approval pursuant to the *Highway Act*.

CARRIED

MOVED Director Kreiberg, SECONDED Director Bartram, 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.

CARRIED

**Interface Fire Hazard Communities Funding Program Application.**

MOVED Director Bartram, SECONDED Director Tyndall, that staff be directed to proceed with the Community Wildfire Protection Plans for High Risk Interface Fire Hazard Communities Funding Program applications for fire hazard assessment mapping and public awareness.

CARRIED

**Electoral Area 'G' Community Parks Local Service Requisition Amendment Bylaw No. 805.04.**

MOVED Director Sherry, SECONDED Director Hamilton, that "Electoral Area 'G' Community Parks Local Service Requisition Amendment Bylaw No. 805.04, 2005" be introduced for three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 8:17 PM

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CHAIRPERSON

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DEPUTY ADMINISTRATOR



May 11, 2005

Regional District of Nanaimo  
Mr. Joe Stanhope, Board Chairman  
6300 Hammond Bay Road  
Nanaimo, BC  
V9T 6N2

REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GPES	
DA COO		MCF	
MAY 16 2005			
<i>Bob Corcoran</i>			

Dear Mr. Stanhope,

Thank you for your letter of May 5, 2005 regarding the concerns presented to the Board of the Regional District of Nanaimo by Dr. David Forrest at the April 26, 2005 meeting.

I will communicate Dr. Forrest's concerns regarding the standard of care, lack of funding at Nanaimo Regional General Hospital and his proposal for community action to address these issues to Mike Conroy, Executive Vice President and Chief Operating Officer of Vancouver Island Health Authority (VIHA).

As part of VIHA's planning process, there is a long-term plan for the redevelopment of Nanaimo Regional General Hospital consisting of four phases. Phase I is complete. Phase II is comprised of the redevelopment of the Surgical Services and the Maternal/Perinatal Services. The surgical suites were officially opened on April 11, 2005 at a ceremony you attended. The maternal/perinatal component of Phase II will be tendered in June 2005 with construction commencing as early as August 2005 and completion in late spring/early summer of 2006. We are currently awaiting approval for funding for the planning portion of Phase III which will include the redevelopment of the Emergency Department, Diagnostic Services improvements and completion of the shelled-in space for Child/Youth & Family Services. Phase IV will see the replacement of the patient tower and any remaining services not completed in the first three phases.

Thank you for bringing Dr. Forrest's presentation to our attention.

Yours truly,

Charles J. Rowe  
Executive Director, Central Island

cc: M. Conroy, Executive Vice President and COO

CJR/hal

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, MAY 10, 2005, AT 6:15 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Director D. Haime	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

**DELEGATIONS**

**Hans Zychlinski, re Nanoose Official Community Plan.**

Mr. Zychlinski raised his concerns with respect to a proposed large mall development to be located at the corner of East Island Highway and Northwest Bay Road.

**LATE DELEGATIONS**

MOVED Director Holme, SECONDED Director D. Haime, that two late delegations be permitted to address the Committee.

CARRIED

**Mike Gray, re Nanoose Bay Official Community Plan.**

Mr. Gray, speaking on behalf of the Coastal Property Owners Committee, thanked Board members, staff and Director Holme in particular, for listening to the concerns of the residents of Nanoose Bay during the Official Community Plan public consultation process.

**Diane Pertson, re Nanoose Bay Official Community Plan.**

Ms. Pertson raised a number of concerns with respect to the draft Nanoose Bay OCP and noted that she would provide staff a written list as soon as possible.

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

CARRIED

**MINUTES**

MOVED Director Stanhope, SECONDED Director Bartram, that the minutes of the Electoral Area Planning Committee meeting held April 12, 2005 be adopted.

CARRIED

**COMMUNICATION/CORRESPONDENCE**

**Michael Jessen, re Development Permit Application No. 60512 – Gardiner – Viking Way – Area G.**

MOVED Director D. Haime, SECONDED Director Holme, that the correspondence from Michael Jessen with respect to Development Permit Application No. 60512 be received.

CARRIED

**Dave Edgar, Ministry of Transportation, re Nanoose Bay Official Community Plan.**

MOVED Director D. Haime, SECONDED Director Holme, that the correspondence from the Ministry of Transportation with respect to road network plans within the Nanoose Bay OCP, be received.

CARRIED

**Karen Pelletier, Canuck Properties Ltd., re Nanoose Bay Official Community Plan.**

MOVED Director D. Haime, SECONDED Director Holme, that the correspondence from Karen Pelletier with respect to an application for a proposed development at the Island Highway and Northwest Bay Road, be received.

CARRIED

**Ross Peterson, Northwest Nanoose Residents Association, re Nanoose Bay Official Community Plan.**

MOVED Director D. Haime, SECONDED Director Holme, that the correspondence from the Northwest Nanoose Residents Association with respect to the Nanoose Bay OCP be received.

CARRIED

**W.R. Colclough, re Nanoose Bay Official Community Plan.**

MOVED Director D. Haime, SECONDED Director Holme, that the correspondence from W.R. Colclough with respect to the Nanoose Bay Official Community Plan be received.

CARRIED

**PLANNING**

**AMENDMENT APPLICATIONS**

**Zoning Amendment Application No. ZA0416 – Williamson & Associates, BCLS, on behalf of Sanway Inc. – Claudet Road – Area E.**

MOVED Director Holme, SECONDED Director Kreiberg,:

1. That the minutes of the Public Information Meeting held on April 25, 2005 be received.
2. That Zoning Amendment Application No. ZA0416 as submitted by Williamson & Associates, BCLS, on behalf of Sanway Investments Inc. to rezone Lot B, District Lot 84, Nanoose District, Plan VIP53591 from Resource Management 3 Subdivision District B (RM3B) to Comprehensive Development Zone 26 (CD26) be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.309, 2005" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
4. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.309, 2005" proceed to Public Hearing.

5. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.309, 2005" be delegated to Director Holme or his alternate.

CARRIED

**DEVELOPMENT PERMIT APPLICATIONS**

**Development Permit Application No. 60509 – Heck – 1885 & 1879 Widgeon Road – Area H.**

MOVED Director Bartram, SECONDED Director D. Haime, that Development Permit Application No. 60509 with variance, submitted by Brian and Camilla Heck, for 1885 & 1879 Widgeon Road to legalize the siting of the gazebo and attached deck within the Hazard Lands Development Permit Area be approved, subject to the terms identified in Schedule No. 1 and notification procedures pursuant to the *Local Government Act*.

CARRIED

**Development Permit Application No. 60512 – Gardiner – 579 Viking Way – Area G.**

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Amendment Application No. 60512, to vary the minimum front and exterior lot line setback requirements of the Residential 5 (RS5) zone from 8.0 metres to 6.1 metres and from 8.0 metres to 6.0 metres respectfully, to permit the construction of a dwelling unit at 579 Viking Way be approved subject to the terms outlined in Schedule No. 1, and notification requirements pursuant to the *Local Government Act*.

CARRIED

**Development Permit Application No. 60514 – Jorgensen – Osmond Ltd. – Grant – 1416 Reef Road – Area E.**

MOVED Director Holme, SECONDED Director Kreiberg, that Development Permit Application No. 60514, submitted by agent Peter Jorgensen of Jorgensen-Osmond Ltd., on behalf of Ray Grant, for 1416 Reef Road to allow the construction of a deck, the replacement of beach access stairs and the reconstruction and replanting of a bank, with variances for the deck and stairs, according to the terms outlined in Schedule No. 1, be approved, subject to the notification requirements; and that Development Permit Application No. 60449 be issued upon completion of the following items:

1. The Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd., dated May 26, 2004, and subsequent reports are required to be registered on Title;
2. The applicants shall enter into a Restrictive Covenant saving the Regional District of Nanaimo harmless from any action or loss that might result from hazardous conditions and acknowledging the land slip and slope retrogression risk associated with the use of the property to the satisfaction of the Regional District.

CARRIED

**Development Permit Application No. 60515 – BC Conservation Foundation on behalf of Fisheries and Oceans Canada – Part of Block 1462 (Cameron Lake) – Area F.**

MOVED Director Biggemann, SECONDED Director D. Haime, that Development Permit Application No. 60515 submitted by the British Columbia Conservation Foundation on behalf of the Department of Fisheries and Oceans for the property legally described as Part of Block 1462, located at the east outlet of Cameron Lake within Electoral Area 'F' be approved, subject to the terms outlined in Schedule No. 1.

CARRIED

**DEVELOPMENT VARIANCE PERMIT APPLICATIONS**

**Development Variance Permit Application No. 90507 – Wylie – 5040 Seaview Drive – Area H.**

MOVED Director Bartram, SECONDED Director Kreiberg, that Development Variance Permit Application No. 90507, submitted by Vivian and Pamela Wylie, to vary “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” as outlined on Schedule No. 1 to legalize the existing single dwelling unit, accessory building and footbridge according to the Terms of Schedule No. 2, be approved subject to the notification procedures pursuant to the *Local Government Act*, and that Development Variance Permit Application No. 90507 be issued upon completion of the following item:

- a) The applicants must register the save harmless clause and the vegetation restoration plan dated March 27, 2005 prepared by Sector Environmental Resource Consulting, as a Section 219 covenant on the title of the subject parcel.

CARRIED

**Development Variance Permit Application No. 90512 – J & J Stevenson and S & J Bentley – Fourneau Road – Area G.**

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Variance Permit Application No. 90512, submitted by S. & J. Bentley and J. & J. Stevenson, to reduce the original parcel size of one of the subject properties by more than 20%, to facilitate a boundary adjustment proposal at 425 Fourneau Way be approved subject to the terms in Schedule No. 1 and subject to notification procedures pursuant to the *Local Government Act*.

CARRIED

**Development Variance Permit Application No. 90513 – Simonds/Winter – 787 Terrien Way – Area G.**

MOVED Director Stanhope, SECONDED Director Bartram, that Development Variance Permit Application No. 90513, submitted by Robert Simonds and B. Leigh Winter, for 783 and 787 Terrien Way to vary “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” as identified in Schedule No. 1 to legalize the existing single dwelling unit, accessory building and retaining walls be approved according to the terms in Schedule No. 2 and subject to notification procedures pursuant to the *Local Government Act*.

CARRIED

**OTHER**

**Minimum Parcel Size Amendment to Bylaw No. 500, 1987 for Subdivisions Pursuant to Section 946 of the *Local Government Act* – Electoral Areas ‘A’, ‘C’, ‘D’, ‘E’, ‘F’, ‘G’ & ‘H’.**

MOVED Director Stanhope, SECONDED Director Kreiberg,:

1. That the report on the proposed amendment to the RDN Land Use and Subdivision Bylaw No. 500, 1987 concerning the increased minimum parcel size for subdivision pursuant to section 946 of the *Local Government Act* be received.
2. That Bylaw No. 500.320, 2005 be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
3. That the Public Hearing for the proposed Bylaw No. 500.320, 2005 be waived and notice of the intent to adopt the amendment be published in the local newspapers and on the RDN website.

CARRIED



**Review of Resource and Forestry Land Subdivision Regulation.**

MOVED Director D. Haime, SECONDED Director Holme, that this item be deferred to the next Electoral Area Planning Committee meeting.

CARRIED

**Draft Nanoose Bay Official Community Plan.**

MOVED Director Holme, SECONDED Director Stanhope,:

1. That the report of the amended Nanoose Bay Official Community Plan containing discussion regarding amendments to the plan be received.
2. That the amended Draft Nanoose Bay Official Community Plan be received.
3. That the amended public consultation process as outlined in **Schedule No. 2** be approved.
4. That staff be directed to proceed with the zoning amendment process to amend the zoning setback from the ocean together with the other proposed amendments to the subdivision regulations that are proposed to implement the new OCP.

CARRIED

**ADJOURNMENT**

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

CARRIED

**TIME: 6:50 PM**

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CHAIRPERSON

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE COMMITTEE OF THE WHOLE  
MEETING HELD ON TUESDAY, MAY 10, 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
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
Director L. Sherry	City of Nanaimo
Alternate	
Director D. Brennan	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. McNabb	City of Nanaimo

**Also in Attendance:**

K. Daniels	Chief Administrative Officer
B. Lapham	Deputy Administrator
N. Connelly	General Manager of Community Services
D. Trudeau	Manager of Liquid Waste
N. Avery	Manager of Financial Services
S. Schopp	Manager of Inspection & Enforcement
N. Tonn	Recording Secretary

**CALL TO ORDER**

The Chairperson welcomed Alternate Director Brennan to the meeting.

**DELEGATIONS**

**Ken Zakreski, Gabriola Radio, re Funding.**

Mr. Zakreski expressed the importance of providing Gabriola Island residents with a radio station capable of transmitting crucial information during an emergency. Mr. Zakreski requested the Board's support in their CRTC application.

**LATE DELEGATION**

**Paul Sanderson, re Section 57, Contravention of Bylaws – 3023 Park Place – Area E.**

Mr. Sanderson raised his concerns regarding the use of the property located at 3023 Park Place and noted that he was in possession of a petition signed by neighbouring residents which would be available to Board members and staff.

**MINUTES**

MOVED Director Sherry, SECONDED Director Krall, that the minutes of the Committee of the Whole meeting held April 12, 2005 be adopted.

CARRIED

**COMMUNICATION/CORRESPONDENCE**

**Errin Armstrong, UBCM, re Policing Costs Resolution.**

MOVED Director Westbroek, SECONDED Director Sherry, that the correspondence received from UBCM with respect to policing costs resolution sent to UBCM and the Province's response, be received.

CARRIED

**Murray Coell, Minister of Community, Aboriginal and Women's Services, re Water Conservation Regulation.**

MOVED Director Westbroek, SECONDED Director Sherry, that the correspondence received from the Minister of Community, Aboriginal and Women's Services with respect to the Province's new Water Conservation Plumbing Regulation, be received.

CARRIED

**Raymond Brookes, re Section 57, Contravention of Bylaws – 3023 Park Place – Area E.**

MOVED Director Westbroek, SECONDED Director Sherry, that the correspondence received from Raymond Brookes with respect to the possible Section 57 filing on the property located at 3023 Park Place, be received.

CARRIED

**COMMUNITY SERVICES**

**EMERGENCY PLANNING**

**West Nile Virus Risk Reduction Initiative.**

MOVED Director Bartram, SECONDED Director C. Haime, that the WNV Risk Reduction project for 2005 be approved.

CARRIED

**REGIONAL GROWTH MANAGEMENT**

**Regional Growth Strategy – Annual Report for 2003-2004.**

MOVED Director Holdom, SECONDED Director Bartram, that the Regional Growth Strategy annual report for 2003 and 2004 be received.

CARRIED

**CORPORATE SERVICES**

**ADMINISTRATION**

**Renewal of Legal Services Contracts.**

MOVED Director McNabb, SECONDED Director Longmuir, that the Board renew its legal services agreements with Staples, McDannold, Stewart in the area of municipal law and Harris & Co. in the area of labour law for a three year term expiring February 2008.

CARRIED

**FINANCE**

**2004 Financial Information Report.**

MOVED Director Sherry, SECONDED Director Westbrook, that the 2004 *Financial Information Act* report be received, approved and be forwarded to the Ministry of Community, Aboriginal and Women's Services.

CARRIED

**2004 Audited Financial Statements.**

MOVED Director Hamilton, SECONDED Director Holdom, that the report on the audited financial statements for the year ended December 31, 2004 be received.

CARRIED

**Operating Results to March 31, 2005.**

MOVED Director Krall, SECONDED Director McNabb, that the summary report of financial results from operations to March 31, 2005 be received for information.

CARRIED

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

MOVED Director Sherry, SECONDED Director Hamilton, that the 2004 report on remuneration and expenses for Board and Committee members be received.

CARRIED

**Amendments to Authorization to Purchase and Pay – Policy A2.9.**

MOVED Director Krall, SECONDED Director McNabb, that the Purchasing Policy amendments to describe sole source awards, to reduce the number of quotations for goods and services costing less than \$10,000 from three to two and to acknowledge purchasing awards on other than strictly low price be approved.

CARRIED

**Selection of Consultants – Policy A2.17.**

MOVED Director Westbrook, SECONDED Director Brennan, that the Selection of Consultants Policy A2.17 be approved as presented.

CARRIED

**Alberni Clayoquot Regional District – Permissive Tax Exemption.**

MOVED Director Hamilton, SECONDED Director Holme,:

1. That the Board consider annually the merits of a permissive tax exemption for the Mt. Arrowsmith Regional Park.
2. That "Property Tax Exemption (Mt. Arrowsmith Regional Park) Bylaw No. 1437, 2005" be introduced for first three readings.
3. That "Property Tax Exemption (Mt. Arrowsmith Regional Park) Bylaw No. 1437, 2005" having received three readings be adopted.

CARRIED

## HOSPITAL

### 2004 Audited Financial Statements.

MOVED Director Sherry, SECONDED Director Krall, that the report on the 2004 audited financial statements of the Nanaimo Regional Hospital District be received.

CARRIED

## DEVELOPMENT SERVICES

## ENGINEERING

### Request for Authority to Establish a Sidewalk Function in Electoral Area 'E'.

MOVED Director Holme, SECONDED Director Bartram, that the Board endorse the resolution attached to the corresponding staff report, requesting the authority for the operation and maintenance of a sidewalk function within Electoral Area 'E'.

CARRIED

## BUILDING INSPECTION

### Section 57 of the Community Charter – Contravention of Bylaws.

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

Raymond Brookes provided information with respect to his rental vacation property at 3023 Park Place, Nanoose Bay.

MOVED Director Holme, SECONDED Director Westbroek, 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 3, Section 3, Gabriola Island, Plan 23476, Nanaimo District, 1983 South Road, Electoral Area 'B', owned by D. Ingram;
- (b) Parcel D (DD368811) of Section 13, Range 6, Mountain District, 2300 East Wellington Road, Electoral Area 'D', owned by D. Shortt;
- (c) Lot 5, Sections 12 and 13, Range 2, Plan 30985, Mountain District, 3116 Northwood Road, Electoral Area 'D', owned by L. Tiedjens;
- (d) Lot 20, District Lot 78, Plan 14212, Nanoose District, 3023 Park Place, Electoral Area 'E', owned by R. & S. Brookes.

CARRIED

## BYLAW ENFORCEMENT

### Bylaw Enforcement Ticket Information Bylaw No. 1418.

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Bylaw Enforcement Ticket Information Bylaw No. 1418, 2005" be introduced and receive three readings.

CARRIED

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Bylaw Enforcement Ticket Information Bylaw No. 1418, 2005" having received 3 readings be adopted.

CARRIED

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Ticket Information Utilization Bylaw No. 1015, 1998" be repealed.

CARRIED

**Discharge of Firearms in Nanoose Harbour Area.**

MOVED Director Holme, SECONDED Director Krall, that the request to the Ministry of Water, Land and Air Protection by Nance Roach to restrict the discharge of firearms in the Nanoose Harbour Area be supported.

CARRIED

***ENVIRONMENTAL SERVICES***

**LIQUID WASTE**

**Sewage Disposal Regulation Amendment Bylaw No. 1224.02 – Pump and Haul.**

MOVED Director Sherry, SECONDED Director Biggemann,:

1. That "Regional District of Nanaimo Sewage Disposal Regulation Amendment Bylaw No. 1224.02, 2005" be read three times.
2. That "Regional District of Nanaimo Sewage Disposal Regulation Amendment Bylaw No. 1224.02, 2005", having been read three times, be forwarded to the Inspector of Municipalities for approval.

CARRIED

**SOLID WASTE**

**Solid Waste Management Regulation Bylaw No. 1428 – Commercial Food Waste Ban.**

MOVED Director Sherry, SECONDED Director Longmuir, that "Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1428, 2005" be introduced for three readings.

CARRIED

MOVED Director Sherry, SECONDED Director Longmuir, that "Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1428, 2005" having received three readings be adopted.

CARRIED

**Ground and Surface Water Monitoring Services Contract – Regional Landfill.**

MOVED Director Sherry, SECONDED Director McNabb, that a contract for the provision of ground and surface water monitoring services at the Regional Landfill for 2005 to 2007 be awarded to Morrow consultants at a cost of \$201,455.

CARRIED

**UTILITIES**

**Melrose Terrace Water Local Service Area Rates and Regulations Bylaw No. 1434 – Area F.**

MOVED Director Biggemann, SECONDED Director McNabb, that the Regional District of Nanaimo "Melrose Terrace Water Local Service Area Rates and Regulations Bylaw No. 1434, 2005" be introduced for three readings.

CARRIED

MOVED Director Biggemann, SECONDED Director McNabb, that the Regional District of Nanaimo "Melrose Terrace Water Local Service Area Rates and Regulations Bylaw No. 1434, 2005" having received three readings be adopted.

CARRIED

**Melrose Terrace Water Local Service Area Uses Restrictions Bylaw No. 1435 – Area F.**

MOVED Director Biggemann, SECONDED Director Krall, that Regional District of Nanaimo “Melrose Terrace Water Local Service Area Uses Restrictions Bylaw No. 1435, 2005” be introduced for three readings.

CARRIED

MOVED Director Biggemann, SECONDED Director Krall, that Regional District of Nanaimo “Melrose Terrace Water Local Service Area Uses Restrictions Bylaw No. 1435, 2005” having received three readings be adopted.

CARRIED

**French Creek Sewer Local Service Area Bylaw No. 813.32 and Northern Community Sewer Local Service Area Bylaw No. 889.31 – 1355 Lundine Lane – Area G.**

MOVED Director Westbrook, SECONDED Director Hamilton,:

1. That “French Creek Sewer Local Service Area Bylaw No. 813.32, 2005” (re 1355 Lundine Lane, Area G) be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
2. That “Northern Community Sewer Local Service Area Bylaw No. 889.31, 2005” (re 1355 Lundine Lane, Area G) be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

**Surfside Sewer Local Service Area Bylaw No. 1124.04 and Northern Community Sewer Local Service Area Bylaw No. 889.32 – 121 Kinkade Road – Area G.**

MOVED Director McNabb, SECONDED Director Holdom,:

1. That “Regional District of Nanaimo Surfside Sewer Local Service Area Bylaw No. 1124.04, 2005” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
2. That “Northern Community Sewer Local Service Area Bylaw No. 889.32, 2005” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

**COMMISSION, ADVISORY & SELECT COMMITTEE**

**District 69 Recreation Commission.**

MOVED Director Bartram, SECONDED Director Biggemann, that the minutes of the District 69 Recreation Commission meeting held April 21, 2005 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the Commission support the City of Parksville, the Town of Qualicum Beach and the Regional District in preparing a bid to host the 2007 or 2008 BC Seniors Games with the condition that a volunteer Community Champion may be found to promote the bid.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the Regional District, on behalf of the Parksville Curling Club, request that the City of Parksville seek electorate consent to lease the subject property to the RDN for a term of twenty years for the purpose of the operation of a public recreation facility.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the implementation of a three month pass program for Oceanside Place beginning September 1, 2005, be approved.

CARRIED

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

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held April 28, 2005 be received for information.

CARRIED

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

MOVED Director Kreiberg, SECONDED Director Hamilton, that the minutes of the Electoral Area 'A' Recreation Services Study Project Advisory Committee meetings held April 12, 2005 and April 21, 2005 be received for information.

CARRIED

**Emergency Preparedness Standing Committee.**

MOVED Director Biggemann, SECONDED Director Bartram, that the minutes of the Emergency Preparedness Standing Committee meeting held April 28, 2005, be received for information.

CARRIED

**Grants-in-Aid Committee.**

MOVED Director Hamilton, SECONDED Director Westbroek, that the minutes of the Grants-in-Aid Committee meeting held April 29, 2005, be received for information.

CARRIED

MOVED Director Hamilton, SECONDED Director Westbroek, that the following grants be approved:

*School District 68:*

Cedar School & Community Enhancement Society	\$	800
Festival Gabriola	\$	400
Nanaimo Pumpkin Festival	\$	400
Nanaimo Search & Rescue	\$	800

*School District 69:*

Bard to Broadway Theatre Society	\$	400
District 69 Family Resource Association	\$	900
Ladies Auxiliary to Royal Canadian Legion -- Bowser	\$	2,000
Lighthouse Country Business Association	\$	500
Oceanside Community Response Network	\$	300
Old School House Arts Centre	\$	900
Parksville Garden & Parkland Society	\$	500
Qualicum Cat Rescue	\$	500

CARRIED



**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Gabriola Radio Funding.**

MOVED Director Lund, SECONDED Director D. Haime, that staff investigate and report back to the Committee on the District's ability to address the Gabriola Radio's request for funding and support in their application for a FM license through the CRTC.

CARRIED

**NEW BUSINESS**

**Pesticide Strategy.**

MOVED Director Westbroek, SECONDED Director Holdom, that staff contact the Cowichan Valley Regional District regarding their newly adopted Pesticide Reduction Strategy and investigate the viability of the RDN pursuing a similar approach.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 7:52 PM

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CHAIRPERSON

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE TRANSIT BUSINESS PLAN UPDATE SELECT COMMITTEE  
MEETING HELD ON THURSDAY, MAY 12, 2005, AT 12:00 NOON  
IN THE COMMITTEE ROOM**

**Present:**

Director T. Krall	Chairperson
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director T. Westbrook	Town of Qualicum Beach
Director H. Kreiberg	Electoral Area A
Director J. Stanhope	Electoral Area G

**Also In Attendance:**

N. Connelly	General Manager, Community Services
D. Trudeau	Interim Manager, Transportation Services
B. Clemens	City of Nanaimo
T. Moscrip	City of Nanaimo

<b>Regrets:</b> Director D. Haime	Electoral Area D
Director R. Cantelon	City of Nanaimo

**CALL TO ORDER**

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

**DELEGATION**

Hermine Hicks on behalf of the Green Party of BC outlined two concerns:

1. that bus transportation be made a central issue in the development of downtown.
2. that there should be rider representation on the RDN Transportation Committee.

The Chair noted that an update on the downtown transit service and exchange siting study for the longer term is on the meeting agenda and that staff have on their work program the preparation of a report on transit advisory committee options.

**MINUTES**

MOVED by Director Kreiberg, SECONDED by Director Holdom that the Minutes of the Transit Business Plan Select Committee meeting held on March 10, 2005 be received for information.

CARRIED

**CORRESPONDENCE**

MOVED by Director Westbrook, SECONDED by Director Holdom that the correspondence from S. New, BC Transit re: Fuel prices, be received for information.

CARRIED

The Committee requested that staff provide updates as appropriate on BC Transit's plans for the introduction of hybrid buses to the RDN fleet.

## ADMINISTRATION

1. 2005/2006 Annual Operating Agreement between the Regional District of Nanaimo and British Columbia Transit.

MOVED by Director Holdom, SECONDED by Director Westbrook that the 2005/2006 Annual Operating Agreement (AOA) with BC Transit be approved.

CARRIED

The Committee noted items for staff to consider in future collective bargaining.

2. First Quarter Results (January-March 2005).

MOVED Director Holdom, SECONDED by Director McNabb that the First Quarter Results (January – March 2005) report for the Transit System be received for information.

CARRIED

3. Relocation of the Downtown Transit Exchange.

MOVED by Director Stanhope, SECONDED by Director Kreiberg that the verbal report on the relocation of the downtown transit exchange be received for information.

CARRIED

The Chair requested that staff provide information on the relocation of the transit exchange and the new service schedule to the Downtown Partnership to post at their offices on Commercial Street.

4. Downtown Transit Service and Exchange Siting Plan.

MOVED by Director McNabb SECONDED by Director Westbrook that the verbal report on the Downtown Transit Service and Exchange Siting Plan be received for information.

CARRIED

## NEW BUSINESS

1. MOVED by Director Westbrook, SECONDED by Director Stanhope that staff review and report on bus service options in the West Qualicum Electoral Area G area, including cost impacts and alternative approaches to provide for service for the limited number of riders in the area.

CARRIED

2. Staff was requested to provide a verbal report for the next meeting on the expansion of HandyDart Service in Area A.

## ADJOURNMENT

MOVED by Director Holdom, SECONDED by Director McNabb that the meeting adjourn to allow for an in camera session

CARRIED

The meeting was adjourned at 1:00 pm.

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T. Krall, Chair



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
MAY - 3 2005			

## MEMORANDUM

**TO:** Neil Connelly  
General Manager of Community Services

**DATE:** May 2, 2005

**FROM:** Robert Henry  
Manager of Transportation Services

**FILE:** 2240-20

**SUBJECT:** 2005/2006 Annual Operating Agreement -  
Regional District of Nanaimo / BC Transit

### PURPOSE

To bring forward the 2005/2006 BC Transit Annual Operating Agreement for the Board's consideration and approval.

### BACKGROUND

The Annual Operating Agreement (AOA) (attached) between the Regional District of Nanaimo (RDN) and BC Transit is renewed annually. It provides for cost sharing service arrangements for Custom (handyDART), Community Bus and Conventional Transit, for the period of April 1, 2005 to March 31, 2006.

The AOA is structured to provide agreement around such items as service specifications, payment schedules and fares. It specifies days/hours of service that are to be provided for cost sharing purposes. As with previous AOAs, there are costs that fall outside of the scope of the annual agreement. These include such items as RDN interdepartmental administration, fare product commissions paid to vendors, building rentals, bus stop maintenance and janitorial services. In terms of cost sharing on wages, BC Transit continues to only cost-share wages up to BC Transit sanctioned wage rates. Departmental wage rates have been increasing over BC Transit wage rates in recent years. Currently, our wage rates are approximately 3.8% higher than the BCT wage-rate for conventional transit, and 15.2% higher on the custom (handyDART) side. The pertinent BC Transit hourly wage-rate for conventional transit drivers is \$21.74, compared to our current rate of \$22.61. The BC Transit rate for custom (handyDART) transit drivers is \$19.16, compared to our current rate of \$22.61 (same rate as for conventional drivers).

The AOA provides for a 2% increase on fixed costs, a 1% increase in the variable hourly rate (for higher benefits) and an 18% increase in variable distance costs for higher fuel costs. In March, BC Transit announced that systems needed to be prepared for higher fuel prices with the new fuel futures contract, and estimated a 28% increase over the 18% increase provided in the AOA. This has been factored into the 2005 Transit budget for the Southern Community Transit System. BC Transit is in the process of securing supplemental provincial funding to cost share the additional fuel costs. An amended 2005/06 AOA is scheduled to be provided from BC Transit to reflect the higher fuel costs and commensurate cost share arrangement.

The official Provincial funding level for both Custom (handyDART and Community Bus) and Conventional service is 66.69% and 46.69% respectively. Remaining cost recoveries to operate the system are achieved through fares, advertising revenue and local taxation. Cost sharing by BC Transit

has been limited since 2002 and as such there continues to be an erosion of actual Province's cost sharing as costs to provide the Transit programs continue to increase.

Cost-sharing (by BC Transit) for expenses related to the relocation of the downtown Nanaimo Transit Exchange and the downtown Transit Service / Exchange Siting Plan Study fall outside the scope of this AOA. In January 2005, BC Transit advised that funding for these projects would be forthcoming from the Province under a separate arrangement with BC Transit. BC Transit staff recently confirmed that a recommendation to cost-share for the relocation of the downtown exchange (Phase 1) and the downtown transit study and siting (Phase 2) will be presented to the BC Transit Board of Directors in May 2005. Indications are that cost-sharing will be approved by the BC Transit Board.

Staff have confirmed that the information contained within the 2005/06 AOA is as expected and planned for by the Regional District. This information has been factored into the 2005 budgets, which were approved by the Regional Board in March 2005.

### ALTERNATIVES

1. To approve the 2005/2006 Annual Operating Agreement.
2. To not approve the 2005/2006 Annual Operating Agreement.

### FINANCIAL IMPLICATIONS

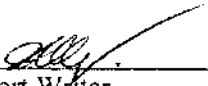
1. The total amount of cost sharing (authority share) available from BC Transit for the 2005-06 operating period is \$3,381,346. This provides for Custom (handyDART), Community Bus and Conventional Transit services for the region. The 2005 Annual Budgets for transit include the cost share amounts from BC Transit provided for in the AOA.
2. Not approving the AOA will eliminate BC Transit's obligation to cost share in the service.

### SUMMARY

BC Transit has forwarded the Annual Operating Agreement covering the period from April 1, 2005 to March 31st, 2006 for the RDN Custom (handyDART), Community Bus and Conventional Transit systems. Staff has worked with BC Transit on the development of this AOA in conjunction with the Regional Board's approval of the pertinent 2005 annual transit budgets.

### RECOMMENDATION

That the 2005/2006 Annual Operating Agreement (AOA) with BC Transit be approved.

  
Report Writer

  
General Manager Concurrence

  
CAO Concurrence



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
MAY 11 2005			
<i>Bed</i>			
		DATE:	

**MEMORANDUM**

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

**FROM:** Dennis Trudeau  
Manager of Liquid Waste

**SUBJECT:** Transfer of Security  
Electoral Area 'H' – Gainsburg Road – Deep Bay

**DATE:** May 9, 2005

**FILE:** 3360-30-9808

**PURPOSE**

To consider transferring security collected for a 30 unit multiple family development from the Regional District of Nanaimo (RDN) to the Ministry of Water, Land and Air Protection (MWLAP).

**BACKGROUND**

The Gainsburg Road 30 unit multiple family development was approved by the RDN in 1998. As a part of the development agreement the developers provided \$210,000 in cash to the RDN to ensure acceptable performance and ongoing operation of their proposed sewage disposal system.

The security was made a requirement by the RDN due to ongoing concerns with package type treatment systems and the future liability they may have on future residents. It was felt that a sufficient fund would ensure proper operation and maintenance. Since then the MWLAP have passed new regulations dealing with sewage disposal. The Municipal Sewage Regulation has bonding requirements that a sewage discharger must meet prior to discharge.

The amount of security required by the MWLAP is \$49,000 while \$165,000 is required for the Capital Replacement Fund. The security may be used at the discretion of the Regional Waste Manager to correct any inadequacy of the works in relation to their construction, operation and maintenance. The Capital Replacement Fund in the amount of \$165,300 is non-assignable and non-refundable and is an assurance that the full replacement value of the sewage facilities is covered. These requirements mirror those that were to be addressed by the security given to the RDN for this development.

On April 19, 2005 the MWLAP sent a letter (Appendix A) to the RDN regarding the security we now hold for this development. They have asked whether it would be possible to transfer the security bond we are holding for this development to the MWLAP rather than require the owner to provide additional money to meet his permit requirements on this issue.

On May 2, 2005 the owner, Mr. Barbon, sent a letter (Appendix B) to the RDN asking for the transfer of the present security for the septic system of the development on Gainsburg Road to the MWLAP.

Staff have reviewed the MWLAP security and bond requirements and have determined that they address the concerns of the RDN at the time of the initial bond requirement.

**ALTERNATIVES**

1. To transfer the security bond to the Ministry of Water Lands and Air Protection.
2. To retain possession of the security bond.

**FINANCIAL IMPLICATIONS**

The transfer of this security does not have financial implications for the RDN.

**VOTING**

All Directors.

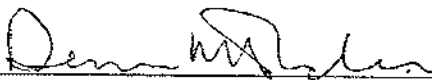
**SUMMARY/CONCLUSIONS**

The Gainsburg Road 30 unit multiple family development was approved by the RDN in 1998. As a part of the development agreement the developers provided \$210,000 in cash to the RDN to ensure acceptable performance and ongoing operation of their proposed sewage disposal system. Since then the MWLAP have passed new regulations dealing with sewage disposal. The Municipal Sewage Regulation has bonding requirements that a sewage discharger must meet prior to discharge that are similar to those used in the approval of this development. The owner has asked the RDN for the transfer of the present security for the septic system of the development on Gainsburg Road to the MWLAP.

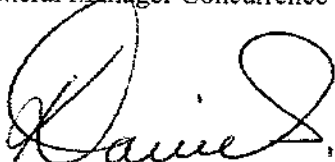
Staff have reviewed the MWLAP security and bond requirements and have determined that they address the concerns of the RDN at the time of the initial bond requirement.

**RECOMMENDATION**

That the security bond collected for the Gainsburg Road subdivision be transferred to the Ministry of Water, Land and Air Protection.

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

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

  
\_\_\_\_\_  
C.A.O. Concurrence

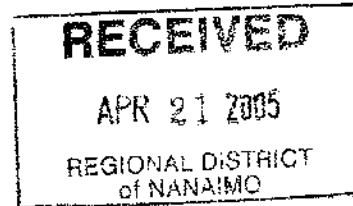
COMMENTS:



April 19, 2005

File: PE-15672

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



ATTENTION: Dennis Trudeau  
Manager of Liquid Waste

Dear Mr. Trudeau:

Mr. Mike Barbon of Barbon Construction operates 689597 BC Ltd., which is presently constructing a 30-unit home-development on Gainsberg Road in Deep Bay. This development falls under the jurisdiction of the British Columbia Ministry of Water, Land and Air Protection (MWLAP) which issued a permit, PE-15672, in October 2001 authorizing the proposed discharge. Conditions in this permit include the requirement that the permittee provide a security fund and establish a Capital Replacement Fund to ensure the proper operation and maintenance of the sewage treatment and disposal facilities associated with the development.

The amount of security required is \$49 000.00 while \$165 300.00 is required for the Capital Replacement Fund, neither of which has been submitted to date. Mr. Barbon has stated that the Regional District of Nanaimo had requested and was provided a security bond from the owner/developer prior to authorizing this development. Rather than borrowing additional money to comply with the permit requirements Mr. Barbon has asked if it is possible for the Regional District of Nanaimo to transfer the present bond they are holding to MWLAP. By way of this letter we are forwarding Mr. Barbon's request to you. Please note that the portion of the bond to be transferred is the sum of the amounts meeting the requirements of permit for the posting of security (section 2.10 of the permit) as well as the Capital Replacement Fund (section 2.11). These sections are summarized below. For your reference, a copy of the permit is included with this letter.

.../2

Ministry of  
Water, Land and  
Air Protection

Vancouver Island Region  
Environmental Protection Division

Mailing Address:  
2080A Labieux Rd  
Nanaimo BC V9T 6J9

Telephone: 250 751-3100  
Facsimile: 250 751-3103  
Website: <http://wiapwww.gov.bc.ca>

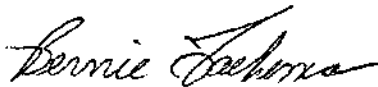


The posting of security to MWLAP by the permittee in the amount of \$49 000.00 is required prior to commencing discharge. Security may be used at the discretion of the Regional Manager to correct any inadequacy of the works in relation to their construction, operation and maintenance. In the event that the property in the works is transferred to a municipal authority, strata corporation or equivalent continuing body representative of all persons served by the works, the permittee may request that the security be returned. Conceding to this request is at the discretion of the Regional Manager.

The permittee must also create a Capital Replacement Fund in the amount of \$165 300.00. This non-assignable and non-refundable fund is an assurance that the full replacement value of the sewage facilities is covered. In the event that contributions are made from it for capital replacement, this fund is to be replenished unless otherwise stated by the Regional Manager.

Thank you for your consideration in this matter. If you have any questions or would like to discuss this further, please contact me at 250 751-3175.

Yours truly,

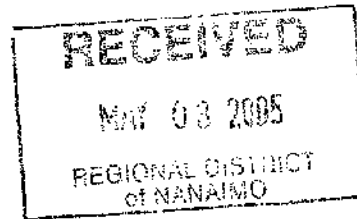


Bernie Tackerna  
Acting Section Head, Government and Compliance

Enclosure

pc: Mr. Mike Barbon, 689597 B.C. Ltd., 8556 Bourne Terrace, Sidney BC V8L 1L8  
(Hand Delivered)

BARBON CONSTRUCTION LTD.  
8556 BOURNE TERRACE  
SIDNEY B.C.  
V8L 1L8



MAY 2, 2005

Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo B.C.  
V9T 6N2

ATTENTION: Dennis Trudeau  
Manager of Liquid Waste

Dear Mr. Trudeau:

In regards to the letter sent to you by Bernie Taekema, of the British Columbia Ministry of Water, Land and Air Protection (MWLAP) dated April 19, 2005. This letter asking the Regional District of Nanaimo to transfer the present security for the septic system of the development on Gainsberg Road to the MWLAP.

I have requested the MWLAP for the transfer of security.

Yours truly,

A handwritten signature in black ink, appearing to read "Mike Barbon", written over a horizontal line.

MIKE BARBON



REGIONAL DISTRICT OF NANAIMO
CHAIR
MAY 17 2005
Board ✓

**MEMORANDUM**

**TO:** Robert Lapham  
Deputy Administrator

**DATE:** May 18, 2005

**FROM:** Wayne Moorman, P.Eng.  
Manager of Engineering and Subdivisions

**FILE:** 5330-20-WOOD

**SUBJECT:** Barclay Crescent Sewer Initiative -Design/Build Contract Award  
Electoral Area "G" – Woodland Drive

**PURPOSE**

To consider the awarding of the Design/Build contract for the Barclay Crescent Sewer initiative.

**BACKGROUND**

The Barclay Crescent area of French Creek is the only remaining existing small lot subdivision in the area that is not serviced by community sanitary sewer. The area is comprised of approximately 240 properties and made up of properties bounded by Drew Road on the west, the Old Island Hwy from Drew Road to French Creek on the north, French Creek from the Old Island Hwy to Barclay Crescent North and Barclay Crescent South on the east, and Woodland Drive/Robertson Blvd on the south. *(See Map Attached)*

A sanitary sewer pre-design report to service the area was completed by the RDN in 1997 and was followed with applications to senior government (both provincial and federal) for funding support. Our application for financial support for the entire area was finally approved by the Canada/British Columbia Infrastructure Program (CBCIP) in April 2004 for 2/3s of the approved project cost. The approved budget for the project was determined to be \$3,492,000 with the CBCIP picking up \$2,328,000. The residents are responsible for picking up the balance of the costs or approximately \$1,164,000.

Following the grant announcement, the RDN was successful in establishing the Barclay Crescent Sewer Local Service Area Bylaw (Bylaw No. 1391, 2004) and the Barclay Crescent Loan Authorization Bylaw (Bylaw No. 1392, 2004). The establishment of the service area and the approval to borrow funds were accomplished through a petitioning process.

Following the successful establishment of the service area, staff evaluated the process of designing and constructing the sewer system in a relatively short period of time. The bylaws were approved in December 2004 and the entire project is to be designed and constructed/completed by April 30, 2006. The final analysis was to proceed with a Design/Build (D/B) process whereby the project would be done by a team of contractors and engineers working as a unit and presenting their D/B proposal complete with a price to the RDN. This process eliminated the need for the RDN to select an engineering team, complete the design and then tender the project for construction and allowed for the team(s) to propose cost effective solutions to constructing a sewer system on time (within a relatively short time period), within budget and utilizing innovation.

Three teams were selected to proceed to the D/B phase with proposals received on May 4, 2005. The three teams submitting proposals and their corresponding bids were:

1. Hub Excavating/McElhanney Engineering	\$2,219,000.00
2. Western Industrial/Stantec Engineering	\$2,672,000.00
3. Hazelwood Construction/Herold Engineering	\$3,211,644.00

None of the proposals included GST as the RDN no longer pays GST (100% refund). The proposals by Western Industrial and Hazelwood Construction both contained large sums for dewatering of soils in the sewer trenches (this is an unknown risk at this time and these contractors suggested that if the RDN was willing to assume the risk then they would reduce their prices accordingly and work on force account or unit rates for dewatering; Western had included \$300,000 in its bid for dewatering and Hazelwood had included \$100,000 in its bid). Hub Excavating on the other hand is willing to assume a small risk for ground water difficulties and based their proposal on the assumptions that unseasonable weather conditions would not be a factor and that the RDN would not delay their construction schedule or change the alignments and depths of works as noted in their D/B proposal. Further, Hub Excavating proposed a D/B schedule that would see the majority of the project completed by the end of 2005 with a good part of the work in the potentially wet areas being completed in the drier period of 2005 (early summer thru to Sept/Oct). None of the proposals included a contingency allowance for design changes requested by the RDN or unforeseen construction problems (i.e. unknown rock, poor soils, middens, burial grounds, complications with rights of way, conditions imposed by Highways etc.).

Staff has completed an evaluation of the proposals submitted by the three D/B teams and based on the technical submissions and the prices, concluded that the team of Hub Excavating/McElhanney Engineering should be awarded the D/B contract for the design/build amount of \$2,219,000. It is noted that the pre-tender estimate for this work as prepared by staff, with input from other consultants, was in the range of \$2.3 million.

#### **ALTERNATIVES**

1. To not award the contract.
2. To award the contract to Hub Excavating (prime contractor) with McElhanney as the engineering consultant for the proposed price of \$2,219,000.00.

#### **FINANCIAL IMPLICATIONS**

The total approved budget for the project (as noted earlier) is \$3,492,000. In addition to the D/B contract amount and additional allowance for design and construction contingences, there will be other costs associated with changes to the design as required by Highways upon permit approval, acquisition of statutory rights of ways, supply of small pumping stations for some homes that are too low to be serviced via gravity, geotechnical engineering services, engineering surveys, legal surveys, legal costs, advertising, RDN internal project management costs, financing costs and third party project administration/inspections fees. Further, the overall budget included \$595,000 for capital charges imposed by RDN Bylaw No. 1330, 2003 and Bylaw No. 1331, 2003.

A detailed analysis of all costs associated with the project (now that the D/B proposals have been received) indicates that the entire cost of the project will be in the range of \$3,463,000.00. The approved budget is \$3,492,000.00 and thus the project is within the overall project budget.

## INTERGOVERNMENTAL IMPLICATIONS

This project is only possible because of the financial assistance from the Canada British Columbia Infrastructure Program. The total approved budget is \$3,492,000.00 and the CBCIP is funding 2/3s of the cost or \$2,328,000. The area residents are only required to fund 1/3 of the project cost.

## SUMMARY/CONCLUSIONS

The RDN was successful in securing Canada British Columbia Infrastructure Program funding for the Barclay Crescent Sewer Initiative. The approved project cost to service approximately 240 properties is \$3,492,000.00 and the grant covers 2/3s of the project cost. The residents are required to pay the balance or 1/3 of the project costs.

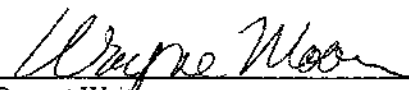
The RDN has successfully established the Barclay Crescent Sewer Local Service Area and has the authority from Bylaw No. 1392, 2004 to borrow the necessary funds to meet our 1/3 project cost commitment.

An analysis of the design/build proposal submitted by Hub Excavating as the prime contractor and McElhanney Engineering as the engineering consultant at \$2,219,000 has been completed by staff and is recommended to be accepted.

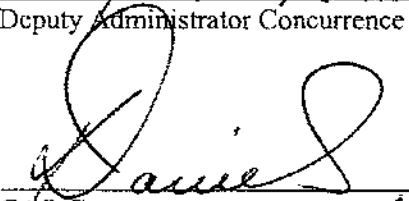
Award of this contract to the team of Hub Excavating and McElhanney Engineering requires Board Approval.

## RECOMMENDATION

That the Regional District of Nanaimo award the Design/Build contract for the Barclay Crescent Sewer Initiative Project to Hub Excavating Ltd as the prime contractor and with McElhanney Engineering Services Ltd as the prime engineering consultant for a total price of \$2,219,000.00 recognizing that additional allowances for contingencies will need to be authorized within the scope of the construction project and approved budget.

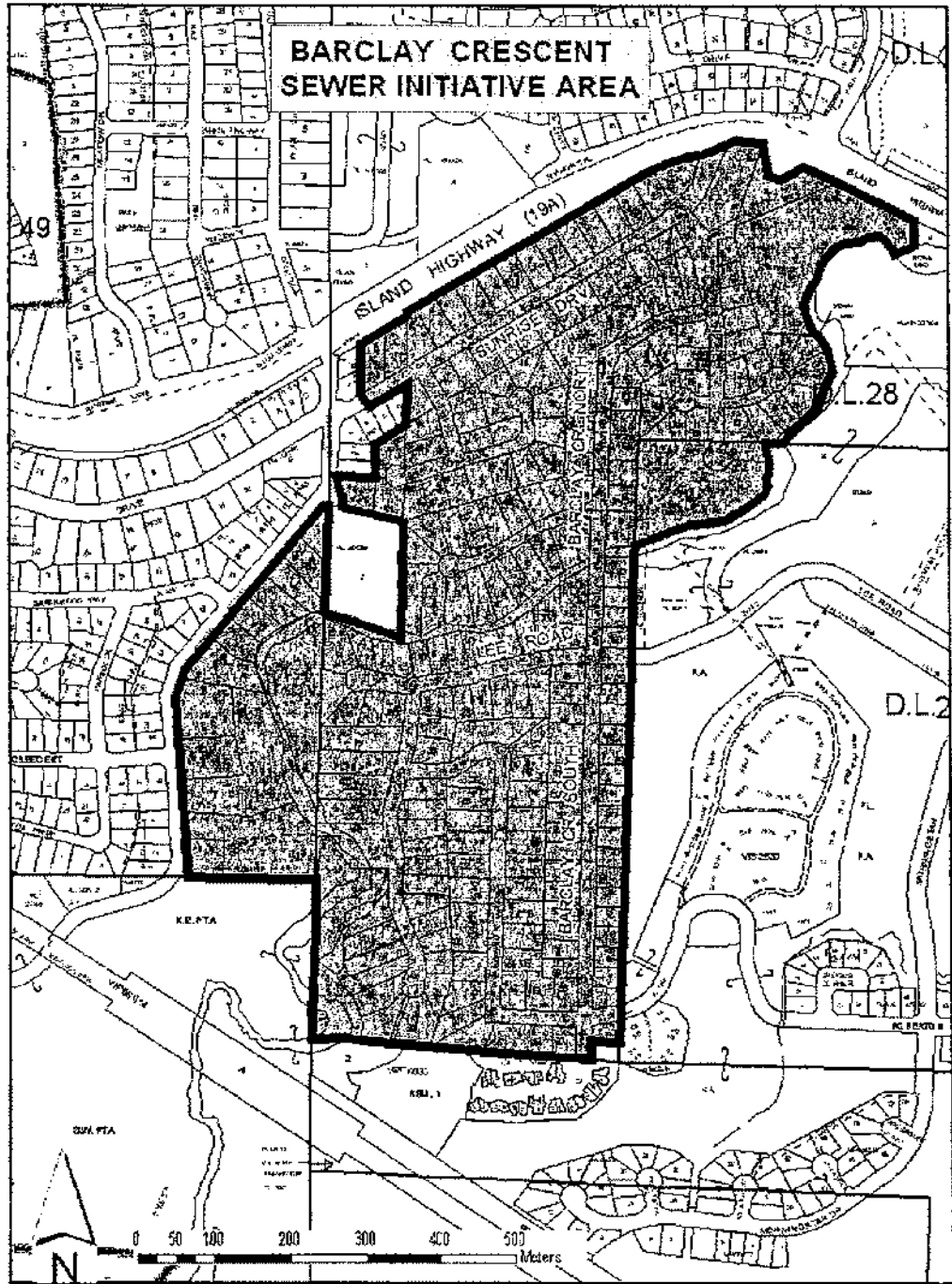
  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
Deputy Administrator Concurrence

  
\_\_\_\_\_  
CAO Concurrence

COMMENTS:

SITE LOCATION



BCGS MAP SHEET NO 52F 038.13



REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Cms
CAO	GM ES
PA CCD	MoF
MAY 16 2005	
<i>Brd.</i>	

**MEMORANDUM**

**TO:** Tom Osborne  
Manager of Recreation and Parks

**DATE:** May 13, 2005

**FROM:** Jonathan Lobb  
Parks Technician

**FILE:** 6030-01-EA A

**SUBJECT:** Nelson Road Boat Ramp Improvement – Electoral Area ‘A’

**PURPOSE**

To consider and approve the application to Land and Water British Columbia (LWBC) for a "Nominal Rent Tenure" for the purpose of improving a public access to water site in Electoral Area ‘A’.

**BACKGROUND**

Following requests from the public and after consultation with Director Kreiberg, the Recreation and Parks Department would like to develop a concrete pedestrian access ramp at the end of Nelson Road in Cedar. This site is currently home to a concrete boat launch ramp that is widely used by the public. The heavy use of the site by pedestrians and kayakers makes the construction of a pedestrian ramp desirable in order for motorized/trailer boat launching and non-motorized use to continue at the site safely.

The existing ramp extends from the end of the paved portion of Nelson Road to below the low tide mark and is constructed with large boulders and concrete. To date, management of the ramp rests with the Ministry of Transportation for the portion above high water mark. The portion below the high water mark falls within the LWBC mandate, although there is no active management of the ramp by anyone other than local residents.

A letter has been sent to the immediate neighbours of the ramp explaining the development proposal and has been met with no opposition. In addition to this proposed development work, the Community Parks budget has funded the seasonal placement of a porta-potty at this site for the last seven years. This amenity has been well received by the public.

The steps to be taken to secure tenure and develop the property, pending Board approval, are as follows:

1. Staff will seek a Nominal Rent Tenure for 812.5 square metres of land below the high water mark at the end of Nelson Road in Cedar from LWBC for the purpose of developing a concrete pedestrian access ramp (see attached site plan).
2. Following receipt of LWBC approval the Recreation and Parks Department will fund and coordinate the construction of a pedestrian access ramp using a local contractor.

3. The Regional District will provide liability insurance coverage for the site under its existing policy with MIA.

## **ALTERNATIVES**

1. To approve the beach access ramp as an improvement project for 2005 and permit staff to seek the necessary tenure from LWBC for this project to take place.
2. To not approve the beach access ramp as an improvement project for 2005.

## **FINANCIAL IMPLICATIONS**

The proposed development work at this location will cost approximately \$3000.00. There are sufficient funds in the Electoral Area 'A' Community Park's budget to accommodate this project. It is anticipated that ongoing maintenance costs will be relatively insubstantial and can be managed with future Area 'A' Community Park's maintenance funds.

There is an application fee of \$267.50 that Land and Water BC requires to be submitted with the Nominal Rent Tenure application. In addition, the Community Parks budget will continue to fund the seasonal placement of a porta-potty at the site as it has for the last seven years. There may be a need for upgrades to the surface of the existing boat ramp given its age and high use. This has not been budgeted for in 2005, but if tenure comes to the RDN it will have to be considered as part of the ongoing maintenance program.

## **INTERGOVERNMENTAL IMPLICATIONS**

An application to the Ministry of Transportation (MOT) was made for a Permit To Construct Works Within Highway Right of Way in July 2004. MOT's response was that as the proposed construction site was below the high water mark, application would have to be made to LWBC through the Nominal Rent Tenure process. A Nominal Rent Tenure will provide the Regional District with more tenure over the land than a Permit To Construct Works from MOT would have.

Support from Fisheries and Oceans Canada for this project has also been solicited and obtained.

## **CITIZEN IMPLICATIONS**

Development of the property will provide residents of Cedar and surrounding areas with a greatly improved beach access site. The existing development on site frequently places boat-launched vehicle owners in conflict with pedestrians. There is strong local support for the Regional District to manage this property.

This site is also widely used and publicized for commercial kayak tours as the preferred launch site. Parking areas are very limited, leading to local residents often expressing concerns. It may be that in the future a more appropriate kayak launch, with suitable vehicle parking and associated amenities is considered at a different location.

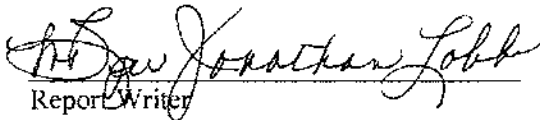


**SUMMARY**

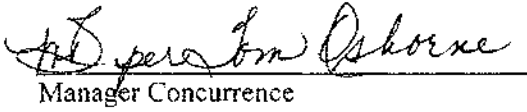
Staff is seeking Board permission to proceed with a permit application to Land and Water British Columbia for the purpose of developing a concrete pedestrian access ramp at the end of Nelson Road in Cedar. This ramp will provide safer, improved access to the water for the public at this busy location.

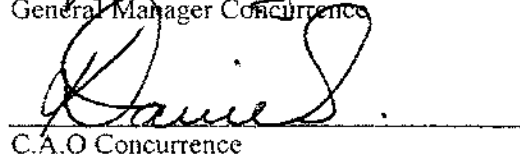
**RECOMMENDATION**

That staff be directed to proceed with a 'Nominal Rent Tenure' application to Land and Water BC Inc for the purpose of making improvements at the public beach access at the end of Nelson Road in Cedar.

  
Report Writer

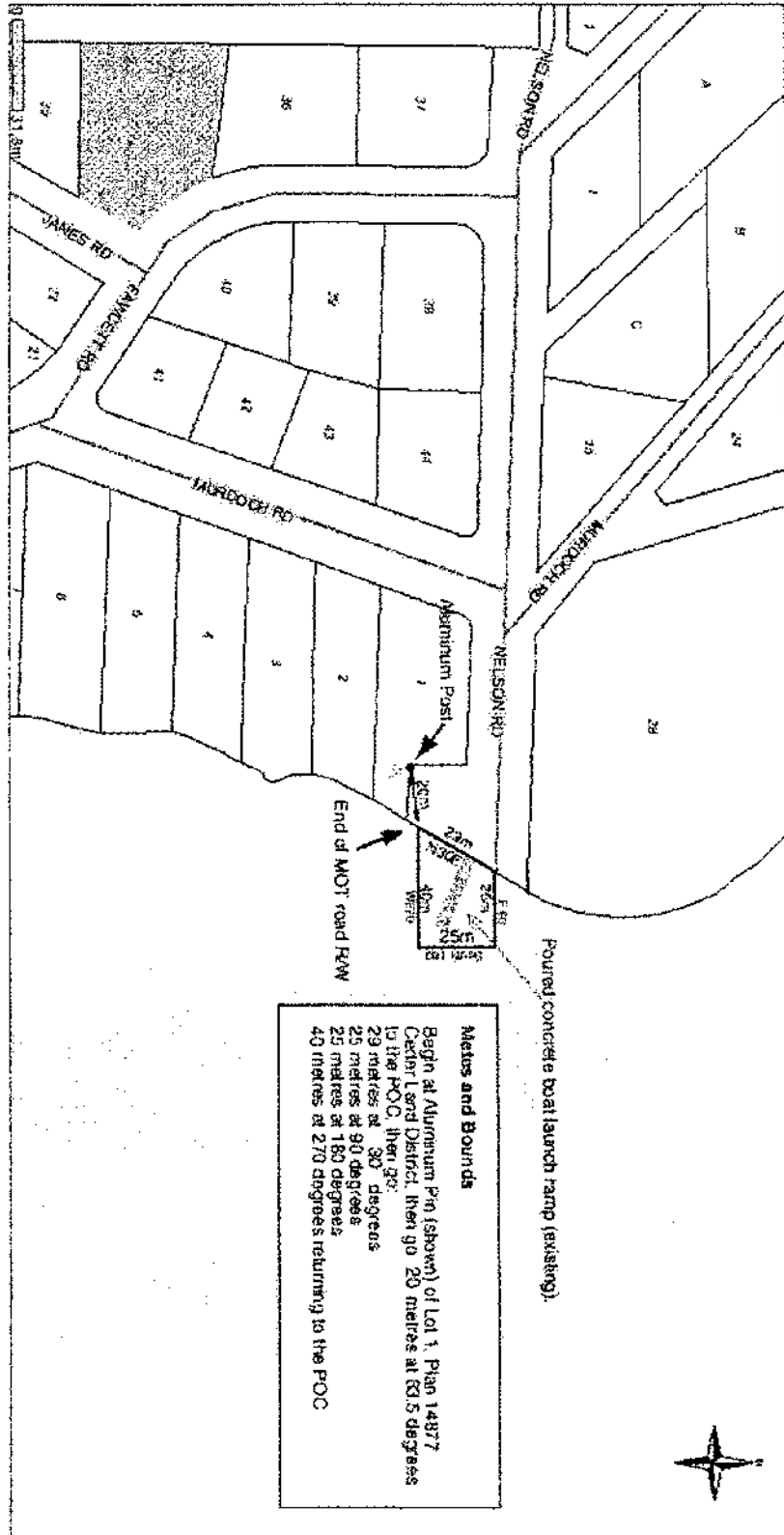
  
General Manager Concurrence

  
Manager Concurrence

  
C.A.O Concurrence

COMMENTS:

**Site Plan – Proposed Nelson Road Pedestrian Ramp**





REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MsF	
MAY 16 2005			
<i>Red</i>			

**MEMORANDUM**

**TO:** Jason Llewellyn  
Manager, Community Planning

**DATE:** May 13, 2005

**FROM:** Keeva Kehler  
Planner

**FILE:** 3360 30 0413

**SUBJECT:** Zoning Amendment Application No. ZA0413 – Wendy Huntbatch  
Electoral Area 'F' – 2116 Alberni Highway

**PURPOSE**

To provide an update to the Board with respect to consideration of the zoning amendment application for the property located at 2116 Alberni Highway in Electoral Area 'F'.

**BACKGROUND**

At its regular meeting held on October 26, 2004, the Regional Board of Directors granted 1<sup>st</sup> and 2<sup>nd</sup> Reading to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.06, 2004." The Amendment Bylaw received 3<sup>rd</sup> Reading on November 23, 2004. At this Board meeting, the Regional Board passed the following resolution:

*MOVED Director Biggemann, SECONDED Director Hamilton, that staff be directed to report back to the Board for direction if the applicant has not completed the conditions as outlined in Schedule No. 2 prior to April 1, 2005.*

The conditions of approval are:

1. Applicant to submit a copy of the approval to install sewage disposal works from the Vancouver Island Health Authority for the proposed parrot refuge, accessory retain store, accessory food concession and private residence.
2. Applicant to submit a storm water drainage management plan prepared by a professional engineer, including details on the size and location of proposed retention ponds and proposed outflow for drainage waters. The installation of the drainage works shall be supervised by the applicant's engineer and a report must be submitted by the engineer detailing the works upon completion.
3. Applicant shall provide written confirmation from the Agricultural Land Commission that the proposed uses are permitted. This approval may require an official non-farm use application pursuant to the *Agricultural Land Commission Act*.

Also, Bylaw No. 1285.06 cannot be given final approval by the Board until the Ministry of Transportation signs the Bylaw.

The applicant met with Regional District planning staff on April 15, 2005 and provided an update on the status of their application with respect to Provincial agencies and satisfaction of the RDN's conditions of approval.

## ALTERNATIVES

1. To receive the update report for information.
2. To provide further direction to staff.

## IMPLICATIONS

### *Vancouver Island Health Authority*

The RDN is in receipt of correspondence dated April 11, 2005 from the Vancouver Island Health Authority stating that there is no objection to the proposal, provided there is no running water creating liquid human waste in the new buildings (see Attachment No. 2). Therefore, the applicant has met Item No. 1 to the satisfaction of the planning department.

### *Storm Water Drainage Management Plan*

Due to the large size of the buildings housing the parrots and the subsequent parcel coverage, the potential exists for large volumes of run-off from the perimeters of the building during periods of heavy rainfall. In order to address this and mitigate any flood risk on the subject lot and adjacent properties, the RDN required the applicant to consult an engineer to design a storm water drainage management plan. The applicant has satisfied Item No. 2 of the Conditions of Approval and submitted a storm water drainage management plan including details on the size and location of proposed retention ponds prepared by Bob Davey, of Davey Consulting and Engineering Ltd., and date-stamped October 28, 2004. Therefore, this item has been met to the satisfaction of the planning department. In addition, to ensure compliance with the submitted plan, the applicant is required to provide an engineer's report upon completion of the works.

### *Agricultural Land Commission*

The applicant met with the Agricultural Land Commission (ALC) to discuss her proposal and was informed that the keeping of parrots meets the permitted uses pursuant to the Agricultural Land Reserve Regulations. However, the RDN has been informed that the proposed concession and retail uses require a non-farm use application. The applicant has submitted this application and the RDN planning department has requested that the ALC expedite its consideration of the proposal. The applicant is making efforts to fulfill item No. 3 of the Conditions of Approval.

The subject lot is designated within the Provincial Agricultural Land Reserve (ALR). The ALC has received referrals on the proposed amendment throughout the process and ALC staff has not expressed concern with respect to the accessory uses during discussions with RDN staff. However, the final decision on the accessory uses is subject to the consideration of the Vancouver Island Panel of the Commission and there is no guarantee the uses will be approved. Therefore, it is recommended that the RDN Board continue to defer final adoption of the Amendment Bylaw until the ALC has provided confirmation that the proposed CD zone is in compliance with the ALC's regulations, or the applicant has received written approval that the accessory uses are permitted to occur on the lot.

### *Ministry of Transportation*

The Ministry of Transportation (MOT) received a copy of Amendment Bylaw No. 1285.06, 2004 after the Regional Board granted 3<sup>rd</sup> Reading on November 23, 2004. At this time, MOT did not sign off on the Amendment Bylaw and sent correspondence to the RDN indicating that MOT had concerns with respect to the proposed commercial access to the lot. Since this time, the applicants have been in discussion with MOT and the RDN is in receipt of a letter dated April 4, 2005 from MOT indicating that they have no objection to the proposed zoning amendment provided the accessory restaurant and retail area does not exceed 50m<sup>2</sup> and that seating shall not exceed 20 seats, as proposed in the Amendment Bylaw (see Attachment No. 1).

**VOTING**

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

**SUMMARY**

This report provides an update for the Board on the proposal to amend the zoning to permit the keeping of parrots on the subject property located at 2116 Alberni Highway and to provide educational tours for the public, including accessory retail and concession uses to serve patrons. The proposed CD zone limits accessory retail and concession uses to a maximum total floor area of 50m<sup>2</sup> and a maximum of 20 seats.


The development is subject to the requirements of provincial agencies having jurisdiction over the property. In this case the applicant has satisfied the requirements of MOT and it is anticipated that MOT will sign the Amendment Bylaw. The applicant has also met the requirement of VIHA. The applicant is attempting to satisfy the ALC's requirements and provide written confirmation that the proposal has ALC approval.

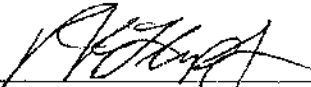
In addition, the applicant has submitted a storm water drainage management plan prepared by a professional engineer, which is to the satisfaction of the RDN planning department.

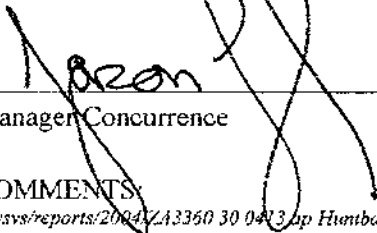
As the subject lot is designated within the Provincial Agricultural Land Reserve and final authority on non-farm uses lies with the Commission, staff recommends that the Board consider delaying final approval of the Amendment Bylaw until the applicant has obtained written confirmation from the ALC that the proposal is permitted on ALR land.

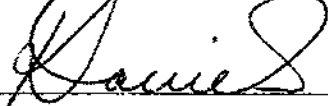
**RECOMMENDATIONS**

1. That the Report containing an update on the status of Amendment Bylaw No. 1285.06, 2004 be received for information.
2. That final approval of "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.06, 2004" not be provided until the Regional district receives written confirmation from the ALC that the proposed uses are permitted on the subject property.

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

  
\_\_\_\_\_  
Deputy Administrator Concurrence

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

COMMENTS  
devsys/reports/2004/ZA3360 30 0413 up Huntbatch update

**Schedule No. 1**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1285.06**

**A Bylaw to Amend Regional District of Nanaimo Electoral Area 'F'  
Zoning and Subdivision Bylaw No. 1285, 2002**

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

A. **Schedule 'A'** of "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002", is hereby amended as follows:

1. **SECTION 4 - Zones**, is hereby amended by adding the following zone and corresponding short title after Section 4.38 CD-15 2701 Alberni Highway:

Section 4.39 CD-16 2116 Alberni Highway

as shown on Schedule '1', which is attached to and forms part of this bylaw.

B. **Schedule 'B'** of Zoning and Subdivision Map is hereby amended from A-1 (Agricultural 1) to CD-16 2116 Alberni Highway the land legally described as:

Lot 12, Salvation Army Lots, Nanoose District, Plan 1115, Except Part in Plan 734 RW

as shown in heavy outline on Schedule '2', which is attached to and forms part of this bylaw.

C. This Bylaw may be cited as "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.06, 2004."

Introduced and read two times this 26<sup>th</sup> day of October 2004.

Public Hearing held pursuant to Section 890 of the *Local Government Act* this 16<sup>th</sup> day of November 2004.

Read a third time this 23<sup>rd</sup> day of November 2004.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2004.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Deputy Administrator

**CD-16 2116 Alberni Highway**

**Section 4.39**

**4.39.1 Permitted Principal Uses**

- a) Dwelling Unit
- b) Farm Use
- c) Kennel, for the keeping of Exotic Birds only

**4.39.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Restaurant
- c) Accessory Retail Sales
- d) Farm Business
- e) Home Based Business

Notwithstanding the Permitted Principal Uses listed above, any use designated or permitted to be a 'farm use' by the Agricultural Land Commission or the Ministry of Agriculture, Food and Fisheries is permitted within this zone.

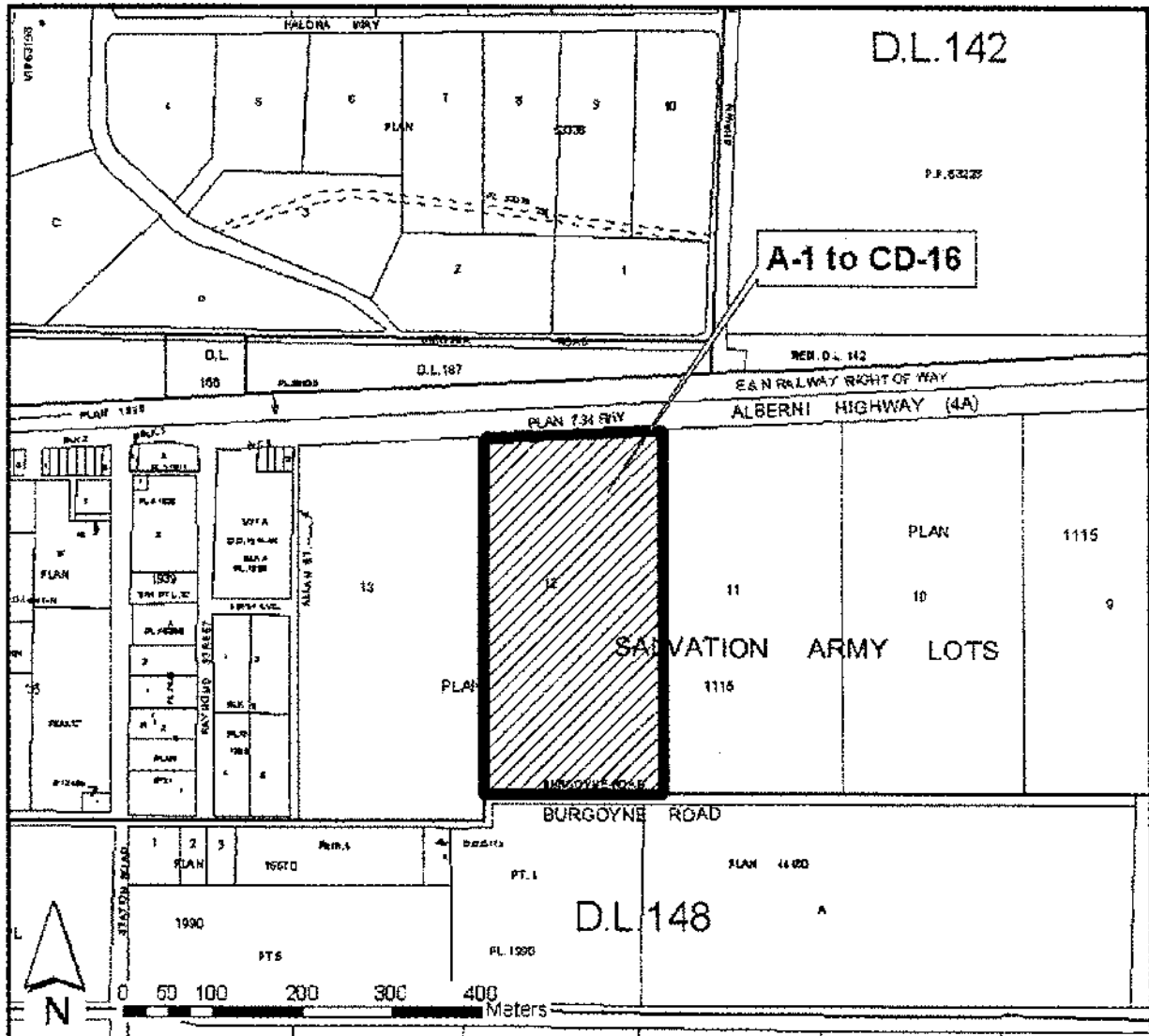
**4.39.3 Regulations Table**

Category	Requirements
a) Maximum Density	2 Dwelling Units per lot, provided that one Dwelling Unit is a Manufactured Home.
b) Minimum Lot Size	4 ha
c) Minimum Lot Frontage	100 metres
d) Maximum Lot Coverage	10%
e) Maximum Building & Structure Height	10 metres
f) Minimum Setback from	
i) Front and Exterior Side Lot Lines	4.5 metres
ii) All Other Lot Lines	4.5 metres
g) Minimum Setback of all buildings or structures housing livestock or manure from all lot lines and/ or watercourses	30 metres
h) Runoff Control Standards	As outlined in Section 2.5
i) General Regulations	Refer to Section 2 – General Regulations
j) Parking Regulations	1 space per 100m <sup>2</sup> of parrot refuge 1 space per 3 seats of concession
k) Other Parking Requirements	For stall dimensions and handicapped spaces, refer to Section 2.17.4

**4.39.4 Regulations**

- a) The maximum floor area permitted for the accessory restaurant and accessory retail sales shall not exceed a combined floor area of 50m<sup>2</sup>.
- b) The maximum number of seats in the accessory restaurant area shall be 20.

SCHEDULE NO. 2





Attachment No. 1  
Correspondence from MOT



File: 01 002 25975, 25976

April 04, 2005

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

Attention: Keeva Kehlar

Re: Zoning Amendment Bylaw #1285.06, 2004  
Lot 12, Salvation Army Lots, Nanoose District, Highway #4A

Further to our recent phone conversation, the ministry has reviewed the bylaw and has no objection in principle, on the understanding that accessory restaurant and retail area will not be greater than 50 m<sup>2</sup> and that seating shall not exceed 20 seats for this development.

Any future increase to either the retail space or accessory restaurant seating capacity will require upgrading of their access to Alberni Highway.

Should you have any questions, please do not hesitate to contact me at (250) 751-3263 (office), 714-9009 (cell) or via email at [Nick.Vandermolen@gov.bc.ca](mailto:Nick.Vandermolen@gov.bc.ca).

Yours truly,

A handwritten signature in black ink, appearing to read "Nick Vandermolen".

Nick Vandermolen  
Deputy Approving Officer

NV/M/25975L

cc: Wendy Huntbatch  
2116 Alberni Highway  
PO Box 645  
Coombs BC V0R 1M0

Attachment No. 2  
Correspondence from VIHA



## Environmental Health Services

April 11, 2005

Ms. Wendy Huntbatch  
World Parrot Refuge  
2116 Alberni Highway  
Coombs BC V0R 1M0

Dear Ms. Huntbatch:

**RE: On-Site Sewage Disposal Lot 12, SAL, Plan 115, except part in Plan 734RW,  
Nanoose Land District - 2116 Alberni Highway, Coombs BC**

I am agreeable to your April 1, 2005 letter if there is no running water that creates any human liquid waste in the new buildings. A statement on this is requested.

If you have any questions, I can be reached at 248-2044

Yours truly,

A handwritten signature in black ink, appearing to read "Glenn J. Gibson".

Glenn J. Gibson, CPHI(C)  
Land Development  
Environmental Health Officer

GJG: kjd

C: Terry Preston, SEHO - VIHA, Nanaimo  
Keever Kehler, RDN - Planner



REGIONAL DISTRICT OF NANAIMO		
CHAIR	GM Cms	
CAO	GM ES	
DA CCD	MoF	
MAY 18 2005		
Board ✓		

## MEMORANDUM

**TO:** Bob Lapham  
Deputy Administrator

**DATE:** May 18, 2004

**FROM:** Maureen Pearse  
Manager of Administrative Services

**FILE:**

**SUBJECT:** RDN Hotel Room Tax Collection Service Establishing Bylaw No. 1429  
RDN Additional Hotel Room Tax Levy Bylaw No. 1430

### PURPOSE

To report the results of the alternative approval process for the proposed "RDN Hotel Room Tax Collection Service Establishing Bylaw No. 1429, 2005" and to consider Bylaws No. 1429 and 1430 for adoption.

### BACKGROUND

At its regular meeting held March 22, 2005 the Board introduced "RDN Hotel Room Tax Collection Service Establishing Bylaw No. 1429, 2005" for first three readings. In accordance with the *Community Charter* the Board chose to seek the assent of the electors through the alternative approval process. At that same meeting the Board introduced "RDN Additional Hotel Room Tax Levy Bylaw No. 1430, 2005" which will request the Lieutenant Governor in Council to make a regulation providing for an additional tax levy.

Bylaw No. 1429 is proposing to establish a service to allow the Regional District of Nanaimo to act as the agency to receive hotel tax revenues collected by the Provincial Consumer Taxation Branch and to distribute to the Oceanside Tourism Association. The tax is collected as part of the room charge from customers staying at eligible accommodations within Electoral Areas E, F, G & H. In order to receive the assent of the electors, the number of elector response forms received could not exceed 10% of the electors for the proposed participating area. Section 86 of the *Community Charter* states:

*"that approval of the electors by alternative approval process is obtained if at the end of the time for receiving elector responses, the number of elector responses received is less than 10% of the number of electors of the area to which the approval process applies."*

For the purpose of conducting the alternative approval process, the number of eligible electors in the service area was determined to be 14,569 electors. In order for the bylaw to receive the assent of the electors less than 10% or 1,457 elector response forms must have been received by the deadline of May 16, 2005. The total number of elector response forms received by May 16, 2005 was 7. As the total number of elector response forms received was less than 10% of the electors, staff are bringing forward the bylaws for adoption.

**ALTERNATIVES**

1. That "Regional District of Nanaimo Hotel Room Tax Collection Service Establishing Bylaw No. 1429, 2005" and "Regional District of Nanaimo Additional Hotel Room Tax Levy Bylaw No. 1430, 2005" be adopted.
2. That the Board not proceed with the adoption of the bylaws.

**FINANCIAL IMPLICATIONS**

There are no financial implications to property owners. The tax is collected as part of the room charges.

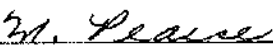
**SUMMARY/CONCLUSIONS**

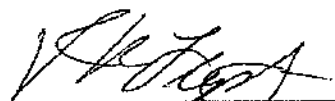
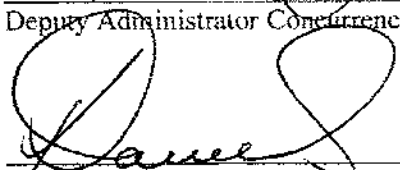
At the March 22, 2005 Board meeting, "RDN Hotel Room Tax Collection Service Establishing Bylaw No. 1429, 2005" and "Regional District of Nanaimo Additional Hotel Room Tax Levy Bylaw No. 1430, 2005" received first three readings. The Board sought the assent of the electors through the alternative approval process for Bylaw No. 1429. In order to receive the assent of the electors, the number of elector response forms received could not exceed 10% (1,457) of the electors for the proposed participating area. The total number of responses received by the deadline of May 16, 2005 was 7, therefore the bylaw is deemed to have received the assent of the electors. Staff are recommending adoption of the bylaws.

**RECOMMENDATION**

That "Regional District of Nanaimo Hotel Room Tax Collection Service Establishing Bylaw No. 1429, 2005" be adopted.

That "Regional District of Nanaimo Additional Hotel Room Tax Levy Bylaw No. 1430, 2005" be adopted.

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

  
\_\_\_\_\_  
Deputy Administrator Concurrence  
  
\_\_\_\_\_  
CAO Concurrence



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
MAY 16 2005			
<i>[Signature]</i>			

MEMORANDUM

**TO:** K. Daniels  
Chief Administrative Officer

**DATE:** May 12, 2005

**FROM:** Linda Burgoyne  
Administrative Assistant

**FILE:**

**SUBJECT:** Project Definition Mission - RDN Partnership with Sunyani, Ghana

**PURPOSE:**

To provide an update to the Board of Directors regarding the next phase of the RDN partnership project with the Sunyani Municipal Assembly.

**BACKGROUND:**

Since 1987, through the financial support of the Canadian International Development Agency (CIDA), the Federation of Canadian Municipalities (FCM) has supported initiatives to strengthen local government in many countries, including Africa, through municipal partnerships. In 2004 the Regional District of Nanaimo Board of Directors approved a partnership between the Regional District of Nanaimo and the Sunyani Municipal Assembly in Ghana, Africa, to plan and manage a two year project.

In February 2005 the RDN Chairperson and two staff travelled to Sunyani on the assessment mission to establish the partnership agreement. While on this mission meetings were held with municipal assembly staff and members who explained the assembly's structure, services, roles and responsibilities as well as their challenges. They also provided tours to several urban and rural areas and to their sanitation facilities.

The next phase of the partnership project will take place in June when the Project Definition Mission is held at the RDN. A delegation of three persons from the Sunyani Municipal Assembly will spend the week of June 13-17 with staff working on the project definition proposal regarding a sanitation project. Activities during the week will include: an overview of the RDN's roles and responsibilities; visits to RDN facilities and providing technical information and tours; a presentation on the Solid Waste Management Planning process; attending the Electoral Area Planning Committee and the Committee of the Whole meetings; attending a joint workshop with the Cowichan Valley Regional District and their Ghanaian delegation from Kumasi; introductions to officials with the District 68 School District and Malaspina University College for the purposes of possibly developing further relationships with their counterparts in Sunyani; and the final two days of the mission will be spent finalizing the details of the proposal defining the two year project.

**FINANCIAL IMPLICATIONS:**

FCM receives financial support from the Canadian International Development Agency. These funds provide for all travel and related costs for partners from both countries. The RDN is committed to supporting this partnership through the in-kind contribution of staff time, knowledge and skills. Some expenses will be involved when hosting missions, i.e. receptions, entertainment and activity costs.

**INTERGOVERNMENTAL IMPLICATIONS:**

The Malaspina University College and the District 69 School District have indicated their interest in meeting the delegation during their mission to Nanaimo and the possibility of developing further relationships with their counterparts in Sunyani, Ghana.

The Cowichan Valley Regional District will also have their partners from Kumasi, Ghana visiting them on a mission during the same week and a workshop is planned so that the delegations from Sunyani and Kumasi can meet and share information.

**SUMMARY/CONCLUSIONS:**

The next phase of the partnership project between the RDN and the Sunyani Municipal Assembly will take place during the week of June 13-17, 2005 when a delegation arrives from Ghana. The delegation will tour facilities and receive technical information regarding how these facilities operate. As well they will work with staff to write the project definition proposal regarding a sanitation project.

**RECOMMENDATION:**

That the Board receive the update regarding the partnership project between the RDN and the Sunyani Municipal Assembly.

  
Report Writer

  
C.A.O. Concurrence

**COMMENTS:**