

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, AUGUST 23, 2005
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

- 1. CALL TO ORDER**
- 2. DELEGATIONS**
 - 11 **Blair Redlin**, re Proposed Public Private Partnership Between the RDN and EPCOR Inc.
 - 11 **Barry O'Neill**, re Proposed Public Private Partnership Between the RDN and EPCOR Inc.
- 3. BOARD MINUTES**
 - 12-23 Minutes of the regular Board meeting held on July 26, 2005.
- 4. BUSINESS ARISING FROM THE MINUTES**
- 5. COMMUNICATIONS/CORRESPONDENCE**
 - 24 Director Bartram, re E&N Pest Management Plan
- 6. UNFINISHED BUSINESS**
 - BYLAWS**
 - Public Hearing & Third Reading.**
 - 25-37 Report of the Public Hearing held July 21, 2005 with respect to Bylaw No. 1285.05 – Finetuning Project ALR Properties -- Electoral Area F. (Electoral Area Directors except EA 'B' – One Vote)
- 7. STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS**
 - 7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE**
 - Minutes of the Electoral Area Planning Committee meeting held August 9, 2005. (for information)

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0510 – Cedar Estates – Robert Boyle Architecture Inc. on behalf of 700805 BC Ltd and Lot 6 Holdings – Cedar & Hemer Roads – Area A. (Electoral Area Directors except EA 'B' – One Vote)

1. *That Zoning Amendment Application No. ZA0510 to rezone the properties legally described as 'Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634, VIP67432 and VIP76260' and 'Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634', from Commercial 2 Subdivision District M (CM2M) to Comprehensive Development 29 (CD29) in order to facilitate the development of a mix of residential housing options and personal care uses be approved to proceed to a second public information meeting and to public hearing, subject to the conditions outlined in Schedule No. 1.*
2. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005" be given 1st and 2nd reading.*
3. *That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005" be delegated to Director Kreiberg or his alternate.*

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60531 – Johnson/JE Anderson & Associates – 1338 Madrona Drive – Area E. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to Development Permit Application No. 60531.

That Development Permit Application No. 60531 with variances to the front lot line setback and the setback from the top of the bank adjacent to the ocean to facilitate the construction of a new dwelling unit at 1338 Madrona Drive be approved according to the terms outlined in Schedule No. 1 and subject to the Board's consideration of comments received as a result of public notification.

Development Permit Application No. 60537 – 64203 BC Ltd./Voigt – Paradise Place – Area E. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to Development Permit Application No. 60537.

That Development Permit Application No. 60537, including variances, be approved to allow the replacement of a bridge over a watercourse according to the terms outlined in Schedule No. 1, and subject to the Board's consideration of comments received as a result of public notification.

Development Permit Application No. 60535 – Dunville/Allen – Rockhampton Road – Area E. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Permit Application No. 60535.

That Development Permit Application No. 60535 be approved to allow the construction of a single family dwelling unit on Rockhampton Road according to the terms outlined in Schedule No. 1.

OTHER

Land Use and Subdivision Amendment Bylaw No. 500.324 – Text Amendment – Nanoose Bay Official Community Plan Implementation – Area E. (Electoral Area Directors except EA ‘B’ – One Vote)

- 1. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005” be given 1st and 2nd reading.*
- 2. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005” proceed to a Public Hearing.*
- 3. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005” be delegated to Director Holme or his alternate.*

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

38-47 Minutes of the Committee of the Whole meeting held August 9, 2005. (for information)

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Landslip on Property Located at 853 Drew Road – Area G. (All Directors – One Vote)

That staff be requested to bring forward a report to the Board on the unresolved stability problems regarding the property located at 853 Drew Road.

COMMUNITY SERVICES

REGIONAL GROWTH MANAGEMENT

Urban Containment Implementation Agreement. (All Directors – One Vote)

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

TRANSPORTATION SERVICES

License for Emergency Wharf – Gabriola Island. (All Directors – Weighted Vote)

That the Land and Water British Columbia Inc. offer of a 10 year license for an emergency wharf facility on Gabriola Island be accepted.

New Transit Exchange. (All Directors – Weighted Vote)

That the three year lease agreement between the City of Nanaimo and the Regional District of Nanaimo for land to operate a transit exchange be approved.

CORPORATE AND COMMUNITY DEVELOPMENT

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, Sections 11 & 12, Range 3, Plan 38230, Mountain Land District, 3021 Jameson Road, Electoral Area 'D', owned by W. Lynn and R. Vosper;*
- (b) Lot 13, District Lot 117, Plan 10367, Nanoose District, 3076 Hillview Road, Electoral Area 'E', owned by J. Anderson;*
- (c) Lot 4, District Lot 137, Plan 29414, Nanoose District, 1910 Stewart Road, Electoral Area 'E', owned by L. Beaudoin.*

ENGINEERING

Cedar Sewer Service Area Establishing Bylaw No. 1445. (All Directors – One Vote)

That "Regional District of Nanaimo Cedar Sewer Service Area Establishment Bylaw No. 1445, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

Cedar Sewer Service Area Capital Charge Bylaw No. 1446 and Cedar Sewer Service Area Development Cost Charges Bylaw No. 1447. (All Directors – One Vote)

- 1. That "Cedar Sewer Service Area Capital Charge Bylaw No. 1446, 2005" be introduced for first three readings.*
- 2. That "Cedar Sewer Service Area Development Cost Charges Bylaw No. 1447, 2005" be introduced for first three readings and forwarded to the Inspector of Municipalities for approval.*

FINANCE

Operating Results to June 30, 2005. (All Directors – One Vote)

That the summary report of financial results from operations to June 30, 2005 be received for information.

Financial Plan (2005 – 2010) Amendment Bylaw No. 1431.01 – To Authorize Improvements on Community Park Land – Area D. (All Directors – Weighted Vote)

1. That "Regional District of Nanaimo Financial Plan (2005 to 2010) Amendment Bylaw No. 1431.01, 2005" be introduced for first three readings.
2. That "Regional District of Nanaimo Financial Plan (2005 to 2010) Amendment Bylaw No. 1431.01, 2005" having received three readings, be adopted and forwarded to the Ministry of Community Services.

Reserve Fund Bylaw Approvals – Bylaws No. 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465 and 1466.

Bylaw No. 1452. (All Directors – Weighted Vote)

That "Animal Control Extended Service (A, B, C, D) Bylaw Enforcement Expenditures Reserve Fund Bylaw No. 1452, 2005" be introduced for first three readings.

(All Directors – 2/3 Vote)

That "Animal Control Extended Service (A, B, C, D) Bylaw Enforcement Expenditure Reserve Fund Bylaw No. 1452, 2005" having received three readings be adopted.

Bylaw No. 1453. (All Directors – Weighted Vote)

That "Animal Control Extended Service (E, G and H) Bylaw Enforcement Expenditures Reserve Fund Bylaw No. 1453, 2005" be introduced for first three readings.

(All Directors – 2/3 Vote)

That "Animal Control Extended Service (E, G and H) Bylaw Enforcement Expenditure Reserve Fund Bylaw No. 1453, 2005" having received three readings be adopted.

Bylaw No. 1454. (All Directors – Weighted Vote)

That "Animal Control Extended Service (Electoral Area F) Bylaw Enforcement Expenditures Reserve Fund Bylaw No. 1442, 2005" be introduced for first three readings.

(All Directors – 2/3 Vote)

That "Animal Control Extended Service (Electoral Area F) Bylaw Enforcement Expenditure Reserve Fund Bylaw No. 1454, 2005" having received three readings be adopted.

Bylaw No. 1455. (All Directors – Weighted Vote)

That “Electoral Area ‘A’ Community Parks Reserve Fund Bylaw No. 1455, 2005” be introduced for first three readings.

(All Directors – 2/3 Vote)

That “Electoral Area ‘A’ Community Parks Reserve Fund Bylaw No. 1455, 2005” having received three readings be adopted.

Bylaw No. 1456. (All Directors – Weighted Vote)

That “Electoral Area ‘B’ Community Parks Reserve Fund Bylaw No. 1456, 2005” be introduced for first three readings.

(All Directors – 2/3 Vote)

That “Electoral Area ‘B’ Community Parks Reserve Fund Bylaw No. 1456, 2005” having received three readings be adopted.

Bylaw No. 1457. (All Directors – Weighted Vote)

That “Electoral Area ‘E’ Community Parks Reserve Fund Bylaw No. 1457, 2005” be introduced for first three readings.

(All Directors – 2/3 Vote)

That “Electoral Area ‘E’ Community Parks Reserve Fund Bylaw No. 1457, 2005” having received three readings be adopted.

Bylaw No. 1458. (All Directors – Weighted Vote)

That “Electoral Area ‘F’ Community Parks Reserve Fund Bylaw No. 1458, 2005” be introduced for first three readings.

(All Directors – 2/3 Vote)

That “Electoral Area ‘F’ Community Parks Reserve Fund Bylaw No. 1458, 2005” having received three readings be adopted.

Bylaw No. 1459. (All Directors – Weighted Vote)

That “Electoral Area ‘A’ Noise Control Extended Service Reserve Fund Bylaw No. 1459, 2005” be introduced for first three readings.

(All Directors – 2/3 Vote)

That “Electoral Area ‘A’ Noise Control Extended Service Reserve Fund Bylaw No. 1459, 2005” having received three readings be adopted.

Bylaw No. 1460. (All Directors – Weighted Vote)

That “Electoral Area ‘C’ Noise Control Extended Service Reserve Fund Bylaw No. 1460, 2005” be introduced for first three readings.

(All Directors – 2/3 Vote)

That "Electoral Area 'C' Noise Control Extended Service Reserve Fund Bylaw No. 1460, 2005" having received three readings be adopted.

Bylaw No. 1461. (All Directors – Weighted Vote)

That "Electoral Area 'D' Noise Control Extended Service Reserve Fund Bylaw No. 1461, 2005" be introduced for first three readings.

(All Directors – 2/3 Vote)

That "Electoral Area 'D' Noise Control Extended Service Reserve Fund Bylaw No. 1461, 2005" having received three readings be adopted.

Bylaw No. 1462. (All Directors – Weighted Vote)

That "Electoral Area 'E' Noise Control Extended Service Reserve Fund Bylaw No. 1462, 2005" be introduced for first three readings.

(All Directors – 2/3 Vote)

That "Electoral Area 'E' Noise Control Extended Service Reserve Fund Bylaw No. 1462, 2005" having received three readings be adopted.

Bylaw No. 1463. (All Directors – Weighted Vote)

That "Electoral Area 'G' Noise Control Extended Service Reserve Fund Bylaw No. 1463, 2005" be introduced for first three readings.

(All Directors – 2/3 Vote)

That "Electoral Area 'G' Noise Control Extended Service Reserve Fund Bylaw No. 1463, 2005" having received three readings be adopted.

Bylaw No. 1464. (All Directors – Weighted Vote)

That "District 69 Swimming Pool Service Reserve Fund Bylaw No. 1464, 2005" be introduced for first three readings.

(All Directors – 2/3 Vote)

That "District 69 Swimming Pool Service Reserve Fund Bylaw No. 1464, 2005" having received three readings be adopted.

Bylaw No. 1465. (All Directors – Weighted Vote)

That "Regional Growth Management Service Reserve Fund Bylaw No. 1465, 2005" be introduced for first three readings.

(All Directors – 2/3 Vote)

That “Regional Growth Management Service Reserve Fund Bylaw No. 1465, 2005” having received three readings be adopted.

Bylaw No. 1466. (All Directors – Weighted Vote)

That “Unightly Premises Extended Service Reserve Fund Bylaw No. 1466, 2005” be introduced for first three readings.

(All Directors – 2/3 Vote)

That “Unightly Premises Extended Service Reserve Fund Bylaw No. 1466, 2005” having received three readings be adopted.

Service Area Boundary Amendment Bylaws – French Creek (re Incorporation into Qualicum Beach) – Area G – Bylaws No. 791.10, 794.06, 874.05, 889.35 and 1089.03.

Bylaw No. 791.10. (All Directors – One Vote)

That “Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.10, 2005” be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.

Bylaw No. 794.06. (All Directors – One Vote)

That “French Creek Fire Protection Local Service Area Boundary Amendment Bylaw No. 794.06, 2005” be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.

Bylaw No. 874.05. (All Directors – One Vote)

That “French Creek Water Local Service Area Boundary Amendment Bylaw No. 874.05, 2005” be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.

Bylaw No. 889.35. (All Directors – One Vote)

That “Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.35, 2005” be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.

Bylaw No. 1089.03. (All Directors – One Vote)

That “Regional District of Nanaimo French Creek Bulk Water Supply Development Cost Charge Area Boundary Amendment Bylaw No. 1089.03, 2005” be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.

ENVIRONMENTAL SERVICES

SOLID WASTE

Waste Export Agreement Termination. (All Directors – Weighted Vote)

That the Board request early termination of the agreement with the GVS&DD to collect, transship and dispose of 17,000 tonnes of RDN solid waste annually.

COMMISSION, ADVISORY & SELECT COMMITTEE

Arrowsmith Water Service Management Committee. (All Directors – One Vote)

That the minutes of the Arrowsmith Water Service Management Committee meeting held May 18, 2005 be received for information.

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

That the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held July 20, 2005 be received for information.

Intergovernmental Advisory Committee. (All Directors – One Vote)

That the minutes of the Intergovernmental Advisory Committee meetings held July 7, 2005 and July 19, 2005 be received for information.

Regional Parks & Trails Advisory Committee. (All Directors – One Vote)

That Peter Rothermel and Frank Van Eynde be appointed to the Regional Parks and Trails Advisory Committee for a term ending December 31, 2007 and that Harriet Rueggeberg be appointed to the Regional Parks and Trails Advisory Committee for a term ending December 31, 2006.

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.5 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

8. ADMINISTRATOR'S REPORTS

48-67 Regional Context Statement for District of Lantzville Official Community Plan.
(All Directors – One Vote)

68-71 Lantzville Official Community Plan Referral – District of Lantzville.
(All Directors - One Vote)

72-77 Amendment to the Southern Community Sewer and Duke Point Sewer Service Areas
(Bylaws No. 888.03 & 1004.01). (All Directors – One Vote)

- 78 2005 Local Government Elections -- Appointment of CEO & DCEO. (All Directors – One Vote)
- 79-83 Resource and Forestry Lands Meeting Follow Up Report. (Electoral Area Directors except EA 'B' – One Vote)
- 84-90 Te'Mexw Treaty Negotiations. (All Directors – One Vote)

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

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

Tonn, Nancy

From: Rodger [mailto:rodger@cupe401.ca]
Sent: Friday, August 12, 2005 3:45 PM
To: Tonn, Nancy
Cc: Redlin, Blair; Ian Clough
Subject: August 23 2005 Board Meeting

I am requesting that an opportunity for two representatives of CUPE be permitted time to speak as a delegations to the Board members of Regional District of Nanaimo at the August 23, 2005 Board meeting. We request that each be given ten minutes allotted to separate delegations as each of these delegates have different information to present. One delegate represents CUPE British Columbia and the other more specifically the CUPE members of our region. The names of those representing CUPE are, Blair Redlin and Barry O'Neill.

CUPE would like to address the Board regarding the proposed Public Private Partnership between the Regional District of Nanaimo and EPCOR inc. I look forward to your favourable response.

Thank you
Rodger Oakley
CUPE local 401

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8/12/2005

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGULAR MEETING OF THE BOARD OF THE REGIONAL DISTRICT OF NANAIMO HELD ON TUESDAY, JULY 26, 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
Alternate	
Director D. Heenan	Electoral Area II
Director Randy Longmuir	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director D. Brennan	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director T. Krall	City of Nanaimo
Director L. McNabb	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
T. Osborne	Manager of Recreation & Parks
J. Finnie	Gen. Mgr. of Environmental Services
J. Llewellyn	Manager of Community Planning
M. Pearse	Manager of Administrative Services
N. Tonn	Recording Secretary

DELEGATIONS

Maeve O'Bryne, Nanaimo & District Hospital Foundation, re Update on the Activities of the Foundation.

Ms. O'Bryne provided a verbal and visual update on the activities of the Nanaimo and District Hospital Foundation.

Frank Garnish, re Referendum for a Recreation Function in Electoral Area A.

Mr. Garnish spoke in favour of proceeding to referendum on the proposed recreation function in Electoral Area A.

BOARD MINUTES

MOVED Director Krall, SECONDED Director Westbrook, that the minutes of the regular Board meeting held June 28, 2005 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Margaret & Tony Giblett, re Development Permit Application No. 60532 – Davis/Carniato – Andover Road – Area E.

MOVED Director Holme, SECONDED Director Krall, that the correspondence from Margaret and Tony Giblett regarding Development Permit Application No. 60532 be received.

CARRIED

Helga Longmore, Vancouver Island Health Authority, re Phase II – Redevelopment – Nanaimo Regional General Hospital.

MOVED Director Holme, SECONDED Director Krall, that the correspondence from the Vancouver Island Health Authority regarding the Nanaimo Regional General Hospital's Phase II redevelopment be received.

CARRIED

Margaret and Tony Giblett, re Development Permit Application No. 60532 – Davis/Carniato – Andover Road – Area E.

MOVED Director Holme, SECONDED Director Krall, that the correspondence from Margaret and Tony Giblett regarding withdrawal of their opposition to Development Permit Application No. 60532 be received.

CARRIED

Heikki and Marjatta Heinonkari, re Development Variance Permit Application No. 90515 – Schlegel – Blueback Drive – Area E.

MOVED Director Holme, SECONDED Director Krall, that the correspondence from Heikki and Marjatta Heinonkari regarding Development Variance Permit Application No. 90515 be received.

CARRIED

Simon Huddy and Jane Fordham, re Development Variance Permit Application No. 90515 – Schlegel – Blueback Drive – Area E.

MOVED Director Holme, SECONDED Director Krall, that the correspondence from Simon Huddy and Jane Fordham regarding Development Variance Permit Application No. 90515 be received.

CARRIED

G.B. Kaine, re Development Variance Permit Application No. 90515 – Schlegel – Blueback Drive – Area E.

MOVED Director Holme, SECONDED Director Krall, that the correspondence from G.B. Kaine regarding Development Variance Permit Application No. 90515 be received.

CARRIED

UNFINISHED BUSINESS

BYLAWS

For Adoption.

Bylaw No. 500.319 – Land Use and Subdivision Bylaw Amendment – Qualicum River Corridor - Area H.

MOVED Director Hamilton, SECONDED Director Holme, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.319, 2005” be adopted.

CARRIED

Bylaw No. 500.320 – Land Use and Subdivision Bylaw Amendment – Amendment Application ZA0511 – 946 Text Amendment.

MOVED Director Holme, SECONDED Director Hamilton, that this item be referred back to staff.

CARRIED

Bylaw No. 813.32.

MOVED Director Holme, SECONDED Director D. Haime, that “French Creek Sewerage Facilities Local Service Area Amendment Bylaw No. 813.32, 2005” be adopted.

CARRIED

Bylaw No. 889.31.

MOVED Director Holme, SECONDED Director D. Haime, that “Northern Community Sewer Local Service Area Amendment Bylaw No. 889.31, 2005” be adopted.

CARRIED

Bylaw No. 788.04.

MOVED Director Holme, SECONDED Director Biggemann, that “Madrona Point Water Service Area Purpose Amendment Bylaw No. 788.04, 2005” be adopted.

CARRIED

Bylaw No. 867.01.

MOVED Director Holme, SECONDED Director Krall, that “NanOOSE Bay Peninsula Water Services Amalgamation Bylaw No. 867.01, 2005” be adopted.

CARRIED

Bylaw No. 929.04.

MOVED Director Holme, SECONDED Director Longmuir, that “West Bay Estates Water Service Area Purpose Amendment Bylaw No. 929.04, 2005” be adopted.

CARRIED

Bylaw No. 930.03.

MOVED Director Holme, SECONDED Director McNabb, that “Arbutus Park Estates Water Service Area Purpose Amendment Bylaw No. 930.03, 2005” be adopted.

CARRIED

Bylaw No. 1255.02.

MOVED Director Holme, SECONDED Director Krall, that “Driftwood Water Service Area Purpose Amendment Bylaw No. 1255.02, 2005” be adopted.

CARRIED

Bylaw No. 1288.01.

MOVED Director Holme, SECONDED Director Krall, that "Fairwinds Water Service Area Purpose Amendment Bylaw No. 1288.01, 2005" be adopted.

CARRIED

Bylaw No. 1372.02.

MOVED Director Holme, SECONDED Director Kreiberg, that "Nanoose Bay Water Supply Service Area Purpose Amendment Bylaw No. 1372.02, 2005" be adopted.

CARRIED

Bylaw No. 1224.02.

MOVED Director Krall, SECONDED Director Lund, that "Regional District of Nanaimo Sewage Disposal Regulation Amendment Bylaw No. 1224.02, 2005" be adopted.

CARRIED

Bylaw No. 1285.06 – Zoning Amendment Application No. ZA0413 – Wendy Huntbatch – 2116 Alberni Highway - Area F.

MOVED Director Biggemann, SECONDED Director Holme, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.06, 2004" be adopted.

CARRIED

Public Hearing & Third Reading.

Report of the Public Hearing held June 30, 2005 with respect to Bylaw No. 500.308 – Land Use and Subdivision Bylaw Amendment – Wessex Enterprises Ltd./Addison – Midora and Extension Roads – Area C.

MOVED Director Hamilton, SECONDED Director D. Haime, that the report of the Public Hearing containing the summary of minutes and submissions of the Public Hearing held on June 30, 2005 as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.308, 2005" be received.

CARRIED

MOVED Director Hamilton, SECONDED Director D. Haime, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.308, 2005" be given 3rd reading.

CARRIED

MOVED Director Hamilton, SECONDED Director D. Haime, that the conditions as outlined in Schedule No. 1 be secured and/or completed by the applicant to the satisfaction of the Regional District of Nanaimo prior to consideration of adoption of Bylaw No. 500.308, 2005.

CARRIED

Report of the Public Hearing held June 27, 2005 with respect to Bylaw No. 1400 – Nanoose Bay Official Community Plan Bylaw.

MOVED Director Holme, SECONDED Director Hamilton, that the report of the Public Hearing containing the summary of minutes and submissions of the Public Hearing held Monday, June 27, 2005, together with all written submissions to the Public Hearing on the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005" be received.

CARRIED

MOVED Director Holme, SECONDED Director Hamilton, that "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005" be granted 3rd reading with minor amendments as recommended in Schedule No. 1 of the staff report.

CARRIED

MOVED Director Holme, SECONDED Director Hamilton, that "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005" be forwarded to the Ministry of Community Services for consideration of approval.

CARRIED

Third Reading.

Bylaw No. 1442.

MOVED Director Krall, SECONDED Director Westbrook, that amended "Northern Community Sewer Service Area Development Cost Charges Bylaw No. 1442, 2005" receive third reading and be forwarded to the Inspector of Municipalities for approval.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

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

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60524 – Chiste & Larsen – Northwest Bay Road – Area E.

MOVED Director Hamilton, SECONDED Director Kreiberg, that Farm Land Protection Development Permit Application No. 60524 to facilitate remediation of the 15.0 metre buffer area through replanting and leveling of the site and to allow the installation of a septic system within the buffer area, be approved, according to the terms outlined in Schedule No. 1.

CARRIED

Development Permit Application No. 60525 – Purves – 629 Viking Way – Area G.

MOVED Director Hamilton, SECONDED Director Kreiberg, that Development Permit Application No. 60525 with a front yard setback variance from 8.0 metres to 5.1 metres to permit the construction of a dwelling unit at 629 Viking Way be approved according to the terms outlined in Schedule No. 1, and subject to the Board's consideration of comments received as a result of public notification.

CARRIED

Development Permit Application No. 60526 – Friede/Fern Road – 6060 Island Highway West – Area H.

MOVED Director Hamilton, SECONDED Director D. Haime, that Development Permit Application No. 60526 with variance be approved according to the terms of Schedule No. 1, subject to consideration of comments received as a result of public notification and that the issuance of Development Permit No. 60526 be withheld until completion of the following:

The applicant shall, at the applicant's expense and to the satisfaction of the Regional District of Nanaimo, prepare and register a Section 219 covenant saving the Regional District of Nanaimo harmless of any damages and/or losses as a result of flooding and/or erosion.

CARRIED

Development Permit Application No. 60528 – Fern Road Consulting Ltd. on behalf of D & B Van Damme – 1921/1931 Northwest Bay Road – Area E.

MOVED Director Hamilton, SECONDED Director Holme, that Development Permit No. 60528, submitted by Fern Road Consulting Ltd., on behalf of D and B Van Damme for the property legally described as Lot 3, District Lot 10, Nanoose District, Plan 28601, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

Development Permit Application No. 60529 – Fern Road Consulting Ltd., on behalf of Forevergreen Properties Ltd. – Inland Island Highway/Butler Avenue – Area G.

MOVED Director Hamilton, SECONDED Director Kreiberg, that the request, submitted by Fern Road Consulting Ltd., on behalf of Forevergreen Properties Ltd., to allow the creation of a subdivision within the Inland Island Highway Development Permit Area as shown on the proposed plan of subdivision of Block 1438, Nanoose District, Except Parts in Plans 33564, VIP52788, VIP55714, 3501RW and VIP64704 and Proposed Closed Road, be approved subject to the conditions of Schedules No. 1 and 2.

CARRIED

MOVED Director Hamilton, SECONDED Director Holme, that the Approving Officer be specifically advised to take all necessary steps for the protection of all water wells, and in particular, those wells within the City of Parksville.

CARRIED

Development Permit Application No. 60532 – Davis/Carniato – Andover Road – Area E.

MOVED Director Hamilton, SECONDED Director Holme, that Development Permit Application No. 60532 with a variance to reduce the front lot line setback from 8.0 metres to 5.0 metres on Andover Road be approved according to the terms outlined in Schedule No. 1, subject to consideration of comments received as a result of public notification.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90515 – Schlegel – Blueback Drive – Area E.

Mr. Schlegel spoke to neighbours' concerns with respect to the height of his proposed residence and the loss of their view.

MOVED Director Hamilton, SECONDED Director Holme, that Development Variance Permit Application No. 90515, 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 9.1 metres according to the terms of Schedule '1', be approved subject to consideration of the comments received as a result of notification pursuant to the *Local Government Act*.

CARRIED

OTHER

Building Strata Conversion Application – S & W Jessen – 3051 West Road – Area D.

MOVED Director D. Haime, SECONDED Director Hamilton, that the request from Steven and Wendy Jessen, for the building strata conversion as shown on the Proposed Strata Plan of Lot 2, Section 16, Range 3, Mountain District, Plan VIP72060, be approved subject to the conditions being met as set out in Schedules No. 1, 2 and 3 of the staff report.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director Krall, SECONDED Director Brennan, that the minutes of the regular Committee of the Whole meeting held July 12, 2005 be received for information.

CARRIED

COMMUNICATION/CORRESPONDENCE

Jac Kreut, Board Chair, Vancouver Island Health Authority, re Attendance at Joint Capital Planning Meetings.

MOVED Director Krall, SECONDED Director Westbrook, that the correspondence from the Vancouver Island Health Authority regarding attendance at Joint Capital Planning meetings be received.

CARRIED

COMMUNITY SERVICES

EMERGENCY PLANNING

CVRD Pesticide Reduction Strategy.

MOVED Director Westbrook, SECONDED Director Holme, that the report on a pesticide reduction strategy be received for information and that staff be provided with direction for further action on this issue.

CARRIED

RECREATION AND PARKS

Boardwalk Construction at Cox Community Park – Area B.

MOVED Director Lund, SECONDED Director Hamilton, that the revised Area B community parks budget and the construction of a boardwalk within Cox Community Park on Gabriola Island, be approved.

CARRIED

REGIONAL GROWTH MANAGEMENT

Green Buildings Project – Green Buildings Tour.

MOVED Director Krall, SECONDED Director Holme, that the report on the educational green building tour conducted as a part of the Green Buildings Project be received.

CARRIED

CORPORATE AND COMMUNITY DEVELOPMENT

ADMINISTRATION

Port Theatre Funding Request for Electoral Areas D and E.

MOVED Director D. Haime, SECONDED Director Holme, that the Regional District of Nanaimo proceed to referendum on November 19, 2005, to obtain the assent of electors in Electoral Area D and Electoral Area E to establish individual Port Theatre Contribution Service Areas and that the referendum questions be as follows:

- i. Are you in favour of the "Electoral Area D Port Theatre Contribution Service Area Bylaw No. 1448" which, if enacted, would establish an annual area contribution of \$3,575 to contribute towards the operation of the Port Theatre?
- ii. Are you in favour of the "Electoral Area E Port Theatre Contribution Service Area Bylaw No. 1449" which, if enacted, would establish an annual area contribution of \$19,950 to contribute towards the operation of the Port Theatre?

MOVED Director D. Haime, SECONDED Director Holme, that Bylaws No. 1448 and 1449 be amended to add the following:

- (7) The Regional District may, for the purpose of ensuring the proper application of the contribution referred to in section 1, enter into a contribution agreement having a term of three years, and may renew any such agreement for further terms of three years based upon a satisfactory review of the recipient's financial statements and accounting records.

CARRIED

MOVED Director Holme, SECONDED Director D. Haime, that the "Electoral Area D Port Theatre Contribution Service Area Bylaw No. 1448, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Holme, SECONDED Director D. Haime, that the "Electoral Area E Port Theatre Contribution Local Service Area Bylaw No. 1449, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Haime, SECONDED Director Holme, that the Port Theatre be required to report annually to a meeting of the Board.

CARRIED

Police Support Services Funding.

MOVED Director Westbrook, SECONDED Director Longmuir, that assistance be provided to community based organizations providing police support services in the District 69 area through the 2005 general grants in aid function in the amount of \$3,064 for 2005 only.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that staff bring back the Police Support Services Establishing Bylaw No. 1421 report which considers establishing a new function to provide ongoing financial support to community based volunteer organizations delivering police support services to commence in 2006.

CARRIED

BUILDING INSPECTION

Section 57 of the Community Charter – Contravention of Bylaws.

The Chairperson noted that the following contravention has been resolved:

- (a) Lot 14, Section 14, Range 2, Plan VIP67829, Cedar District, 1866 Kirkstone Way, Electoral Area 'A', owned by T. Ryan and K. Schroder.

MOVED Director Hamilton, SECONDED Director Holme, 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 1, Section 12, Range 2, Plan VIP76511, Cedar District, 2070 Grieve Road, Electoral Area 'A', owned by T. Davies and D. Bouchard;
- (b) Lot 2, Section 4, Gabriola Island, Plan 16716, Nanaimo District except that part in Plan VIP52510, 1780 Stalker Road, Electoral Area 'B', owned by T. Upton and B. Plummer;
- (c) Lot 2, District Lot 29, Plan VIP63647, Nanoose District and part of the Bed of the Strait of Georgia, 992 Lee Road, Electoral Area 'G', owned by A. Short.

CARRIED

ELECTIONS

Mail in Ballots.

MOVED Director Krall, SECONDED Director Brennan, that the District continue to provide curb side voting at every voting place for electors with physical disabilities.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

Pump & Haul Local Service Area Amendment Bylaw No. 975.39 – Remora Place – Area E.

MOVED Director Holme, SECONDED Director McNabb, that the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include Lot 12, DL 8, Plan 20762, Nanoose Land District. (Remora Place in Electoral Area E.)

CARRIED

MOVED Director Holme, SECONDED Director McNabb, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.39, 2005" be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

UTILITIES

French Creek Sewer Local Service Area Bylaw No. 813.34 and Northern Community Sewer Local Service Area Bylaw No. 889.34 – 808 Wembley Road – Area G.

MOVED Director Holme, SECONDED Director Westbrook, that "Regional District of Nanaimo French Creek Sewer Local Service Area Amendment Bylaw No. 813.34, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Holme, SECONDED Director Westbrook, that "Northern Community Sewer Local Service Area Amendment Bylaw No. 889.34, 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 Longmuir, SECONDED Director Westbrook, that the minutes of the District 69 Recreation Commission meeting held June 16, 2005 be received for information.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that the program, admission and rental fees for Oceanside Place in 2005/06 be approved as outlined in Appendix A.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that the program, admission and rental fees for Ravensong Aquatic Centre in 2006 be approved as outlined in Appendix B.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that Recreation Coordination program fees and recovery rates, administration fee and revenue-sharing percentage ratio for Term Instructor (Companies) agreements for 2006 be approved as outlined in Appendix C.

CARRIED

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

MOVED Director Krall, SECONDED Director Holme, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held June 15, 2005 be received for information.

CARRIED

Transit Business Plan Update Select Committee.

MOVED Director Krall, SECONDED Director McNabb, that the minutes of the Transit Business Plan Update Select Committee meeting held June 30, 2005 be received for information.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

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

MOVED Director McNabb, SECONDED Director Krall, that the minutes of the Electoral Area 'A' Recreation Services Study Project Advisory Committee meeting held July 14, 2005.

CARRIED

MOVED Director Kreiberg, SECONDED Director Westbrook, that the Regional District proceed to Phase III of the Recreation Services Study to conduct a referendum in November 2005 for the creation of a local recreation service function in Electoral Area 'A'.

CARRIED

ADMINISTRATOR'S REPORTS

2005 Emergency Planning Program Funding Application.

MOVED Director Korpan, SECONDED Director Biggemann, that the application for the 2005 provincial Emergency Planning Program funding be approved.

CARRIED

Acceptance of 286 ha of Fee Simple Land for Community Park Use – Area B.

MOVED Director Lund, SECONDED Director D. Haime, that the Gabriola Islands Local Trust Committee's request that the Regional District receive 286 hectares of land as Community Park be accepted, subject to the terms and conditions outlined in the staff report.

CARRIED

ADDENDUM

BYLAWS

For Adoption.

Bylaw No. 889.32.

MOVED Director Holme, SECONDED Director McNabb, that "Northern Community Sewer Local Service Area Amendment Bylaw No. 889.32, 2005" be adopted.

CARRIED

Bylaw No. 1124.04.

MOVED Director Holme, SECONDED Director McNabb, that "Surfside Sewer Local Service Area Boundary Amendment Bylaw No. 1124.04, 2005" be adopted.

CARRIED

NEW BUSINESS

September Meetings.

The Chairperson noted that the regular September Board meeting will be held on September 20, 2005 due to the scheduling of the 2005 UBCM Convention.

IN CAMERA

MOVED Director Krall, SECONDED Director Brennan, that pursuant to section 90(1)(h) of the *Community Charter* the Board proceed to an In Camera meeting to consider legal matters.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:52 PM

The meeting reconvened at 8:21 PM.

Bylaw 1078.05.

MOVED Director Korpan, SECONDED Director C. Haime, that "Regional District of Nanaimo Board and Committee Member Remuneration, Expenses and Benefits (All Directors) Amendment Bylaw No. 1078.05, 2005" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Krall, that "Regional District of Nanaimo Board and Committee Member Remuneration, Expenses and Benefits (All Directors) Amendment Bylaw No. 1078.05, 2005" having received three readings be adopted.

CARRIED

Bylaw No. 1317.01.

MOVED Director Hamilton, SECONDED Director Biggemann, that "Regional District of Nanaimo Board Remuneration and Expenses (Electoral Areas Only) Amendment Bylaw No. 1317.01, 2005" be introduced for first three readings.

CARRIED

MOVED Director Hamilton, SECONDED Director Biggemann, that "Regional District of Nanaimo Board Remuneration and Expenses (Electoral Areas Only) Amendment Bylaw No. 1317.01, 2005" having received three readings be adopted.

CARRIED

Nominations for Appointment to the BC Ferry Authority Board of Directors.

MOVED Director McNabb, SECONDED Director Westbrook, that the Regional District of Nanaimo nominate Thomas W. Harris to be considered by the BC Ferry Authority Board for appointment as Director from the Central Vancouver Island and Georgia Strait Appointment area.

CARRIED

ADJOURNMENT

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

CARRIED

Time: 8:23 PM

Lapham, Bob

From: David Bartram [DWBartam@shaw.ca]
Sent: Wednesday, August 17, 2005 8:56 AM
To: Joe Stanhope; Lapham, Bob; Finnie, John; Connelly, Neil; Llewellyn, Jason
Cc: Lou Biggeman; George Holme; Randy Longmuir; Teunis Westbroek; Haime, Colin; Haime, Denise; Hamilton, Elaine; Kreiberg, Henrik; Korpan, Gary
Subject: E&N Pest Management Plan
Importance: High

Joe and Bob:

The E&N ran a legal notice in the PQ News on the 12th Aug which states that they have developed a Pest Management Plan (PMP) using Roundup, Garion 4, and 2,4D. The PMP is for a 5 Year period from Sep 15 05 to Sept 2010. The legal notice states that anyone wishing to contribute information about the plan to provide information within 30 days of the publication of the notice.

This was tried about 5 years ago and people in Electoral Area H were up in arms because the RR runs right through our aquifers where we get our Drinking Water. They had it stopped. Since the legal notice, I have been called numerous times to ask what the RDN is going to do about the E&N PMP. **I have taken the position that I am opposed to any use of chemicals to control vegetation along the E&N railway where there is even a remote possibility that these chemicals could affect our drinking water.** As you are aware, all of our Drinking Water in Electoral Area H comes from mainly unconfined aquifers through wells. I am currently gathering support of the local water districts and residents in Electoral Area H to oppose the PMP and to encourage E&N to use alternate methods like cutting/mowing.

I would be interested in what the RDN position was the last time this was tried. I am told that the E&N has an agreement with the Municipalities not to use chemicals to control vegetation in the Municipal boundaries. If this is true then I would expect the same treatment for the residents in the Electoral Areas.

Given the short suspense and the timings of our COW and Board meetings, it is my intention to bring forward a motion at the Board Meeting on Tuesday 23rd Aug which states:

MOTION:

E&N Pest Management Plan

1. The RDN is opposed to any use of chemical sprays to control vegetation along the E&N Railroad within the boundaries of the RDN and strongly encourages the E&N Railway Company Ltd to develop a Pest Management Plan which controls vegetation through cutting and mowing.
2. That the RDN write the E&N Railway Company and advise them of our opposition to the Pest Management Plan, and to make representation at any public hearings opposing use of chemical sprays to control vegetation along the E&N Railroad.

I would very much appreciate staffs input into the above motion. I apologize for the quick staffing but the timelines are very short and the deadline for input to the PMP is before our next COW on the 13 Sep.

For the Directors: I'm sure some of you have been involved in this issue before and I request your support as this is a huge issue in my Electoral Area.

Thanks.
 Dave

08/17/2005



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
AUG 12 2005			
BOARD			

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: August 12, 2005

FROM: Brigid Reynolds
Senior Planner

FILE: 3360 20 0507

SUBJECT: Amendment Bylaw No. 1285.05, 2005
Finetuning Project ALR Properties

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held on Thursday July 21, 2005, and further, to consider Bylaw No. 1285.05, 2005 for 3rd reading.

BACKGROUND

Bylaw No. 1285.05, 2005 was introduced and given 1st and 2nd reading on June 28, 2005. This was followed by a Public Hearing held on July 21, 2005. The summary of the minutes and submissions is attached for the Board's consideration (*see Attachments No. 1 and 2*).

The 'fine-tuning' of the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" began in June 2003. As a result, "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" was adopted thereby amending the zoning for 55 properties to recognize uses and/or density that pre-existed the adoption of Bylaw No. 1285 and that met the criteria established in the Official Community Plan. As part of the 'fine-tuning' process requests were received from property owners with land in the Agricultural Land Reserve (ALR). In order for any 'non-farm' uses to be recognized in Bylaw No. 1285 approval from the Agricultural Land Commission (ALC) is required. This approval has been received for 11 property owners. "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" includes amendments to the zoning for these 11 properties.

In addition, three housekeeping amendments are included in the amendment bylaw. These amendments include future subdivision of site specific zoned properties such that the site specific zoning does not carry over to any newly created parcels, correcting a reference in four site specific zones from 'one bedroom dwelling unit' to a 'dwelling unit', and clarifying that home based business shall include some processing of goods and limiting the extent of permitted retail use in a home based business.

ALTERNATIVES

1. To receive the Report of the Public Hearing and give 3rd reading to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005."
2. To receive the Report of the Public Hearing and deny "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005."

INTERGOVERNMENTAL IMPLICATIONS

Referrals were sent to Agricultural Land Commission, Central Vancouver Island Health Region, Ministry of Agriculture, Ministry of Environment, Ministry of Transportation, City of Parksville, Town of Qualicum Beach, District of Lantzville, and Qualicum First Nation. Referral comments have been received from Ministry of Transportation, Ministry of Environment, Central Vancouver Island Health Region, City of Parksville, and Ministry of Agriculture, Food and Fisheries (*see Attachment No. 2*). None of the agencies commenting had any concerns with the bylaw amendment.

PUBLIC CONSULTATION IMPLICATIONS

The proceedings are outlined in the Summary of the Minutes and Submissions of the Public Hearing attached to this report (*see Attachment No. 1*). Prior to the Public Hearing it came to the attention of the RDN that there was a possible bylaw enforcement issue. As a result, staff contacted the property owner in an attempt to resolve the issue. The property owner submitted a letter stating they will work towards resolving the issue (*see Attachment No. 2*), and committed to staff to come into compliance with RDN bylaws.

VOTING

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

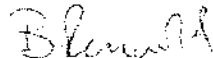
SUMMARY

The bylaw was introduced and given 1st and 2nd reading on April 26, 2005 and proceeded to Public Hearing on July 21, 2005. Referrals were also made to the relevant agencies. The Summary of the Minutes and Submissions of the Public Hearing are attached in Attachment No. 1 and 2.

Staff recommends that the Minutes and Submissions of the Public Hearing be received and that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" receive 3rd reading. Once this Bylaw is adopted it will facilitate the end of the 'fine-tuning' process that began in June 2003. Any future requests to amend the zoning bylaw to recognize a pre-existing use would require an individual zoning amendment application. This fine-tuning process was a Board directed process that was established when Bylaw No. 1285 was originally adopted.

RECOMMENDATIONS

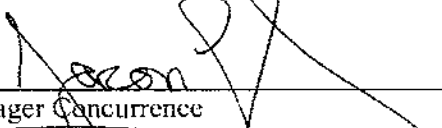
1. That the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on July 21, 2005 as a result of public notification of "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" be received.
2. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" be given 3rd reading.



Report Writer



Deputy Administrator Concurrence



Manager Concurrence

COMMENTS:
devsvs/reports/2005/443360 30 0507 HLRP au brd ph 3rd

Attachment No. 1

**Report of the Public Hearing held
Thursday, July 21, 2005 at 7:00 pm at the Bradley Centre 975 Shearman Road to
consider "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision
Bylaw Amendment Bylaw no. 1285.05, 2005"**

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

Present:

L. Biggemann Chair Director, Electoral Area 'F'
Joe Stanhope Director, Electoral Area 'G'

B. Reynolds Senior Planner

There were approximately 20 people in attendance.

There are four written submissions attached to and forming part of the minutes of the Public Hearing.

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

The Senior Planner provided a description of the Bylaw.

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

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

Paul Kirchner, 1320 Pratt Road requested clarification about the bylaw.

B. Reynolds provided clarification of the intent and purpose of the bylaw and the finetuning process for the review of Bylaw No. 1285.

The Chair provided additional information regarding the process for the Agricultural Land Commission (A.L.C) delegating authority to the RDN for approval of non-farm use.

Marg Johnson, 1290 Ruffles Road requested clarification of the timing of the bylaw amendment approval process.

B. Reynolds provided clarification.

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

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

Hearing none, the Chair thanked those in attendance and announced that the Public Hearing was closed. The Chair indicated that the Board of the Regional District would consider Bylaw No. 1285.05, 2005 at their regular board meeting to be held Tuesday,

August 23, 2005 at the Regional District Board chambers at 6300 Hammond Bay Road in Nanaimo.

The meeting concluded at 7:25 pm

Brigid Reynolds
Recording Secretary

Attachment No. 2 (Page 1 of 8)

**Agency Referral Responses and
Public Hearing Submissions**

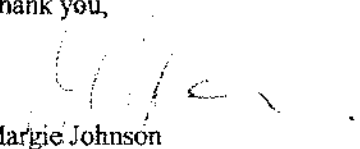
Island Viking Holding Ltd.
Storland Division
1290 Ruffels Road
Parksville, B.C. V9P 2B6
July 21, 2005

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

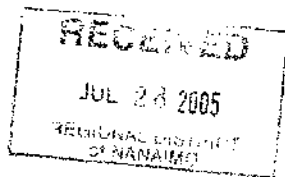
To Whom It May Concern: re: Lot 1 District Lot 139, Nanoose District, Plan 24924
(1290 Ruffels Road)

Please be advised that we will do diligence in the matter requested.

Thank you,


Margie Johnson
Secretary
Island Viking Holdings Ltd.

Attachment No. 2 (Page 2 of 8)



File: 01 002 26475

July 25, 2005

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

Attention: Brigid Reynolds, Senior Planner

**Re: Regional District of Nanaimo Electoral Area 'F' Zoning & Subdivision Bylaw
Amendment Bylaw No. 1285.05, 2005**

Thank you for your recent referral. I have reviewed it and our Ministry's interests are unaffected.

Should you have any questions, please do not hesitate to contact me at (250) 751-3263 (office), or via email at Nick.Vandermolen@gems9.gov.bc.ca.

Yours truly,

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

Nick Vandermolen
Deputy Approving Officer

NPV/kp/26475L

**Ministry of
Transportation**

Vancouver Island District
South Coast Region

Mailing Address
3rd Floor - 2199 Lacombe
Road
Nanaimo BC V9T 6E9

Site Address
2nd Floor - 2100 Lacombe
Road
NANAIMO BC
Telephone: (250) 751-3263
Facsimile: (250) 751-3289

Web Address
www.gov.bc.ca/tran

Attachment No. 2 (Page 3 of 8)



July 20, 2005

Your File: Bylaw No. 1285.05
Our File: 58000-35/01-RD19

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

ATTENTION: Brigid Reynolds, Senior Planner

Dear Brigid Reynolds:

Re: Interagency Referrals

The interagency referral, noted in your attached cover letter, has been received by this office for review and comment. Please note, that we are no longer reviewing site specific referrals, as the ministry's *Environmental Best Management Practices for Urban and Rural Land Development* (BMP) June 2004 draft document should address most development related questions. Although, the Ecosystem Section, Environmental Stewardship Division in Nanaimo will not be commenting on environmental sensitivities potentially affected by this proposal, we will retain a copy of your referral for future monitoring purposes.

We would be happy to provide your agency with comments on your community plans, bylaws, and major zoning amendments, due to the significant role that these higher level planning processes have on species occurrence and ecological function over time.

The latest draft of the ministry's BMP has been posted to the web, and can be accessed at http://wlapwww.gov.bc.ca/wld/documents/bmp/urban_ebmp/urban_ebmp.html. We ask that you review this document, and consider the recommendations presented therein when reviewing the current proposal.

.../2

Attachment No. 2 (Page 4 of 8)

Regional District of Nanaimo

- 2 -

July 20, 2005

This document reflects the ministry's typical recommendations regarding various aspects of land development and land use designation. While implementation of the BMP is not mandatory, following these recommendations is expected to minimize the negative impacts of expanding urban and rural development on the landscape, and biological resource values.

Yours truly,



Judy Teskey
Head, Ecosystem Section
Environmental Stewardship

Enclosures

Attachment No. 2 (Page 5 of 8)

2005-07-01-K017



July 8, 2005



Ms. Maggie Henigman
Environmental Assessment Officer
Ministry of Environment
2080 A Labieux Road
Nanaimo, BC V9T 6J9

Dear Ms. Henigman

**RE: Regional District of Nanaimo Electoral Area 'F' Zoning and
Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005**

The Regional District of Nanaimo Board considered "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" at its regular meeting on June 28, 2005. At this meeting, the Board endorsed the recommendations of the Electoral Area Planning Committee to grant the Bylaw 1st and 2nd reading and forward the Bylaw for consideration at a Public Hearing.

The Public Hearing for this Amendment Bylaw has been scheduled for July 21, 2005. As such, we would ask that you review the attached Amendment Bylaw from your agency's perspective, and forward any comments by July 20, 2005.

Please call me at (250) 390-6510, (250) 954-3798 or 1-877-607-4111 if you have any further questions.

Sincerely,

Brigid Reynolds
Senior Planner

enclosure

4300 Hammond Bay Rd
Nanaimo, B.C.
V9T 6R2

Ph: (250) 390-4111
Toll Free: 1-877-607-4111
Fax: (250) 390-4163

RDN Website: www.rdn.bc.ca

Attachment No. 2 (Page 6 of 8)



Environmental Health Program

Date: July 20/05

PO Box 1210, 249 West Hirst Avenue
Parksville BC V9P 2H2
Ph: (250) 248-2044
Fx: (250) 248-8624

Fax To: Brigid Reynolds
Senior Planner

Fax No.: ()

From: **Glenn Gibson, CPHI(C), Land Development**

Topic: Bylaw # 1285.05/2005

Transmitted by: _____ No. of Pages: 1
(including this page)

Urgent: YES: _____ NO: X Confidential: YES: _____ NO: X

Comments:
Further to your July 8/05 letter of request,
I have no concerns with this Amendment

By-law.
Thank You

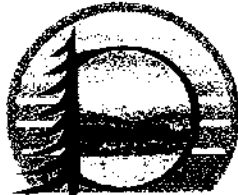
Glenn Gibson
Glenn J. Gibson, CPHI(C), Land Development

THIS FAX IS INTENDED FOR THE ADRESSEE ABOVE - If you receive this fax in error, Please notify us immediately by telephone and destroy original, without making a copy. Any other distribution, copy or disclosure is strictly prohibited. Thank you for your cooperation.

Duncan Health Unit
Nanaimo Health Unit
Parksville Health Unit
Port Alberni Health Unit

(250) 746-1414
(250-) 755-6215
(250) 248 2044
(250) 724-1281

Attachment No. 2 (Page 7 of 8)



City of PARKSVILLE

PO Box 1390, 100 E. Jensen Avenue, Parksville, BC, V9P 2H3
Telephone: (250) 248-6144 Fax: (250) 248-6650
www.city.parksville.bc.ca

July 19, 2005

VIA FAX: (250) 390-7511



PAGE 1 OF 1

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

ATTENTION: BRIGID REYNOLDS, SENIOR PLANNER

Dear Sirs:

SUBJECT: REGIONAL DISTRICT OF NANAIMO ELECTORAL AREA "F"
ZONING AND SUBDIVISION BYLAW AMENDMENT BYLAW NO.
1285.05, 2005

Thank you for your July 8th letter requesting comments about the Area 'F' Bylaw refinements.

I do not believe that the City of Parksville's interest is affected by these proposed bylaw changes.

Yours truly,

A handwritten signature in black ink, appearing to read "Gayle A. Jackson".

GAYLE A. JACKSON
Director of Community Planning

GAJ/sh

GJ:0480-RDN/Area F/Reynolds-1.

Attachment No. 2 (Page 8 of 8)



July 21, 2005

Brigid Reynolds
Senior Planner
Regional District of Nanaimo
6300 Hammond Bay Rd.
Nanaimo, BC V9T 6N2

Dear Brigid Reynolds:

Re: Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005

Thank you for the referral dated July 8, 2005. As Wayne Haddow is on holiday I have been asked to comment on the referral.

It is my understanding that all the proposed bylaw changes that pertain to land within the Agricultural Land Reserve have prior approval from the Agricultural Land Commission. Therefore I have no objection to the proposed bylaw changes related to the agricultural zones.

Thank you for the opportunity to comment on the proposed bylaw amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Hatfield".

Jill Hatfield P.Ag.
Regional Agrologist

Ministry of Agriculture,
Food and Fisheries

Coastal

Mailing Address:
2500 Cliffe Avenue
Courtenay, BC, V9N 5M8

Phone: (250) 897-7518
Facsimile: (250) 334-1410

Web Address: <http://www.gov.bc.ca/agf/>

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, AUGUST 9, 2005, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Alternate	
Director B. Jepson	Electoral Area D
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Director D. Bartram	Electoral Area H

Also in Attendance:

B. Lapham	Deputy Administrator
J. Llewellyn	Manager of Community Planning
M. Pearse	Manager of Administrative Services
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Director Jepson to the meeting.

MINUTES

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

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0510 – Cedar Estates – Robert Boyle Architecture Inc. on behalf of 700805 BC Ltd and Lot 6 Holdings – Cedar & Hemer Roads – Area A.

MOVED Director Kreiberg, SECONDED Director Holme, that Zoning Amendment Application No. ZA0510 to rezone the properties legally described as 'Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634, VIP67432 and VIP76260' and 'Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634', from Commercial 2 Subdivision District M (CM2M) to Comprehensive Development 29 (CD29) in order to facilitate the development of a mix of residential housing options and personal care uses be approved to proceed to a second public information meeting and to public hearing, subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Kreiberg, SECONDED Director Bartram,:

1. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005" be given 1st and 2nd reading.

2. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005" be delegated to Director Kreiberg or his alternate.

CARRIED

The Chairperson noted that the Development Permit applications would be addressed in the order of Applications 60531, 60537 and 60535.

Director Holme left the meeting citing a possible conflict of interest with Development Permit applications Nos. 60531 and 60537.

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60531 – Johnson/JE Anderson & Associates – 1338 Madrona Drive – Area E.

MOVED Director Kreiberg, SECONDED Director Stanhope, that Development Permit Application No. 60531 with variances to the front lot line setback and the setback from the top of the bank adjacent to the ocean to facilitate the construction of a new dwelling unit at 1338 Madrona Drive be approved according to the terms outlined in Schedule No. 1 and subject to the Board's consideration of comments received as a result of public notification.

CARRIED

Development Permit Application No. 60537 – 64203 BC Ltd./Voigt – Paradise Place – Area E.

MOVED Director Biggemann, SECONDED Director Kreiberg, that Development Permit Application No. 60537, including variances, be approved to allow the replacement of a bridge over a watercourse according to the terms outlined in Schedule No. 1, and subject to the Board's consideration of comments received as a result of public notification.

CARRIED

Director Holme returned to the meeting.

Development Permit Application No. 60535 – Dunville/Allen – Rockhampton Road – Area E.

MOVED Director Holme, SECONDED Director Bartram, that Development Permit Application No. 60535 be approved to allow the construction of a single family dwelling unit on Rockhampton Road according to the terms outlined in Schedule No. 1.

CARRIED

OTHER

Land Use and Subdivision Amendment Bylaw No. 500.324 – Text Amendment – Nanoose Bay Official Community Plan Implementation – Area E.

MOVED Director Holme, SECONDED Director Stanhope,:

1. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005" be given 1st and 2nd reading.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005" proceed to a Public Hearing.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005" be delegated to Director Holme or his alternate.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:41 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON TUESDAY, AUGUST 9, 2005, AT 7:00 PM IN THE RDN BOARD CHAMBERS

Present:

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

Also in Attendance:

B. Lapham	Deputy Administrator
J. Finnie	General Manager of Environmental Services
T. Osborne	Manager of Recreation & Parks
C. McIver	Manager of Solid Waste
N. Avery	Manager of Financial Services
M. Pearse	Manager of Administrative Services
N. Tomm	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Directors Jepson, Dempsey and Brennan to the meeting.

DELEGATIONS

Karen Taylor, re Landslip on Property Located at 853 Drew Road – Area G.

Ms. Taylor raised her concerns with respect to unresolved stability problems on property located at 853 Drew Road and the effect it may have on her neighbouring property and the proposal by the RDN to file a Notice on the property title with respect to the hazard. Ms. Taylor requested that the Board not file a Notice of her property at 859 Drew Road.

A request was made to bring forward business arising from delegations or communications.

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Landslip on Property Located at 853 Drew Road – Area G.

MOVED Director Hamilton, SECONDED Director Bartram, that staff be requested to bring forward a report to the Board on the unresolved stability problems regarding the property located at 853 Drew Road.

CARRIED

MINUTES

MOVED Director McNabb, SECONDED Director Manhas, that the minutes of the Committee of the Whole meeting held July 12, 2005 be adopted.

CARRIED

COMMUNITY SERVICES

REGIONAL GROWTH MANAGEMENT

Urban Containment Implementation Agreement.

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

CARRIED

TRANSPORTATION SERVICES

License for Emergency Wharf – Gabriola Island.

MOVED Director Lund, SECONDED Director Brennan, that the Land and Water British Columbia Inc. offer of a 10 year license for an emergency wharf facility on Gabriola Island be accepted.

CARRIED

New Transit Exchange.

MOVED Director Holme, SECONDED Director Jepson, that the three year lease agreement between the City of Nanaimo and the Regional District of Nanaimo for land to operate a transit exchange be approved.

CARRIED

CORPORATE AND COMMUNITY DEVELOPMENT

BUILDING INSPECTION

Section 57 of the Community Charter – Contravention of Bylaws.

MOVED Director Holme, SECONDED Director Hamilton, 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, Sections 11 & 12, Range 3, Plan 38230, Mountain Land District, 3021 Jameson Road, Electoral Area 'D', owned by W. Lynn and R. Vosper;
- (b) Lot 13, District Lot 117, Plan 10367, Nanoose District, 3076 Hillview Road, Electoral Area 'E', owned by J. Anderson;
- (c) Lot 4, District Lot 137, Plan 29414, Nanoose District, 1910 Stewart Road, Electoral Area 'E', owned by L. Beaudoin.

CARRIED

ENGINEERING

Cedar Sewer Service Area Establishing Bylaw No. 1445.

MOVED Director Kreiberg, SECONDED Director McNabb, that "Regional District of Nanaimo Cedar Sewer Service Area Establishment Bylaw No. 1445, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Cedar Sewer Service Area Capital Charge Bylaw No. 1446 and Cedar Sewer Service Area Development Cost Charges Bylaw No. 1447.

MOVED Director Kreiberg, SECONDED Director McNabb,:

1. That "Cedar Sewer Service Area Capital Charge Bylaw No. 1446, 2005" be introduced for first three readings.
2. That "Cedar Sewer Service Area Development Cost Charges Bylaw No. 1447, 2005" be introduced for first three readings and forwarded to the Inspector of Municipalities for approval.

CARRIED

The Deputy Administrator noted that a staff report proposing concurrent amendments to the Southern Community Sewer Service Area to remove Electoral Area 'A' and to include the area in the Duke Point Treatment Plant Service Area will be forwarded to the Board.

FINANCE

Operating Results to June 30, 2005.

MOVED Director Bartram, SECONDED Director Hamilton, that the summary report of financial results from operations to June 30, 2005 be received for information.

CARRIED

Financial Plan (2005 – 2010) Amendment Bylaw No. 1431.01 – To Authorize Improvements on Community Park Land – Area D.

MOVED Director Jepson, SECONDED Director Longmuir,:

1. That "Regional District of Nanaimo Financial Plan (2005 to 2010) Amendment Bylaw No. 1431.01, 2005" be introduced for first three readings.
2. That "Regional District of Nanaimo Financial Plan (2005 to 2010) Amendment Bylaw No. 1431.01, 2005" having received three readings, be adopted and forwarded to the Ministry of Community Services.

CARRIED

Reserve Fund Bylaw Approvals – Bylaws No. 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465 and 1466.

MOVED Director Westbroek, SECONDED Director Longmuir, that "Animal Control Extended Service (A, B, C, D) Bylaw Enforcement Expenditures Reserve Fund Bylaw No. 1452, 2005" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Animal Control Extended Service (A, B, C, D) Bylaw Enforcement Expenditures Reserve Fund Bylaw No. 1452, 2005" having received three readings be adopted.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Animal Control Extended Service (E, G and H) Bylaw Enforcement Expenditures Reserve Fund Bylaw No. 1453, 2005" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Animal Control Extended Service (E, G and H) Bylaw Enforcement Expenditures Reserve Fund Bylaw No. 1453, 2005" having received three readings be adopted.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Animal Control Extended Service (Electoral Area F) Bylaw Enforcement Expenditures Reserve Fund Bylaw No. 1454, 2005" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Animal Control Extended Service (Electoral Area F) Bylaw Enforcement Expenditures Reserve Fund Bylaw No. 1454, 2005" having received three readings be adopted.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'A' Community Parks Reserve Fund Bylaw No. 1455, 2005" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'A' Community Parks Reserve Fund Bylaw No. 1455, 2005" having received three readings be adopted.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'B' Community Parks Reserve Fund Bylaw No. 1456, 2005" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'B' Community Parks Reserve Fund Bylaw No. 1456, 2005" having received three readings be adopted.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'E' Community Parks Reserve Fund Bylaw No. 1457, 2005" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'E' Community Parks Reserve Fund Bylaw No. 1457, 2005" having received three readings be adopted.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'F' Community Parks Reserve Fund Bylaw No. 1458, 2005" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'F' Community Parks Reserve Fund Bylaw No. 1458, 2005" having received three readings be adopted.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'A' Noise Control Extended Service Reserve Fund Bylaw No. 1459, 2005" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'A' Noise Control Extended Service Reserve Fund Bylaw No. 1459, 2005" having received three readings be adopted.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'C' Noise Control Extended Service Reserve Fund Bylaw No. 1460, 2005" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'C' Noise Control Extended Service Reserve Fund Bylaw No. 1460, 2005" having received three readings be adopted.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'D' Noise Control Extended Service Reserve Fund Bylaw No. 1461, 2005" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'D' Noise Control Extended Service Reserve Fund Bylaw No. 1461, 2005" having received three readings be adopted.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'E' Noise Control Extended Service Reserve Fund Bylaw No. 1462, 2005" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'E' Noise Control Extended Service Reserve Fund Bylaw No. 1462, 2005" having received three readings be adopted.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'G' Noise Control Extended Service Reserve Fund Bylaw No. 1463, 2005" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Electoral Area 'G' Noise Control Extended Service Reserve Fund Bylaw No. 1463, 2005" having received three readings be adopted.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "District 69 Swimming Pool Service Reserve Fund Bylaw No. 1464, 2005" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "District 69 Swimming Pool Service Reserve Fund Bylaw No. 1464, 2005" having received three readings be adopted.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Regional Growth Management Service Reserve Fund Bylaw No. 1465, 2005" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Regional Growth Management Service Reserve Fund Bylaw No. 1465, 2005" having received three readings be adopted.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Unsightly Premises Extended Service Reserve Fund Bylaw No. 1466, 2005" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that "Unsightly Premises Extended Service Reserve Fund Bylaw No. 1466, 2005" having received three readings be adopted.

CARRIED

Service Area Boundary Amendment Bylaws – French Creek – Area G – Bylaws No. 791.10, 794.06, 874.05, 889.35 and 1089.03.

MOVED Director Westbrook, SECONDED Director Hamilton, that "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.10, 2005" be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Westbrook, SECONDED Director Hamilton, that "French Creek Fire Protection Local Service Area Boundary Amendment Bylaw No. 794.06, 2005" be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Westbrook, SECONDED Director Hamilton, that "French Creek Water Local Service Area Boundary Amendment Bylaw No. 874.05, 2005" be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Westbrook, SECONDED Director Hamilton, that "Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.35, 2005" be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Westbrook, SECONDED Director Hamilton, that "Regional District of Nanaimo French Creek Bulk Water Supply Development Cost Charge Area Boundary Amendment Bylaw No. 1089.03, 2005" be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

ENVIRONMENTAL SERVICES

SOLID WASTE

Waste Export Agreement Termination.

The Manager of Solid Waste provided a visual presentation on the options available to the Regional District with respect to our existing waste export agreement with Greater Vancouver Sewerage and Drainage District.

MOVED Director Holme, SECONDED Director Jepson, that the Board request early termination of the agreement with the GVS&DD to collect, transship and dispose of 17,000 tonnes of RDN solid waste annually.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Arrowsmith Water Service Management Committee.

MOVED Director Holme, SECONDED Director Longmuir, that the minutes of the Arrowsmith Water Service Management Committee meeting held May 18, 2005 be received for information.

CARRIED

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

MOVED Director Brennan, SECONDED Director McNabb, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held July 20, 2005 be received for information.

CARRIED

Intergovernmental Advisory Committee.

MOVED Director McNabb, SECONDED Director Bartram, that the minutes of the Intergovernmental Advisory Committee meetings held July 7, 2005 and July 19, 2005 be received for information.

CARRIED

Regional Parks & Trails Advisory Committee.

MOVED Director Kreiberg, SECONDED Director Holme, that Peter Rothermel and Frank Van Eynde be appointed to the Regional Parks and Trails Advisory Committee for a term ending December 31, 2007 and that Harriet Rueggeberg be appointed to the Regional Parks and Trails Advisory Committee for a term ending December 31, 2006.

CARRIED

IN CAMERA

MOVED Director Holme, SECONDED Director Bartram, that pursuant to Section 90(1)(a), (g) and (k) of the *Community Charter* the Board proceed to an In Camera meeting to consider items relating to a personnel issue, a legal matter and negotiations with respect to the provision of a municipal service.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:40 PM

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO			
CHAIR		SE Cris	
CAO		GE ES	
DA COB		Mc	
AUG 12 2005			
Board Agenda			

MEMORANDUM

TO: Neil Connelly
General Manager, Community Services

DATE: August 12, 2005

FROM: Christina Thomas
Senior Planner, Community Services

FILE: 6780 40 RGCS

**SUBJECT: REGIONAL CONTEXT STATEMENT FOR DISTRICT OF LANTZVILLE
OFFICIAL COMMUNITY PLAN**

PURPOSE

The purpose of this report is to respond to the District of Lantzville Regional Context Statement referral.

BACKGROUND

On June 10, 2005, the Regional District of Nanaimo received a request from the District of Lantzville for Intergovernmental Advisory Committee (IAC) and RDN Board consideration of the Regional Context Statement (RCS) the District proposed to include in its new official community plan (OCP) at that time (*see Attachment 1*). The District submitted this request along with a request to move the Urban Containment Boundary (UCB) to add an additional 714 hectares of land to the 44 hectares of land presently inside the UCB in the District of Lantzville.

Regional Context Statement Requirements

If a Regional Growth Strategy (RGS) applies to a municipality the OCP must include a RCS that is accepted by the board of the regional district for which the RGS is adopted, pursuant to the *Local Government Act*. The *Local Government Act* specifies that the RCS must identify: [1] the relationship between the OCP and the matters included in the RGS, and [2] if applicable, how the OCP is to be made consistent with the RGS over time. The RCS and the rest of the OCP must be consistent. Regional districts must respond to municipality RCS submissions by resolution within 120 days after receipt indicating whether or not the regional district accepts the RCS. If the regional district refuses to accept the RCS it must identify each provision to which it objects and the reasons for its objection. If a regional district fails to complete this response within the allocated 120 days the regional district is deemed to have accepted the RCS. Where a regional district and a municipality cannot themselves reach agreement on the content of a RCS, the *Local Government Act* provides for a dispute resolution process.

In the RDN, RCSs are to fulfill the *Local Government Act* requirements by addressing nineteen items identified in the February 14, 2004 RDN Board-approved framework for RCSs. The framework also prescribes the following eight-step process for the development, review and approval of RCSs in the RDN:

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

Regional Context Statement Assessment

Process

The District of Lantzville incorporated as a municipality on June 25, 2003. Shortly thereafter the District embarked upon a project to replace the two applicable OCPs for the District¹ with one new OCP for the entire municipality. As a part of the OCP review process a new OCP, including an RCS for the first time², was drafted for the municipality. The District of Lantzville Council received the OCP at its May 9, 2005 meeting, and directed that various specific adjustments be made to it. After the May 9, 2005 Council meeting, District staff made adjustments to the RCS contained in the OCP, and on June 10, 2005, the District staff submitted the RCS to be included in the OCP to the RDN for referral to the IAC and the RDN Board (*see Attachment 1*).

The IAC considered the RCS at its meetings on July 7, 2005 and July 19, 2005³. At the July 7th meeting District of Lantzville staff delivered a verbal presentation about the RCS⁴. At the July 19th meeting, RDN Regional Growth Management Services staff reviewed the areas of inconsistency between the RCS and the RGS identified in the July 18, 2005 RDN Regional Growth Management Services staff report to the IAC about the RCS⁵. The IAC did not take a position about the RCS.

After the July 19th IAC meeting District of Lantzville staff made several changes to the OCP. Of particular relevance to this report, these changes include the removal of the RCS from the OCP. The changes also include the elimination of the UCB designation, but the retention of policy provisions that support levels of development on land outside the RGS designated UCB that are only deemed appropriate for land inside the UCB. The District of Lantzville Council granted this changed OCP bylaw 1st and 2nd reading at their meeting on July 25, 2005. Given the content of the OCP bylaw that the District of Lantzville Council granted 1st and 2nd reading and the staff report considered by Council at its July 25th meeting, it would appear that the District intends to adopt an OCP without a RCS, and proceed with a

¹ "Regional District of Nanaimo Lantzville Official Community Plan Bylaw No. 974, 1995" and "Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997".

² Neither of the existing applicable OCPs include RCSs because the *Local Government Act* does not require an RCS in an OCP for an electoral area.

³ Minutes for these meetings were received by the RDN Committee of the Whole at the August 9, 2005 meeting.

⁴ At the July 7th meeting, District of Lantzville staff also delivered a presentation about their UCB change request.

⁵ At the July 19th meeting, the IAC also discussed the District of Lantzville UCB change request. Individual members of the IAC expressed their perspectives about the UCB change request, but the IAC did not develop a recommendation to the RDN Board about the requested UCB changes because District staff stated that they were withdrawing the change request.

separate process to negotiate a RCS for eventual inclusion in the OCP. On July 28, 2005, the District of Lantzville referred this OCP bylaw to the RDN for comments as an adjacent jurisdiction: a separate report on the August 23, 2005 Board agenda addresses this matter. On July 29, 2005, the District of Lantzville Council set September 14, 2005, as the public hearing date for the OCP bylaw.

RDN Regional Growth Management Services staff is providing the RCS for RDN Board consideration at this time, despite the fact that the District of Lantzville OCP no longer contains a RCS, to ensure that the RDN Board considers the RCS within 120 days of the RDN receiving it, to protect the RDN Board from being deemed to have accepted the RCS by default.

Content

RDN Regional Growth Management Services staff reviewed the District of Lantzville June 10, 2005 RCS submission and the corresponding provisions of the OCP to assess the relationship between the RCS and the RGS. This review resulted in the identification of consistencies and inconsistencies between the two documents, as described below.

Consistent with the RGS, the RCS contained in the OCP makes reference to OCP provisions that:

- Support a range of different types and densities of housing, commercial uses, and institutional uses on land inside the UCB designated by the RGS (i.e. the OCP "Village" land use designation);
- Support and facilitate collaboration with the public and other parties in the implementation of the OCP;
- Encourage forestry uses on some land designated by the RGS as Resource Lands and Open Space through the establishment of a "Resource-Forestry" land use designation, the establishment of a larger minimum parcel size of 20 hectares for land in the "Resource Forestry" land use designation, and the designation of a development permit area to address the use of lands removed from the Private Managed Forest designation;
- Encourage agricultural uses on some land designated by the RGS as Resource Lands and Open Space through the establishment of a "Resource-Agriculture" land use designation which includes all land in the District that is in the Agricultural Land Reserve (ALR), the establishment of a larger minimum parcel size of 8 hectares for land in the "Resource-Agriculture" land use designation, and the inclusion of a policy that discourages the exclusion of lands from the ALR;
- Provide for the protection of the environment and the minimization of ecological damage related to growth and development through the designation of development permit areas to protect environmentally sensitive areas, support for low impact development standards, provisions regarding groundwater protection, and support for the provision of sewer services to remedy environmental problems caused by failing septic systems;
- Support a wide variety of transportation methods through provisions regarding trails and paths for non-motorized traffic and commuters, links with the Nanaimo Parkway Trail, links with RDN trails, development density provisions intended to contribute towards the viability of transit service, mapping of greenways, pedestrian paths, trails and journey ways, and promotion of public transit service;
- Support cooperative initiatives related to economic development;
- Support the provision and improvement of infrastructure to attract desirable economic development;
- Provide for tourism related development;
- Support the provision of services to land designated by the RGS as Industrial Area only for the purpose of mitigating potential risks to health or the environment;

- Help facilitate an understanding of, and commitment to, the goals of growth management among all levels of government, the public, and key private and voluntary sector partners.

Although there are many areas of consistency between the District of Lantzville RCS and OCP, there are several notable areas of inconsistency that should be addressed. These inconsistencies are outlined below:

- The RCS and the OCP support the designation of UCBs that are inconsistent with the RGS. The June 10, 2005 District of Lantzville submission indicates that the RCS and the corresponding provisions of the OCP support the designation of a UCB that would include 714 hectares of land inside the UCB in addition to the present 44 hectares of land the RGS presently supports inside the UCB. The additional 714 hectares of lands includes 540 hectares of land in the RGS Sub-Urban Area designation, 40 hectares of land in the RGS Rural Residential designation, and 134 hectares of land in the RGS Resource Lands and Open Space designation. The District of Lantzville had requested Board approval of this UCB change pursuant to the Urban Containment and Fringe Area Management Implementation Agreement. However, the District withdrew this request at the July 19, 2005 IAC meeting that was convened for the purpose of developing an IAC recommendation to the Board about the matter. The District's Jul 28, 2005 OCP submission does not include a UCB designation. However, the OCP continues to support urban level development on land that is presently outside the RGS designated UCB.
- The RCS and the OCP support land uses on RGS Sub-Urban Area designated land that the RGS does not support, including commercial uses and institutional uses.
- The RCS and the OCP results in less land designated for rural and resource uses in the District of Lantzville, inconsistent with the RGS. The RCS and OCP would result in 1602 hectares of land in the RGS Resource Lands and Open Space designation instead of the present 1804 hectares.
- The RCS and the OCP supports different land uses and a higher density development on land in the RGS Resource Lands and Open Space and Rural Residential designations than the RGS supports. Specifically, the RCS and OCP supports residential development into parcels as small as 1350 m² on part of the RGS Resource Lands and Open Space and Rural Residential designated lands, and includes land in these designations within the approximately 740 hectare Foothills Comprehensive Development Area where the OCP supports a maximum of 730 residential units at a maximum gross density of 1 unit per hectare. The RCS and OCP supports commercial and institutional uses on RGS Resource Lands and Open Space and Rural Residential designated lands contrary to the RGS.
- The RCS and OCP support the establishment of a new area of urban development on land directly adjacent to RGS Resource Lands and Open Space designated land that is in the Agriculture Land Reserve, contrary to the RGS policy of promoting sensitive development with minimum impacts on resource uses.
- The RCS and OCP supports development of lands in the RGS Resource Lands and Open Space land use designation that has the potential to sterilize a known source of aggregate resources in the region.
- The RCS and OCP support the provision of community water and community sewer services to lands in the RGS Rural Residential and Resource Lands and Open Space land use designations for the purpose of facilitating new development as opposed to solely for the purpose of addressing existing health or environmental problems.
- The RCS and OCP do not identify how the OCP is to be made consistent (i.e. resolve the above identified inconsistencies) with the RGS over time.

ALTERNATIVES

1. Accept the District of Lantzville Regional Context Statement.
2. Refuse to accept the District of Lantzville Regional Context Statement, identify the provisions outlined in Attachment 2 as the ones to which the RDN Board objects, and specify that the reasons for the objections are as listed in Attachment 2.

FINANCIAL IMPLICATIONS

The RDN Board's acceptance and refusal of the RCS has no financial implications.

LEGAL IMPLICATIONS

The RDN Board must respond to the District of Lantzville June 10, 2005 RCS referral within 120 days from that date, otherwise the RDN Board will be deemed to have accepted the RCS. This response must be in the form of a resolution that either states the RDN Board accepts the RCS, or the RDN Board refuses to accept the RCS. Where the RDN Board refuses to accept the RCS, the resolution must identify the provisions to which it objects and the reasons for the objections.

RDN legal advice indicates that an OCP of a municipality adopted after a regional growth strategy has been adopted must contain a RCS that has been approved by the Board, or alternatively, that has been settled through the settlement process provided for in Part 25 of the *Local Government Act*. The advice also indicates that there are discrepancies and inconsistencies between the District of Lantzville OCP and the RGS, and that the RCS does not adequately identify specifically how the OCP is to be made consistent with the RGS over time. Further, RDN legal advice indicates that failure to include a RCS in the District of Lantzville OCP could result in the OCP being found to have been adopted contrary to the *Local Government Act* and being declared invalid.

Should the RDN Board refuse to accept the RCS, RDN Regional Growth Management Services staff would first attempt to negotiate an agreement on the matter with District of Lantzville staff. Ministry of Community Services staff have indicated a willingness to facilitate these discussions. If the two parties are unable to reach agreement about the RCS, the *Local Government Act* provides for a dispute resolution process.

GROWTH MANAGEMENT IMPLICATIONS

The RCS is a critical link between a municipality's OCP and the RGS as it identifies the relationship between the OCP and the matters contained in the RGS and, if applicable, it identifies how the OCP is to be made consistent with the RGS over time. Review of the June 10, 2005 District of Lantzville RCS submission indicates that there are several key areas of inconsistency between the District's OCP and the RGS, and that the RCS does not include a proposal for the RDN Board's consideration regarding how the inconsistencies are to be addressed. The inconsistencies must either be eliminated, or the RCS must include a strategy regarding how the inconsistencies are to be addressed that is acceptable to the Board, whichever the parties mutually agree to be most appropriate.

SUMMARY

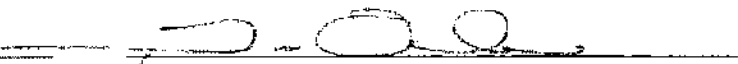
On June 10, 2005, the Regional District of Nanaimo received a request from the District of Lantzville for Intergovernmental Advisory Committee (IAC) and RDN Board consideration of the Regional Context Statement (RCS) the District proposed to include in its new official community plan (OCP) at that time (*see Attachment 1*). The RDN Board must respond to this referral within 120 days of June 10, 2005, otherwise it will be deemed to have accepted the RCS by default. Given that there are a several key areas of inconsistency between the OCP (as evidenced in the RCS) and the RGS, and given that the RCS does not include a proposal regarding how the OCP is to be made consistent with the RGS over time, it is recommended that the RDN Board refuse to accept the RCS. In regard to the areas of inconsistency, it is recommended that the RDN Board specify that it refuses to accept the RCS because it objects to the provisions identified in Attachment 2 to this report, for the reasons also described in Attachment 2 to this report.

RECOMMENDATIONS

1. That the August 12, 2005 report, "Regional Context Statement for District of Lantzville Official Community Plan," be received.
2. That the June 10, 2005 District of Lantzville Regional Context Statement not be accepted because of the provisions and reasons identified in Attachment 2 to this report.
3. That the District of Lantzville be advised that the Regional District is prepared to consider a revised Regional Context Statement to be included in the District of Lantzville Official Community Plan that addresses the inconsistencies outlined in the staff report.



Report Writer


General Manager Concurrence

ATTACHMENT 1:
DISTRICT OF LANTZVILLE REGIONAL CONTEXT STATEMENT

District of Lantzville

P.O. Box 100
7192 Lantzville Road
Lantzville, B.C.
V0R 2H0

Incorporated June 2003

Phone: (250) 390-4006
Fax: (250) 390-5188
Email: district@lantzville.ca
Website: www.lantzville.ca

June 10, 2005

Ms. Christina Thomas
Senior Planner, Community Services
Regional District of Nanaimo
6300 Hammond Bay Rd
Nanaimo, BC V9T 6N2

Dear Ms. Thomas:

**Re: District of Lantzville Official Community Plan
Regional Context Statement & Urban Containment Boundary Amendment**

Thank you for your recent correspondence outlining comments on the District of Lantzville's Regional Context Statement (RCS), and for your suggestions on the District's Urban Containment Boundary submission. Attached are these two documents for your consideration. Please note that a Technical Appendix with support information for these documents will be provided shortly under separate cover.

We request that these two items be placed on the IAC agenda for July 2005 and be considered by the RDN Board on July 26, 2005, as previously discussed.

Thank for providing us with the opportunity to present this proposal for consideration.

Sincerely,



Ian Howat, CAO

cc: District of Lantzville Mayor and Council

Attachments:
Regional Context Statement
Urban Containment Boundary Amendment

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2005 Official Community Plan*

*Regional Context Statement Submission to the
Regional District of Nanaimo*

June 10, 2005

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3.2 Regional Context Statement

Where a regional growth strategy is adopted by a Regional District and member municipalities, Section 25 of the **Local Government Act** establishes mechanisms to link official community plans to the regional growth strategy. The Regional District of Nanaimo first adopted a Regional Growth Management Plan in 1997, and subsequent amendments have redrafted the document as the current Regional Growth Strategy. The following outlines the District of Lantzville's compliance with and support of this Regional Growth Strategy.

All policies of the District of Lantzville's Official Community Plan, with the exception of:

- the policies relating to the Urban Containment Boundary (UCB) as outlined in Section 3.2.1, below; and
- minor adjustments to the Resource Lands and Open Space and Rural Residential designation boundaries as illustrated on current RGS mapping, as outlined in Section 3.2.3, below.

are consistent with the Regional Growth Strategy.

Amendment Process

Any future amendments to the District of Lantzville's Official Community Plan will proceed within the framework of the 8 goals of the Regional Growth Strategy. These changes would be made in collaboration with the Regional District of Nanaimo and member municipalities, pursuant to the Regional Growth Strategy and associated agreements and policies.

Applications to amend this OCP (including the urban containment boundaries or land use designations established in the Regional Growth Strategy) will proceed in three ways:

- a) as part of regularly scheduled Regional Growth Strategy Reviews (generally once every five years);
- b) as part of regularly scheduled OCP reviews (again, generally every five years but not necessarily coinciding with the RGS review cycle); and
- c) by applications to amend the OCP, should the proposal be deemed to be of regional benefit, supported by the citizens of this community, and supported by Lantzville Council.

3.2.1

District of Lantzville
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Goal 1: Strong Urban Containment

To limit sprawl and focus development within well defined urban containment boundaries.

Note: The OCP designates UCB boundaries that are different than those illustrated in the current Regional Growth Strategy. As such, the District of Lantzville is advancing a UCB change to the RDN for consideration pursuant to the Urban Containment and Fringe Area Management Implementation Agreement (UCFAMIA).

The following is presented as if the proposed UCB change is approved by the RDN Board pursuant to the UCFAMIA and therefore, consistent with the RGS. A discussion on the impact of the proposed change is available under separate cover (District of Lantzville Impact Assessment of Proposed UCB Changes).

The OCP designates Urban Containment Boundaries that differ from the boundary illustrated in the current Regional Growth Strategy. The differences are related to the extended review time since the adoption of Lantzville's previous official community plan, and the need to reconcile these boundaries with the vision of the citizens of Lantzville as developed through public consultation on the Lantzville Official Community Plan (OCP). New residential development greater than 1 unit/hectare as well as new commercial and institutional uses are supported on lands within the boundaries. In addition, full community services are intended to be available to development within these UCBs. The Regional District of Nanaimo Board, pursuant to the Urban Containment and Fringe Area Management Implementation Agreement, has approved these amended boundaries.

Two areas are designated as Urban Containment Boundaries: the Lantzville UCB and the Foothills UCB.

The first, encompassing the largely developed areas of Lantzville, contains a Village commercial core comprised of local retail and service establishments that provide for the immediate needs of Lantzville residents. In addition, there are vacant lands within the Village Core that are proposed to be developed for a residential density of 7.5 UPH with a proposed bonus of 3.5 UPH for dedication of up to 20% of the developable area as parkland. The official community plan supports the development of a 100-unit congregate care facility in this Village Core area; this development would be exempt from the previously noted density calculations.

The form of residential development supported in the new OCP for the Village core includes patio homes, town homes, apartments on the second floor of commercial development, as well as the above mentioned congregate care facility. It is intended that these higher density forms of development will provide new, more easily maintained housing options for aging residents who wish to remain in Lantzville, or for new residents attracted to the amenities available in Lantzville. The OCP also supports directing future commercial and institutional development to this core area whenever possible.

The area surrounding the Village Core and within the Urban Containment Boundary is comprised primarily of established residential neighbourhoods with current gross densities ranging from 7.5 to 9 units per hectare. There are also 2 existing mobile home parks with a density of 20 units per hectare. Beyond these areas, but also within the Urban Containment Boundary, are single unit residential lots in upper and lower Lantzville, historically developed to

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provide for densities of approximately 5 units per hectare. These lands are designated 'Residential' in the Lantzville OCP.

Supported densities on any vacant parcels in this Residential designation are 5 UPH with a possible bonus of an additional 2.5 UPH for dedication of up to 20% of the developable area as parkland. Clustering may be considered where efficiencies in servicing and a reduction in road surface and impact may be demonstrated. The two mobile home parks and one partially completed mobile home park would continue to be supported at a maximum density of 20 units per hectare.

This OCP supports the following uses on Residential lands: single family homes, home occupations, parks, recreation, utilities, places of worship, schools, and fire halls. In addition, the community has set a goal of 20% park and public open space on larger new development areas within the Residential designation. It is intended that full community water and sewer servicing will be supplied to these lands (as was supported in the previous OCP and by the RDN in various planning documents).

The second Urban Containment Boundary area is on lands referred to as 'the Foothills', shown on Map No. 4 of the OCP as the 'Foothills Comprehensive Development Area'. This area is located along the eastern boundary of the District, approximately 2.5 km from the Woodgrove Town Centre. The area contains approximately 700 units, clustered in small development areas, with an adjacent area of approximately 360 hectares of contiguous parkland and public open space. The location of the area in proximity to the City of Nanaimo allows for efficient delivery of services and a reduction on the dependency of motor vehicles. Most importantly, this UCB provides for the protection of a natural area significant to Lantzville, Nanaimo, and the Region for public recreation, wildlife habitat, and as a permanent green backdrop to Nanaimo and Lantzville.

Services will not be provided outside either of the Urban Containment Boundaries, except for health or environmental reasons.

3.2.2 Goal 2: Nodal Structure

To encourage mixed-use communities that include places to live, work, learn, play, shop and access services.

This OCP supports a range of different types and densities of housing, and a range of commercial and institutional uses on lands within the Urban Containment Boundaries. The OCP supports full collaboration at the local level among Council, citizens of Lantzville, the business community, stakeholders and special interest groups in establishing the design, character, and uses on lands within the UCBs, with particular emphasis on the lands to be developed for commercial or institutional uses. Ongoing consultation with the public and other interested parties will continue through regularly scheduled Council meetings, ad hoc information meetings and public hearings (as warranted by applications or events), and the provision of detailed information through the District's website.

A small local node in Lantzville, referred to the Village node, is fully supported in the OCP and designated as the heart of Lantzville; future growth is encouraged in this area. New development is also encouraged in proximity to the Woodgrove Town Centre in the Foothills

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UCB. It is recognized that the regional scale of the Woodgrove Town Centre has implications for the introduction of new commercial activities to the UCB areas in Lantzville, and could be considered to limit opportunities to develop as "complete communities" within the UCBs. However, the OCP's approach is to provide for local level commercial/institutional activities in the UCBs, and focus new residential development to support the Woodgrove Town Centre. The efficient delivery of service is consistent with this concept.

3.2.3 Goal 3: Rural Integrity

To protect and strengthen the Region's rural economy and lifestyle.

The District of Lantzville's OCP promotes and encourages the retention of large rural holdings in the Regional Growth Strategy's Resource Lands and Open Space and Rural Residential land use designations by providing clear separation between lands intended for higher densities of development (and full community servicing) and lands intended to be maintained as larger, self supporting residential lands or lands intended for resource uses.

The OCP supports directing future development to lands within the Urban Containment Boundaries to minimize impacts on lands designated Rural Residential or Resource Lands and Open Space in the RGS. Given the form of historic development, total separation of 'development' lands from 'protected' lands is not fully achievable in Lantzville. However, the OCP provides for the designation of clear and rational Urban Containment Boundaries, transitions between Residential Lands and Resource Lands through areas of Rural Residential lands, and supports the retention of Resource Lands through OCP policies.

In addition, all regulations and policies of the Agricultural Land Commission are fully supported for lands in the Plan Area designated as within the Agricultural Land Reserve, including policies supporting buffering on adjacent developable lands.

This OCP does not support the extension of community services to lands within the Resource Open Space, Resource Forestry, Resource Agriculture, or Rural Residential land use designations except for health or environmental reasons.

The Lantzville OCP has strengthened policies relating to the protection of the Region's rural economy and lifestyle. The OCP has made slight adjustments to the boundaries of the land use designations noted above, to better focus residential development around nodes and to preserve park and open space, agricultural lands, and private managed forest lands. Minimum lot sizes in the Resource lands designations have increased, resulting in a transfer of approximately 330 units from the Rural Residential and Resource Lands designations.

The areas designated rural Residential are generally existing lots with a minimum density of 1 unit per hectare. Forms of subdivision that would increase the density of development beyond 1 unit per hectare are not supported in the OCP.

Resource lands have been broken into three categories: Resource Forestry, Resource Agriculture, and Park (Resource and Public open space). Resource Forestry has a new larger minimum lot size of 20 hectares, up from 8 hectares. The 20-hectare size is the minimum lot size identified by the Woodlot Association. Further, a DP area is in place upon any Resource Forestry being exempted from the *Private Managed Forest Land Act* to ensure that the land is

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still managed as sustainable forest activity land base. Resource Agriculture covers all of the ALR land in the District. The minimum lot size has been increased from 1 hectare up to 8 hectares to ensure that ALR lands remain at a size that would give them the best chance of continuing to be viable agricultural land for Vancouver Island. The OCP is discouraging any removal of lands from the ALR. Park (Resource and Public open space) is a designation set up to identify the core, contiguous parcel of future parkland dedication required for consideration of the Foothills Comprehensive Development Plan Area.

While the change to three Resource land designations and a new Rural Residential land use designation do not correspond identically to the Rural Residential and the Resource Lands and Open Space designation pursuant to the RGS, the differences are minor, and no changes have been made that would violate the intent of the policies of the RGS.

The following table provides a comparison between the 1995 OCP to the new OCP of the land base in each land use designation. Of note is the land base now protected in the Resource Lands designations.

Hwy 19 estimate (8000 m x 50 m) = 30
Build out will result in a minimum of 360 ha of park/open space and may include up to a further 120 ha. In rural and UCB.

Note to reader:

RDN staff transcribed the information in the table above to make it easier to read. It is provided on page 18 of this staff report.

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3.2.4 Goal 4: Environmental Protection

To protect the environment and minimize ecological damage related to growth and development.

Lantzville is proud of the steps it has taken in this area of the Plan. Extensive development permit areas have been applied to protect water courses, steep slopes, sensitive ecosystems, coastal shore protection, and the ecological integrity of Forest Resource lands, as shown on Map No. 10.

The Foothills and Village Core Comprehensive Development Plan Areas place significant emphasis on the protection of the environment and on minimizing the impact of development in Lantzville. Extensive use and reliance on low impact development guidelines and "green" infrastructure is being enacted through Lantzville's Subdivision and Development Bylaw. This proposed bylaw is currently under development, and the draft is drawing favourable attention from the Province, several municipalities and the MMCD's Green Infrastructure Partnership. In particular, interest has been shown in the bylaw's sections on roadways, specifically in the new standards for road widths (with allowances for 5 metre road widths), innovative road edging (no curb and gutter) and the use of roadside swales for storm drainage (extremely limited use of piped storm drainage).

Groundwater protection is vital to the long term sustainability of Lantzville. Therefore, the OCP has mandated that any new development must achieve very rigorous standards for managing stormwater (the OCP and new Development Standards bylaw noted above set out a target of 0% loss of stormwater from a site). The District is also committed to remediating the retention of storm water flows on existing developments as opportunities arise.

Density bonusing provisions were added throughout the residential area to empower Council to consider up to 20% parkland where developments may contain significant land features or environmentally sensitive areas. Clustering is now considered in Lantzville as a means to set aside more green space and take advantage of efficiency gains in the delivery of services and minimizing impervious surfaces.

For the past 25 years, on-site sewage treatment (septic fields) has been a documented threat to the environment, our beaches, ground water supplies and the health of the community. Poor soil conditions, and the age of the systems are posing increasing threats as time passes. The District, with the cooperation of southern community sewer participants, is working hard to bring sewer services into the most susceptible areas, and has a phased plan for the remainder of the proposed residential area as illustrated on OCP Map No. 8.

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3.2.5 Goal 5: Improved Mobility

To improve and diversify mobility options within the Region – increasing transportation efficiency and reducing dependency on the automobile.

Lantzville has approached this goal from several fronts. Despite the current lack of infrastructure for pedestrian and bicycle friendly means of commuting in Lantzville, walking and bicycling is a widely used means of transportation in this active community. OCP Map No. 6 illustrates the plans for a more comprehensive development of multi-use trails and paths for non-motorized traffic and commuters. Several locations have been identified that move non-vehicular traffic into the village node and the Woodgrove node. Links are proposed to the City of Nanaimo's Parkway trail and to the RDN's Parks Development Plan trail network. Based on the OCP Lantzville has already commenced the development of a multi-use path from Woodgrove to the Village node adjacent to Lantzville Road.

The proposed density in the Village node and the focus around the Woodgrove node should make transit routes in Lantzville more viable. Lantzville supports the continuation of the regional transit system operating in Lantzville, and improvement in the number and location of access points. In addition, Goal 7 of this OCP supports many innovative mobility policies, with highlights listed below:

- Improved mapping of greenways, pedestrian connectors, paths and trails
- The definition of 'journeyways' and improvements to these routes
- Separation of vehicles and pedestrians where possible
- Negotiations for new greenways and trails
- Improved and more frequent public transit.

3.2.6 Goal 6: Vibrant and Sustainable Economy

To support strategic economic development and to link commercial and industrial strategies to the land use and rural and environmental protection priorities of the Region.

The District's OCP supports working with the Regional District of Nanaimo and member municipalities on creating new opportunities and enhancing existing development to promote a 'vibrant and sustainable economy'. In particular, Lantzville has much to contribute to the region in the areas of tourism, recreation, and opportunities to enjoy the outdoors, ranging from public access to level waterfront to regionally significant park space in the Foothills.

However, Lantzville is handicapped in its ability to develop a vibrant economy within its own boundaries due to its close proximity to the Woodgrove node, which is developed to a regional scale. Regardless, Lantzville has a small village commercial core which is being supported to provide local retail and service commercial economic activity. In addition, the Metro-Mart Industrial area also provides light industrial activities adding to the local and regional economy.

Actions have been taken to ensure that sustainable economic activities will continue to be viable on the extensive resource lands in Lantzville. The 360 hectares of parkland and public open space within the Foothills Comprehensive Development Plan Area is of a scale that would certainly become a tourist amenity as visitors to Nanaimo look for outdoor recreational activities

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close to accommodation. The spectacular, accessible waterfront and the outdoor recreational amenities in Lantzville supports the tourist economy in the Region.

The OCP supports the provision of community services to lands within Urban Containment Boundaries to attract desirable economic development. Specifically, servicing policies within the OCP set out strategies to support the provision and improvement of infrastructure to permit the concentration of activities in designated areas. The provision of infrastructure is intended to permit a greater range and focus of commercial/service sector economic activities. In addition, the designation of Urban Containment Boundaries separates land uses and protects primary resource extraction activities on lands designated Resource Forestry. Policy 1 in Section 5.2.2 specifically supports resource extraction and small-scale primary processing on appropriately designated lands outside of the UCBs.

While it is recognized that Lantzville does not have the economic impact of the larger member municipalities on the region, Lantzville residents will continue to support the commercial and recreational activities in Nanaimo, and provide a significant labour pool to the Region without the associated commercial taxation benefits.

3.2.7 Goal 7: Efficient Services

To provide cost efficient services and infrastructure where urban development is intended, and to provide services in other areas where the service is needed to address environmental or public health issues and the provision of the service will not result in additional development.

The delivery of efficient services has had a significant impact on proposed residential densities within Lantzville. It is recognized that Lantzville's strong desire to remain largely a community of single family residential homes puts added stress on the ability to efficiently deliver services, but the location of the source and connection of those services has played a key role in the contemplation of settlement patterns within Lantzville to minimize any further inefficiencies inherent in suburban single unit home development.

The OCP is committed to servicing only those lands within the Urban Containment Boundaries, except for health or environmental reasons. The provision of servicing will address potential concerns with aging septic fields, stormwater drainage issues, and improved community water distribution. Servicing is intended to support both existing development and planned future development, where supported by this OCP.

As noted in Section 5, subsection 5.2.6, Policy 6, the District does not intend to extend full municipal services to rural, agricultural or forestry areas of the community.

The OCP does not support the extension of full municipal services to lands designated Industrial, except for specific circumstances where servicing would mitigate potential risks to health or the environment.

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3.2.8 Goal 8: Cooperation Among Jurisdictions

To facilitate an understanding of and commitment to the goals of growth management among all levels of government, the public, and key private and voluntary sector partners.

Lantzville was brought into the Regional Growth Strategy by way of the Letters Patent establishing the municipality. Policy 8F enables Lantzville to complete its first OCP as a municipality and as a result, make application for amendments to the RGS if necessary. Lantzville is very appreciative of the foresight that went into the inclusion of this policy. Providing Lantzville with the opportunity to have a meaningful say in the RGS ensures that Lantzville becomes a full participating partner with the other member municipalities and the RDN.

The OCP helps to facilitate the understanding of and a commitment to growth management by supporting the eight goals of the RGS. The support of goals 1 and 2, relating to urban containment and nodal development, have had the most substantial impact in shaping this official community plan. As a new independent member of the RDN, Lantzville has worked to rationalize its land uses and densities with the OCPs of other municipalities and electoral areas. New boundaries have been drawn to contain urban lands, and greater emphasis has been placed on creating a vibrant heart for the community.

Throughout the public consultation process leading to this OCP, the goals of the RGS have remained at the forefront of discussions. Particular efforts were made to set new standards for action in the areas of environmental protection and improving mobility. Efforts have also been made to improve communication with other levels of government, stakeholder groups, and the citizens of Lantzville, as all parties work toward shared goals. Each section of the OCP details new opportunities for coordinated actions, including Policies 4, 8 and 10 of 'Natural Ecosystems and Sensitive Areas' and Policy 10 of 'Public Parks and Open Space'.

Since incorporation, Lantzville has appreciated the assistance it has received from the member municipalities and the RDN and has been working to understand our partners' needs and reciprocate in that assistance. We have also recognized the need to have an open and honest relationship with the Nanoose First Nation and we have made great strides in doing so.

Note to reader:

For reader convenience the table below is the same one as presented on page 13 of this staff report:

		1995 OCP		New OCP	
		(ha)	(ha)		
U C B	Village Node				
	Village Core comprehensive	24	44	Village comprehensive	
	Village Residential	20			
	Total UCB	44	44		
	Sub-Urban				
	Suburban Residential	511	516	Residential	
	Estate Residential	101		Changed to Rural	
	Metro-Mart Industrial/Commercial	8	8	Metro Mart	
	Gateway Lands	24	17	Residential	
	Hwy 19 corridor (est)*	30		Incl in Sub-urban not developable	
			150	<i>Foothills</i>	
Total Sub-Urban	674	691			
	Rural				
	ALR	141	-	Moved to Resource	
	Woodlot 1475	240	-	Moved to Resource	
	Golf Course	24	-	Moved to Resource	
	Rural	35	165	Rural	
			101	Formerly Estate Residential	
	Foothills	167	150	<i>Foothills</i>	
	Total Rural	607	416		
	Resource				
	Resource	864	737	Forestry	
			240	Woodlot 1475	
			140	Agriculture (ALR)	
			24	Golf Course	
	Foothills	571	438	<i>Foothills</i>	
	Total Resource	1,435	1,579		
	Rail Corridor	15	15		
	Hwy 19 Corridor (est)*	-	30		
	Total	2,775	2,775		
*	Hwy 19 estimate (6000 m x 50 m) = 30				
**	Build out will result in a minimum of 360 ha of park/open space and may include up to a further 120 ha. In rural and UCB.				

ATTACHMENT 2

**DISTRICT OF LANTZVILLE REGIONAL CONTEXT STATEMENT:
 REGIONAL DISTRICT OF NANAIMO OBJECTIONS AND REASONS**

Provisions	Reasons for Objection
<p>a. Location of Urban Containment Boundary (UCB) in a different location than designated by the RGS, or as approved by the RDN Board pursuant to the Urban Containment and Fringe Area Management Implementation Agreement</p>	<p>a. The UCB location supported by the RCS and OCP represents a significant increase in the amount of land available for urban development in the region (44 hectares versus 754 hectares). The RGS provides sufficient housing capacity for the projected population of the region. The UCB location may compromise the ability to successfully implement the provisions of the RGS elsewhere in the region. It results in the establishment of new urban development areas in close proximity to resource uses and could compromise the current and long term viability of resource uses in these areas. It also results in a significant loss of land available for resource uses.</p>
<p>b. Support for land uses in the RGS Sub-Urban designation that are not permitted by the RGS, including commercial uses and institutional uses.</p>	<p>b. Development of commercial and institutional uses is more appropriate for land designated Urban Area inside the Urban Containment Boundary. Development of these uses outside the UCB could reduce the viability of RGS provisions to focus mixed-use development into designated nodal areas on land inside the UCB.</p>
<p>c. Support for OCP land use designations and policy that result in less land available for rural and resource uses in the RGS Resource Lands and Open Space designation.</p>	<p>c. Potentially compromises RGS strategy to protect rural integrity because less land is available for rural and resource uses (1602 hectares instead of 1804 hectares proposed for the RGS Resource Lands and Open Space designation).</p>
<p>d. Support for a higher density of development on RGS Rural Residential and Resource Lands and Open Space designated land than permitted by the RGS.</p>	<p>d. Potentially compromises RGS strategy to protect rural integrity because development of densities deemed more appropriate for urban areas is proposed.</p>

Provisions (cont.)	Reasons for Objection (cont.)
e. Support for land uses in the RGS Rural Residential and Resource Lands and Open Space designations that are not permitted by the RGS, including commercial uses and institutional uses.	e. Potentially compromises RGS strategy to protect rural integrity because it introduces uses that are incompatible with rural residential uses. Development of these uses outside the UCB could reduce the viability of RGS provisions to focus mixed-use development into designated nodal areas on land inside the UCB.
f. Establishment of a new area of urban development on land directly adjacent to RGS Resource Lands and Open Space designated land in the Agriculture Land Reserve.	f. Increases the likelihood of land use conflicts between urban and resource uses. Increases the likelihood that good quality ALR land will not be used for agricultural purposes or applications will be made to exclude land from the ALR. Could result in a reduction of the supply of agricultural land that might be necessary in the future to provide food for residents.
g. Establishment of a new area of urban development on land in the RGS Resource Lands and Open Space designation that has the potential to sterilize a known source of aggregate resources.	g. Potential that a viable source of aggregate resources will be sterilized. Aggregate resources in close proximity to areas of urbanization are required, and this source is close to an urbanized area.
h. Support for the provision of community water and community sewer services to land in the RGS Rural Residential and Resource Lands and Open Space designations for the purpose of facilitating new development as opposed to solely for the purpose of addressing existing health or environmental problems	h. Results in the need to install costly new infrastructure to service development in areas that the RGS does not intend to be developed. Results in a development pattern that is not the most cost efficient one to service.
i. The omission of information regarding how the OCP is to be made consistent with the RGS over time.	i. Need to agree upon a suitable strategy for addressing the inconsistencies between the RGS and the OCP.



REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Chris
CAO	GM ES
DA CCD	MoF
AUG 12 2005	

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: August 12, 2005

FROM: Brigid Reynolds
Senior Planner

FILE: 0470 20 DILA

SUBJECT: Lantzville Official Community Plan Referral
District of Lantzville

PURPOSE

To provide referral comments to the District of Lantzville regarding the "District of Lantzville Official Community Plan Bylaw No. 50, 2005."

BACKGROUND

The District of Lantzville has been undergoing a process to review and draft an Official Community Plan for the recently incorporated municipality. The current OCP Bylaw No. 974 was adopted in 1995. The "District of Lantzville Official Community Plan Bylaw No. 50, 2005" was granted 1st and 2nd reading by the District Council on July 25, 2005. The District has scheduled a Public Hearing for September 14, 2005 and has requested the Regional Board's comments on the Bylaw prior to the Public Hearing so they may be considered as part of the record. These comments reflect broad planning principals. A more detailed report has been prepared for this agenda with regards to the OCP's consistency with the RDN Regional Growth Strategy.

ALTERNATIVES

1. To provide comments as outlined in Schedule No. 1 to the District of Lantzville regarding their OCP.
2. To provide comments as outlined in Schedule No. 1 and to include additional comments to the District of Lantzville regarding their OCP.
3. To not provide any comments to the District of Lantzville regarding their OCP.

PLANNING IMPLICATIONS

Land Use Designations

There appears to be inconsistencies between some of the Land Use Designations identified in section 5 of the OCP and Maps No. 4, 5, and 9, thereby creating possible uncertainty and possible confusion. Therefore, staff recommends that the OCP be reviewed with regards to possible inconsistencies between the text and the maps.

Regional Parks and Trails

The policies with regards to parks and trails are generally consistent with the ***RDN Regional Parks and Trails Plan*** completed in 2005. These policies recognize and encourage ongoing partnerships and continuity between the regional trail system and municipal trail networks.

Environmental Protection

The Development Permit Areas established for Sensitive Ecosystems, Watercourse Protection, Coastal Protection, and Hazard Lands, as well as other policies related to natural ecosystems and sensitive areas, green infrastructure and stormwater management are positive and generally consistent with Goal 4 of the Regional Growth Strategy.

Foothills Comprehensive Development Plan Area

Access

There are three proposed access routes for the proposed Foothills Comprehensive Development Plan Area. The access at the south east boundary of the development is via Vipond Road. Vipond Road is currently a secondary road through the large Rural land holdings, some of which are in the Agricultural Land Reserve. Vipond Road also connects to Doumont Road, which runs through the City of Nanaimo. As a result, there is the potential for conflicts due to an increase in traffic volume as well as between agricultural type traffic and residential traffic. Policy No. 8.6.10 refers to the requirement of traffic studies to be completed to the satisfaction of the District. However, given the potential impacts to adjacent jurisdictions, staff recommends that the policy be expanded to provide opportunities for the RDN and City of Nanaimo to review any traffic studies that are undertaken as per the policy.

Land Use Conflicts

The proposed Lantzville Foothills Comprehensive Development Plan Area has a proposed density of up to 730 residential units, neighbourhood retail/commercial, and institutional uses. This area is directly adjacent to several large rural parcels, some of which are within the ALR. Therefore there are potential land use conflicts that could result, however there do not appear to be any policies in the OCP to mitigate these potential conflicts. Higher density development adjacent to resource uses may also result in greater pressure to remove these lands from the resource land base over time. As a result, staff recommends that the OCP be expanded to include a policy that recognizes the need for mitigation measures to reduce potential land use conflicts between higher density residential development and larger rural land holdings, both in and outside the ALR, and to protect the long term viability of these adjacent resource lands.

Regional Growth Strategy (RGS)

The OCP has been referred to the Intergovernmental Advisory Committee (IAC) with regards to whether it meets the requirements of the RDN Regional Growth Strategy. Regional Growth Management Services staff has prepared a separate report regarding the Regional Context Statement, which is also on the August 23, 2005 Board agenda.

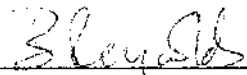
Community Planning staff note that there is no Urban Containment Boundary (UCB) identified in the OCP and that proposed densities outside the currently established UCB exceeds those established in the RGS. Therefore staff recommends that the OCP be revised to meet the goals and visions of the RGS.

SUMMARY/CONCLUSIONS

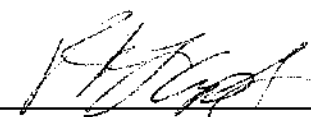
The District of Lantzville has completed their Official Community Plan review and the Bylaw has received 1st and 2nd reading. The District has referred the Bylaw to the Regional District of Nanaimo (RDN) and has requested the RDN Board's comments prior to a Public Hearing that is scheduled for September 14, 2005. Community Planning staff has reviewed the OCP Bylaw and provided comments (*Schedule No. 1*) that are recommended to be forwarded to the District of Lantzville.

RECOMMENDATION

That the Regional Board forward the comments outlined in Schedule No. 1 to the District of Lantzville regarding the "District of Lantzville Official Community Plan Bylaw No. 50, 2005".



Report Writer



Deputy Administrator Concurrence



Manager Concurrence

COMMENTS:
devs/reports/2005/0470 26 DILA

Schedule No. 1
Referral Comments for the District of Lantzville OCP

1. Review the OCP with respect to possible inconsistencies between the Land Use Designations detailed in the text of the OCP and those outlined in the maps.
2. Expand Policy No. 8.6.10 to provide opportunities for the RDN and City of Nanaimo to review and provide comment on traffic studies where their interests are affected, specifically with regards to the south east route to the Foothills Comprehensive Development Plan Area on Vipond Road.
3. Expand section 8.6 to recognize the need for mitigation measures to reduce potential land use conflicts between higher density residential development and larger rural land holdings both in and outside the A.I.R and to protect the long term viability of these adjacent resource lands.
4. Review the OCP such that it meets the goals and visions of the Regional Growth Strategy.

TO: Board of Directors **DATE:** August 16, 2005

FROM: N.Avery **FILE:**

Manager, Financial Services

SUBJECT: Bylaws to amend the participants in the Southern Community and Duke Point Sewer Service Areas

PURPOSE:

To introduce for first three readings:

Southern Community Sewer Service Participating Areas Amendment Bylaw No. 888.03, 2005 and Duke Point Sewer Service Participating Areas Amendment Bylaw No. 1004.01, 2005

BACKGROUND:

At the Committee of the Whole meeting held August 9th bylaws were introduced to create the Cedar Sewer Service Area within Electoral Area A. Properties in the new service area will be connected to and be serviced by the Duke Point wastewater treatment facilities. It is now intended that all properties contained within the urban containment boundaries in Electoral Area A will ultimately be serviced by the Duke Point wastewater treatment facilities.

Electoral Area A is a participant along with the City of Nanaimo, Electoral Area D and the District of Lantzville in the Southern Sewer Service which operates wastewater treatment facilities in the City of Nanaimo. It is now accepted that Electoral Area A will be serviced by Duke Point and not the Nanaimo wastewater treatment facility. It is therefore appropriate to amend both service areas by deleting Electoral Area A as a participant in the Southern Sewer service area and adding Electoral Area A as a participant to the Duke Point Sewer service area.

ALTERNATIVES:

1. Approve the bylaws as amended and forward them to the Ministry of Community Services for approval.
2. Amend the Southern Sewer Service area to remove Electoral Area A as a participant and enter into a servicing agreement with the City of Nanaimo for the Cedar Sewer Service area.

FINANCIAL/OTHER IMPLICATIONS:

The financial implications are expected to be about the same under either alternative. The Cedar Sewer service will pay its share of costs for wastewater treatment from Duke Point.

Under the proposed bylaw amendments, there would be two participants in the Duke Point Service – the City of Nanaimo and Electoral Area A. Decisions regarding operations and maintenance are made on a

weighted vote basis among the participants – therefore the City of Nanaimo would have a deciding vote on those matters. Decisions on budgets for the service are subject to a full Board vote, again on a weighted vote basis. Amendments to the establishing bylaw, for instance changes to the requisition amount, are decided by two thirds of the participants. In these circumstances the City of Nanaimo and Electoral Area A would be equal participants.

Under a service agreement for wastewater treatment from Duke Point, decisions on operations and maintenance would likely be made entirely by the City of Nanaimo and any cost implications would affect those properties in the Cedar Sewer service area in due course. While the potential affect is about the same in either case, it is more desirable to recognize all of the participants in a service operated by the Regional District.

With regard to the Southern Sewer Service the number participants will fall from four to three. This change does not affect any of the voting rights of the existing participants, nor does it change the potential for any group of participants to effect changes in the service.

SUMMARY/CONCLUSIONS:

Following the establishment of the Cedar Sewer Service area in Electoral Area A, staff reported that two consequential amendments would be made to the Southern Sewer and Duke Point Sewer establishing bylaws. These bylaws are proposed to be amended by removing Electoral Area A as a participant in the Southern Sewer Service and to add them as a participant in the Duke Point Sewer Service. These changes recognize that Electoral Area A will be serviced by the wastewater treatment facilities in Duke Point rather than the facilities on Hammond Bay Road in the City of Nanaimo.

RECOMMENDATION:

1. That Southern Community Sewer Service Participating Areas Amendment Bylaw No. 888.03, 2005 be introduced for first three readings and be forwarded to the Ministry of Community Services for approval.
2. That Duke Point Sewer Service Participating Areas Amendment Bylaw No. 1004.01, 2005 be introduced for first three readings and be forwarded to the Ministry of Community Services for approval.



Report Writer

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 888.03

**A BYLAW TO AMEND THE PARTICIPANTS
IN THE SOUTHERN COMMUNITY
SEWER LOCAL SERVICE AREA**

WHEREAS the Board of the Regional District of Nanaimo has established a sewer service area within a portion of Electoral Area A known as the Cedar Sewer Service Area which will be serviced by the facilities within the Duke Point Sewer Local Service Area;

AND WHEREAS it is intended that properties within the urban containment boundary established in Electoral Area A under the Regional Growth Management Strategy will be serviced by facilities owned and operated by the Regional District of Nanaimo within the Duke Point Sewer Local Service Area;

AND WHEREAS the Board of the Regional District of Nanaimo considers it desirable to remove Electoral Area A as a participant of the Southern Community Sewer Service as a result of agreeing to service properties in Electoral Area A by the facilities within the Duke Point Sewer Local Service Area;

AND WHEREAS the Board of the Regional District of Nanaimo has adopted "Duke Point Sewer Service Participating Areas Amendment Bylaw No. 1004.01, 2005" to add Electoral Area A as a participant in the Duke Point Sewer Service;

AND WHEREAS the Board of the Regional District of Nanaimo has obtained the consent of two thirds of the participants pursuant to Section 802(1)(b) of the *Local Government Act*;

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

1. Regional District of Nanaimo Southern Community Sewer Local Service Conversion Bylaw No. 888, 1993 is amended as follows:
 - (a) Section 2 is deleted and substituted with the following:

Boundaries of Service Area

 2. The boundaries of the service area are the boundaries of the City of Nanaimo, the District of Lantzville and Electoral Area D.
 - (b) Section 3 is deleted and substituted with the following:

Participating Areas

 3. The City of Nanaimo, the District of Lantzville and Electoral Area D are participating areas for the service.
 - (c) All other references to Electoral Area A within the bylaw are hereby deleted and the District of Lantzville is substituted therefore.

2. This bylaw may be cited as "Southern Community Sewer Service Participating Areas Amendment Bylaw No. 888.03, 2005".

Introduced and read three times this 23rd day of August, 2005.

Received the approval of the Inspector of Municipalities this ____ day of _____, 2005.

Adopted this ____ day of _____, 2005.

CHAIRPERSON

DEPUTY ADMINISTRATOR

REGIONAL DISTRICT OF NANAIMO

BYLAW NO.1004.01

**A BYLAW TO AMEND THE PARTICIPANTS
IN THE DUKE POINT SEWER
LOCAL SERVICE AREA**

WHEREAS the Board of the Regional District of Nanaimo has established a sewer service area within Electoral Area A known as the Cedar Sewer Service Area which will be serviced by the facilities owned and operated by the Regional District of Nanaimo within the Duke Point Sewer Service Area;

AND WHEREAS further portions of Electoral Area A within the urban containment boundaries established under the Regional Growth Management Strategy will be serviced by facilities owned and operated by the Regional District of Nanaimo within the Duke Point Sewer Local Service Area;

AND WHEREAS the Board of the Regional District of Nanaimo considers it desirable to add those portions of Electoral Area A which will be serviced by the Duke Point facilities as a participant in the Duke Point Sewer Service;

AND WHEREAS the Board of the Regional District of Nanaimo has adopted "Southern Community Sewer Service Participating Areas Amendment Bylaw No. 888.03, 2005" to remove Electoral Area A as a participant in the Southern Community Sewer Service;

AND WHEREAS the Board of the Regional District of Nanaimo has obtained the consent of two thirds of the participants pursuant to Section 802(1)(b) of the *Local Government Act*;

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

1. Regional District of Nanaimo Duke Point Sewer Local Service Area Bylaw No. 1004, 1996 is amended as follows:
 - (a) Section 3 of Bylaw 1004 is deleted and the following is substituted therefore:
 3. The participating areas for this service are the City of Nanaimo and Electoral Area A.
 - (b) Schedule A to Bylaw 1004 is hereby deleted and Schedule A attached hereto showing the amended boundaries of the service area, is substituted therefore.

2. This bylaw may be cited as "Duke Point Sewer Service Participating Areas Amendment Bylaw No. 1004.01, 2005".

Introduced and read three times this 23rd day of August, 2005.

Received the approval of the Inspector of Municipalities this ____ day of _____, 2005.

Adopted this ____ day of _____, 2005.

CHAIRPERSON

DEPUTY ADMINISTRATOR



REGIONAL DISTRICT OF NANAIMO		
CHAIR		GM Cms
CAO		EN ES
DA CCD		MoP
AUG 12 2005		
Board Agenda		

MEMORANDUM

TO: Robert Lapham
Deputy Administrator

DATE: August 9, 2005

FROM: Maureen Pearse
Manager, Administrative Services

FILE:

SUBJECT: 2005 Local Government Elections – Appointment of CEO & DCEO

PURPOSE

To appoint a Chief Election Officer and Deputy Chief Election Officer for the November 19, 2005 local government elections.

BACKGROUND

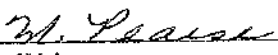
In accordance with Section 41 of the *Local Government Act*, the local government must appoint a chief election officer and a deputy chief election officer for the purpose of conducting the November 19, 2005 local government elections. In the last local government elections and in recent referendums, internal staff members have been appointed to these positions. Prior to that, the Regional District hired a consultant to act as the Chief Election Officer on behalf of the District.

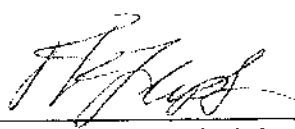
ALTERNATIVES

1. That Maureen Pearse, Manager of Administrative Services, be appointed as the Chief Election Officer and Linda Burgoyne, Administrative Assistant, be appointed as the Deputy Chief Election Officer.
2. That the Board contract externally for the services of Chief Election Officer and/or Deputy Chief Election Officer.

RECOMMENDATION

That Maureen Pearse, Manager of Administrative Services, be appointed as the Chief Election Officer and Linda Burgoyne, Administrative Assistant, be appointed as the Deputy Chief Election Officer for the purpose of conducting the November 19, 2005 local government elections and referendums.


Report Writer


Deputy Administrator

TO: Jason Llewellyn
Manager, Community Planning

DATE: August 12, 2005

FROM: Blaine Russell
Planner

FILE: 3360-30-0518

SUBJECT: Resource and Forestry Land Meeting Follow-up Report

PURPOSE

This report provides follow-up to the August 3, 2005 meetings between the Electoral Area Directors, and Timberwest Forest Company and Island Timberlands Limited Partnership, with respect to the proposed bylaw amendments to implement fifty (50.0) hectare minimum parcel size for resource and forestry land.

BACKGROUND

The following bylaws were given 1st and 2nd reading at the Regular Meeting of the Board of the Regional District on June 28, 2005. These bylaws implement the fifty (50.0) hectare minimum parcel size for resource and forestry land:

1. "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1240.02, 2005";
2. "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.03, 2005";
3. "Regional District of Nanaimo East Wellington - Pleasant Valley Official Community Plan Bylaw Amendment No. 1055.02, 2005";
4. "Regional District of Nanaimo French Creek Official Community Plan Amendment Bylaw No. 1115.03, 2005";
5. "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Amendment Bylaw No. 1007.04, 2005";
6. "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.325, 2005"; and,
7. "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.06, 2005".

Timberwest Forest Company and Island Timberlands Ltd. Partnership each requested a meeting with the Regional District of Nanaimo (RDN) to present their respective position on the proposed bylaw amendments. Both companies expressed a desire to work with the RDN to open dialogue on long-term resource and forestry land initiatives.

Forestry land is a large component of the Regional District. The RDN Land Inventory Analysis (LIA) indicates that 72% (146,652 ha) of the RDN, including member municipalities, is comprised of Forest land, mostly private land with limited capacity for urban development. The proposed bylaw amendments

encompass 16.5% (24,254 ha) of the LIA identified Forest land or approximately 12% of the total RDN land base. Please note that forest lands within Electoral Area 'E' Nanoose Bay are being reviewed through the Official Community Plan process and are not under consideration as part of this initiative.

With respect to Timberwest Forest Company, approximately 4809 hectares of land are included as part of the proposed bylaw amendments. All of the land, with the exception of one 1100 m² parcel, is located within Electoral Area 'H' and is designated as Resource Lands pursuant to the "Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003."

With respect to Island Timberlands Limited Partnership, approximately 7718 hectares of land are included as part of the proposed bylaw amendments. Of this land, approximately 7073 hectares are located within Electoral Area 'H' and are designated as Resource Lands with the remaining 645 hectares, throughout the rest of the electoral areas of the Regional District.

ALTERNATIVES

1. To proceed to public hearing.
2. To delay proceeding to public hearing, and provide staff with further direction.

DISCUSSION

The proposed amendment to increase the minimum parcel size of resource and forest lands is consistent with the principle goal of the RDN Regional Growth Strategy:

- To limit sprawl and focus development within well defined urban containment boundaries;
- To protect and strengthen the region's rural economy and lifestyle; and,
- To protect the environment and to minimize ecological damage related to growth and development (including groundwater protection).

The proposed bylaw amendments support forestry by reducing the threats of development and land fragmentation and are consistent with Goal 3 of the Regional Growth Strategy (RGS) with respect to Rural Integrity, to protect and strengthen the region's rural economy and lifestyle. The RDN and member municipalities have agreed to promote and encourage the retention of large rural holdings on lands designated as Resource Lands and Open Space. In addition, policy 3B of the RGS encourages forestry use on land designated as Resource Lands and Open Spaces. However, this policy also recognizes that there may be some land that is not suitable for forestry where the appropriate use of land will be determined by the RDN through the Official Community Plan and zoning bylaw.

The proposal to amend the minimum parcel size to 50.0 hectares for resource and forestry lands is consistent with the direction that the Regional District of Nanaimo has undertaken with respect to resource and forestry lands as demonstrated in recently adopted official community plans. For example, the Resource Lands land use designation in Electoral Area 'H' specifies a minimum parcel size of 50.0 hectares for non-ALR parcel. In the case of Electoral Area 'H', zoning is being proposed to implement the policies of the OCP with respect to parcel size.

FOLLOW-UP PROCESS WITH FOREST COMPANIES

Planning Staff look forward to meeting with Timberwest and Island Timberlands Limited Partnership and other stakeholders to undertake a strategic evaluation of their lands that may not be suitable for future resource or forestry use.

Forest companies and individual stakeholders may make OCP and zoning amendment applications to be considered by the Board of the Regional District without amending the Regional Growth Strategy provided that the proposal is consistent with density specified in a given OCP land use designation at the time of adoption of the RGS on June 10, 2003. Alternatively, policy 6C of the RGS, with respect to *Goal 6: Vibrant and Sustainable Economy*, allows the Board of the Regional District to consider OCP and zoning amendments for destination resort development that is regionally significant without amending the RGS provided it is constant with the direction contained in the policy. Other amendment applications may be considered but would likely involve amendments to the RGS and would require agreement among the Regional District of Nanaimo and member municipalities.

As the existing policy framework provides future opportunities for the evaluation of specific properties where resource and forestry use are not demonstratively suitable, in staff's opinion the proposed bylaw amendments should proceed to Public Hearing.

INTERGOVERNMENTAL IMPLICATIONS

Approval from the Ministry of Transportation is required prior to final approval of the zoning and OCP amendment as some of the affected properties are within 800 metres of a designated provincial highway. As Crown lands are included in the proposed bylaw amendments, notice will be provided to Land and Water British Columbia Inc. as part of the notification procedure pursuant to "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2005."

PUBLIC CONSULTATION IMPLICATIONS

If the application proceeds it will be subject to a Public Hearing pursuant to the *Local Government Act*. At the Public Hearing all persons who believe they have an interest in the subject application will have an opportunity to be heard or submit written submissions. Direct notification to adjacent property owners is not required.

VOTING

Electoral Area Directors except Electoral Area 'B'— one vote each.

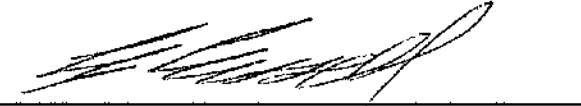
SUMMARY/CONCLUSIONS

The majority of the forestry land that is being rezoned to the 'V' subdivision district (50.0 hectare minimum parcel size) has already been addressed as part of the Electoral Area 'H' OCP consultation process or, as in the case of Electoral Area 'E', Nanoose Bay has been in active consultation as part of the OCP process. The proposed bylaw amendments harmonize the implementation of resource and open

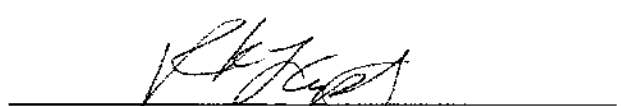
space policy throughout the Regional District. The RDN however recognizes that properties may exist where resource or forestry use may no longer be suitable and the current policy framework provides future opportunities for consideration by the Board. Therefore, the Board recommends that the bylaws proceed to Public Hearing and adoption.

RECOMMENDATIONS

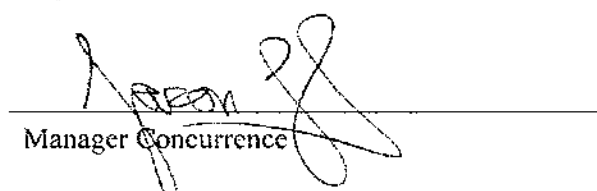
1. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1240.02, 2005" proceed to Public Hearing.
2. That "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.03, 2005" proceed to Public Hearing.
3. That "Regional District of Nanaimo East Wellington-Pleasant Valley Official Community Plan Bylaw Amendment No. 1055.02, 2005" proceed to Public hearing.
4. That "Regional District of Nanaimo French Creek Official Community Plan Amendment Bylaw No. 1115.03, 2005" proceed to Public Hearing.
5. That "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Amendment Bylaw No. 1007.04, 2005" proceed to Public Hearing.
6. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.325, 2005" proceed to Public Hearing.
7. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.06, 2005" proceed to Public Hearing.
8. That the Public Hearing on Bylaw No. 1240.02, 2005, Bylaw No. 1148.03, 2005, Bylaw No. 1055.02, 2005, Bylaw No. 1115.03, 2005, Bylaw No. 1007.04, 2005, Bylaw No. 500.325, 2005, and Bylaw No. 1285.06, 2005 be delegated to Elaine Hamilton, Chair of the Electoral Area Planning Committee or her alternate.



Report Writer



Deputy Administrator Concurrence



Manager Concurrence

COMMENTS

devsvs/reports/2005/3360 30 0518 au Resources & Forest Land S/D Regulations



Timberlands and Properties Division
4th Floor – 925 West Georgia Street
Vancouver, BC
V6C 3L2

Direct Tel: (604) 648-4604
Direct Fax: (604) 681-9674
Email: lhayley@islandtimberlands.com

August 5, 2005

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

Attention: Rob Lapham
Chief Administrative Officer

Dear Rob:

Re: Meeting - August 3rd

Thank you and the Board for meeting with us on Tuesday. It was good to see a few familiar faces around the table that I have worked with in the past on various land use issues within the RDN.

We hope, as a show of good faith, that the RDN will hold off on its plan to rezone all of our holdings to 50 ha. minimum until we have had a chance to identify the small handful of areas that might be considered longer term as part of a master planned community development project. On our end, we have instructed our consultants to hold off on any further potential subdivision work under existing zoning bylaws until we have had an opportunity to work through this process with you.

We look forward to working with you and your staff over the next few months to help set out a long term vision for the use of some of our lands that we feel might have a higher and better long term use than growing trees for future harvests. We understand the need for controlled growth. We also understand the need for well thought out land use plans that take into consideration the future of both the "community" at large and the forest industry as we try to manage our holdings for long term economic returns that satisfy our investors.

I will be on vacation for most of August and the first week of September and hope that we can connect shortly thereafter to start the review process on some holdings we have in the "belt". I will call you soon after I return to the office.

Yours truly,
Island Timberlands Limited Partnership,
by its general partner Island Timberlands GP Ltd.
Timberlands and Properties Division

A handwritten signature in black ink, appearing to read "L.G. Hayley".

L.G. Hayley,
Director
RDN_lapham.doc

TO: Board of Directors **DATE:** August 17, 2005

FROM: Robert Lapham
Deputy Administrator

SUBJECT: TE'MEXW TREATY NEGOTIATIONS

Purpose:

To respond to a request from the Te'mexw Treaty team for a Board representative.

Background:

Representatives from the provincial Te'mexw Treaty negotiating team made a presentation to the Board on June 14, 2005 providing an update on the status of the negotiations and particulars on the land selection process. They also requested that the Board consider appointing a representative and an alternate to sit at the negotiating table and that the RDN and the member municipalities consider how they would best like to be consulted in matters that would directly impact on local government.

The Te'mexw Treaty table consists of five bands on Vancouver Island, three in the Greater Victoria area, one straddling the Capital Regional District (CRD) and the Cowichan Valley Regional District (CVRD), and the Nanoose Band in the Regional District of Nanaimo.

The Province has been negotiating with this group for many years now with limited need for involvement from local government. The negotiations have progressed more quickly over the last year or so to the point that critical issues to local government such as land, roads, water and governance may soon be discussed.

During the treaty negotiations with the Snuncymuxw First Nations the Board appointed a representative and an alternate to keep the Board apprised of any issues that arose at the negotiating table. The Board also approved a set of principles that were beneficial in providing guidance to the Board representatives and were also invaluable in making our positions known to the negotiators. (See position paper – Attached)

Alternatives:

1. (a) That the Board appoint a representative and an alternate to the Te'Mexw Treaty table.
(b) That the Board advise the Te'Mexw Treaty negotiators that they must consult directly with local governments on issues that affect them directly.
(c) That the position papers be reconfirmed as the position of the Board on Treaties within the Regional District of Nanaimo.
2. That the Board decline the Te'Mexw Treaty negotiators request for a Board appointee.

Financial Implications:

The province has indicated that no formal funding to local government for their participation in treaty discussions will be forthcoming. However, periodically the province has provided arbitrary funding to the Regional District of Nanaimo to offset our expenses. For the Snuneymuxw Treaty discussions the RDN received in excess of \$20,000. Within the last month we have also received a cheque for \$6,000 with no conditions other than to offset the costs for our involvement in treaty discussions.

Intergovernmental Implications:

UBCM, as well as individual local governments throughout the province, have been making it clear to the provincial government that it is imperative to the success of treaties that local government be at the table and that they have meaningful consultation on matters that directly affect local government. The proposal put forward by the Te'Mexw Treaty negotiating team after input at AVICC and from others is to have two representatives from the regional governments, one from the CRD and one from the RDN, to sit at the table and provide general communication between the table and the Regional Boards. In addition they have heard from local government that on matters that directly affect each jurisdiction, such as land matters, water, roads, governance, etc. that they will need to consult directly with the affected local government and they have agreed to this.

Summary:

The Te'Mexw Treaty group from the provincial government has requested a representative from the Board sit with them at future negotiation sessions as required to provide general communication between the Board and the treaty team. In addition, they have committed to seek direct consultation with local governments who are affected by treaty on matters specific to the interests of local government.

The Board adopted position papers on governance and land issues approximately five years ago. These papers outlined the Board's position to the negotiating team and provided direction to the Board representative at the treaty table. It would be important to reaffirm these positions if the Board agrees to appoint a representative to the Te'Mexw Treaty table.

Recommendation:

1. (a) That the Board appoint a representative and an alternate to the Te'Mexw Treaty table.
- (b) That the Board advise the Te'Mexw Treaty negotiators that they must consult directly with local governments on issues that affect them directly.
- (c) That the position papers be reconfirmed as the position of the Board on Treaties within the Regional District of Nanaimo.



R. Lapham, Deputy Administrator

Regional District of Nanaimo

Position on Treaty Negotiations: Governance Issues

Governance Principles

The Regional District of Nanaimo believes in the following principles with respect to governance as it relates to First Nations self-government:

1. The Regional District shall be recognized in the treaty process as an independent, responsible and accountable order of government, not as a secondary level or third party interest.
2. The treaty settlement negotiated with First Nations must recognize and respect the authority and jurisdiction of the Regional District and its member municipalities existing within their treaty settlement lands.
3. The treaty settlement must respect the values, heritage, culture and traditions of both Aboriginal and non-Aboriginal peoples.
4. Standards and regulations that apply to treaty settlement lands should meet or exceed established standards set by federal, provincial and local governments for issues including but not limited to: environmental protection, building codes, noise and licensing.
5. Regional District of Nanaimo residents living within treaty settlement lands must have democratic representation – **not** 'taxation without representation'.
6. The treaty settlement should contain mechanisms to ensure that all persons living on treaty settlement lands and who are paying taxes or levies to First Nations have access and a voice in the First Nation governance system.
7. The model of aboriginal self-government proposed in any First Nations Treaty must provide for consultation and participation in Regional District of Nanaimo issues to ensure the effective and equitable delivery of services and programs.
8. The treaty should include an effective dispute resolution mechanism that is accessible to the local governments, particularly relating to inter-jurisdictional issues such as: planning, land use, natural resources, growth management, stewardship and transportation.
9. Aboriginal self-government should uphold the principle of democracy and accountability.
10. The treaty must include mechanisms to ensure that the costs of providing programs and services to First Nations populations living outside the treaty settlement lands does not become the responsibility of the local government.

11. The treaty must identify programs and services which, because of their regional significance (such as, air quality, liquid waste management plan, solid waste management plan, etc.), must be provided by First Nations, either directly or through contract with the Regional District, Member Municipalities or other agencies.

Fiscal Principles

The Regional District of Nanaimo believes in the following principles with respect to fiscal matters it relates to First Nations self-government:

12. The treaty must recognize the limited fiscal capacity of all levels of government and not impose any cost to Regional District taxpayers.
13. All existing and future service agreements must be respected to ensure that the Regional District receives financial contributions from all users of Regional District programs, services and infrastructure.
14. There must be no demand placed on Regional District of Nanaimo tax revenues or revenue sources resulting from treaty settlements, particularly on the ability of the Regional District to derive tax revenue from sources such as property taxes, service fees, utility charges and grants-in-lieu from Crown Lands. Any revenue loss to the Regional District arising from a treaty settlement must be fully compensated.
15. The *Municipal Act*, through legislative reform, must enable Regional Districts to develop flexible taxation and cost recovery mechanisms when dealing with Aboriginal governments post treaty.

Proposed Governance Model

The Regional District of Nanaimo believes that the most effective model to enable the First Nations to participate in local government issues and decision-making is to provide representation on the Regional District Board. This can be achieved by recognizing the First Nations aboriginal self-government as an independent member on the Regional Board with representation similar to that of a municipality. It is also the Regional District's position that legislation must be developed in this regard and must be attached to the treaty settlement document to address the following concerns:

Representation within the Regional District Structure.

It is the Regional District's position that the First Nations operate under the same rules as a municipality on the Regional Board. It is expected that either the Chief or a Band Council member would be appointed annually by the Band Council to sit as a "Director" on the Regional Board. This would coincide with the timing of municipal appointments to the Board annually at

the December Board Inaugural meeting. The legislation should also specify a timeframe, which determines how frequently elections will be held for the First Nations Band Council members and the process for conducting elections. The regulations set out in the *Municipal Act* should provide the framework by which First Nations undertakes elections.

The Regional District further recommends that First Nations representation on the Regional Board be determined by **population** in the same manner that the number of Electoral Area and Municipal representatives are determined.

Voting Rights on the Regional Board.

Voting rights of the First Nations Board representative should follow the *Municipal Act* legislation. This will mean that, with respect to administrative and operational matters on functions and services, First Nations may only vote on items for which they participate in. Voting, including weighted votes, would be permitted in accordance with the rules set out under Section 791 of the *Municipal Act*.

Consultation Requirements on Local Government Issues.

The *Municipal Act* currently requires a variety of referral processes between the Regional District and Member Municipalities on land use and other issues. It is the position of the Regional District that the First Nations, as an independent level of government, be required to follow the same rules of referral and consultation as the Regional District and its member municipalities when dealing with matters of local significance.

Servicing Agreements.

It is the Regional District's position that if the First Nations wish to receive local government services for its residents such as fire protection, animal control, recreation or transit services, it would have the option of entering into a service agreement with a local government offering this service.

Alternatively, the First Nations could also become a full participant in a function through an amendment to the establishing bylaw, which provides for the service. It is the Regional District's position that First Nations would be subject to the same rules as a municipality in determining service delivery. If the First Nations participates in services as a full participant named in the bylaw, it will have the same rights as those of other participants in the function and will be governed by the *Municipal Act* in this regard.

Regional District of Nanaimo

Position on Treaty Negotiations: Land Issues

Regional Growth Management Plan/Official Community Plan

The Regional District of Nanaimo (RDN), working under the Provincial Growth Strategies Act, adopted a Regional Growth Management Plan in 1997. This plan guides and directs growth and development throughout the RDN. It is a document that has been agreed to by all the municipalities within the RDN as well as all adjacent Regional Districts.

Any new municipality within our jurisdiction would be required to become signatories to the Growth Management Plan. As such *we expect that any First Nations, after Treaty, would be subject to all the conditions of the Growth Management Plan as well. This would include the establishment of agreeable urban containment boundaries and the designation of all lands outside of those boundaries as either resource lands and open space, rural residential lands or industrial lands.*

Area C has just recently completed a major revision to their Official Community Plan (OCP). The Nanaimo First Nations played a significant advisory role throughout the process and their asserted Traditional Territory was referenced in the plan. The Plan was developed after a significant level of public consultation and *any changes to the OCP or to the boundaries of the Plan area must be preceded by an equivalent degree of consultation with local residents.*

Crown Lands

Consistent with the objectives and requirements under the Growth Management Plan it is our expectation that *unless a change is agreed to under Growth Management any Crown Lands that become part of Settlement Lands shall remain under the same land-use designation as is currently established.* Further, to maintain the integrity of the current land use practices on Crown Forest Lands and to ensure that lands below any Crown Lands have the same degree of environmental protection as they currently enjoy, it is our position that *the Forest Practices Code that current applies to these lands, or an equivalent degree of protection and enforcement must continue to apply after the Treaty.*

Federal Crown Lands-The Department Of National Defense (DND) Lands

A portion of the DND lands are situated in Area C. This area is adjacent to the Morrell Sanctuary and Westwood Lake and as such holds a very sensitive and important relevance to the citizens of the area. *Any change to the status of these lands must only be done after full and direct consultation with the citizens of Area C.*

Private Lands

It is understood that after treaty First Nations may purchase and own land on a willing seller-willing buyer basis. These lands may remain in fee simple ownership and remain within the jurisdiction of the current local government or we understand that there may be provisions considered that would allow these lands to be incorporated into their Settlement Lands. For reasons of certainty during the treaty process and equity after the treaty process any private lands that are purchased prior to, during or after the Treaty process must remain outside of the Settlement Lands. Further, any lands purchased after Treaty must remain within the jurisdiction of the current local government. Notwithstanding this position, if private lands are brought into Settlement Lands as part of the Treaty process, there must not be a negative financial impact to the local taxpayer. Any lands purchased or otherwise acquired after Treaty must remain within the jurisdiction of the current local government at the time unless otherwise agreed to by the local government.

Parkland

The RDN has acquired different forms of tenure over land for the development and protection of parkland as well as for other purposes. In some cases these lands have been Crown Land where the RDN holds a lease, or a license of occupation, or the lands have been forthcoming through a Crown Grant. *It is our position that the status of these lands are equivalent to privately held lands and as such should only be considered for inclusion in treaty through agreement with the Regional District of Nanaimo.*

Servicing

The servicing of land (water, sewer, solid waste) is a significant issue from the perspectives of growth management, infrastructure planning and costs. As outlined in the provincial government's Waste Management Act, Regional Districts have responsibility and authority for municipal solid waste within their districts. The RDN has a Solid Waste Management Plan that outlines our strategy for municipal solid waste. We also have an approved Liquid Waste Management Plan that guides the development and approval process for community liquid waste collection, treatment and disposal systems within our jurisdiction. Both plans were developed with considerable public consultation.

The RDN is on record with non-First Nations areas within our jurisdiction as well as with First Nations groups *that servicing of lands will only be considered once the interested jurisdiction has developed an Official Community Plan and are part of the Regional Growth Management Plan. Further, all servicing of Settlement Lands that may be agreed to in the future would only occur at the full cost to that jurisdiction or developer.*