

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, OCTOBER 25, 2005
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

1. **CALL TO ORDER**

2. **DELEGATIONS**

10 **Jacalyn Wilson**, re Building Relocation – Area G.

3. **BOARD MINUTES**

11-24 Minutes of the regular Board meeting held on September 20, 2005.

4. **BUSINESS ARISING FROM THE MINUTES**

5. **COMMUNICATIONS/CORRESPONDENCE**

6. **UNFINISHED BUSINESS**

BYLAWS

For Adoption.

Bylaw No. 791.10 – Rural Streetlighting Local Service Area Boundary Amendment Bylaw – Chartwell Subdivision. (All Directors – One Vote)

Bylaw No. 794.06 – French Creek Fire Protection Local Service Area Boundary Amendment Bylaw – Chartwell Subdivision. (All Directors – One Vote)

Bylaw No. 874.05 – French Creek Water Local Service Area Boundary Amendment Bylaw – Chartwell Subdivision. (All Directors – One Vote)

Bylaw No. 889.35 – Northern Community Sewer Service Area Boundary Amendment Bylaw – Chartwell Subdivision. (All Directors – One Vote)

Bylaw No. 1089.03 - French Creek Bulk Water Supply Development Cost Charge Area Boundary Amendment Bylaw – Chartwell Subdivision. (All Directors – One Vote)

Bylaw No. 791.11 - Rural Streetlighting Local Service Area Boundary Amendment Bylaw – Admiral Tryon Boulevard – Area G. (All Directors – One Vote)

Bylaw No. 821.05 - Errington Fire Protection Local Service Area Boundary Amendment Bylaw. (All Directors – One Vote)

Bylaw No. 1022.05 - Coombs-Hilliers Fire Protection Local Service Area Boundary Amendment Bylaw. (All Directors – One Vote)

Bylaw No. 975.39 - Pump & Haul Local Service Area Amendment Bylaw – Remora Place – Area E. (All Directors – One Vote)

Bylaw No. 1231.01 - Regional Parks Amendment Bylaw. (Electoral Area Directors – One Vote)

25-26 **Bylaw No. 1285.05** – Electoral Area ‘F’ Zoning and Subdivision Bylaw Amendment. (All Directors except EA ‘B’ – One Vote)

Bylaw No. 1471 - Drinking Water/Watershed Protection Strategy Establishing Bylaw. (All Directors – One Vote)

Public Hearing.

27-95 Report of the Public Hearing held October 13, 2005 with respect to Bylaw No. 500.324 – Nanoose Bay Official Community Plan Implementation – Area E. (Electoral Area Directors except EA ‘B’ – One Vote)

96-101 Report of the Public Hearing held October 12, 2005 with respect to Bylaw No.’s 1240.02, 1148.03, 1055.02, 1115.03, 1007.04, 500.325 and 1285.07 – OCP and Zoning Bylaw Amendments for Resource Lands (Forestry) and Open Space. (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

102-103 Minutes of the Electoral Area Planning Committee meeting held October 11, 2005. (for information)

PLANNING

AMENDMENT APPLICATIONS

Bylaw Amendment Application No. ZA0510 – Cedar Estates – Cedar & Hemer Roads – Area A. (Electoral Area Directors except EA ‘B’ – One Vote)

That the report of the second Public Information Meeting containing the Summary of Minutes and Submissions of the second Public Information Meeting held on August 31, 2005 as a result of public notification for "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005" be received.

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60544 – Leigh Millan on behalf of BCAB Developments Ltd. – Whiting Way – Area A. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DP No. 60544.

That Development Permit Application No. 60544 in conjunction with the subdivision be approved according to the terms and conditions outlined in Schedule Nos. 1, 2, and 3 and to the notification requirements pursuant to the Local Government Act with respect to the proposed variances.

Development Permit Application No. 60547 – Purchase – 608 Viking Way – Area G. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DP No. 60547.

That Development Permit Amendment Application No. 60547 with a variance to the maximum building height from 9.5 metres, as permitted in DP No. 77, to 9.9 metres to facilitate the construction of a dwelling unit and attached garage at 608 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.

OTHER

Request for Relaxation of the Minimum 10% Perimeter Requirement – Pickard – 3793 Island Highway West – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That the request from Andrew and Charlene Pickard to relax the minimum 10% frontage requirement for proposed Lot 1, as shown on the plan of subdivision of Lot 1, District Lot 11, Newcastle District, Plan 32299, be approved subject to the conditions set out in Schedule No. 1.

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

104-109 Minutes of the Committee of the Whole meeting held October 11, 2005. (for information)

COMMUNITY SERVICES

Green Building Project – Local Government Building Programs. (All Directors – One Vote)

That the report on local government green building programs undertaken as a part of the Green Buildings Project be received.

REGIONAL GROWTH MANAGEMENT

State of Sustainability Project – Groundwater Indicator Research Report. (All Directors – One Vote)

That the report “State of Sustainability Project – Groundwater Indicators Research Work” be received.

That the allocation of an additional \$26,000 to Regional Growth Management Services to complete the work in the report regarding the five indicators of the state of groundwater resources in the region be considered as part of the 2006 budget process and that the option of allocating New Deal funding for the project be considered.

TRANSPORTATION SERVICES

Electoral Area ‘A’ HandyDART Service Expansion. (All Directors – One Vote)

- 1. That the report on the expansion of HandyDART service to the area outside of the current service area boundary in Electoral Area ‘A’ be received.*
- 2. That Southern Community Transit Service Area Amendment Bylaw No. 1230.03, 2005 be introduced, read three times, and be forwarded to the Inspector of Municipalities for approval.*

CORPORATE & 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 5, District Lot 186, Nanoose District, Plan 48557 – 8566 Rumming Road, Area ‘E’, owned by Heber Graham Smith.*
- (b) Lot 58, District Lot 29, Plan 45632, Nanoose District – 809 Arrowsmith Way, Area ‘G’, owned by Mary Jean Wright.*

ENVIRONMENTAL SERVICES

UTILITIES

Requests for Property Inclusions - Fairwinds Sewer Local Service Area Bylaw 947.02; Nanoose Bay Peninsula Water Service Area Amalgamation Amendment Bylaw No. 867.02; Nanoose Bay Bulk Water Local Service Area Bylaw No. 1049.04 – Area E. (All Directors – One Vote)

1. *That “Nanoose Bay Peninsula Water Service Area Amalgamation Amendment Bylaw No. 867.02, 2005” (re Lot A, DL 6, Nanoose Land District VIP58653 and Lot B, DL 84, Nanoose Land District, VIP 53591) be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*
2. *That “Fairwinds Sewer Local Service Area Bylaw 947.02, 2005” (re Lot A, DL 6, Nanoose Land District, VIP 58653) be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*
3. *That “Nanoose Bay Bulk Water Local Service Area Bylaw No. 1049.04” (re Lot B, DL 84, Nanoose Land District, VIP 53591) be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*

Barclay Crescent Sewer Rates and Regulation Bylaw No. 1472 – Area G.

(All Directors – One Vote)

1. *That “Barclay Crescent Sewer Rates and Regulation Bylaw No. 1472” be introduced for first three readings.*

(All Directors – 2/3)

2. *That “Barclay Crescent Sewer Rates and Regulation Bylaw No. 1472, 2005” having received three readings be adopted.*

Fairwinds Water Local Service Area Reserve Fund Expenditure Bylaw No. 1473 – Area E.

(All Directors – Weighted Vote)

1. *That “Fairwinds Water Local Service Area Reserve Fund Expenditure Bylaw No. 1473, 2005” be introduced for first three readings.*

(All Directors – 2/3)

2. *That “Fairwinds Water Local Service Area Reserve Fund Expenditure Bylaw No. 1473, 2005” having received three readings be adopted.*

Morningstar Creek Water Local Service Area Amendment Bylaw No. 1125.02 – Area G. (All Directors – One Vote)

That “Morningstar Creek Water Local Service Area Amendment Bylaw No. 1125.02, 2005” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

French Creek Sewer Local Service Area Bylaw No. 813.36 and Northern Community Sewer Local Service Area Bylaw No. 889.38 – 816 Reid Road – Area G. (All Directors – One Vote)

- 1. That “Regional District of Nanaimo French Creek Sewer Local Service Area Bylaw No. 813.36, 2005” be introduced, read three times, and forwarded to the Inspector of Municipalities for approval.*
- 2. That “Northern Community Sewer Local Service Area Bylaw No. 889.38, 2005” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*
- 3. That a suitable covenant be placed on the property restricting subdivision until the construction of a new gravity sewer on Reid Road as well as insuring the property owners participate in the costs of the new sewer development.*

COMMISSION, ADVISORY & SELECT COMMITTEE

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

That the minutes from the meeting of the Electoral Area ‘A’ Parks and Green Spaces Advisory Committee held July 21, 2005 be received for information.

Electoral Area ‘B’ Parks and Open Space Advisory Committee. (All Directors – One Vote)

That the minutes from the meeting of the Electoral Area ‘B’ Parks and Open Space Advisory Committee held June 21, 2005 be received for information.

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

That the minutes from the meetings of the Nanoose Bay Parks and Open Space Advisory Committee held July 4, August 22 and September 12, 2005 be received for information.

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

That the minutes from the meeting of the District 69 Recreation Commission held September 22, 2005 be received for information.

That the Terms of Reference to undertake a Recreation Services Master Plan for the Oceanside Area (District 69) be approved and a Request for Proposals be issued for project consultant services.

Transit Business Plan Update Select Committee. (All Directors – One Vote)

That the minutes from the meeting of the Transit Business Plan Update Select Committee held September 22, 2005 be received for information.

That the report on the expansion of HandyDART service to the area outside of the current service area boundary in Electoral Area 'A' be received.

That the Terms of Reference for the Qualicum Beach Transit Review be approved.

That the Regional District advise and reconfirm with BC Transit its strong interest in the use of hybrid buses with the RDN transit system in the near future as part of BC Transit's planning for the use of New Deal funding for the fleet and their review of alternative vehicle and fuel technology.

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

That the minutes from the meeting of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project held September 8, 2005 be received for information.

Arrowsmith Water Service. (All Directors – One Vote)

That the minutes from the meeting of the Arrowsmith Water Service Management Committee held July 13, 2005 be received for information.

Grants-in-Aid Committee.

(All Directors – One Vote)

That the minutes from the meeting of the Grants-in-Aid Committee held October 5, 2005 be received for information.

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

That the following grants be awarded:

School District 68:

<i>Cedar School & Community Enhancement Society</i>	\$	800
<i>People for a Healthy Community on Gabriola Society</i>	\$	500
<i>Poetry Festival Gabriola</i>	\$	500
<i>Nanaimo Parent Participation Preschool</i>	\$	1,359

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

District 69 Policing:

<i>Oceanside Community Policing Offices</i>	\$	1,000
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School District 69:

<i>Arrowsmith Search & Rescue Society</i>	\$	900
<i>District 69 Family Resource Association</i>	\$	685
<i>District 69 Society of Allied Support Groups</i>	\$	700
<i>Forward House Community Society</i>	\$	1,000
<i>Parksville Seniors Activity & Drop-in Centre</i>	\$	300

BOARD INFORMATION

Electronic Meetings Regulation. (All Directors – One Vote)

That staff review and report back to this Committee with regard to correspondence received from Ida Chong, Minister of Community Services and Minister Responsible for Seniors' and Women's Issues, concerning the electronic meetings regulation.

PRESENTATION

2006 Detailed Budget Review. (All Directors – Weighted Vote)

That the 2006 Regional Parks tax requisition and budget be amended to provide \$30,000 as an operating grant for the Nanaimo Area Land Trust.

That the Regional Growth Management tax requisition be amended to add \$6,000 as additional funds to undertake the groundwater indicator collection work for 2006.

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.5 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

8. ADMINISTRATOR'S REPORTS

- 110-111 Landfill Gas Utilization Operating Agreement. (All Directors – Weighted Vote)
- 112-114 French Creek Pollution Control Centre -- Dewatering Upgrade – Contract Award. (All Directors – Weighted Vote)
- 115-119 East Wellington and Pleasant Valley Parks and Open Space Advisory Committee – Terms of Reference. (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 242.2(1)(a) and (h) of the Local Government Act the Board proceed to an In Camera meeting to consider personnel and legal matters.

Burgoyne, Linda

From: Gerry Adair [gerryadair@shaw.ca]
Sent: Friday, October 14, 2005 11:33 AM
To: Burgoyne, Linda
Subject: Next Board Meeting

I would like to be a delegate at the Board Meeting being held on October 25, 2005. My name is Jacalyn Wilson, I live at 573 Imperial Drive in French Creek. I can be reached at 752-1848 or 1-800-668-3622.

Please confirm receipt of this e-mail. If you require any further information please contact me.

Jackie Wilson
573 Imperial Drive
French Creek (Parksville)
752-1848
1-800-668-3622

10/14/2005

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, SEPTEMBER 20, 2005, AT 7:00 PM IN THE
RDN BOARD CHAMBERS**

Present:

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

Also in Attendance:

B. Lapham	Deputy Administrator
N. Connelly	Gen. Mgr. of Community Services
J. Finnie	Gen. Mgr. of Environmental Services
N. Avery	Manager of Financial Services
M. Pearse	Manager of Administrative Services
N. Tonn	Recording Secretary

DELEGATIONS

Michael Proctor, re Development Permit Application No. 60542 – Proctor & Kruse/Fern Road Consulting – 6435 & 6445 West Island Highway – Area H.

Mr. Proctor was not in attendance.

Daryell Henricks, re Development Permit and Building Permit Application Approval – 673 Imperial Drive – Area G.

Mr. Henricks and Ms. Wilson provided an overview of the preparation they have made in anticipation of receiving building inspection and development permit approval for a log house they wish to move to their property at 673 Imperial Drive.

BOARD MINUTES

MOVED Director Sherry, SECONDED Director D. Haime, that the minutes of the regular Board meeting held August 23, 2005 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Colin Haime, District of Lantzville, re District of Lantzville OCP.

MOVED Director Krall, SECONDED Director Bartram, that the correspondence from Director Haime regarding the District of Lantzville's Official Community Plan be received.

CARRIED

Petition Regarding Development Permit and Building Permit Application Approval – 673 Imperial Drive – Area G.

MOVED Director Krall, SECONDED Director Bartram, that the petition regarding the Development Permit and Building Permit application approval for the placement of a log home at 673 Imperial Drive be received.

CARRIED

Ruth & Vagn Sorensen, re Development Variance Permit Application No. 90517 – AJA Tan Enterprises Ltd. – Blackbeard Drive & Maple Guard Drive – Area H.

MOVED Director Krall, SECONDED Director Bartram, that the correspondence from Ruth and Vagn Sorensen regarding Development Variance Permit Application No. 90517 be received.

CARRIED

Corinne Barker, re Development Variance Permit Application No. 90517 – AJA Tan Enterprises Ltd. – Blackbeard Drive & Maple Guard Drive – Area H.

MOVED Director Krall, SECONDED Director Bartram, that the correspondence from Corinne Barker regarding Development Variance Permit Application No. 90517 be received.

CARRIED

Howie Hambleton, re Development Variance Permit Application No. 90517 – AJA Tan Enterprises Ltd. – Blackbeard Drive & Maple Guard Drive – Area H.

MOVED Director Krall, SECONDED Director Bartram, that the correspondence from Howie Hambleton regarding Development Variance Permit Application No. 90517 be received.

CARRIED

Melanie Ikeda, re Development Variance Permit Application No. 90517 – AJA Tan Enterprises Ltd. – Blackbeard Drive & Maple Guard Drive – Area H.

MOVED Director Krall, SECONDED Director Bartram, that the correspondence from Melanie Ikeda regarding Development Variance Permit Application No. 90517 be received.

CARRIED

UNFINISHED BUSINESS

BYLAWS

For Adoption.

Bylaw No. 500.318.

MOVED Director Bartram, SECONDED Director McNabb, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.318, 2005" be adopted.

CARRIED

Bylaw No. 1439.

MOVED Director Hamilton, SECONDED Director Sherry, that "Extension Fire Protection Service Conversion and Boundary Amendment Bylaw No. 1439, 2005" be adopted.

CARRIED

Bylaw No. 1440.

MOVED Director Hamilton, SECONDED Director Kreiberg, that "Nanaimo River Fire Protection Service Area Establishment Bylaw No. 1440, 2005" be adopted.

CARRIED

Bylaw No. 1441.

MOVED Director Kreiberg, SECONDED Director Hamilton, that "Nanaimo River Fire Protection Service Area Loan Authorization Bylaw No. 1441, 2005" be adopted.

CARRIED

Bylaw No. 1444.

MOVED Director Hamilton, SECONDED Director Korpan, that "Extension Fire Protection Service Area Capital Charge Bylaw No. 1444, 2005" be adopted.

CARRIED

Water User Rate Amendments – Bylaws No. 1468, 619.11, 700.12 and 1097.07.

MOVED Director Holme, SECONDED Director Korpan, that Regional District of Nanaimo "Nanoose Bay Peninsula Water Supply Service Area Regulations and Rates Bylaw No. 1468, 2005" be introduced for three readings.

CARRIED

MOVED Director Holme, SECONDED Director Korpan, that Regional District of Nanaimo "Nanoose Bay Peninsula Water Supply Service Area Regulations and Rates Bylaw No. 1468, 2005" having received three readings be adopted.

CARRIED

MOVED Director Holme, SECONDED Director Sherry, that Regional District of Nanaimo "French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.11, 2005" be introduced for three readings.

CARRIED

MOVED Director Holme, SECONDED Director Sherry, that Regional District of Nanaimo "French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.11, 2005" having received three readings be adopted.

CARRIED

MOVED Director Holme, SECONDED Director Holdom, that Regional District of Nanaimo "Surfside Properties Specified Area Water Regulations and Rates Amendment Bylaw No. 700.12, 2005" be introduced for three readings.

CARRIED

MOVED Director Holme, SECONDED Director Holdom, that Regional District of Nanaimo "Surfside Properties Specified Area Water Regulations and Rates Amendment Bylaw No. 700.12, 2005" having received three readings be adopted.

CARRIED

MOVED Director Holme, SECONDED Director Holdom, that Regional District of Nanaimo "Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.07, 2005" be introduced for three readings.

CARRIED

MOVED Director Holme, SECONDED Director Holdom, that Regional District of Nanaimo "Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.07, 2005" having received three readings be adopted.

CARRIED

Second Reading.

Bylaw No. 500.324.

MOVED Director Holme, SECONDED Director Biggemann, that the amended "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005" be given 2nd reading.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that the amended "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005" proceed to Public Hearing.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that the Public Hearing on the amended "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005" be delegated to Director Holme or his alternate.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

MOVED Director Hamilton, SECONDED Director Bartram, that the minutes of the Electoral Area Planning Committee meeting held September 13, 2005 be received for information.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0501 – Keith Brown & Associates, on behalf of Nanaimo Mini Storage – 2180 South Wellington Road – Area A.

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

CARRIED

Zoning Amendment Application No. ZA0509 – Oceanside Forest Products Ltd./Keith Brown Associates Ltd. – 1429 Springhill Road – Area F.

MOVED Director Biggemann, SECONDED Director Kreiberg, that “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.08, 2005” be given 1st and 2nd reading, subject to the Conditions of Approval outlined in Schedule No. 1.

CARRIED

MOVED Director Biggemann, SECONDED Director Hamilton, that “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.08, 2005” proceed to Public Hearing.

CARRIED

MOVED Director Biggemann, SECONDED Director Hamilton, that the Public Hearing on “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.08, 2005” be delegated to Director Biggemann or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60536 – McCaul and Farrell/Allen – 927 McFeely Drive – Area G.

MOVED Director Hamilton, SECONDED Director Holme, that Development Permit Application No. 60536 with a variance to the maximum dwelling unit height from 8.0 metres to 8.6 metres to facilitate the construction of a dwelling unit and attached garage at 927 McFeely 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. 60538 – North Wind Development – 615 Viking Way - Area G.

Mr. Richard Dean provided additional information with respect to Development Permit Application No. 60538.

Mr. Beckin noted that the application was made with knowledge of the existing eagle tree covenant and provided plans for an appropriately sized dwelling. The application will allow for a more useable back yard area.

MOVED Director Hamilton, SECONDED Director Bartram, that Development Permit Application No. 60538, with a request to vary the front lot line setback requirement from 8.0 metres to 5.1 metres in order to permit the construction of a dwelling unit at 615 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. 60542 – Proctor & Kruse/Fern Road Consulting – 6435 & 6445 West Island Highway – Area H.

MOVED Director Hamilton, SECONDED Director Bartram, that Development Permit Application No. 60542 with variances to the side and other lot line setbacks to legalize the siting of an existing shed/carport and to facilitate the subdivision of the lands at 6435 and 6445 West Island Highway 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 VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90516 – NCID/Johnston – 2100 Yellow Point Road – Area A.

Director Hamilton noted that this item has been withdrawn.

CARRIED

Development Variance Permit Application No. 90517 – AJA Tan Enterprises Ltd. – Blackbeard Drive & Maple Guard Drive – Area H.

MOVED Director Hamilton, SECONDED Director Bartram, that Development Variance Permit Application No. 90517 to relax the minimum setback to a top of slope greater than 5% adjacent to a watercourse from 9.0 metres to 3.0 metres to establish a building envelope to facilitate the siting of a dwelling unit 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

OTHER

Request for a Board Resolution for a Patron Participation Entertainment Endorsement for the Juniper Café – 2930 Trans Canada Highway – Area A.

MOVED Director Hamilton, SECONDED Director Kreiberg, that the Board of the Regional District of Nanaimo pass the resolution attached as Schedule No. 1 to permit patron participation entertainment at the Juniper Café subject to consideration of the comments received as a result of public notification.

CARRIED

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

MOVED Director Hamilton, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.320, 2005", as amended, be given 1st and 2nd reading.

CARRIED

MOVED Director Hamilton, SECONDED Director Kreiberg, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.320, 2005" be approved to proceed to Public Hearing.

CARRIED

MOVED Director Hamilton, SECONDED Director Holme, that the Public Hearing for proposed Amendment Bylaw No. 500.320, 2005 be delegated to Director Joe Stanhope as a representative of the Board.

CARRIED

Request to Reconsider the Location of Park Land Dedication – Timberlake–Jones Engineering Ltd. on behalf of Timberstone Development – Northwest Bay Road – Area E.

MOVED Director Hamilton, SECONDED Director Holme, that the Board Resolution concerning the acceptance of park land adopted at the Regular Board Meeting held on October 26, 2004 be rescinded.

CARRIED

MOVED Director Hamilton, SECONDED Director Holme, that the reconfigured park land proposal submitted by Timberlake-Jones Engineering Ltd., on behalf of Timberstone Development in conjunction with the subdivision of Lot 1, DL 68, Nanoose District, Plan 3940 & District Lot 68, Nanoose District Except Amended Parcel A Thereof and Except Those Parts in Plans 3940, 26680, 27026, 27376 and 30341 be accepted subject to the conditions set out in Schedule No. 1 of the staff report.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director Westbrook, SECONDED Director D. Haime, that the minutes of the regular Committee of the Whole meeting held September 13, 2005 be received for information.

CARRIED

COMMUNITY SERVICES

EMERGENCY PLANNING

Landslide Compensation – Disaster Financial Assistance.

MOVED Director Westbrook, SECONDED Director Sherry, that the report on landslide compensation be received for information.

CARRIED

RECREATION AND PARKS

Recreation Facilities and Sports Fields Services Agreements.

MOVED Director Bartram, SECONDED Director Kreiberg, that the District 68 Sports Field and Recreation Services Agreement for 2006-2010 be approved with the usage data for District 68 ice arenas to be based on team registration statistics and with the usage survey to be conducted in the final year of the Agreement's term to establish cost sharing for the following agreement term.

CARRIED

MOVED Director Bartram, SECONDED Director Longmuir, that the District 69 Sports Field Services Agreement for 2006-2010 be approved, with the usage survey to be conducted in the final year of the Agreement's term to establish cost sharing for the following agreement term.

CARRIED

Electoral Area 'A' Recreation & Culture Service Establishing Bylaw No. 1467.

MOVED Director Kreiberg, SECONDED Director D. Haime, that "Electoral Area 'A' Recreation and Culture Service Establishing Bylaw No. 1467, 2005" be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Kreiberg, SECONDED Director D. Haime, that the Regional District proceed to referendum on November 19, 2005 to obtain the assent of the electors of Electoral Area 'A' to establish a local recreation and culture service and that the referendum question be as follows:

Are you in favour of adoption of "Electoral Area 'A' Recreation and Culture Service Establishment Bylaw No. 1467, 2005" which would establish a service for the purpose of providing recreation and culture services and acquiring, constructing and operating recreation and culture facilities in Electoral Area 'A' with a property tax requisition calculated as the greater of \$96,750 or an amount equal to \$0.15 per \$1,000 times the net taxable values for land and improvements in Electoral Area 'A'.

CARRIED

Cedar Heritage Centre Lease Renewal.

MOVED Director Kreiberg, SECONDED Director Korpan, that the lease agreement between the Cedar School and Community Enhancement Society and the Regional District of Nanaimo for the use of the Cedar Heritage Centre for a five year term expiring on October 3, 2010 be approved.

CARRIED

CORPORATE AND COMMUNITY DEVELOPMENT

FINANCE

2006 to 2011 Financial Plan Review Schedule.

MOVED Director Krall, SECONDED Director Holdom, that the Board approve the 2006 to 2011 financial plan review schedule as amended to change the review of the 2006 to 2011 Financial Plan to Tuesday, October 18th.

CARRIED

FIRE DEPARTMENTS

Firefighting Vehicle Financing for Extension Fire Department.

MOVED Director Hamilton, SECONDED Director Sherry, that "Extension Fire Protection Reserve Fund Expenditure Bylaw No. 1470, 2005" be introduced for first three readings.

CARRIED

MOVED Director Hamilton, SECONDED Director Sherry, that "Extension Fire Protection Reserve Fund Expenditure Bylaw No. 1470, 2005" having received three readings be adopted.

CARRIED

MOVED Director Hamilton, SECONDED Director Sherry, that the Manager, Financial Services be authorized to enter into a lease agreement with the Municipal Finance Authority on behalf of the Extension Fire Department for a two year period, to complete the financing for a firefighting vehicle.

CARRIED

Renewal of Fire Protection Service Agreement with the Extension and District Volunteer Fire Department.

MOVED Director Hamilton, SECONDED Director Sherry, that the fire services agreement with the Extension and District Volunteer Fire Department be renewed for a five year term from December 1, 2005 to December 31, 2010 and that the agreement provide for automatic five year term renewals.

CARRIED

Coombs-Hilliers Fire Protection Local Service Area Boundary Amendment Bylaw No. 1022.05 and Errington Fire Protection Local Service Area Boundary Amendment Bylaw No. 821.05.

MOVED Director Biggemann, SECONDED Director Westbroek, that "Coombs-Hilliers Fire Protection Local Service Area Boundary Amendment Bylaw No. 1022.05, 2005" be introduced for three readings and be forwarded to the Ministry of Community Services for approval.

CARRIED

MOVED Director Biggemann, SECONDED Director Westbroek, that "Errington Fire Protection Local Service Area Boundary Amendment Bylaw No. 821.05, 2005" be introduced for three readings and be forwarded to the Ministry of Community Services for approval.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

ISO 14001 Environmental Management System Registration.

MOVED Director Sherry, SECONDED Director Korpan, that the report on the Liquid Waste Department's ISO 14001 Environmental Management System be received.

CARRIED

MOVED Director Sherry, SECONDED Director Korpan, that the Manager and staff of the Liquid Waste Department be commended on the ISO 14001 Registration accomplishment.

CARRIED

Pump and Haul Local Service Area Amendment Bylaw No. 975.40 – Blackbeard and Maple Guard Drives – Area H.

MOVED Director Bartram, SECONDED Director Biggemann, that the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include Lot 1, District Lot 40, Newcastle District, Plan 16121. (Blackbeard and Maple Guard Drives in Electoral Area H).

CARRIED

MOVED Director Bartram, SECONDED Director Holdom, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.40, 2005" be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

UTILITIES

Drinking Water/Watershed Protection Strategy.

MOVED Director Bartram, SECONDED Director Holdom, that the Drinking Water/Watershed Protection Strategy report be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Holdom, that the Board approve first year funding (2006) of up to \$110,000 from the New Deal for Cities and Communities program.

CARRIED

MOVED Director Bartram, SECONDED Director Holdom, that the Board approve the establishment of a Drinking Water/Watershed Protection Stewardship Committee and direct staff to develop a Terms of Reference and proposed membership for that committee for Board consideration.

CARRIED

Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.11 – Admiral Tryon Boulevard – Area G.

MOVED Director Westbroek, SECONDED Director Holme, that part of Admiral Tryon Boulevard (VIP62528), be included into the Rural Streetlighting Local Service Area.

CARRIED

MOVED Director Westbroek, SECONDED Director Holme, that "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.11, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Property Inclusion into the French Creek Water, Sewer and Streetlighting Local Service Areas – Bylaws No. 813.35, 889.36, 874.06, 1050.03 and 909.01 – Drew Road – Area G.

MOVED Director Holme, SECONDED Director Krall, that community water and community sewer services be provided to Rem. Lot 1, DL 27, Nanoose Land District, Plan 30012 pursuant to Regional Growth Strategy Policy 7B.

CARRIED

MOVED Director Holme, SECONDED Director Krall, that the full costs of the service provisions be paid by the property owners.

CARRIED

MOVED Director Holme, SECONDED Director Krall, that “French Creek Sewer Local Service Area Amendment Bylaw No. 813.35, 2005” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Holme, SECONDED Director Krall, that “Northern Community Sewer Local Service Area Amendment Bylaw No. 889.36, 2005” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Holme, SECONDED Director Krall, that “French Creek Water Local Service Area Amendment Bylaw No. 874.06, 2005” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Holme, SECONDED Director Krall, that “French Creek Bulk Water Supply Local Service Area Amendment Bylaw No. 1050.03, 2005” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Holme, SECONDED Director Krall, that “Sandpiper Streetlighting Local Service Area Amendment Bylaw No. 909.01, 2005” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.37 – Barclay Crescent Sewer Service Area.

MOVED Director Sherry, SECONDED Director Longmuir, that “Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.37, 2005” be introduced for first three readings and be forwarded to the Ministry of Community Services for approval.

CARRIED

French Creek Bulk Water Supply Local Service Area Boundary Amendment Bylaw No. 1050.04 and Sandpiper Streetlighting Local Service Area Boundary Amendment Bylaw No. 909.02 – to Exclude Properties Incorporated into the Town of Qualicum Beach.

MOVED Director Westbroek, SECONDED Director Holme, that “French Creek Bulk Water Supply Local Service Area Boundary Amendment Bylaw No. 1050.04, 2005” be introduced for first three readings and be forwarded to the Ministry of Community Services for approval.

CARRIED

MOVED Director Westbroek, SECONDED Director Holme, that "Sandpiper Streetlighting Local Service Area Boundary Amendment Bylaw No. 909.02, 2005" be introduced for first three readings and be forwarded to the Ministry of Community Services for approval.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

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

MOVED Director Kreiberg, SECONDED Director Holdom, that the minutes of the Electoral Area 'A' Recreation Services Study Project Advisory Committee meeting held August 16, 2005 be received for information.

CARRIED

Nanoose Bay Parks and Open Space Advisory Committee.

MOVED Director Holme, SECONDED Director Krall, that the minutes of the Nanoose Bay Parks and Open Space Advisory Committee meeting held August 22, 2005 be received for information.

CARRIED

Area 'H' Parks and Open Space Advisory Committee.

MOVED Director Bartram, SECONDED Director D. Haime, that the minutes of the Area 'H' Parks and Open Space Advisory Committee meeting held June 6, 2005 be received for information.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Home Based Business – 2480 Andover Road – Area E.

MOVED Director Holme, SECONDED Director Kreiberg, that staff prepare a report on the request by the delegation for a home based business on the property legally described as Lot 21, District Lot 78, Plan VIP68559, Nanoose District.

CARRIED

ADMINISTRATOR'S REPORTS

Regional Context Statement for the District of Lantzville OCP.

MOVED Director C. Haime, SECONDED Director Westbroek, that the September 14, 2005 report, "Regional Context Statement for District of Lantzville Official Community Plan", be received.

CARRIED

MOVED Director C. Haime, SECONDED Director Biggemann, that the June 10, 2005 District of Lantzville Regional Context Statement be accepted.

CARRIED

MOVED Director C. Haime, SECONDED Director B. Holdom, that Regional District staff be directed to take steps to reopen the Regional Growth Strategy as per policy 8(f) to consider amendments related to the new Lantzville OCP and that a report be brought back to the Board outlining options for dealing with any inconsistencies between the Lantzville OCP and the Regional Growth Strategy through a combination of possible amendments to the RGS and possible amendments to the Regional Context Statement presented by Lantzville.

CARRIED

Regional Parks.

MOVED Director Westbrook, SECONDED Director Longmuir, that the current participants in the Regional Parks service requisition a one time sum of \$200,000 in 2006 to pay in full the remaining \$200,000 owed for the acquisition of Descanso Bay and Little Qualicum River Estuary Regional Parks. This amount will be assessed as a parcel tax charge estimated at approximately \$9.11 per parcel.

MOVED Director Hamilton, SECONDED Director D. Haime, that the motion be amended to spread the requisition sum of \$200,000 over a similar time schedule as the District of Lantzville, the City of Parksville and the Town of Qualicum Beach's phase in over the years 2007, 2008, 2009 and 2010 respectively.

CARRIED

The question was called on the main motion as amended.

The motion CARRIED.

MOVED Director Holme, SECONDED Director Westbrook, that the District of Lantzville contribute \$31,800 with respect to 2004 and 2005 capital acquisitions funds that are due, to be paid in 2007 and 2008 in the amount of \$15,900 for each year.

CARRIED

MOVED Director Westbrook, SECONDED Director Holdom, that the Regional Parks service be amended to include the three municipalities of Nanaimo, Parksville and Qualicum Beach.

CARRIED

MOVED Director Krall, SECONDED Director Westbrook, that the apportionment formula for acquisitions/capital in the Regional Parks Bylaw be deleted and that funding for acquisitions/capital development be obtained through parcel taxes.

CARRIED

MOVED Director Bartram, SECONDED Director D. Haime, that the parcel tax rate for Electoral Areas A, B, C, D, E, F, G, H and the City of Nanaimo be set at \$10.00 commencing in 2006.

CARRIED

MOVED Director Westbrook, SECONDED Director Korpan, that the parcel tax rates for the District of Lantzville, City of Parksville and the Town of Qualicum Beach be set at \$2.50, \$5.00, \$7.50 and \$10.00 in the years 2007, 2008, 2009 and 2010 respectively.

CARRIED

MOVED Director Westbrook, SECONDED Director Krall, that the implementation of Regional Parks Development Cost Charges be reviewed as part of the 2006 work plan for the Board's consideration.

CARRIED

MOVED Director Westbrook, SECONDED Director Manhas, that the Regional Parks Acquisition Plan be revisited, updated and reprioritized in 2007 upon completion of the Regional Parks Development Cost Charges review. Prior to this time, lands already listed as priorities in the 2005 – 2015 Regional Parks and Trail Plan remain as priority acquisition areas.

CARRIED

MOVED Director Westbrook, SECONDED Director Manhas, that the sports field and recreation facilities cost sharing agreements for District 68 and 69 be reviewed in 2006 with the intent of providing longer term agreements.

CARRIED

MOVED Director Westbrook, SECONDED Director Holme, that the Regional Parks Amendment Bylaw No. 1231.01 as amended, be given three readings and forwarded to the municipalities of Nanaimo, Parksville and Qualicum Beach for consent and to the Inspector of Municipalities for approval.

CARRIED

Drinking Water/Watershed Protection Strategy Establishing Bylaw 1471.

MOVED Director Bartram, SECONDED Director D. Haime, that "Regional District of Nanaimo Drinking Water and Watershed Protection Research Service Establishing Bylaw No. 1471, 2005" be introduced for three readings and consent of the participants.

CARRIED

MOVED Director Bartram, SECONDED Director D. Haime, that "Regional District of Nanaimo Drinking Water and Watershed Protection Research Service Establishing Bylaw No. 1471, 2005" having received three readings and consent of the participants be forwarded to the Ministry of Community Services for approval.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Development Permit and Building Permit Application Approval – 673 Imperial Drive – Area G.

MOVED Director Sherry, SECONDED Director Krall, that this item be referred to staff.

CARRIED

IN CAMERA

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

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:26 PM

The meeting reconvened at 8:42 PM.

Breakwater Utility – EPCOR.

MOVED Director Sherry, SECONDED Director Biggemann, that the MOU with EPCOR be rescinded and that staff bring forward an in-camera report on the issues, a review of negotiations, and the RDN position.

CARRIED

MOVED Director Sherry, SECONDED Director Biggemann, that the Board correspond with the Comptroller of Water Rights and request a public oral hearing be held by the Comptroller regarding EPCOR's application for purchase of Breakwater Enterprises and advise that the RDN has an interest in acquiring Breakwater Enterprises.

CARRIED

MOVED Director Westbrook, SECONDED Director Holdom, that the "Update: RDN Initiative to Acquire the Breakwater Enterprises Water Utility" be received.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:50 PM

CHAIRPERSON

DEPUTY ADMINISTRATOR



REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Cms
CAO	CMES
DA CCD	2005
OCT 19 2005	
BOARD	

MEMORANDUM

TO: Robert Lapham
Deputy Administrator

DATE: October 19, 2005

FROM: Jason Llewellyn
Manager of Community Planning

FILE: 3360 30 0507

SUBJECT: Amendment Bylaw No. 1285.05, 2005
Electoral Area 'F'

PURPOSE

To consider the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" for adoption.

BACKGROUND

The 'Finetuning' project of Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285 began in June 2003. As part of this process requests for zoning to accommodate non farm uses were received from property owners with land in the Agricultural Land Reserve (ALR). This amendment changes the zoning for 11 properties in the ALR. The process undertaken to date includes the following:

- The Regional Board granted 1st and 2nd reading to "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.
- A Public Hearing was held pursuant to the *Local Government Act* on July 21, 2005. These minutes were submitted to the Regional Board at the August 23, 2005 Regular Board Meeting.
- Prior to the Public Hearing, the Bylaw was referred to the Ministry of Transportation, Agricultural Land Reserve Commission, Town of Qualicum Beach, City of Parksville, District of Lantzville, Vancouver Island Regional Health Authority, Ministry of Environment, and the Ministry of Agriculture, Food and Fisheries, and the Qualicum First Nation. None of the agencies commenting had any concerns with the bylaw amendments.
- The Board granted 3rd reading to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" at the Regular Board meeting held on August 23, 2005, and referred the Bylaw to the Ministry of Transportation for approval.
- Ministry of Transportation approval was received on September 13th, 2005.

ALTERNATIVES

1. To receive the staff report and to adopt "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005".
2. To receive the staff report and to not adopt "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005".

PUBLIC CONSULTATION IMPLICATIONS

This 'Finetuning' process is the result of an extensive public consultation process that began in the summer of 2003. This process included the holding of a Public Hearing in accordance with the requirements of the *Local Government Act*.

GOVERNMENT AGENCY REFERRAL

Section 54 (2) of the *Highway Act* requires that zoning bylaws be referred to the Ministry of Transportation for approval. Bylaw No. 1285.05 was referred and subsequently approved by the Ministry of Transportation in Nanaimo. In accordance with the *Local Government Act*, the Board may now consider adoption of Bylaw No. 1285.05.

VOTING

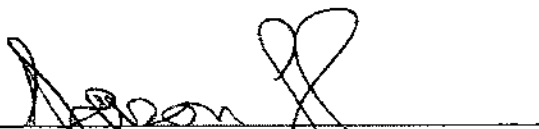
All Directors – one vote, except Electoral Area 'B'.

SUMMARY

Following consideration of the minutes of a Public Hearing held on July 21, 2005, the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" was given 3rd reading on August 23, 2005. The Bylaw was then forwarded to the Ministry of Transportation and received approval.

RECOMMENDATION

That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" be adopted.



Report Writer
Devvs\reports\004\3360 30 0507 oc bld 1285.05 adopt



Deputy Administrator Concurrence

TO: Robert Lapham
Deputy Administrator

DATE: October 18, 2005

FROM: Jason Llewellyn
Manager, Community Planning

FILE: 3360 30 0517

SUBJECT: Report of the Public Hearing - Bylaw 500.324. 2005
Nanoose Bay Official Community Plan Implementation
Electoral Area 'E'

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held October 13th, 2005 on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005", and further, to consider Bylaw No. 500.324, 2005 for 3rd reading.

BACKGROUND

As the Board is aware, the Nanoose Bay Electoral Area 'E' Official Community Plan (OCP) review process has been underway since early 2004. This process included extensive public consultation involving residents, property owners, stakeholders, as well as municipal, provincial, and federal agencies. This process also involved several open houses, community meetings, a government agencies' forum and the participation of community members in sixteen Working Group meetings. At a Special Board meeting held on June 14, 2005, the Regional Board granted 1st and 2nd reading to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005." A Public Hearing on Bylaw No. 1400 was held on June 27, 2005 where approximately 300 residents attended. Bylaw No. 1400 received 3rd reading at the July 26, 2005 Regular Board meeting and is anticipated to be considered for adoption in October 2005.

"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005" contains a number of implementation action items identified in the above noted OCP bylaw. The proposed amendments are outlined below:

- amending the minimum parcel size for lands designated as Coast Residential, Rural Residential and Resource;
- amending the relevant zones to restrict subdivision of land pursuant to the *Strata Property Act*;
- amending the zoning setbacks adjacent to the ocean; and,
- amending the zoning for five Crown parcels from a Residential zone to a Public zone to reflect the existing uses on the subject properties.

"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005" was received by the Regional Board at its Regular meeting on August 23, 2005, was granted 1st and 2nd reading and was referred to a Public Hearing.

The Public Hearing was scheduled for September 8, 2005; however, prior to the Hearing an error on the maps was identified, which required that the bylaw be amended and be reintroduced at 2nd reading. As a result, the Public Hearing was not held. A subsequent Public Hearing was held on October 13th 2005.

The Report of the Public Hearing containing the Summary of the Minutes and Submissions held October 13th, 2005 are attached as *Attachment No. 1*.

It is noted that an error in the wording of Section A.2. of Bylaw No. 500.324 has been corrected to replace the word "includes" with the word "means" to read as follows:

Subject to Section 4.4.4, no parcel having an area less than 2 hectares may be created by subdivision, and for the purposes of this subsection, "parcel" means a lot created by deposit of a strata plan under the Strata Property Act.

The purpose of the amendment is to provide greater clarity and legal certainty and is not considered to be substantive as it does not impact density or use. The proposed amendment was disclosed at the Public Hearing and has been incorporated into Bylaw No. 500.324.

ALTERNATIVES

1. To receive the Report of the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005"; grant 3rd reading to Bylaw No. 500.324, 2005; and refer the Bylaw to the Ministry of Transportation for consideration of approval.
2. To receive the Report of the Public Hearing on Bylaw No. 500.324, 2005 and to refer the Bylaw back to staff with direction to consider possible amendments.

PUBLIC CONSULTATION IMPLICATIONS

Notification of the Public Hearing on the proposed amendment bylaw was completed in accordance with the requirements of the *Local Government Act*. At the October 13th, 2005 Public Hearing, there were 9 persons in attendance. The Minutes from the Public Hearing along with all written submissions received at the Public Hearing are included in *Attachment No. 1* as the report of the Public Hearing.

LEGAL IMPLICATIONS

The process to draft and adopt "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005" is consistent with the requirements of the *Local Government Act*.

If the Board wishes to change the proposed amendment bylaw in response to the submissions received at the Public Hearing, the *Local Government Act* requires that the amendment bylaw be reintroduced at 1st and 2nd reading and referred back to a Public Hearing.

VOTING

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

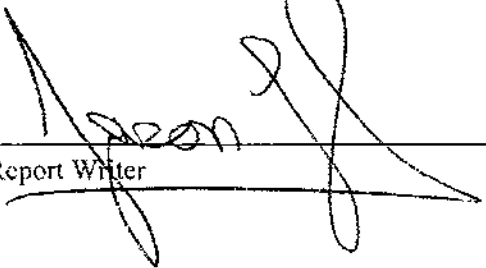
SUMMARY

"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005" was received by the Regional Board at its regular meeting on August 23, 2005, was given 1st and 2nd reading and was referred to a Public Hearing. At the October 13th, 2005 Public Hearing, there were nine

persons in attendance. The Report of the Public Hearing on Bylaw No. 500.324, 2005” is attached for the Board's consideration. It is recommended that the Bylaw be given 3rd reading and referred to the Ministry of Transportation for consideration of approval.

RECOMMENDATIONS

1. That the Report of the Public Hearing containing the Summary of the Minutes of the Public Hearing held October 13th, 2005 together with all written submissions to the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005” be received.
2. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005” as amended, be given 3rd reading.
3. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005” be referred to the Ministry of Transportation for approval and be brought before the Board for consideration of adoption subsequent to the adoption of “Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005.”



Report Writer



Deputy Administrator Concurrence

COMMENTS:

devs/reports/2005/txt 3360 30 0517 F.A.F. O.C.P. implementation

Attachment No. 1

Summary of Minutes and Submissions to the Public Hearing

REGIONAL DISTRICT OF NANAIMO

**REPORT OF THE PUBLIC HEARING HELD THURSDAY OCTOBER 13, 2005 AT
7:00 PM AT THE QUALITY INN BAYSIDE (TYEE ROOM)
240 DOGWOOD STREET, PARKSVILLE, BC
TO CONSIDER REGIONAL DISTRICT OF NANAIMO BYLAW AMENDMENT BYLAW
NO. 500.324, 2005**

SUMMARY OF THE MINUTES AND SUBMISSIONS

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

Present for the Regional District of Nanaimo:

George Holme	Meeting Chair, Director, Electoral Area 'E'
Joe Stanhope	RDN Board Chair, Director, Electoral Area 'G'
Bob Lapham	Deputy Administrator
Jason Llewellyn	Manager, Community Planning
Greg Keller	Planner

There were 9 people in attendance at the Public Hearing.

The Chair, Director Holme opened the meeting at 7:00 pm, provided the opening remarks and introduced those attending the meeting from the RDN.

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

Jason Llewellyn outlined the intent and purpose of Bylaw No. 500.324. Jason Llewellyn continued by detailing the proposed bylaw and providing an update on the status of the application.

The Chair outlined the Public Hearing procedures and invited submissions from the audience with respect to the proposed bylaws.

Dave Wallace, 781 Terrien Way, read a written submission regarding the proposed amendment to section 3.4.85 Rural 5 (RU5) of Bylaw No. 500. The written submission was provided to the Chair and is attached to this report.

Al Noble, 2442 Summerset Road, expressed concern with the proposed down zoning of his property and the inability to subdivide in the future. Mr. Noble indicated that his parcel was surrounded by 2.0 hectare parcels and questioned why he could not also subdivide to 2.0 hectares. Mr. Noble noted that he has submitted an application to the Agricultural Land Commission to exclude his parcel from the Agricultural Land Reserve (ALR), which he indicated is on appeal. Mr. Wallace explained his intent to subdivide his parcel for a family member in the future.

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

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

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

Hearing none, the Chair thanked those in attendance and announced the Public Hearing was closed.

The meeting concluded at 7:15 pm.

Greg Keller, Recording Secretary

George Holme, Director Electoral Area 'E'

SUBMISSIONS RECEIVED IN RESPONSE TO THE NOTICE OF THE OCTOBER 13TH
PUBLIC HEARING

Submission Read and Submitted by Dave Wallace

October 13, 2005

File: RDN

I am here to speak against the proposed amendment to Section 3.4.85 Rural 5(RU5) of Bylaw 500 which would restrict the creation of building strata lots pursuant to to the Strata Property Act. Actually it wouldn't restrict the creation but prohibit the creation of strata lots.

I do not understand nor have I seen the rationale behind this proposal. The proposal **does not** change density, nor does it change use, which are the jurisdictions of the RDN. This proposal **does change tenure or ownership**, which are not the jurisdiction of the RDN but the provincial government under the Land Title Act, Local Government Act, and Strata Property Act. The regional district does not have the right to regulate subdivision of land or buildings. In rural areas it is the jurisdiction of the Ministry of Transportation Approving Officer. The RDN is one of the many reporting agencies. I would suggest that if you implement this specific by-law in its present form you might be opening an avenue for a legal challenge of the bylaw.

The proposed change would virtually eliminate the ability to build a second residence on these parcels. Most people need to arrange financing to build a house. For somebody to build a second house on these properties, all the owners need to give personal guarantees to the lenders to secure financing. Without the ability to separate the titles this is not going to happen. It doesn't matter if the properties are joint tenants, tenants in common or undivided percentage ownership the likelihood of obtaining personal guarantees is non-existent. So while you are going to maintain the ability to build a second residence the chances are very remote that that will happen based on land values, and today's building costs.

This bylaw change affects approximately ¹⁰⁰~~200~~ Rural parcels in Area E alone. That is a substantial number.

Removing that ability could have a large negative economic impact on the community.

If you leave the bylaw as it is you maintain that right to build the second residence and create a separate title with individual financing. That also creates a second property tax notice and the ability to generate property taxes in perpetuity. It still meets the existing densities of 1.0 for rural properties which is consistent with you Growth Management Plan and OCP.

Another solution would be to reduce the minimum parcel size to 1.0 hectare and allow only one residence per parcel. The existing density and uses would remain the same. The strata title component is eliminated and again you create individual titles to each property.

In conclusion, I believe this amendment lacks rationale, negatively impacts the ability of a significant number of rural property owners to build a second residence and needs further study. I would proposed that the board defer adopting this amendment, refer it back to staff for review and convene a meeting of staff, developers, planners, land surveyors and include the regional approving officer and representatives of affected residence associations to pursue a workable solution.

Thank-you.

RE: Referral relating to Nanoose Bay Bylaw, 2005

Page 1 of 1

Reynolds, Brigid

From: Haddow, Wayne AL:EX [Wayne.Haddow@gov.bc.ca]
Sent: Friday, September 16, 2005 10:06 AM
To: Reynolds, Brigid
Cc: Cheetham, Roger ALC:EX; Hatfield, Jill AL:EX
Subject: RE: Referral relating to Nanoose Bay Bylaw, 2005

Hi Brigid.

From an agricultural perspective increasing minimum parcel sizes is beneficial. Larger parcel sizes reduce the impacts of residential development in farming areas which can be significant in terms of conflicts between farm operations and residents. While the Farm Practices Protection Act does help to mitigate these conflicts, the conflicts do arise and are often very disruptive to agriculture. The residences, lanes and other services such as power use up valuable land and create obstacles to farm activity. Larger parcels are also more conducive to a wide range of farming activities especially those involving livestock or intensive farming practices that may generate nuisance concerns.

The Regional District of Nanaimo should be applauded for its efforts in reducing impacts from development to resource lands.

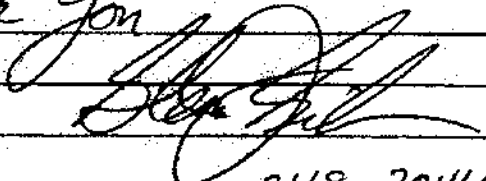
Wayne Haddow
Regional Agrologist
BC Ministry of Agriculture and Lands
5785 Duncan Street, Duncan B.C.
V9L 5G2
250-746-1210 wk



Memorandum

Date: Sept 14/05
To: Brigid Reynolds
RDN
From: Ally Gilson
JFH
Re: Bylaw Amendment No. 500.324, 2005

*Thank you for your refusal of August 25/05,
I have no objections or concerns with these
amendments.*

Thank you

248-2044

Reynolds, Brigid

From: Cheetham, Roger ALC:EX [Roger.Cheetham@gov.bc.ca]
Sent: Wednesday, September 14, 2005 2:48 PM
To: Reynolds, Brigid
Cc: Haddow, Wayne AL:EX; Hatfield, Jill AL:EX
Subject: Referral relating to Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005

Hi Brigid, I am confirming your telephone conversation today relating to this bylaw. We are pleased to note that the effect of the bylaw is to increase the minimum parcel size for some of the properties within the ALR to implement the policies relating to minimum parcel sizes of the recently adopted new OCP for Nanoose Bay. We accordingly endorse the proposed amendments.

Cheers

Roger

PS Best of luck with your move down Island to Saanich.

Beetstra, Marion

From: rgartside@msn.com
Sent: October 02, 2005 10:55 AM
To: nanoosebay ocp
Subject: Draft Nanoose Bay Official Community Plan Comment Form

The following form contents were entered on 2nd Oct 5 Date = 2 Oct 5 17:54:31 subject = Draft Nanoose Bay Official Community Plan Comment Form resulturl = <http://www.rdn.bc.ca/cms.asp?wpID=851>

fromname = R Gartside

email = rgartside@msn.com

General Comments = We live at 2595 East island Hwy. I find your Objectives on your Community plan No.118 very interesting. I see nothing proposed in the area where we reside. We don't have proper access to the property or leaving the property. We are only able to access the property heading north on E. Island Hwy. There is no access heading south; we have to use a turnaround a few kilometers away (20 years ago we had access both ways); also, traffic does not allow us to exit...the vehicles do not move over when they see residents trying to get onto the highway. There is also no walking area along the highway for residents to get around. Will the homes along E. Island Hwy. be included in easier mobility (eg: cycling, walking) in the OCP?

What are the future plans with for this area?

The homes along the E. Island Hwy. do not seem to be included. We would like to be able to have easier vehicle access and walking paths to town, which is only a few minutes away.

Issues / Concerns = A response would be appreciated.

Hans Heringa, P.Eng.
1080 Industrial Way, Parksville, B.C. V9P 2W8
Phone (250) 248-8155 Fax: (250) 248-4894

October 11, 2005

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

Dear Sirs:

Re: Bylaw No. 500.324, 2005
1610 Northwest Bay Road (10 acres)
1634 Northwest Bay Road (5.25 acres)

We wish to oppose the downzoning of our properties from Subdivision District "N" to "F", which reduces our subdivision potential from 1000 square meter lots to 10,000 square metre lots, effectively increasing new lots to 10 times the size that the present zoning allows. This is wrong.

Reasons why we oppose this:

1. Downzoning is harsh and unfair and discriminatory. The downzoning of our 2 parcels is discriminatory in the following ways:
 - a) Our 2 parcels are generally vacant (and presently only support 2 mobile homes) These two parcels are the only parcels being downzoned that can really be developed and subdivided.
 - b) All the other parcels are long narrow waterfront strip lots with a house, or else is part of the Pacific Shores Ocean Place Holdings Strata Plan, which is apparently, completely unaffected by the downzoning or this zoning change
 - c) Our 2 parcels are the only parcels that recently applied for inclusion into the Pacific Shores Specified Area for sanitary sewer and into the Madrona Specified Area for water.
 - d) Our 2 parcels are not affected by an Ocean foreshore or by Craig Creek.
 - e) Our parcels do not support original forest, as both parcels have been previously logged
2. This downzoning clearly discriminates , as you are not downsizing three similar properties such as the other two large parcels of DL-68 owned by Timberstone and Marlays and also Camelot to the north, allowing the

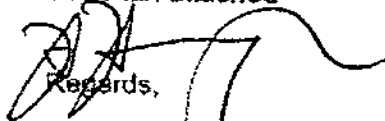
creation of +/- 150 more lots to proceed here, just up the road from our parcels, and at the same time preventing our parcels from being similarly subdivided with this new zoning change.

3. The history – the RDN previously agreed to place 1610 Northwest Bay Road in the Madrona Servicing Area for Water but haven't officially done this as yet, and is remiss, perhaps negligent, for not doing this. The RDN doing so would enable our land to be treated the same as the nearby DL68 lots of Timberstone and Marley's and Camelot's
4. Allowing the creation of 1000 square meter lots on our land may enable the RDN to access surplus water from the well on these lands. In addition, a subdivision of these two lands, or parcels, would/could enable the construction of an alternative travel route, parallel to Northwest Bay Road. (Pacific Shores has also indicated that we could purchase the 6.9 acre parcel between our lands and that of Timberstone.) These events would just not ever be possible with downzoning
5. The RDN could/would have a Tax Base and DCC's from approximately 40 homes from these two specific lands, rather than a maximum of 6 homes with the new proposed zoning. Road frontage and hydro/telephone already exist. Sanitary sewer is not far away. There is ample water. There is no valid reason as to why these lands should be downzoned at this time.
6. Downzoning of these specific lands could be considered Bad Faith, based on the past history and earlier understandings with the RDN, and based on the previous well water lease agreements with the RDN. Let's please avoid future litigation.
7. See also the previous letters sent on this subject.
8. Downzoning is unfair to all the Taxpayers who have been waiting patiently in line to develop their lands, and who have bought and paid a fair price based on the zoning that was in place. Downzoning should never be done, except with the consent of the affected landowners, as a matter of principle.

Question – If we applied for a PLA and started our subdivision forthwith, would we be exempted from the proposed downzoning?

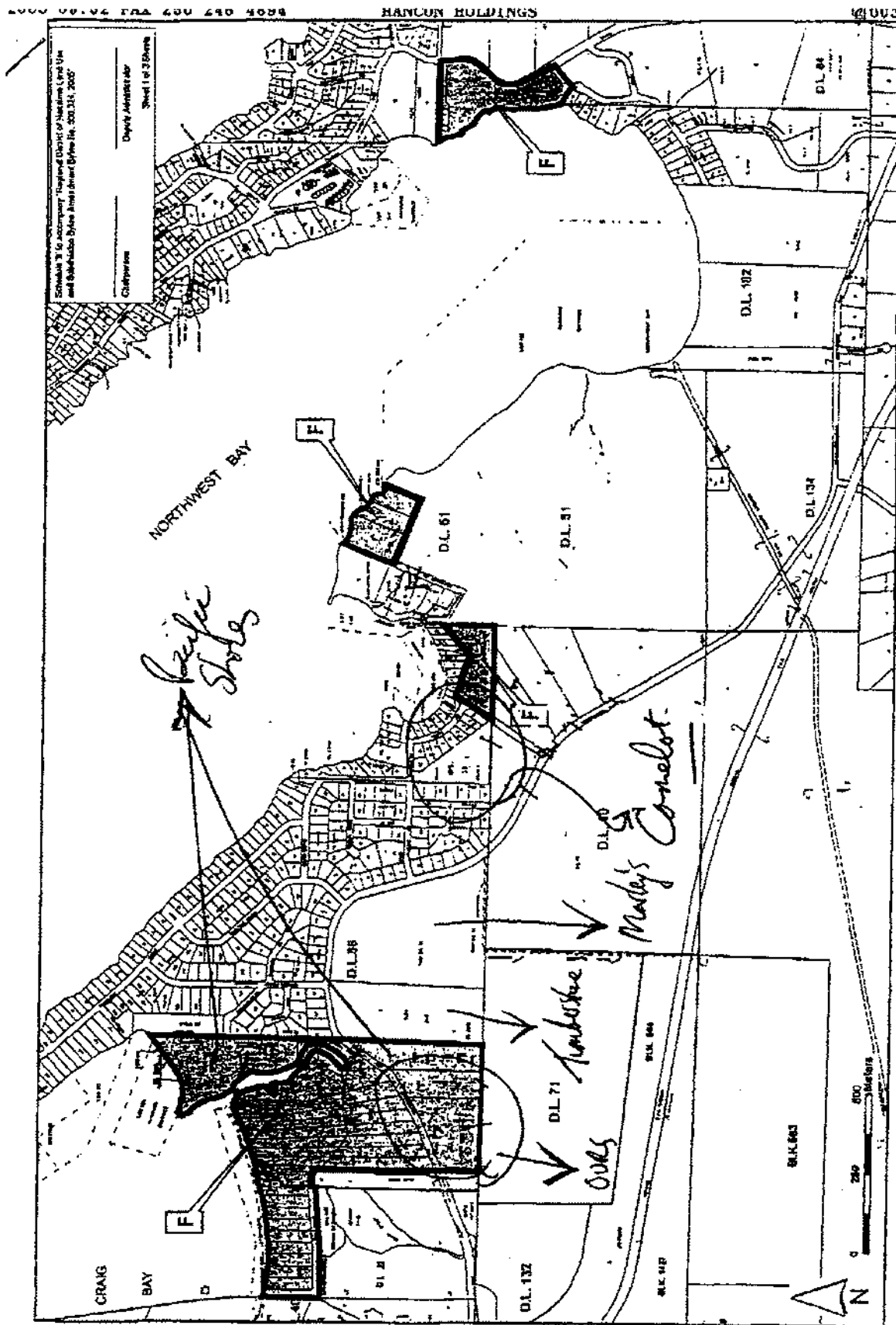
Thank you for listening and thank you for your cooperation.

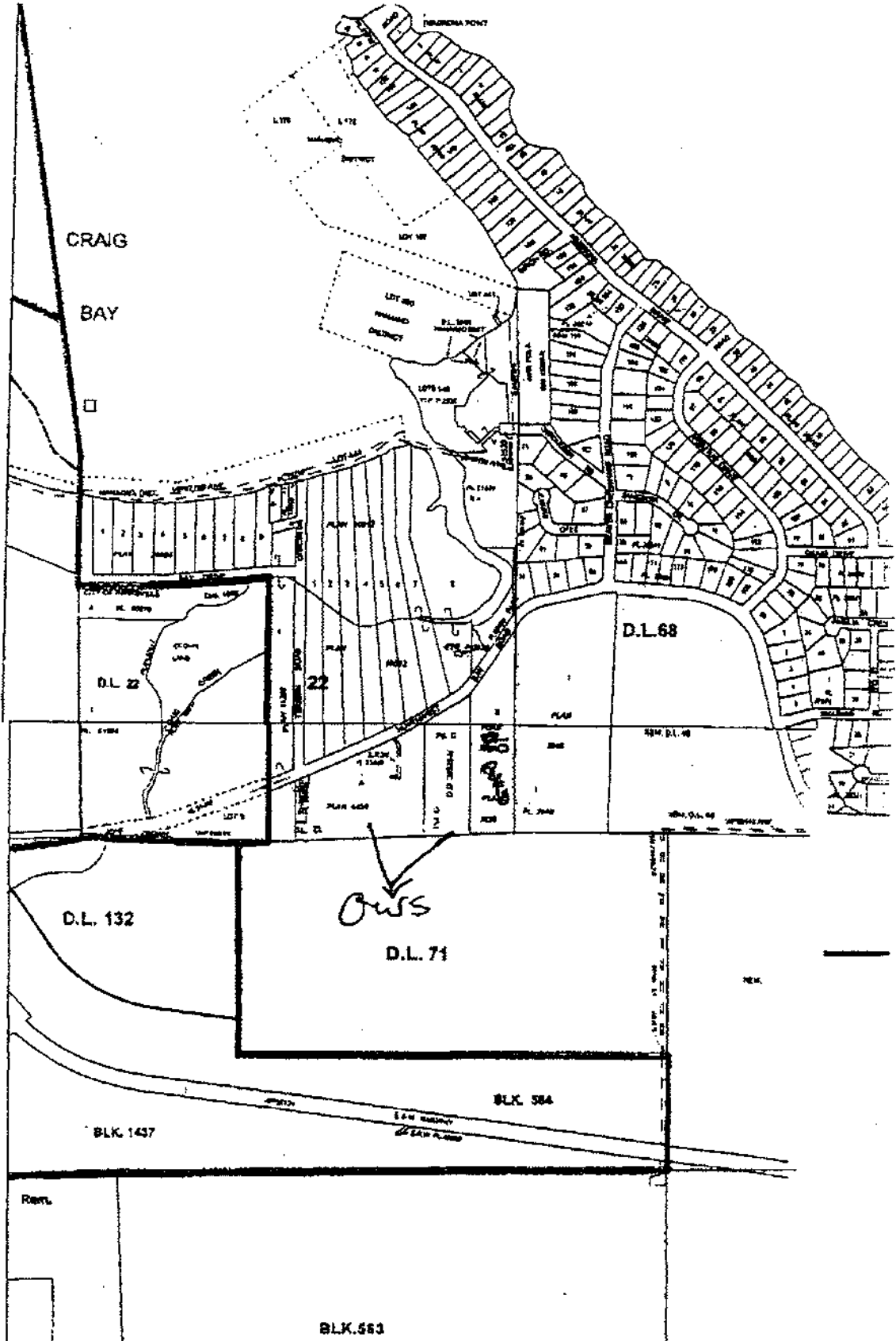
See Plan attached


Regards,

Hans Heringa, P.Eng.

cc. G. Holme, RDN Director





H & F Ventures Ltd.
1080 Industrial Way, Parksville, B.C. V9P 2W8
Phone (250) 248-8155 Fax: (250) 248-4894

October 11, 2005

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

Dear Sir or Madam:

Re: Bylaw No. 500.324, 2005 – REM Block 668

We wish to oppose the downzoning of our property from "D" (2.0 hectares) to "B" (8.0 hectares).

We previously (and recently) built a 2 lane bridge crossing Mathew Creek, based on the 2 hectare zoning for all of our lands. We also previously provided a 15 meter environmental setback from the Creek, based on 2 hectare zoning, and based on an eventual 2 hectare subdivision of all our lands.

We presently have a subdivision in progress to create 4 more 2 hectare parcels. This specific ALR subdivision was earlier approved of by G. Holme at the RDN, with the ALR.

If the land cannot be subdivided, it could be farmed intensively, as permitted by the ALR zoning. Extensive clearing of these lands in the ALR, and site grading, and farming with fertilizers and pesticides on lands, sloping towards Matthew Creek, just doesn't make a lot of sense. With all due respect, the existing zoning, and the "status quo" and the RDN support of 2 hectare parcels with residences, is a much better and a more benign use of the specific land here.

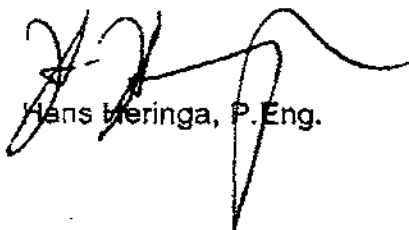
Please do not cause deliberate damages, and don't encourage intrusive and extensive logging, clearing, and farming of these lands, which could not be in the public interest. This proposed rezoning of these specific lands, has not been well thought out here, in our opinion.

Please exempt these specific lands from the Bylaw.

Downzoning of lands is wrong generally, and downzoning of these lands specifically, causes damages, and could create many more problems than it solves.

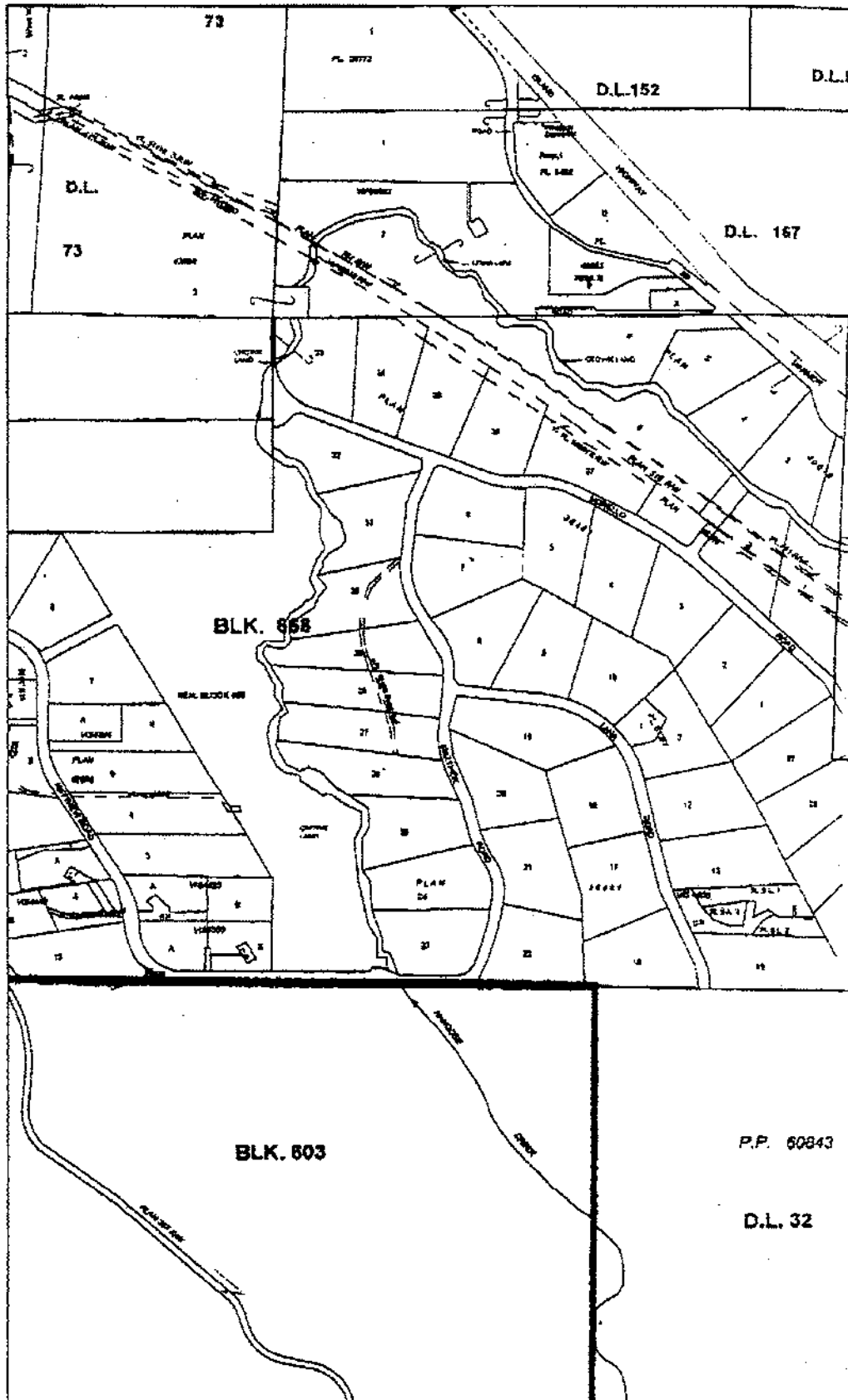
Thank you for listening.

Regards,



Hans Meringa, P.Eng.

cc. G. Holme – RDN Director



J. Lynne Bonnell
PO Box 34
Nanoose Bay, BC
V9P 9J9

Regional District of Nanaimo
6300 Hammon Bay Road
Nanaimo, BC

Via e-mail breynolds@rdn.bc.ca

Attention: Bridget Reynolds, Senior Planner

Dear Madam:

**Re: Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment
Bylaw No. 500.324, 2005
That Part of Lot 31, Nanoose District, Lying to the South of Comox Road Except
part in Plans 25117, 39893 and 42713 (the "Property")**

On behalf of the registered owners of the Property, I am writing to object to the above noted Bylaw as it affects our property. The registered owners are three siblings who have been registered owners of the Property since the 1970's and 1980's as Tenants in Common. We have future plans to divide that portion of the Property affected by the Bylaw into three separate legal entities, so that each of us may have the benefit of our own separate legal title. The area involved is approximately 40 acres and under the proposed new zoning, we would be unable to proceed with dividing it into three equal parcels.

We strongly object to this bylaw due to its potential to prevent division of our property into the three equal portions required for each of us to have separate legal title. We request that the Regional District not proceed with this portion of the proposed Bylaw No. 500.324, as it affects our Property.

Yours truly,

Lynne Bonnell
c.c. Bob Lapham, Deputy Administrator of Planning
via e-mail blapham@rdn.bc.ca

Submissions received in response to the notice of the cancelled September 8th Public Hearing

Manrose Bay, B.C.
Sept 7/05

Regional District of Nanaimo
Land Use Bylaw
George Holm (director Area 2)
Dear George:

I would like to address the issue of changing certain rural properties from A-D (2 ha) to B-1k. I have on northwest Bay Rd and have property between that Rd & Powder Point Rd.

Eighteen acres of my sixty four are on the other side of the railway tracks from my main farm. It extends from the railroad tracks to Manrose Elementary School and is behind the houses on northwest Bay Rd.

my property is in the ALR including those 18 acres. but farmland this piece is not.

If the parcel could be taken out of the ALR who would buy 18 acres. of bush? For what use would they use it?

Have you given any thought what can be done with a 20 acre parcel of rural property? It is not enough to earn a respectable living so you would be paying huge taxes for land that you had no use for.

Some say it could be a hobby farm. You definitely do not need 20 acres for a hobby farm.

Attachment No. 2 (2 of 50)
Submissions Received Prior to the Cancelled Public Hearing

I believe that in the future this is going to cause a lot of hardship to many families. Some of these properties have been family owned for many years, including mine.

I know at the last meeting many e-mails were sent & many rural property owners spoke out against this move.

Are you not listening to what these people in Nanose Bay are telling you?

I believe this by-law of property size ^(2 ha) has been in effect for many years. Why are you changing this now?

Sincerely
Edna O'Shea

2755 N.W. Bay Rd.
Nanose Bay, BC
V9P9E6

Attachment No. 2 (3 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Page 1 of 4

Reynolds, Brigid

From: Ron Lampard [ron@lampards.com]
Sent: Thursday, September 08, 2005 1:56 PM
To: Reynolds, Brigid; gholme@snaw.ca
Subject: RE: Bylaw No.500.324,2005

Having reviewed the mapping and the very timely responses to my questions provided by Brigid, Brigid has indicated that my property is not affected by a set back to the Ocean but too determine the impacts of steamcourses of sensitive areas will require a legal surveyor to determine the effects to my property. As such I am opposed to this rezoning as it denies me the opportunity to manage my property in a reasonably unrestricted manner. It also reduces future opportunities that were available when the property was purchased.

Although I support the majority of the goals and objectives. The Bylaws and associated changes in control of my land go too far. I purchased the property in good faith accepting the levels of Gov't controls at that time. I do not want to relinquish my ability to subdivide or develop my property any further than it is at present.

If the Regional District wishes to control my ability to mow the grass or prune my trees then lets discuss it one on one not in a process where people who are not affected have a say in how I manage my property or limit my future opportunities.

Ron Lampard
P.O Box 102
2983 Northwest Bay Rd.
Nanoose Bay, B.C.
V9P 9J9

Ph. 468 9140

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

From: Reynolds, Brigid [mailto:BReynolds@rdn.bc.ca]
Sent: Thursday, September 08, 2005 9:59 AM
To: Ron Lampard
Subject: RE: Bylaw No.500.324,2005

Ron

The natural boundary is defined as follows: "the visible high water mark on any watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the watercourse a character distinct from that of the banks thereof, in respect to vegetation as well as in respect to the nature of the soil itself."
This is determined by a BC Land Surveyor.

Watercourse is defined as follows:

watercourse means any natural or man-made depression with well defined banks and a bed of 0.6 m or more below the surrounding land serving to give direction to or containing a current of water at least six months of the year and includes the sea or any lake, river, stream, creek, spring, ravine, swamp, gulch, surface source of water supply or source of groundwater supply whether enclosed or in a conduit;

The development permit requirements can be found at this link:

<http://www.rdn.bc.ca/cms/wpattachments/wpID896a1D679.pdf>

Your property is affected by both DPA III Watercourse Protection and DPA IV Sensitive Ecosystem.

No there are no tax incentives.

Brigid

9/8/2005

Attachment No. 2 (4 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Page 2 of 4

Brigid Reynolds
Senior Planner
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2
Ph. (250) 390-6510 or (250) 954-3798 Parksville/ Q Beach area or 1-877-607-4111 toll free in BC
fax (250) 390-7511

www.rdn.bc.ca

From: Ron Lampard [mailto:ron@lampards.com]
Sent: Wednesday, September 07, 2005 5:10 PM
To: Reynolds, Brigid
Subject: RE: Bylaw No.500.324,2005

Brigid

Thank-you for the response to my e-mail and the returned phone calls although we haven't been able to contact by phone yet. Could you please clarify some of the terms used in your note as follows

The natural boundary of the ocean – What is the definition of "natural boundary". Tide movement is quite significant in some areas. Is it low tide, average tide, high tide or highest tide?

What is the definition of watercourse as per the by-law ?

How does a development permit requirement affect my property?

As the movement in zoning from N – F has a significant affect on my ability to manage my property are there any tax incentives to offset the loss in potential value?

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

From: Reynolds, Brigid [mailto:BR Reynolds@rdn.bc.ca]
Sent: Wednesday, September 07, 2005 11:11 AM
To: ron@lampards.com
Cc: Llewellyn, Jason; gholme@shaw.ca
Subject: RE: Bylaw No.500.324,2005

Mr. Lampard

From the map it appears that you are not affected by the proposed zoning amendment for setbacks to the ocean as the natural boundary of the ocean appears to be quite a distance from your parcel.

If the drainage on your property meets the definition of a watercourse pursuant to the Zoning Bylaw the setbacks would be 15 m from the natural boundary or 18 m from the stream centreline; unless there is a bank of 30% or more then the setback would be 9 m from the top of the bank.

A development permit area is established over your parcel in the new but as yet unadopted

9/8/2005

Attachment No. 2 (5 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Page 3 of 4

Official Community Plan.

The change from 'N' subdivision district to 'F' is that for subdivision the minimum parcel size will be 1 ha, regardless of the level of servicing. Currently, the 'N' subdivision district establishes a minimum parcel size of 1000m2 with community sewer and community water, 1600m2 with community water and no community sewer, 1 ha with community sewer and no community water servicing, and 1 ha with no services. Your parcel is not within a community water or sewer servicing area. As well, the Growth Strategy which was adopted in April 2003 includes a policy which states that the minimum parcel size shall not be reduced below the minimum parcel size established in the OCP in place at the date of adoption of the Growth Strategy. The current and the as yet unadopted OCP both state that lands designated Rural Residential (which includes your parcel) shall have a minimum parcel size of 1.0 ha. So this amendment (Bylaw No. 500.324) is intended to implement these policies.

I hope this answers your questions. Please call me to discuss this further.

Brigid

From: Llewellyn, Jason
Sent: Monday, September 05, 2005 4:07 PM
To: Reynolds, Brigid
Subject: FW: Bylaw No.500.324,2005

Please respond. Thanks

Jason

From: George Holme [mailto:gholme@shaw.ca]
Sent: Saturday, September 03, 2005 3:03 PM
To: Llewellyn, Jason
Subject: Fw: Bylaw No.500.324,2005

----- Original Message -----
From: Ron Lampard
To: planning@rdn.bc.ca
Cc: gholme@shaw.ca
Sent: Saturday, September 03, 2005 1:29 PM
Subject: Bylaw No.500.324,2005

I live at 2983 Northwest Bay Road and will be affected by you proposed rezoning. My property at the time of purchase included a earthen berm and ditch along the southerly sides. The ditch appears to have created a small waterway that floods at high tide and virtually dries during lower tides.

My questions are ;

A - Can you please provide me with a map that will show the effects of the setback to my property.

B - What effect will change in zoning from N to F have on my property

Ron Lampard
2983 Northwest Bay Rd

9/8/2005

Attachment No. 2 (6 of 50)
Submissions Received Prior to the Cancelled Public Hearing

J. Lynne Bonnell
PO Box 34
Nanoose Bay, BC
V9P 9J9

Regional District of Nanaimo
6300 Hammon Bay Road
Nanaimo, BC

Via e-mail breyolds@rdn.bc.ca

Attention: Bridget Reynolds, Senior Planner

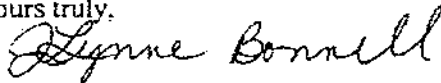
Dear Madam:

**Re: Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment
Bylaw No. 500.324, 2005
That Part of Lot 31, Nanoose District, Lying to the South of Comox Road Except
part in Plans 25117, 39893 and 42713 (the "Property")**

On behalf of the registered owners of the Property, I am writing to object to the above noted Bylaw as it affects our property. The registered owners are three siblings who have been registered owners of the Property since the 1970's and 1980's as Tenants in Common. We have future plans to divide that portion of the Property affected by the Bylaw into three separate legal entities, so that each of us may have the benefit of our own separate legal title. The area involved is approximately 40 acres and under the proposed new zoning, we would be unable to proceed with dividing it into three equal parcels.

We strongly object to this bylaw due to its potential to prevent division of our property into the three equal portions required for each of us to have separate legal title. We request that the Regional District not proceed with this portion of the proposed Bylaw No. 500.324, as it affects our Property.

Yours truly,



Lynne Bonnell
c.c. Bob Lapham, Deputy Administrator of Planning
via e-mail blapham@rdn.bc.ca

Attachment No. 2 (7 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Hans Heringa, P.Eng.
1080 Industrial Way
Parksville, B.C. V9P 2W8
Phone (250) 248-8155 Fax (250) 248-4894

August 31, 2005
24 pages

Attention: Planning Department
Regional District of Nanaimo
Fax 390-7511

Re: Bylaw No. 500.324, 2005

We wish to make the following submission in regards to 1610 Northwest Bay Road (Lot A, Plan 445-R, DL 22, Nanoose LD, that part outlined in red), and 1634 Northwest Bay Road (Lot C (DD36525N) of Lot 22, Nanoose LD). See attached plan.

In our view it is fundamentally wrong, to downzone these Lands from Subdivision District N (1,000 m²) to Subdivision District F (1 Ha.) see attached, and to increase the minimum parcel size from 1,000 m² to 10,000 m². (Schedule '7B' attached.)

Furthermore, as per the August 2, 2005 letter from Brigid Reynolds to Jason Llewellyn, it's also fundamentally wrong to now try to amend the minimum parcel size subdivision for District N, increasing the lot size from 1,000 m² to 1,600 m² for lots on sewer and water (page 2 of the August 2, 2005 letter attached). People have postponed the development of their lands, awaiting sanitary sewer and a higher density, and they should not now be punished for waiting.

Expectations, investments and land values should not be reduced. The integrity of zoning, and minimal parcel size should remain intact.

This proposed change seems to be an 11th hour adjustment, and there has really been no opportunity for affected property owners or stakeholders to raise their issues and concerns. It's wrong to impose such major drastic changes unilaterally.

Furthermore, the August 2, 2005 Report States "However, very few comments and submissions have been received regarding these amendments. Therefore,

Attachment No. 2 (8 of 50)
Submissions Received Prior to the Cancelled Public Hearing

staff does not recommend further consultation beyond the required Public Hearing." This is not correct!

We have submitted letters earlier on February 17, 2004 (to Robert Lapham, RDN Planning Dept), on December 13, 2004 (to the RDN Planning Dept), on May 31, 2005 (to Bob Lapham, RDN Planning Dept), and on July 6, 2005 (to Robert Lapham, RDN Planning Dept), and this correspondence now appears to have been ignored. Copies of these letters are attached for your reference.

There has also been no acknowledgement of these letters, or any response to explain as to why our valid input, isn't valued. This is quite disappointing.

There was to be no down zoning of lands. This was previously stated publicly, and I believe is in print.

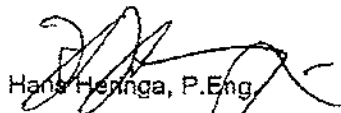
Down zoning may also give rise to a cause of action for damages. Why cause damages?

We urge the RDN to maintain the status quo for the Subdivision Districts.

We have also had preliminary discussions with Bob Lapham for these properties where we would create 1,000 m² lots, based on 1,600 m² density, and with more green space. This would be a "win win" for everyone, and this concept could/should apply to all affected properties, as the better solution. See the attached plans.

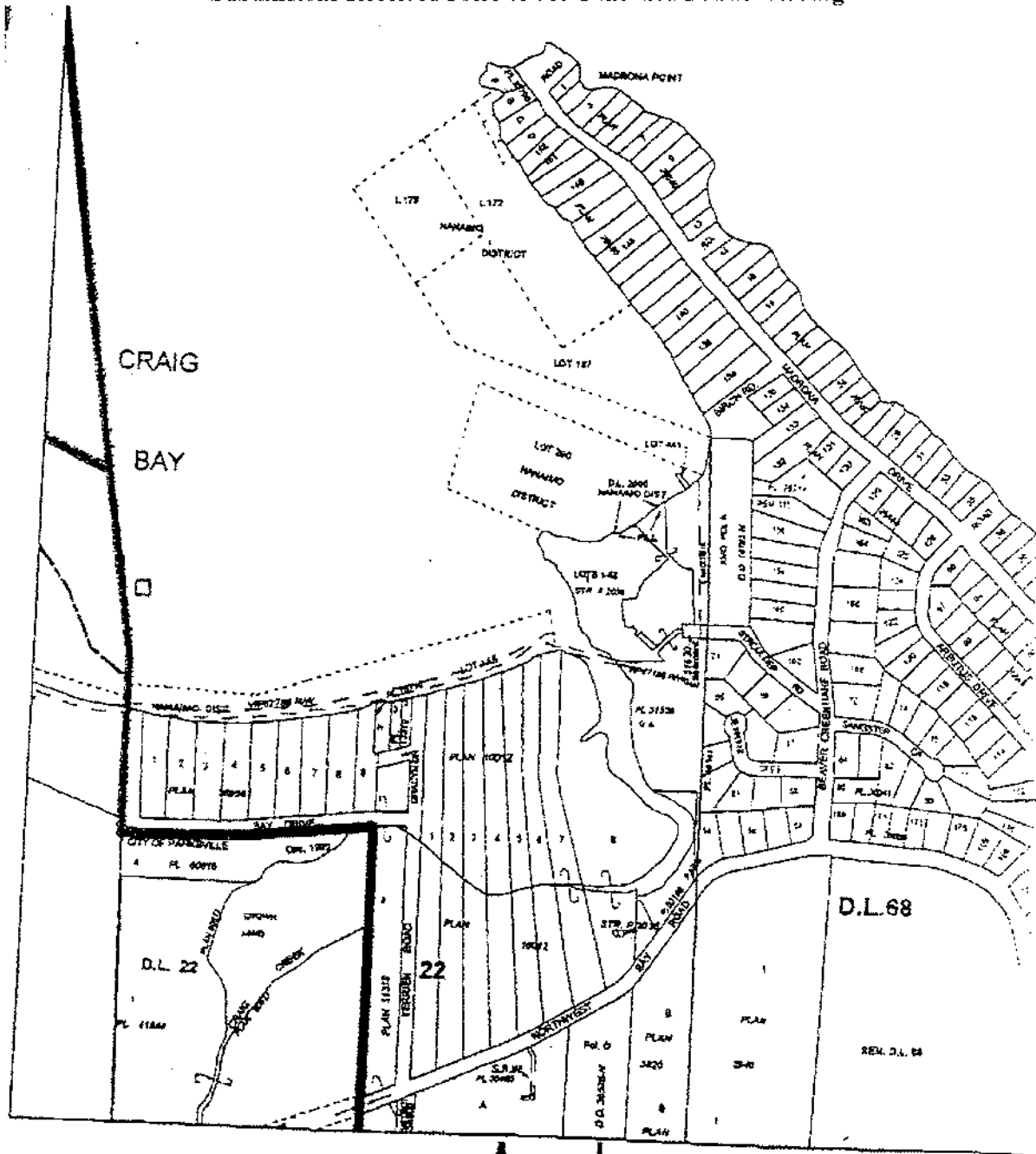
Please reconsider what you are doing here. Thank you.

Regards,


Hans Heringa, P.Eng.

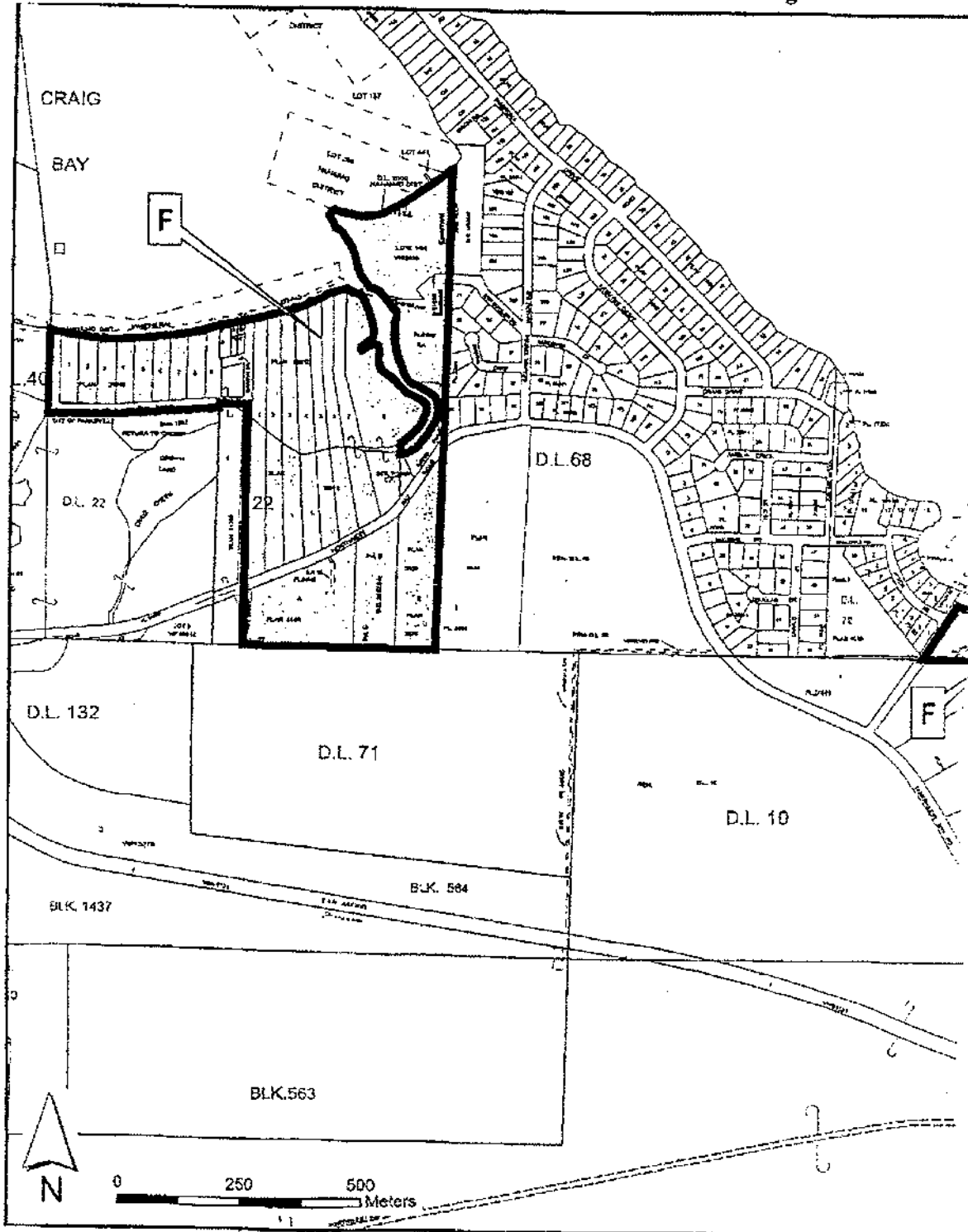
cc: George Holm, Director Area "E", RDN
cc: Jason Llewellyn, Manager, Community Planning, RDN
cc: Brigid Reynolds, Senior Planner, RDN
cc: Bob Lapham, Manager, Planning Department, RDN
HH:Viv/RDN Planning

Attachment No. 2 (9 of 50)
Submissions Received Prior to the Cancelled Public Hearing




NOTE

Attachment No. 2 (10 of 50)
Submissions Received Prior to the Cancelled Public Hearing



Attachment No. 2 (11 of 50)
 Submissions Received Prior to the Cancelled Public Hearing

 REGIONAL DISTRICT OF NANAIMO		EXCERPT FROM BYLAW NO. 500 SCHEDULE '7B' SUBDIVISION DISTRICTS		
1. The minimum size of any lot created by subdivision shall be determined by the standard of services provided and shall meet the applicable minimal parcel size set out below.				
Minimum Parcel Sizes				
Subdivision District	Community Water & Sewer System	Community Water System - No Community Sewer	Community Sewer System - No Community Water	All Other Subdivisions
A	20.0 ha	20.0 ha	20.0 ha	20.0 ha
B	8.0 ha	8.0 ha	8.0 ha	8.0 ha
C	5.0 ha	5.0 ha	5.0 ha	5.0 ha
D	2.0 ha	2.0 ha	2.0 ha	2.0 ha
E	1.6 ha	1.6 ha	1.6 ha	1.6 ha
F	1.0 ha	1.0 ha	1.0 ha	1.0 ha
G	8000 m ²	1.0 ha	1.0 ha	1.0 ha
H	5000 m ²	1.0 ha	1.0 ha	1.0 ha
J	4000 m ²	6000 m ²	1.0 ha	1.0 ha
K	4000 m ²	4000 m ²	4000 m ²	4000 m ²
L	2000 m ²	2000 m ²	4000 m ²	4000 m ²
M	2000 m ²	2000 m ²	1.0 ha	1.0 ha
N	1000 m ²	1800 m ²	1.0 ha	1.0 ha
P	1000 m ²	1800 m ²	1.0 ha	1.0 ha
Q	700 m ²	2000 m ²	1.0 ha	1.0 ha
R	500 m ²	1800 m ²	1.0 ha	1.0 ha
S	400 m ²	2000 m ²	1.0 ha	1.0 ha
Z	No further subdivision			

RDN Bylaw No. 500

This is an excerpt only from "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and should not be used for interpretive or legal purposes without reference to the entire Bylaw.

Attachment No. 2 (12 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Rascal Trucking Ltd.
1080 Industrial Way
Parksville, B.C. V9P 2W8
Phone (250) 248-8155 Fax (250) 248-4894

FAXED

February 17, 2004

2 pages + *ATTACH*

Attention: Robert Lapham
RDN
Fax 390-7511

Re: Lot A, Rascal Lane, Nanoose Bay
Official Community Plan, Map 9
D.P.A.s, Watercourse Protection
Bylaw No. 1118

Dear Sir:

We note that the Pond on our Lot A has been designated as a D.P.A., and as a (natural?) Lake or Pond.

This is wrong.

It's a man-made pond, and was dug by Lafarge as part of its gravel pit/Readi-Mix Plant operation many years ago, before we purchased these Lands.

We went through all of this already before, when we did the Subdivision, with C.O. Smythies, in or about 1991, or 13 years ago. At that time, the B.C. Government, as I recall, wanted the Pond returned to Crown, or something similar. In the end they abandoned the idea, after Lafarge and McKillop provided the history here.

The purpose of DPA 3, Watercourse Protection is to protect the natural environment, and not what was man-made.

Furthermore, there is no natural leave strip, or essential habitat or vegetation along the banks.

Furthermore, there are various other machine dug ponds, such as the McKillop gravel Pit, next door, also not included.

Furthermore, we are still operating a legal gravel pit/fill dump site here, as registered with the Ministry of Mines. We are using gravels from this pond here right now for the Nanoose Highway Project with M.o.T. We certainly don't have a D.P. for this activity within your D.P.A.

**Attachment No. 2 (13 of 50)
 Submissions Received Prior to the Cancelled Public Hearing**

3360 30 0517 EA E Zoning Amendments
 August 2, 2005
 Page 2

ALTERNATIVES

1. To introduce Bylaw No. 500.324 at 1st and 2nd reading and proceed to a Public Hearing.
2. To refer Bylaw No. 500.324 back to staff with direction to make further amendments.

LAND USE AND DEVELOPMENT IMPLICATIONS

One of the initial implementation actions that have been identified in this Official Community Plan is to amend the current subdivision regulations such that the minimum parcel sizes designated in Bylaw No. 500 are consistent with the minimum parcel sizes set out in the OCP Bylaw No. 1400. (See Attachment No. 1 for the affected parcels).

Coast Residential Lands

Coast Residential Lands are those residential areas located in close proximity to the Strait of Georgia and Nanoose Bay and are located within Water Local Service Areas. These lands are also designated as being within the Restricted Community Sewer Service Planning Area, pursuant to the OCP Bylaw. In general, these lands currently have residential zoning and are within Subdivision District 'N'. (See Table No. 1).

Table No. 1 - Existing Minimum Parcel Size Subdivision District 'N'

Subdivision District	Community Water & Sewer System	Community Water - No Community Sewer	Community Sewer System - No Community Water	All Other Subdivisions
N	1,000 m ²	1,600m ²	1.0 ha	1.0 ha

OCP Bylaw No. 1400 states "The subdivision of lands designated Coast Residential shall have a minimum parcel size of 1,600 m²." As a result, the zoning bylaw amendment proposes to amend Subdivision District 'N' to establish a minimum parcel size of 1,600 m² for parcels serviced with Community Water and Community Sewer as shown on Table No. 2 below.

Table No. 2 - Proposed Minimum Parcel Size Subdivision District 'N'

Subdivision District	Community Water & Sewer System	Community Water - No Community Sewer	Community Sewer System - No Community Water	All Other Subdivisions
N	1,600 m ²	1,600m ²	1.0 ha	1.0 ha

As stated in the OCP Bylaw and in the *Regional Growth Strategy*, the provision of sewer service to lands designated as being within the Restricted Community Sewer Service Planning Area is not intended to facilitate greater development than what is supported in the OCP Bylaw. Therefore, the proposed minimum parcel size of 1,600m² where Community Water and Community Sewer service is available does not restrict development any further than what is currently permitted. This proposed amendment is also consistent with policies 7A and 7B of the *Regional Growth Strategy*.

Attachment No. 2 (14 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Furthermore, how come we have to find this out by accident? Why don't you tell Property Owners that you are trying to affect their Lands with a new Bylaw, before you do this? It's simple enough to do so.

Therefore, we request that you take the necessary steps to delete our Pond from your Bylaw No. 1118, and to correct your mistake here.

Thank you for your prompt attention to this matter.

Regards,



Hans Heringa, P.Eng.

P.S. As a note of interest, there is no pond whatsoever on Lot D Rascal Lane, yet the Map 9 shows that over half of this lot is a "natural lake". Perhaps this mistake could also be corrected at the same time.

P.S. The recent drainage works performed by River's Edge may even eliminate the pond entirely, from both Lot A, (and seasonal flood waters from Lot D), to the new pond/gravel pit storm detention area, now to the south of Kaye Road, where all the flood waters have recently been diverted to. This new pond should perhaps be subject to a DPA, if anything should be.

cc: Pauline Bibby, RDN Director, Nanoose Bay
cc: Terry West, C.O. Smythies
HH/lm/Lepham

Attachment No. 2 (16 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Hans Heringa, P.Eng.
1080 Industrial Way
Parksville, B.C. V9P 2W8
Phone (250) 248-8155 Fax (250) 248-4894

December 13, 2004
__ page(s)

Regional District of Nanaimo
Planning Department
Fax 250-390-7511

Re: **Draft Nanoose Bay Official Community Plan**
Our 10 Acre Property at 1610 Northwest Bay Road
Plan 445R, DL 22, Nanoose LD, PID 009-357-963

Appendix No. 1.

This property contains a small wetland, although it is man made wetland by way of a concrete dam on a natural artesian spring (see the attached plan).

Appendix No. 2.

This property must be, and ought to be included in the Water Service Area. This is an earlier RDN Commitment. See also our Billing (copy attached). The RDN knows all about this, from much previous correspondence, and should correct the Existing Service Area to include our property as part of the Madrona Service Area.

Map No. 2.

Our property should be zoned as Coast Residential Neighbourhood at 1600 m² Lots (and not as Rural Residential Neighbourhood). This property would be zoned as CRN if it was in the Madrona Specified Area for Water, and it is in the Madrona Specified Area for Water. Our colouring should also be Pink, and not Purple. Please correct.

Map No. 3.

Our property when developed could perhaps be useful in providing a secondary and alternate bypass route on a portion of Northwest Bay Road, and in fact creating a shortcut and eliminating/reducing the traffic on Northwest Bay Road. See attached.

Map No. 5.

Our property should be included in the Restricted Service Area, as part of the Madrona Specified Area for Water, and just like the rest of the Madrona Area. Due to the road frontage, and our proximity to Sanitary Sewer, it makes sense to

Attachment No. 2 (17 of 50)
Submissions Received Prior to the Cancelled Public Hearing

allow our property to be developed, when Sanitary Sewer becomes available. We are also prepared to contribute to the costs involved with a Sanitary Sewer.

In summation, our lands should be properly accommodated in the OCP, to reflect both the history and the future potential of these lands.

There was to be no down-zoning of lands by the OCP, as I recall Mr. Holmes stating as part of the earlier OCP process.

However, our lands have in fact been down-zoned from the original 1600 m² Madrona Area Standard to the 2 ½ acre or 1 hectare size, unless we are given the Coast Residential Neighbourhood designation.

As you may know, there is a subdivision plan in the works here. There have been discussions with the RDN, that in return for access to sanitary sewer, and approval for 25 residential lots of 1,000 m² (based on 1,600 m² density), we are prepared to transfer the existing well (and an excellent water supply) to the RDN, and that in addition all of the surplus wetlands are to be dedicated as park, or as a Greenbelt Covenant. The new OCP should reflect these discussions.

Thank you for your attention to our request and for giving us the opportunity to participate, as part of the Community involvement process.

Regards,

FILE COPY

Hans Heringa, P.Eng.

cc: Lorraine Trickett
cc: Bob Lapham
cc: Pauline Bibby
HH/m/RDN

Attachment No. 2 (18 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Hans Heringa, P.Eng.

1080 Industrial Way
Parksville, B.C. V9P 2W8

Phone (250) 248-8155 Fax (250) 248-4894

FAXED
MAY 21 2005

FAXED

CC: George Holme

May 31, 2005
18 pages

Attention: ✓ Bob Lapham
Planning Department
Regional District of Nanaimo

Re: Draft Nanoose Bay OCP, May 2, 2005

I wish to express my personal disappointment here, in that none of the concerns of my Companies previously conveyed to the RDN appear to have been addressed.

Specifically, letters were previously written by:
H&F Ventures Ltd. on December 13, 2004.
Rascal Trucking Ltd. on February 17, 2004.
myself on December 13, 2004.

To summarize my concerns once again.

Appendix Map No. 1
Rascal Lane

it shows a Water Feature on Lot A, Rascal Lane, which is really a man-made pond. This private pond should not be subject to regulations, and should be allowed to be changed and deepened or infilled, as private property.

Appendix Map No. 2

1610 Northwest Bay Road (and 1634 Northwest Bay Road to the east)

- This 1610 Northwest Bay Road property should be included in the Madrona Specified Area for Water. This is known to the RDN. See the most recent letter sent to the RDN on this, dated March 7, 2005.
- There really should be separate maps for Water Service Areas, and for Sanitary Sewer Areas, to remove confusion.

Map No. 2

1610 Northwest Bay Road (and 1634 Northwest Bay Road to the east)

- Should be in the OCP Coast Residential Neighbourhood, or 1600 m² Lots.
- Rural Residential Neighbourhood or 1 hectare parcels, is down-zoning.
- Again, I recall clearly an earlier newspaper article, (and I believe George Holme, but I could be wrong) making a commitment that "there would be no down-zoning" of Lands.

Attachment No. 2 (19 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Remainder Matthew Road

- * The ALR have approved 4 parcels, at 5 acres for ½ of this property.
- * This entire Remainder should really be zoned as Rural Lands, or as 5 acres, and not as Resource Lands within ALR.
- * We have an active development underway here, and this is known to the RDN. We built the bridge and paved the road in anticipation of creating 5 acre parcels on all of the Lands. We recall that George Holme on behalf of the RDN, supported our last ALR Application to create 5 Acres within the ALR on our Remainder. (See attached letter.)
- * For the RDN to not cooperate here with amending the Draft OCP, is unduly harsh and unfair.

Map No. 3

Why not have another future road going through to Northwest Bay Road (see the attached plan).

Map No. 4

Okay.

Map No. 5

- * There should be separate plans for Community Sewer and for Community Water.
- * Our 1610 Northwest Bay Road property (and 1634 Northwest Bay Road lying to the east), should both be included in both the Restricted Community Sewer, and Water Service Planning Area.

Map No. 6

Our pond at Lot A Rascal Lane is in a Development Permit Area, when it is a "man-made pond", resulting from the past excavation of gravels. This pond really shouldn't be included for this reason.

Thank you for your further attention to my previous complaints. Hopefully, the requisite changes can still be made here, to the Draft.

Regards,


Hans Heringa, P. Eng.

P.S. As an aside, I personally fully support the redevelopment along the Island Highway opposite the Petrocan Station. The Island Highway realignment is certainly necessary, and if Private Developers can contribute to the substantial costs involved, then it's in the Public Interest to take full advantage of this. The OCP ought to be amended accordingly, and expedited here just like it was expedited for the River's Edge Project.

HH/mv/Lapham

Attachment No. 2 (20 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Hans Heringa, P.Eng.

1080 Industrial Way

Parksville, B.C. V9P 2W8

Phone (250) 248-8155 Fax (250) 248-4894

FAXED
7/6/05

July 6, 2005

9 pages

Attention: Robert Lapham
Planning Department
Regional District of Nanaimo

Re: June 6, 2005 Nanoose Bay OCP

I have reviewed the June 6, 2005 Nanoose Bay OCP, and my comments are as follows.

Appendix 1

The Pond on Lot A Rascal Lane is "man made" from gravel mining, and it's not a natural feature. In addition, the new River's Edge Detention Pond now makes a Pond here obsolete, and less likely to be containing water.

In addition, there is no Water Feature on Lots D and E anymore. The infilling on the west side and grading of the swamp on the west side of Peterson Road and a cut off ditch directing water to Peterson Road, and other ditches done as part of the River's Edge Subdivision have pretty much stopped all drainage from getting to Lots D and E for 2 years now.

(There used to be a significant water/swamp feature opposite Lots D and E in River's Edge, south of the new wells, but this has recently been destroyed by the activities of River's Edge.)

The 1993 - 1997 Sensitive Ecosystems Inventory that appears to have been used, is outdated now.

Appendix 2

Property owned by myself and Lorraine Trickett, at 1610 Northwest Bay Road and at 1634 Northwest Bay Road, should also be included in the Madrona Local Community Water Service Area. Also, may as well include Pacific Shores.

Appendix 3.3 (+ Map 2)

You are using materials dating back to 1992 and 1993 and 2001, for an OCP Review in 2005? This material could be outdated.

Property owned by myself and Lorraine Trickett at 1610 Northwest Bay Road (10 acres) and at 1634 Northwest Bay Road (5.25 acres), should also be included in the Coast Residential Lands, and not designated as Rural Residential Lands as indicated. This is a down zoning of these 2 properties.

Attachment No. 2 (21 of 50)
Submissions Received Prior to the Cancelled Public Hearing

The Remainder of Block 668, should be designated Rural Lands, and not Resource Lands within the ALR as indicated. We have an ALR approval for 4 more 5 acre parcels on this Remainder. The intent is to complete a subdivision of 5 acre parcels here, to justify (and to amortize) the cost of a 2 lane concrete bridge on Matthew Creek, (rather than to use an approved multi plate culvert).

Map No. 3

Why not consider a further bypass (shortcut) of a section of Northwest Bay Road, from the Terrien intersection, out to Northwest Bay Road again, 1 lot depth away from DL 71 and DL 107? (See the attached.)

Why not consider connecting Matthew Road to Dawson Road, and/or also running the shorter Morello Road connection through DL 176 as per attached Plan. DL 176 is flat. Going to the Dawson Road intersection via DL 176 is the better location, I think.

Map No. 4

No comment.

Map No. 5, Sheet 1 of 2

See attached.

Again, 1610 Northwest Bay Road, and also 1634 Northwest Bay Road (and likely Pacific Shores' Northwest Bay Road property too), should all be included in the Restricted Community Water Service Planning Area.

Map No. 5, Sheet 2 of 2

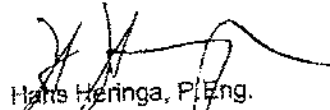
Again, 1610 Northwest Bay Road, and also 1634 Northwest Bay Road (and likely Pacific Shores' Northwest Bay Road property too), or the Lands up to Terrien Road, south of Northwest Bay Road, should all be included in the Restricted Community Sanitary Sewer Planning Area.

Map No. 6, DPAs

The DPA designation on Lot A Rascal Lane should not apply, as it's a "man-made" pond.

This letter is in addition to our earlier letters of May 31, 2005, December 13, 2004 (1 from H&F Ventures and 1 from Hans Heringa), and February 17, 2004. So far, it doesn't appear that anyone is listening, or hearing our complaints, or requests for improvements to this OCP.

Regards,


Hans Heringa, P.Eng.

cc: George Holme, RDN Director *9 Pages.* ←

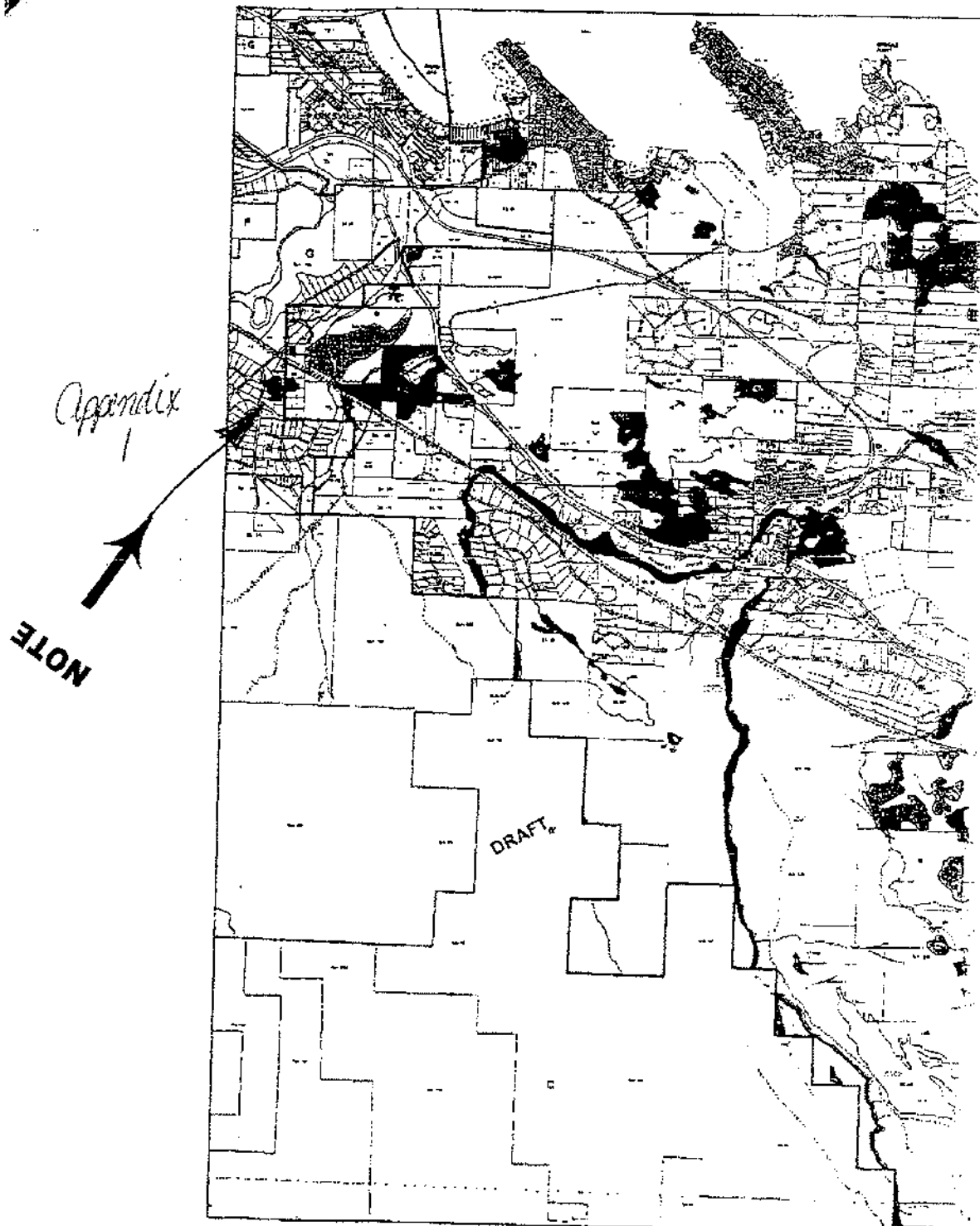
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7/6/05

NOTE

HH/Wm/Laptham

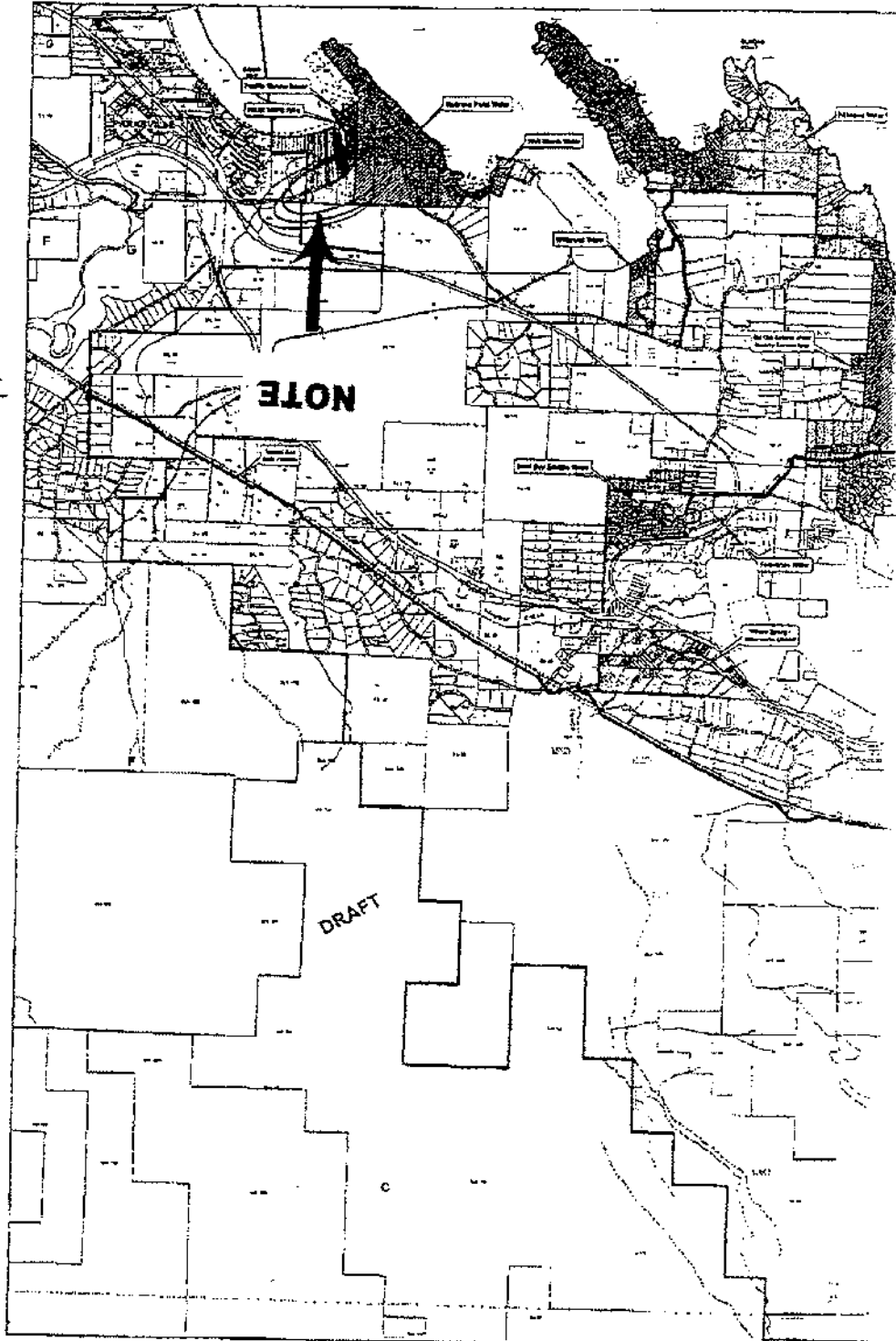
2

Attachment No. 2 (22 of 50)
Submissions Received Prior to the Cancelled Public Hearing



Attachment No. 2 (23 of 50)
Submissions Received Prior to the Cancelled Public Hearing

APPENDIX
2



Attachment No. 2 (24 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Appendix No. 3
Web References

Preserving Our Foodlands: Landscape Buffer Specifications
http://www.alc.gov.bc.ca/publications/buffer/lbs_main.htm

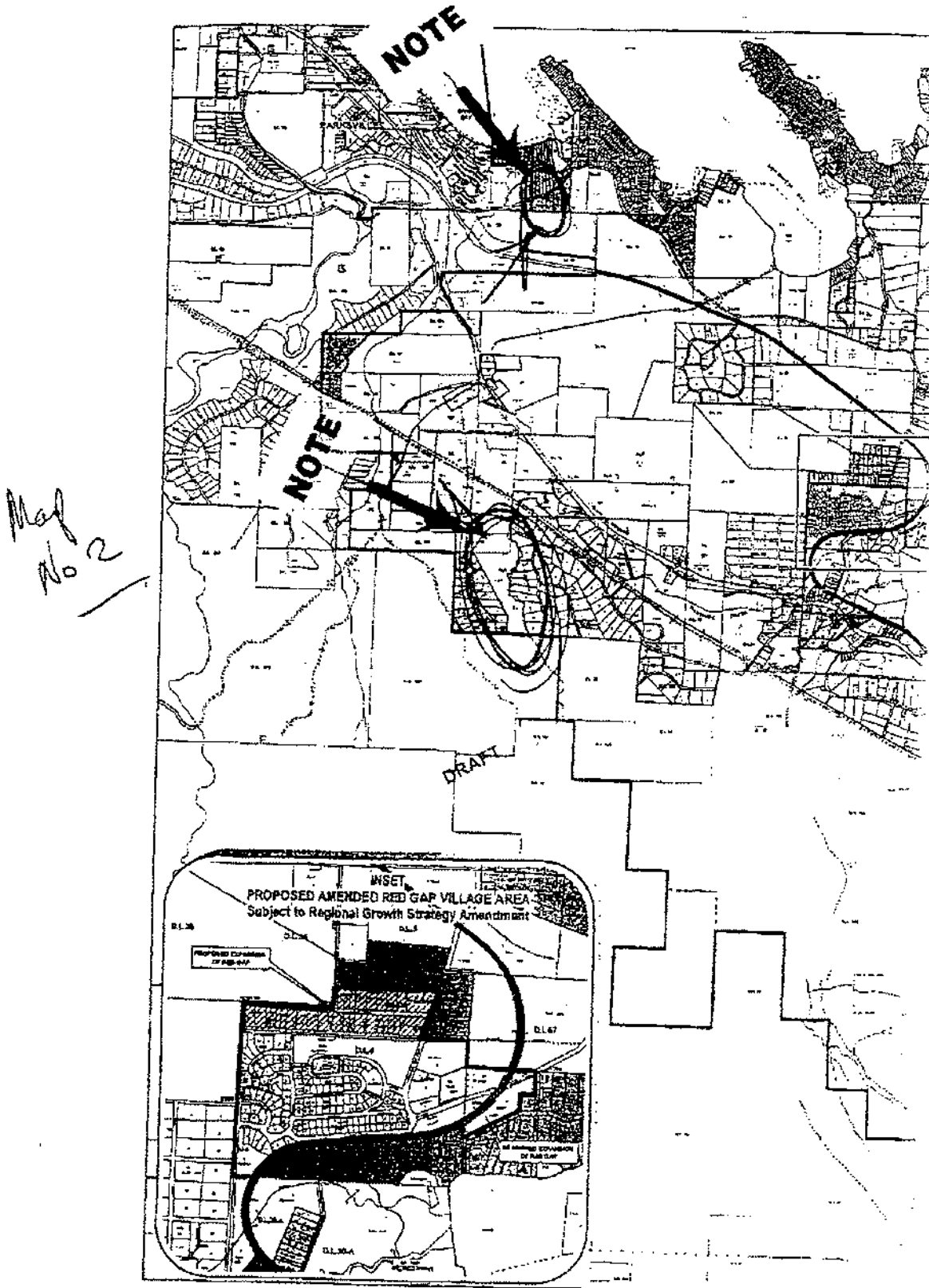
Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997
(Volume 2: Conservation Manual published by Canadian Wildlife Services)
<http://srnwww.gov.bc.ca/sei/index.html>

Stream Stewardship, 1993 publications by DFO and MELP

Land Development Guidelines, 1992 publications by DFO and MELP
These two publications can be found at:
http://www.stewardshipcentre.bc.ca/sc/bc/stew_series/bc_stewseries.asp

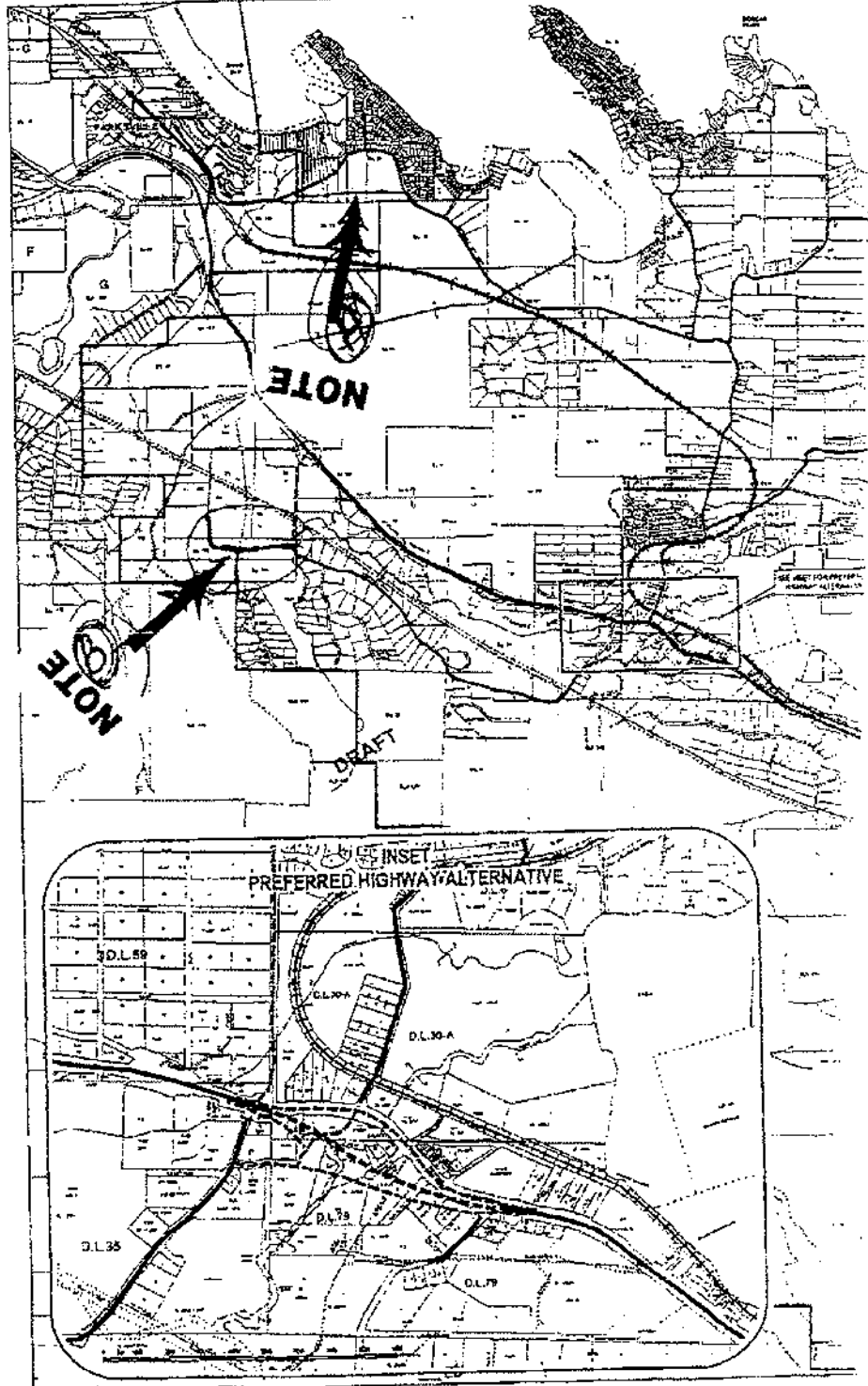
Environmental Requirements and Best Management Practices for the Review of Land
Development Proposals, March 2001 publication by MELP, or any subsequent editions.
<http://wlapwww.gov.bc.ca/udd/BMP/bmpintro.html>

Attachment No. 2 (25 of 50)
Submissions Received Prior to the Cancelled Public Hearing



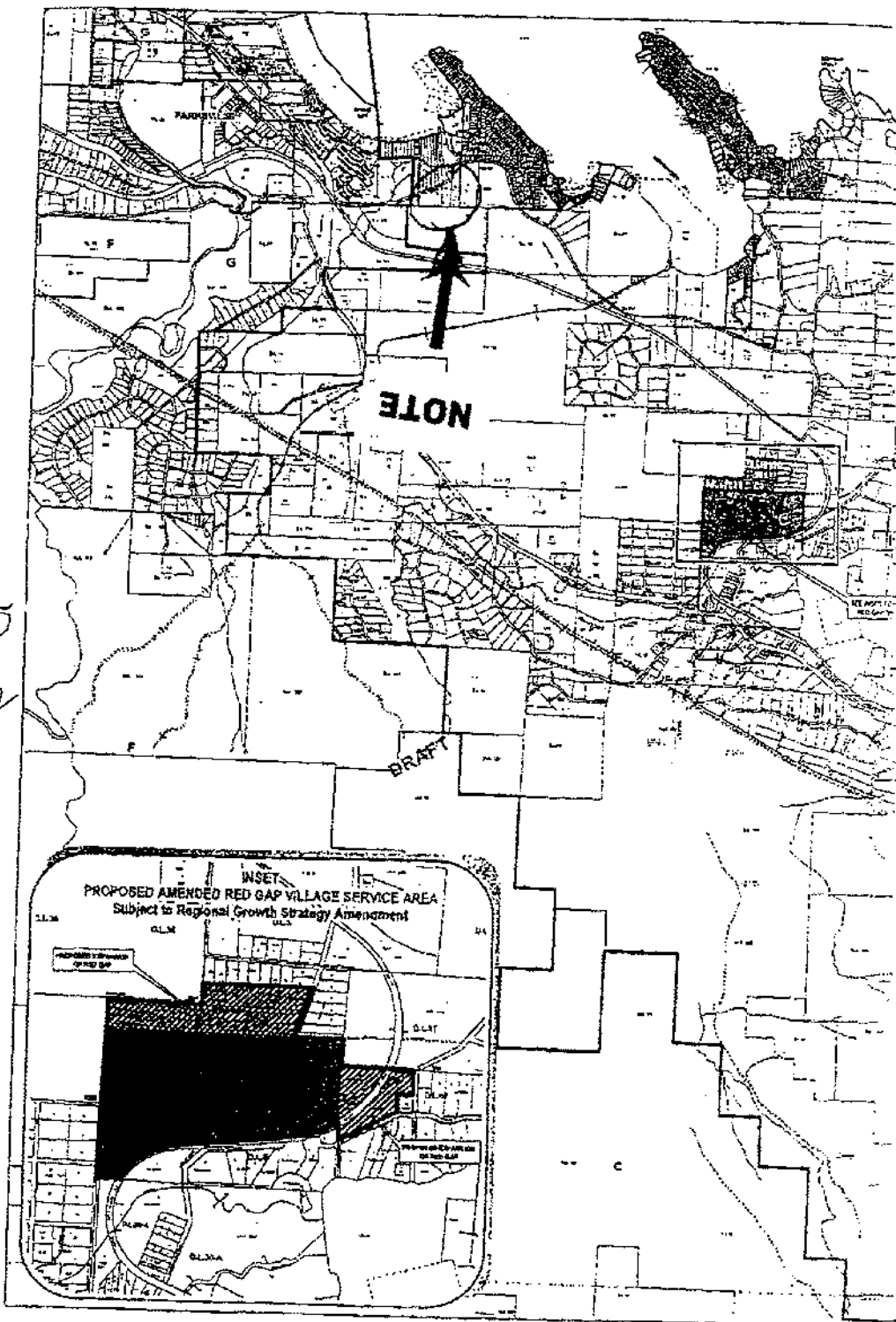
Attachment No. 2 (26 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Map No. 3



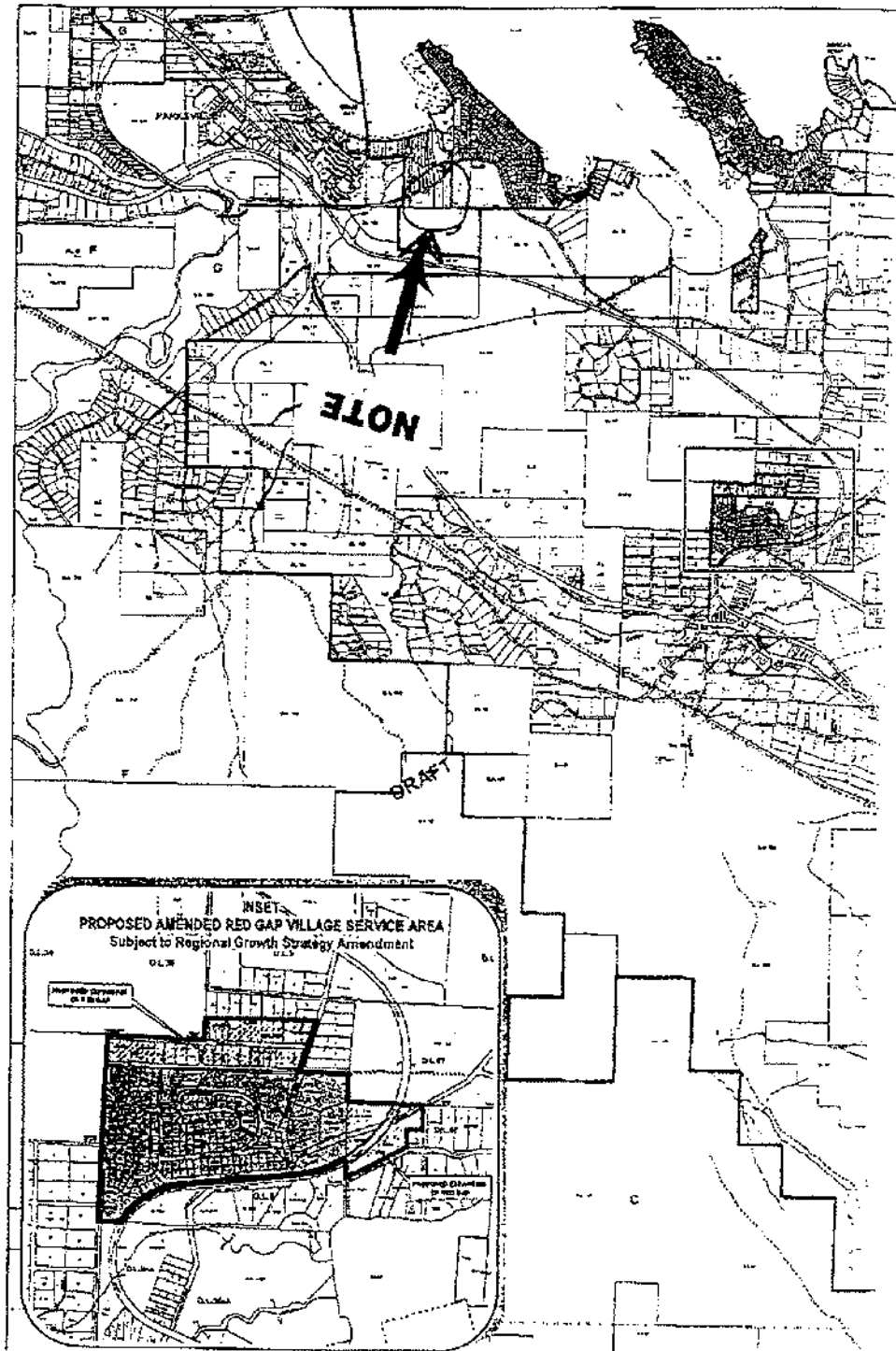
Attachment No. 2 (27 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Map No. 5
Sheet 1/2

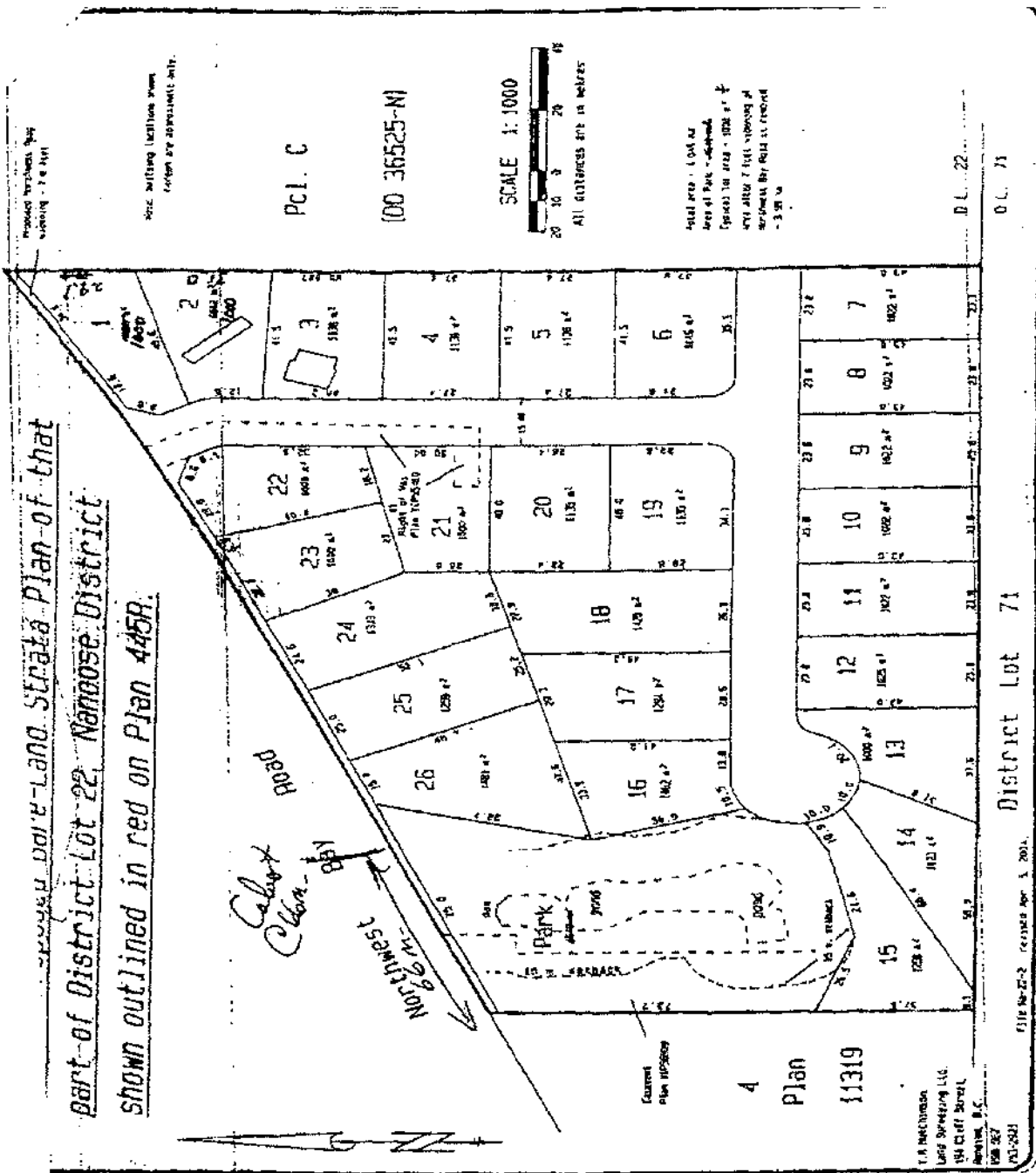


Attachment No. 2 (28 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Map No. 5
Sheet 2/2



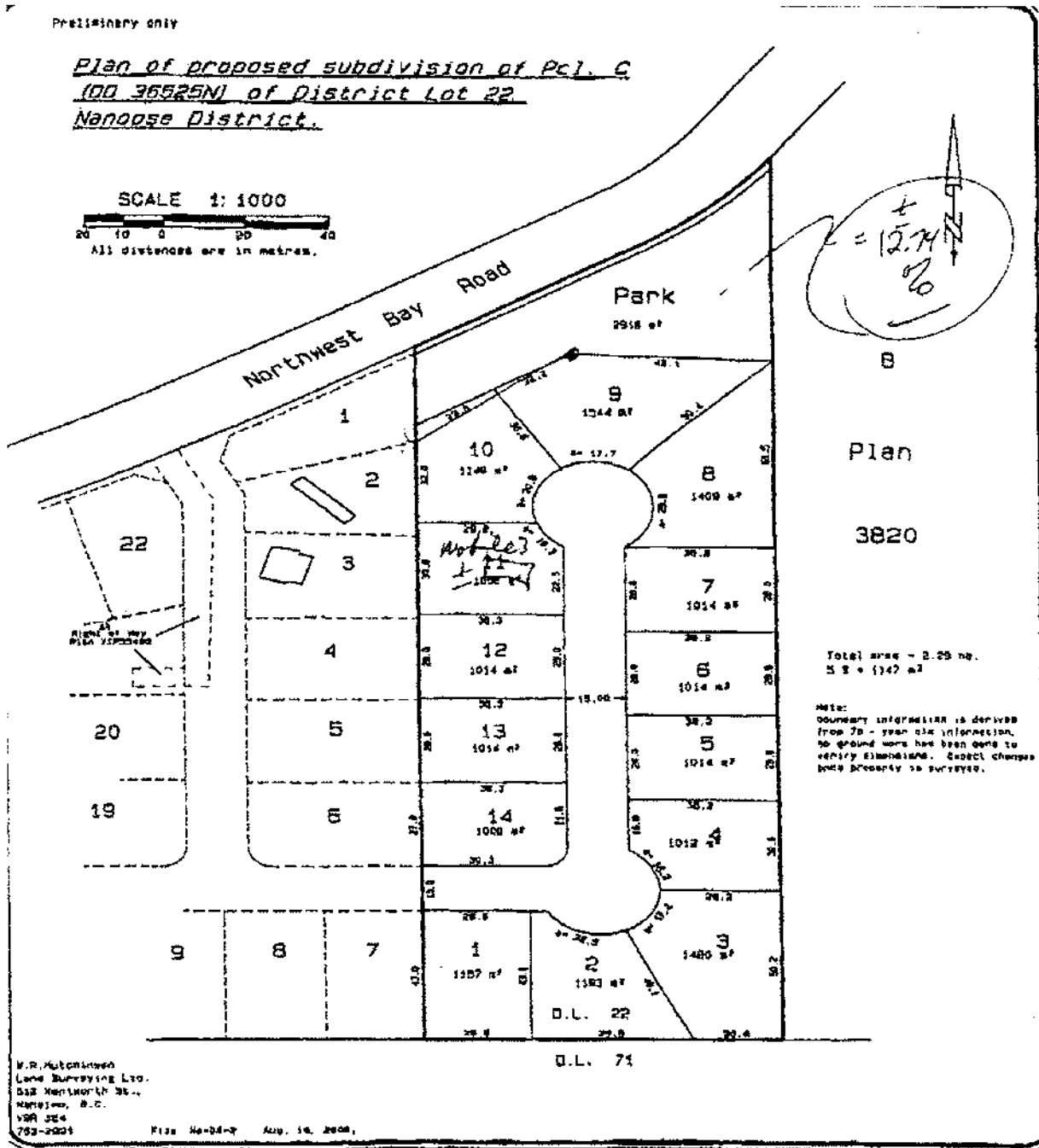
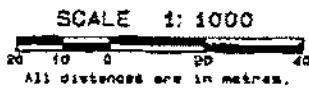
Attachment No. 2 (29 of 50)
 Submissions Received Prior to the Cancelled Public Hearing



Attachment No. 2 (30 of 50)
 Submissions Received Prior to the Cancelled Public Hearing

Preliminary only

Plan of proposed subdivision of P.C.L. C
(00 36525N) of District Lot 22
Nanoose District.



V.R. Hutchinson
 Land Surveying Ltd.
 532 Westworth St.,
 Nanaimo, B.C.
 V9R 2E4
 782-2001

Plan No-04-7 Aug. 16, 2006

Attachment No. 2 (31 of 50)
Submissions Received Prior to the Cancelled Public Hearing

H&F Ventures Ltd.
1080 Industrial Way
Parksville, B.C. V9P 2W8
Phone (250) 248-8155 Fax (250) 248-4894

August 31, 2005
18 pages

Attention: Planning Department
Regional District of Nanaimo
Fax 390-7511

Re: Bylaw No. 500.324, 2005

1. We wish to make the following submission in regard to Remainder Block 668, Nanoose LD, Matthew Road at Nanoose Creek.

We wish to object to the down zoning of these lands from D to B, or from 5 acre (2 Ha.) to 20 acre (8 Ha.). It doesn't make sense. It isn't fair.

We submitted 3 letters previously regarding this on December 13, 2004 to the RDN Planning Dept. and on May 31, 2005, and July 6, 2005 to Robert Lapham of the RDN Planning Dept. (See the attached.) The RDN has neither acknowledged these letters, nor replied to them. This is disappointing as the RDN was to accept Stakeholder input.

This area is in the midst of other 5 acre, and 2 ½ acre building strata lots, already created and existing.

Further subdivision, and the creation of 4 more parcels of 5 acres has previously been approved by the ALR, and by the RDN, and by George Holme. (See the attached subdivision plan.) The date for final approvals and registration is unknown, but the new zoning should really match our existing subdivision application.

The creation of further 5 acre parcels are needed to recoup the large capital cost of the Matthew Crossing concrete two lane access bridge, paid for by our Company, in cooperation with M.o.T. (rather than installing the previously approved multiplate). We proceeded here earlier, relying on our 5 acre zoning.

In addition, 5 acre hobby farms and a residential use of the land, is likely much less damaging to the Nanoose Creek Watershed than intensive farming would or could be on this ALR Land, which abuts the Nanoose Creek. 5 acre zoning and hobby farms mitigates the possible environmental damage that could be caused by intensive farming, plowing, pesticides, etc.

Attachment No. 2 (32 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Down zoning may give rise to a cause of action for damages. Why cause damages?

Please leave our 40± acre property, as zoned, for 5 acre parcels, in Subdivision District D.

We also note that our property has been labeled as Crown Land (see the attached). This is wrong. This oversight may have affected the planned down zoning here.

2. H&F also wishes to object to the proposal to now try to prevent a 2 lot Building Strata Subdivision of existing parcels greater than 2.0 Ha.

These building strata parcels, such as at Matthew Road, were created and sold on the premise that they could support 2 houses. These parcels should be allowed to be subdivided by a Building Strata Plan, if the purchasers so choose. Park and road dedication are really not an issue here, or important issues. As long as each strata parcel is 1.0 Ha., the RDN should not object. Let it go.

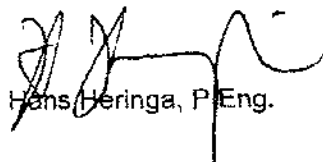
This kind of subdivision should be allowed to continue in the RDN, just like in the rest of B.C.

If the RDN really doesn't want more of this building strata subdivision, then they should get a Restrictive Covenant to this effect from the new future 2.0 Ha. subdivisions, and the Developers of them, only where Park or road dedication or septic or water may be a real issue. This is fair.

However, this kind of further restriction to prevent 2 lot building stratas on existing 5 acre lots is fundamentally wrong, and otherwise "wrong headed", and causes damages and turmoil; and prevents good (highest and best) use of the available Lands; and detracts from a reasonable and an efficient tax base for the RDN. It's in the Public interest to allow Building Strata as school bus costs, garbage pickup costs, mail delivery costs, are all cheaper and more efficient, and safety and security of the neighbourhood is better. The Planners have perhaps overlooked this aspect.

Thanks for listening.

Regards,



Hans Deringa, P.Eng.

cc: George Holme, Director Area "E", RDN
cc: Jason Llewellyn, Manager, Community Planning, RDN
cc: Brigid Reynolds, Senior Planner, RDN
cc: Bob Lapham, Manager, Planning Department, RDN
HP/Im/RDN Planning

Attachment No. 2 (33 of 50)
Submissions Received Prior to the Cancelled Public Hearing

H&F Ventures Ltd.

1080 Industrial Way
Parksville, B.C. V9P 2W8
Phone (250) 248-8155 Fax (250) 248-4894

December 13, 2004
___ page(s)

Regional District of Nanaimo
Planning Department
Fax 390-7511

Re: Nanoose Draft OCP November Open House
and Community Involvement

Re: Our Matthew Road Property, 9.5 Hectares
Remainder Block 668, PID 009-438-734

Map No. 2.

1. Our ALR Remainder should be designated as Rural Lands (dark green), and not as Resource Lands within the ALR.
2. We presently have a subdivision in the works for four 5 acre parcels within the ALR. See attached plan. The ALR has approved this. See attached Resolution. The RDN has also approved this in the past. See attached note from G. Holme.
3. We previously built a 2 lane bridge (and not a multiplate culvert, or a single lane bridge) across Matthew Creek, in anticipation of at least 5-acre subdivision for all of the parcel.
4. We paved our Matthew Road portion (at considerable cost) , and which was not a subdivision requirement, only based on being allowed to further subdivide the 5 acre to 2 ½ acre building strata, if purchasers wanted to do this.
5. It would be inappropriate, harsh and unfair to have our Remainder rezoned and down-zoned now, because of the past history here, and based on the existing PLA for four 5 acre parcels, and based on our future plans. The OCP should match the past, ongoing and future development plans here, and respect them.

The ALR had earlier advised us to do the four 5 acre parcels first, and to sell them, and to then to reapply later if we wished for the other four 5 acre parcels at some future date. See overall subdivision plan attached.

Attachment No. 2 (34 of 50)
Submissions Received Prior to the Cancelled Public Hearing

This 8 lot subdivision of 5 acre parcels is what we ultimately wish to do, and also we have to do, for economic reasons, to get payback on the bridge and paved roads.

Please revise Map No. 2, and allow our Remainder Land to remain as Rural Lands, 5 acre zoning. We think that you have to agree that 5 acre residential hobby farms adjoining the creek, is a much better and benign land use, than heavy duty commercial farming where manure, dirt, fertilizers and pesticide may get washed into this creek (all due to commercial farming operations).

Even the ALR has concerns about this.

Please zone the land for 5 acre Residential Hobby Farms, to suit the planned use. Let's not encourage a future environmental disaster, here, and stipulate Farming beside a Fisheries Creek.

Map No. 3. Road Network

I thought that Matthew Road was to be extended through the 2 Weyerhaeuser DL 174 and DL 176 parcels one day, to connect to the private driveway/road on DL 73, and then to Dawson Road. This connection isn't shown. Perhaps it should be?

Ultimately, Matthew Road can provide a bypass to the Island Highway, by connecting to Dawson Road, or by a connection to the south fork of Northwest Bay Road. The OCP should reflect this.

Thank you for your attention to our requests.

Regards,

FILE COPY

Hans Heringa, P.Eng.

cc: Bob Lapham
cc: Pauline Bibby
HH/m/RDN

Attachment No. 2 (35 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Hans Heringa, P.Eng.

1080 Industrial Way
Parksville, B.C. V9P 2W8

FAXED
June 2005

Phone (250) 248-8155 Fax (250) 248-4894

FAXED

CC: George Holme

May 31, 2005
18 pages

Attention: ✓ Bob Lapham
Planning Department
Regional District of Nanaimo

Re: Draft Nanoose Bay OCP, May 2, 2005

I wish to express my personal disappointment here, in that none of the concerns of my Companies previously conveyed to the RDN appear to have been addressed.

Specifically, letters were previously written by:
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Rascal Trucking Ltd. on February 17, 2004.
myself on December 13, 2004.

To summarize my concerns once again.

Appendix Map No. 1

Rascal Lane

It shows a Water Feature on Lot A, Rascal Lane, which is really a man-made pond. This private pond should not be subject to regulations, and should be allowed to be changed and deepened or infilled, as private property.

Appendix Map No. 2

1610 Northwest Bay Road (and 1634 Northwest Bay Road to the east)

- This 1610 Northwest Bay Road property should be included in the Madrona Specified Area for Water. This is known to the RDN. See the most recent letter sent to the RDN on this, dated March 7, 2005.
- There really should be separate maps for Water Service Areas, and for Sanitary Sewer Areas, to remove confusion.

Map No. 2

1610 Northwest Bay Road (and 1634 Northwest Bay Road to the east)

- Should be in the OCP Coast Residential Neighbourhood, or 1600 m² Lots.
- Rural Residential Neighbourhood or 1 hectare parcels, is down-zoning.
- Again, I recall clearly an earlier newspaper article, (and I believe George Holme, but I could be wrong) making a commitment that "there would be no down-zoning" of Lands.

Attachment No. 2 (36 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Remainder Matthew Road

- The ALR have approved 4 parcels, at 5 acres for ½ of this property.
- This entire Remainder should really be zoned as Rural Lands, or as 5 acres, and not as Resource Lands within ALR.
- We have an active development underway here, and this is known to the RDN. We built the bridge and paved the road in anticipation of creating 5 acre parcels on all of the Lands. We recall that George Holme on behalf of the RDN, supported our last ALR Application to create 5 Acres within the ALR on our Remainder. (See attached letter.)
- For the RDN to not cooperate here with amending the Draft OCP, is unduly harsh and unfair.

Map No. 3

Why not have another future road going through to Northwest Bay Road (see the attached plan).

Map No. 4

Okay.

Map No. 5

- There should be separate plans for Community Sewer and for Community Water.
- Our 1610 Northwest Bay Road property (and 1634 Northwest Bay Road lying to the east), should both be included in both the Restricted Community Sewer, and Water Service Planning Area.

Map No. 6

Our pond at Lot A Rascal Lane is in a Development Permit Area, when it is a "man-made pond", resulting from the past excavation of gravels. This pond really shouldn't be included for this reason.

Thank you for your further attention to my previous complaints. Hopefully, the requisite changes can still be made here, to the Draft.

Regards,



Hans Weringa, P.Eng.

P.S. As an aside, I personally fully support the redevelopment along the Island Highway opposite the Petrocan Station. The Island Highway realignment is certainly necessary, and if Private Developers can contribute to the substantial costs involved, then it's in the Public interest to take full advantage of this. The OCP ought to be amended accordingly, and expedited here just like it was expedited for the River's Edge Project.

HW/m/LapTam

Attachment No. 2 (37 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Hans Heringa, P.Eng.

1080 Industrial Way

Parksville, B.C. V9P 2W8

Phone (250) 248-8155 Fax (250) 248-4894



July 6, 2005

7 pages

Attention: Robert Lapham
Planning Department
Regional District of Nanaimo

Re: June 6, 2005 Nanoose Bay OCP

I have reviewed the June 6, 2005 Nanoose Bay OCP, and my comments are as follows.

Appendix 1

The Pond on Lot A Rascal Lane is "man made" from gravel mining, and it's not a natural feature. In addition, the new River's Edge Detention Pond now makes a Pond here obsolete, and less likely to be containing water.

In addition, there is no Water Feature on Lots D and E anymore. The infilling on the west side and grading of the swamp on the west side of Peterson Road and a cut off ditch directing water to Peterson Road and other ditches done as part of the River's Edge Subdivision have pretty much stopped all drainage from getting to Lots D and E for 2 years now.

(There used to be a significant water/swamp feature opposite Lots D and E in River's Edge, south of the new wells, but this has recently been destroyed by the activities of River's Edge.)

The 1993 - 1997 Sensitive Ecosystems Inventory that appears to have been used, is outdated now.

Appendix 2

Property owned by myself and Lorraine Trickett, at 1610 Northwest Bay Road and at 1634 Northwest Bay Road, should also be included in the Madrons Local Community Water Service Area. Also, may as well include Pacific Shores.

Appendix 3.3 (+ Map 2)

You are using materials dating back to 1992 and 1993 and 2001, for an OCP Review in 2005? This material could be outdated.

Property owned by myself and Lorraine Trickett at 1610 Northwest Bay Road (10 acres) and at 1634 Northwest Bay Road (5.25 acres), should also be included in the Coast Residential Lands, and not designated as Rural Residential Lands as indicated. This is a down zoning of these 2 properties.

Attachment No. 2 (38 of 50)
Submissions Received Prior to the Cancelled Public Hearing

The Remainder of Block 668, should be designated Rural Lands, and not Resource Lands within the ALR as indicated. We have an ALR approval for 4 more 5 acre parcels on this Remainder. The intent is to complete a subdivision of 5 acre parcels here, to justify (and to amortize) the cost of a 2 lane concrete bridge on Matthew Creek, (rather than to use an approved multi plate culvert).

Map No. 3

Why not consider a further bypass (shortcut) of a section of Northwest Bay Road, from the Terrien intersection, out to Northwest Bay Road again, 1 lot depth away from DL 71 and DL 10? (See the attached.)

Why not consider connecting Matthew Road to Dawson Road, and/or also running the shorter Morello Road connection through DL 176 as per attached Plan. DL 176 is flat. Going to the Dawson Road intersection via DL 176 is the better location, I think.

Map No. 4

No comment.

Map No. 5, Sheet 1 of 2

See attached.

Again, 1610 Northwest Bay Road, and also 1634 Northwest Bay Road (and likely Pacific Shores' Northwest Bay Road property too), should all be included in the Restricted Community Water Service Planning Area.

Map No. 5, Sheet 2 of 2

Again, 1610 Northwest Bay Road, and also 1634 Northwest Bay Road (and likely Pacific Shores' Northwest Bay Road property too), or the Lands up to Terrien Road, south of Northwest Bay Road, should all be included in the Restricted Community Sanitary Sewer Planning Area.

Map No. 6, DPAs

The DPA designation on Lot A Rascal Lane should not apply, as it's a "man-made" pond.

This letter is in addition to our earlier letters of May 31, 2005, December 13, 2004 (1 from H&F Ventures and 1 from Hans Heringa), and February 17, 2004. So far, it doesn't appear that anyone is listening, or hearing our complaints, or requests for improvements to this OCP.

Regards,



Hans Heringa, P.Eng.

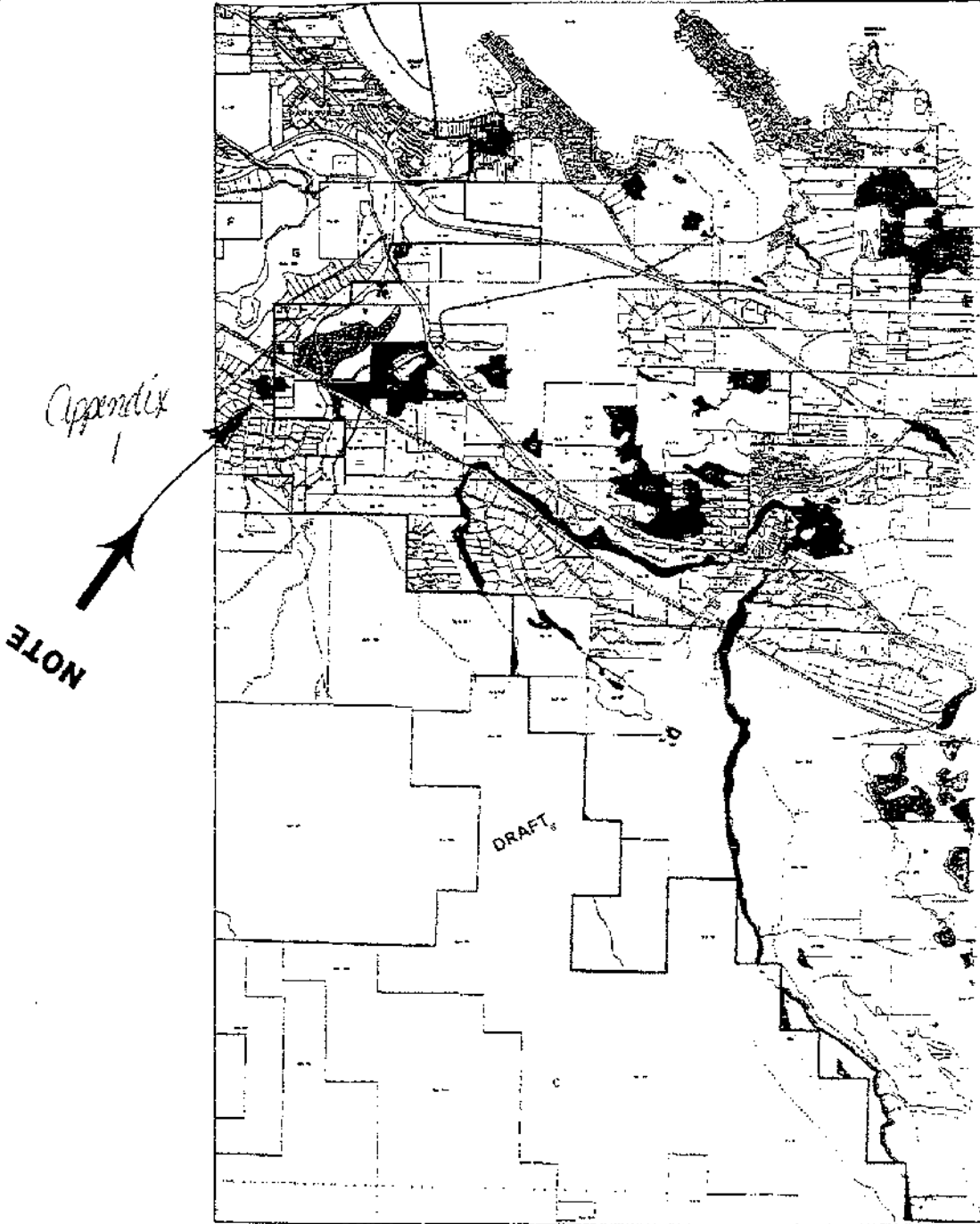
cc: George Holme, RDN Director *9 Pages.*



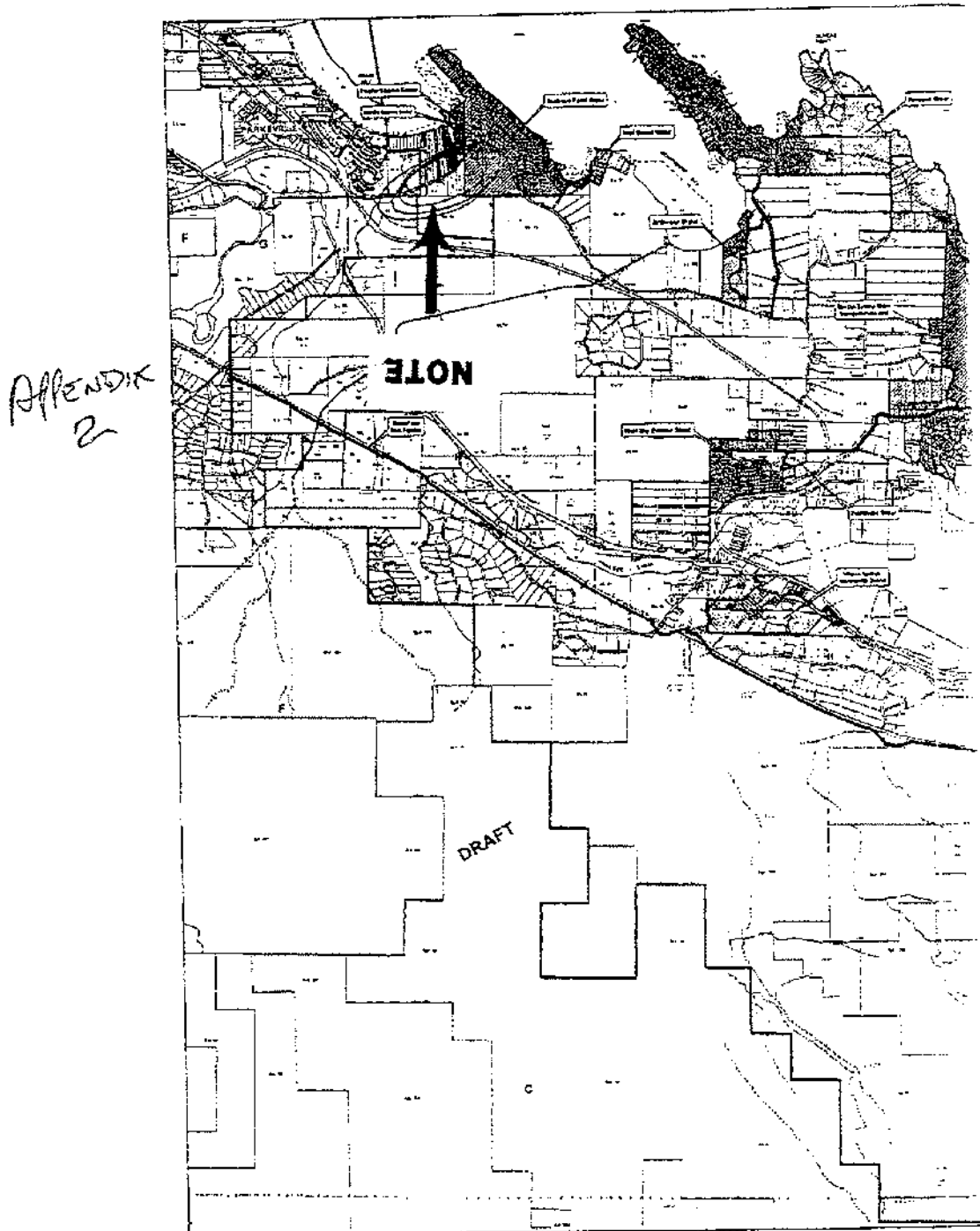
NOTE

HH/Hm/Lapnam

Attachment No. 2 (39 of 50)
Submissions Received Prior to the Cancelled Public Hearing



Attachment No. 2 (40 of 50)
Submissions Received Prior to the Cancelled Public Hearing



Attachment No. 2 (41 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Appendix No. 3
Web References

Preserving Our Foodlands: Landscape Buffer Specifications
http://www.alc.gov.bc.ca/publications/buffer/lbs_main.htm

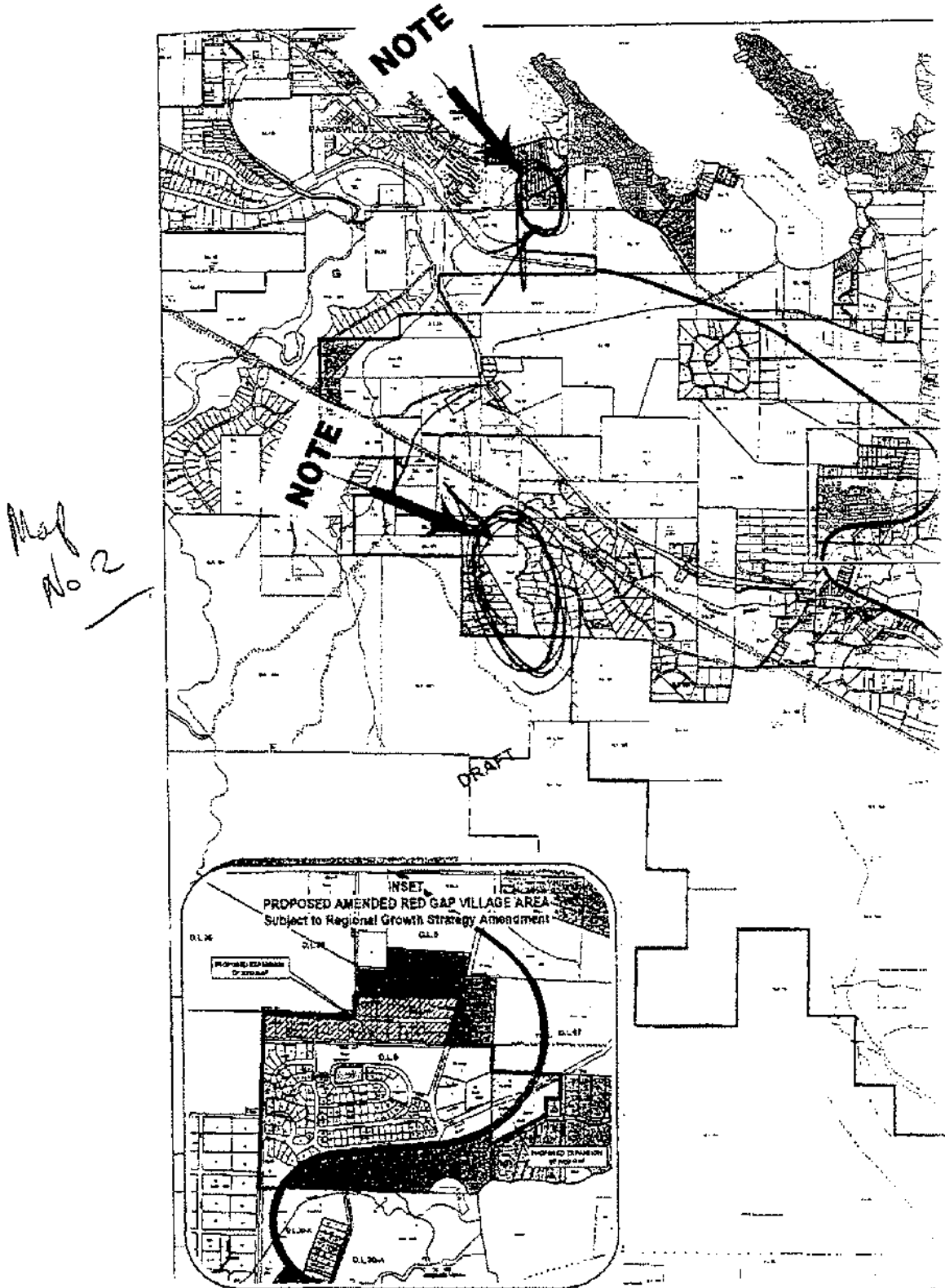
Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997
(Volume 2: Conservation Manual published by Canadian Wildlife Service)
<http://srmwww.gov.bc.ca/sei/index.html>

Stream Stewardship, 1993 publications by DFO and MELP

Land Development Guidelines, 1992 publications by DFO and MELP
These two publications can be found at:
http://www.stewardshipcentre.bc.ca/sc_bc/stew_series/bc_stewseries.asp

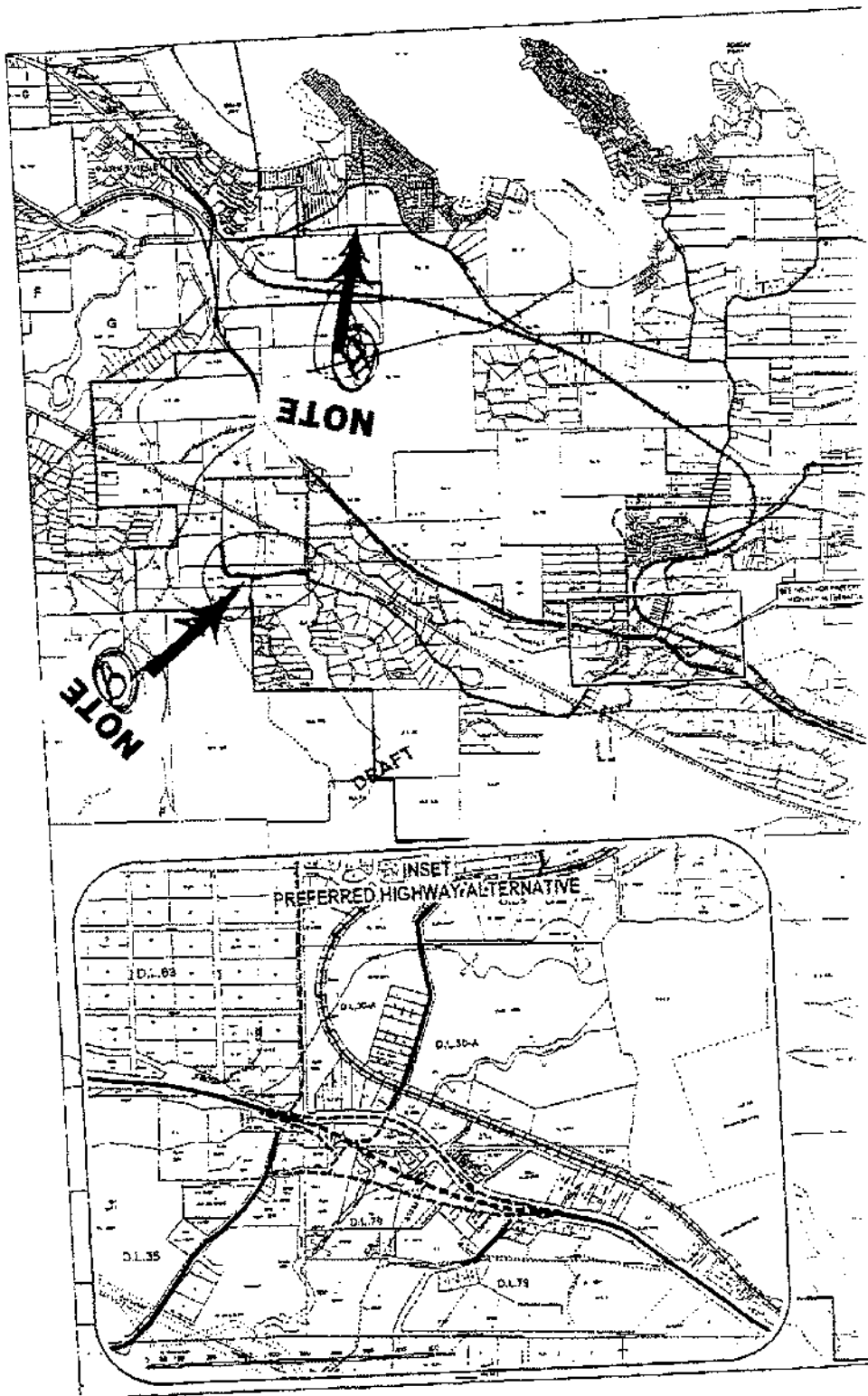
Environmental Requirements and Best Management Practices for the Review of Land
Development Proposals, March 2001 publication by MELP, or any subsequent editions.
<http://wlapwww.gov.bc.ca/wld/BMP/bmpintro.html>

Attachment No. 2 (42 of 50)
Submissions Received Prior to the Cancelled Public Hearing



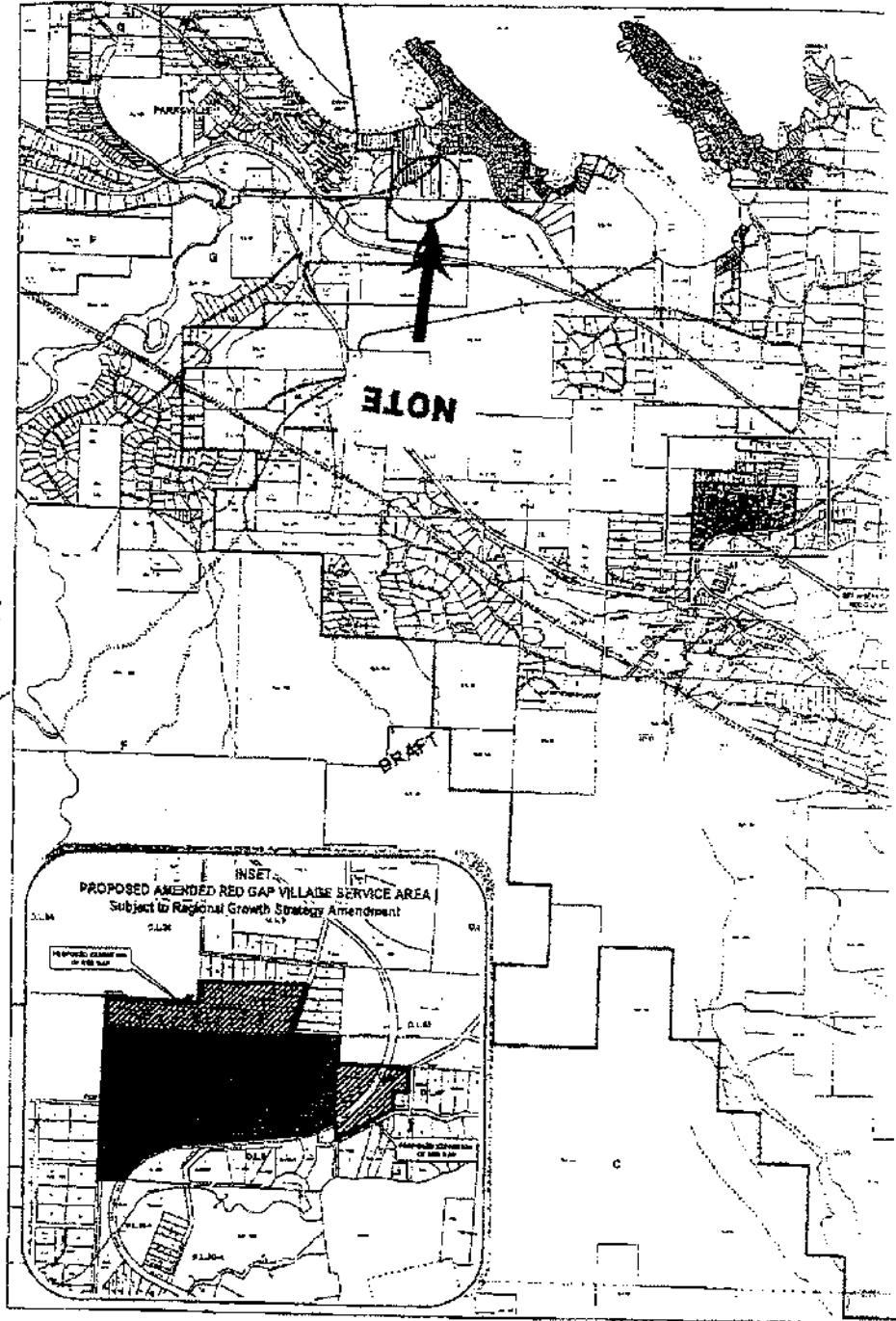
Attachment No. 2 (43 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Map No. 3



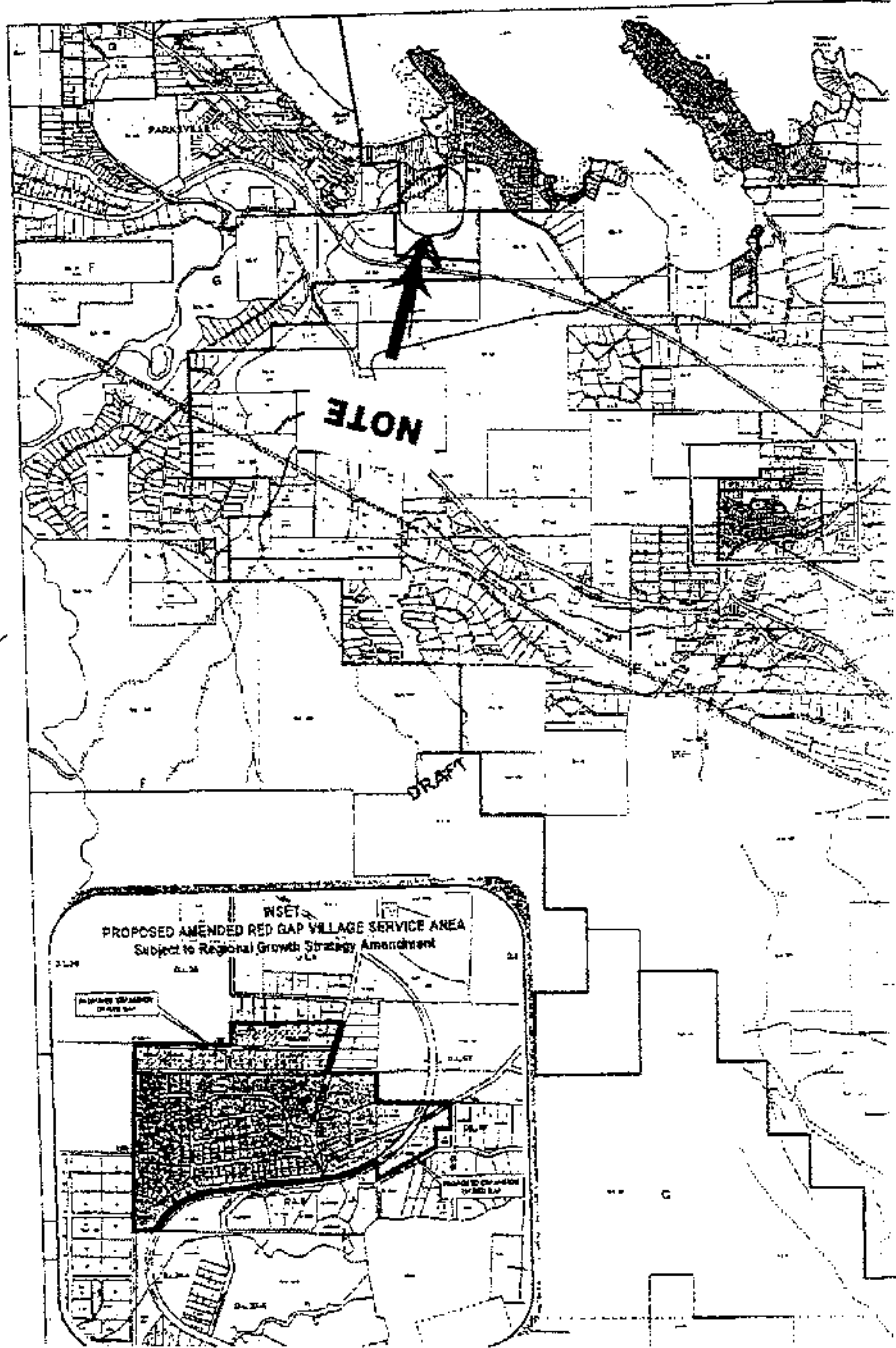
Attachment No. 2 (44 of 50)
Submissions Received Prior to the Cancelled Public Hearing

Map No. 5
Sheet 1/2

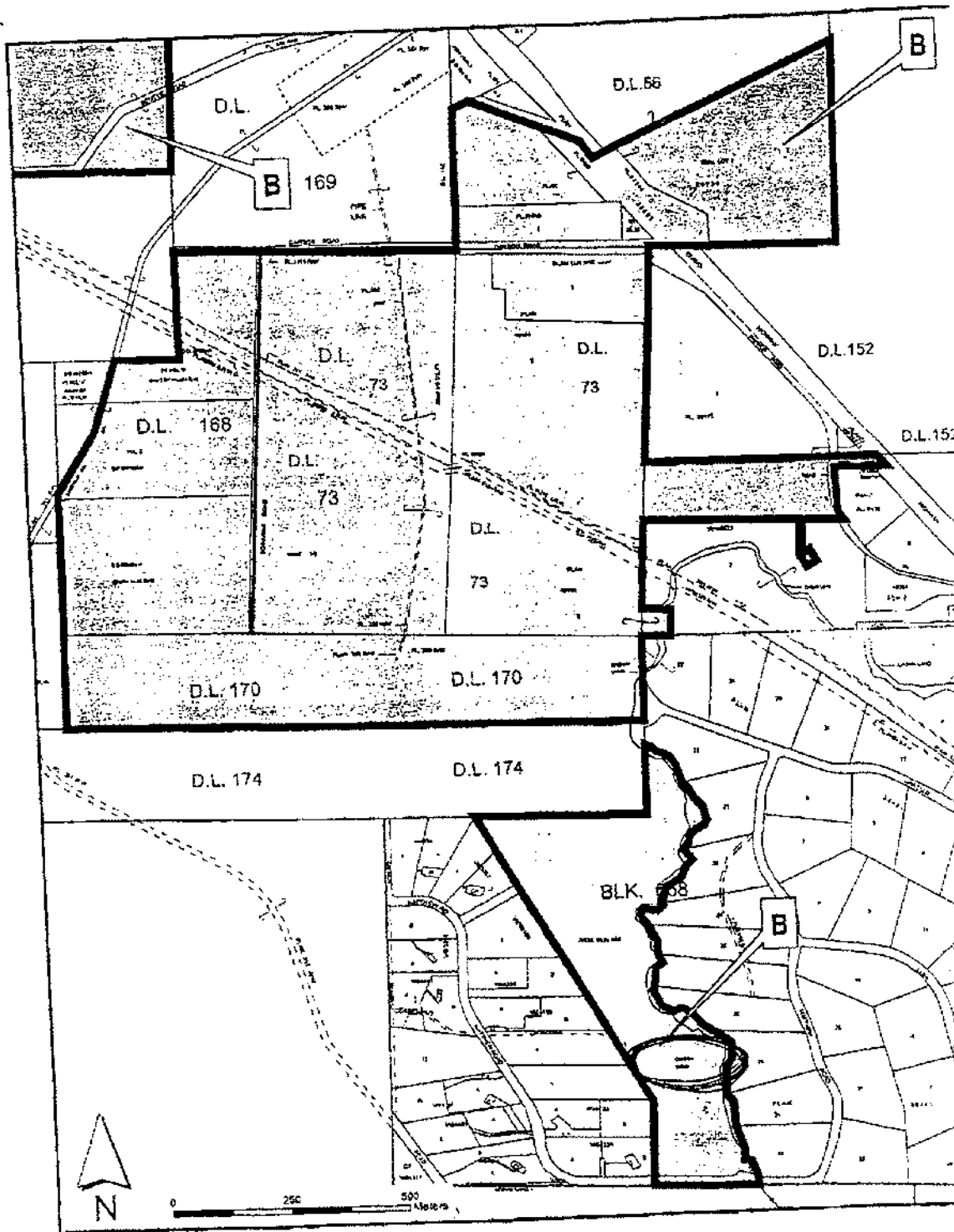


Attachment No. 2 (45 of 50)
Submissions Received Prior to the Cancelled Public Hearing

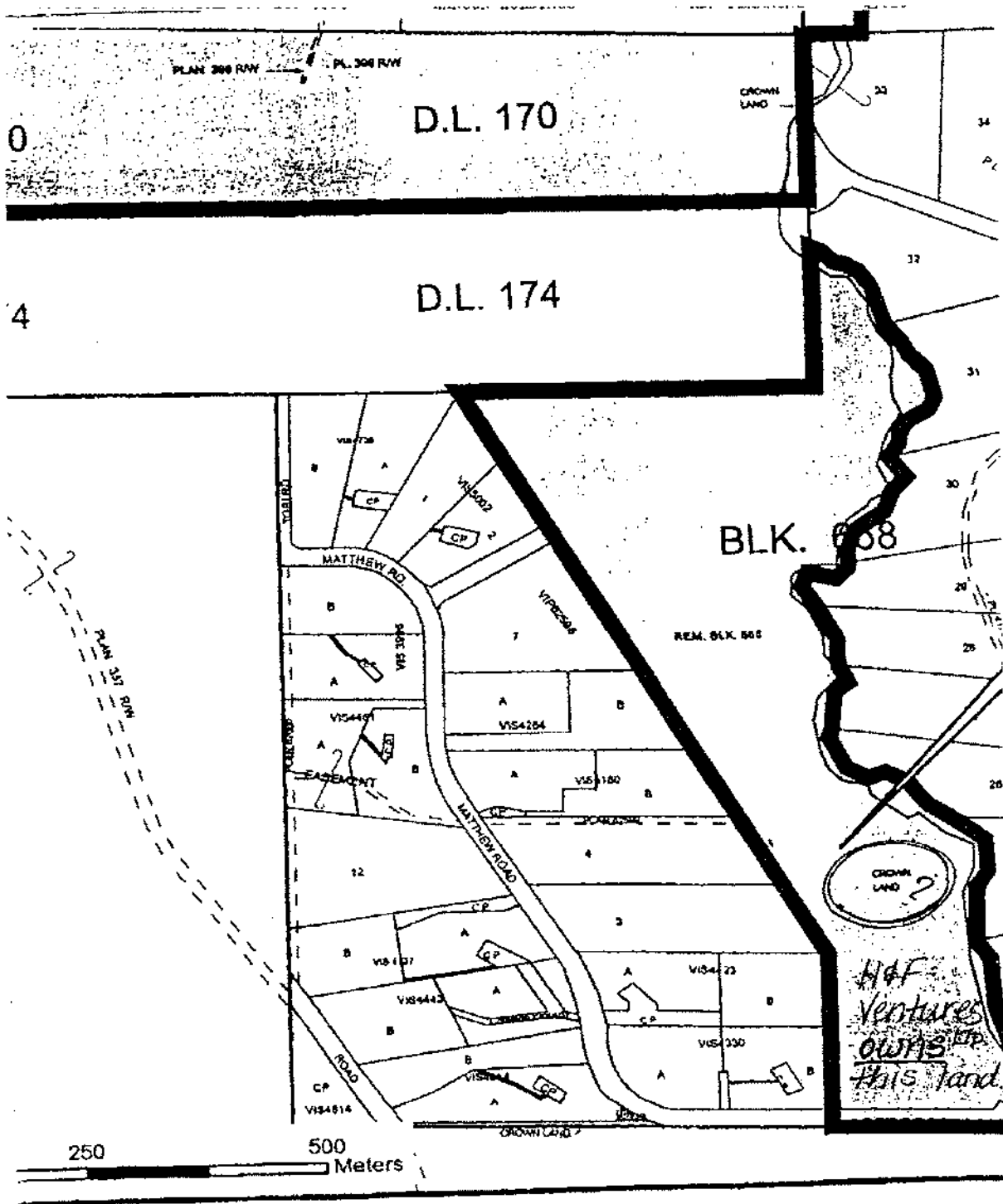
Map No. 5
Sheet 2/2



Attachment No. 2 (47 of 50)
Submissions Received Prior to the Cancelled Public Hearing



Attachment No. 2 (48 of 50)
Submissions Received Prior to the Cancelled Public Hearing



Attachment No. 2 (49 of 50)
Submissions Received Prior to the Cancelled Public Hearing

0699399 B.C. Ltd.
#206 - 4430 Chatterton Way
Victoria, BC V8X 5J2

This message is intended only for the use of the individual or entity named below. It may contain privileged or confidential information. If you are not the intended recipient please notify us immediately by telephone and return the original by mail to the address above. Any dissemination of this communication by anyone other than the intended recipient is strictly prohibited. Thank you for your cooperation.

Telephone: (250) 479-8800
Fax: (250) 479-1642

DATE: September 6, 2005

To: Mr. Bob Lapham

Manager, Planning Department, Regional District Nanaimo.

Fax Number: 1-250-390-4163

Of pages: [1] including this page

From: Mark Marley

Re: **Proposed Zoning Changes**, (1800 North West bay Road, Legal: D.L. 68 Nanoose District Except amended parcel A Thereof and except those parts in plans 3940, 26680, 27026, 27376, and 30341)

Dear Bob,

We have been advised that the Regional District is currently proposing to change the minimum parcel size within The zoning bylaw as it pertains to our property. (By-law No, 500.324,2005)

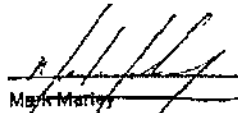
We would like to advise you that we have not received any formal notice from the Regional District of the proposed changes. We would expect that the Regional District would contact a landowner prior to proposing such changes that will adversely affect the property value.

We request that the Regional District take immediate action and consult directly with the land owners involved prior to making or proposing such drastic changes. We further request that the Regional District contact us directly as soon as possible and advise of any changes proposed to the current zoning of our lands. We anticipate that the Regional District will not advance such proposed changes until ourselves and all landowners have been contacted directly.

We wish to formally advise the Regional District that we are against such changes to the zoning of our lands.

Thank you, for your time on this matter and look forward to your quick response.

0699399 B.C Ltd.



Mark Marley

CC: George Holmes, Director Area "E" RDN
Jason Llewellyn, Manager, Community Planning, RDN
Brigid Reynolds, Senior Planner, RDN
Hans Herings,
Bentley Dzogan,

**Attachment No. 2 (50 of 50)
Submissions Received Prior to the Cancelled Public Hearing**

Lorraine Trickett
3988 11th Ave. West
Vancouver, BC
V6R 2L2
(604) 222-9322

September 7, 2005

Attention: George Holme
Regional District of Nanaimo
Fax (250) 390-7511

Re: Bylaw No 500.324,2005
Hearing September 8, 2005

I wish to express my opposition to the above proposed bylaw amendment.

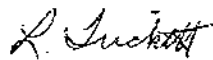
I own 2 properties that will be negatively impacted by this bylaw.
These properties are located at 1610 and 1634 Northwest Bay Road which are only 2 lots
from the sewer system. We have been advised that the sewer system has excess capacity.
We have excess water which we have previously provided to the RDN. It does not make
sense to restrict the development of these properties as proposed in this bylaw.
These properties should be zoned for 1000 m2 lots.

I wish these properties to be excluded from this bylaw.

Also when we supplied water to the RDN they specifically agreed to take steps to have
1610 Northwest Bay Road included in the Madrona area to facilitate development. This
proposed bylaw is clearly contrary to that agreement.

I feel insufficient notice of this hearing was given to me. I only just obtained a copy of
the notice, which was put in the local newspaper, & I live in Vancouver.

Yours truly,



Lorraine Trickett



REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Cms
CAO	GM ES
DA CCD	MEF
OCT 19 2005	
BOARD	

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: October 18, 2005

FROM: Blaine Russell
Planner

FILE: 3360 30 0518

SUBJECT: OCP and Zoning Bylaw amendments of Resource Lands (Forestry) and Open Space

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held on Wednesday, October 12, 2005, and further, to consider Bylaw Nos. 1240.02, 2005, 1148.03, 2005, 1055.02, 2005, 1115.03, 2005, 1007.04, 2005, 500.325, 2005, and 1285.07, 2005 for 3rd reading.

BACKGROUND

Bylaw Nos. 1240.02, 2005, 1148.03, 2005, 1055.02, 2005, 1115.03, 2005, 1007.04, 2005, 500.325, 2005, and 1285.07, 2005 were introduced and given 1st and 2nd reading on Tuesday June 28, 2005. This was followed by a Public Hearing held on Wednesday, October 12, 2005. The summary of the minutes is attached for the Board's consideration (*see Attachment No. 1*).

The intent of the bylaw amendments is to maintain and support resource, forestry and open space land by reducing the threats of development and land fragmentation, 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, via the RGS, agreed to promote and encourage the retention of large rural holdings on lands designated as Resource Lands and Open Space. The proposed Bylaw amendments implement a minimum parcel size of 50.0 hectares which harmonizes the implementation of Resource Land and Open Space policy throughout the Regional District and is consistent with the Regional Growth Strategy.

The intent and purpose of amendment Bylaw No. 1240.02, 2005 is to change the minimum parcel size prescribed in the Rural Resource Lands, land use designation, of the Electoral Area 'A' OCP, excluding lands within the Agricultural Land Reserve, from 8.0 hectares to 50 hectares.

The intent and purpose of amendment Bylaw No. 1148.03, 2005 is to change the minimum parcel size prescribed in the Resource, land use designation, of the Electoral Area 'C' OCP, excluding lands within the Agricultural Land Reserve, from 8.0 hectares to 50 hectares.

The intent and purpose of amendment Bylaw No. 1055.02, 2005 is to change the minimum parcel size prescribed in the Resource land use designation and the Rural land use designation, of the Electoral Area 'D' OCP as follows:

- From 8.0 hectares to 50 hectares for Resource land use designation.
- From 2.0 hectares to 50 hectares for lands as of the date of the adoption of this amendment that are designated as *Crown Lands* (forest) or where for taxation purposes were designated as *Managed Forest Class*.

The intent and purpose of amendment Bylaw No. 1115.03, 2005 is to change the minimum parcel size prescribed in the Rural, land use designation, of the Electoral Area 'G' French Creek OCP, excluding lands within the Agricultural Land Reserve, from 8.0 hectares to 50 hectares.

The intent and purpose of amendment Bylaw No. 1007.04, 2005 is to change the minimum parcel size prescribed in the Resource, land use designation, of the Electoral Area 'G' Shaw Hill-Deep Bay OCP from 20 hectares to 50 hectares.

The intent and purposed of amendment Bylaw No. 500.325, 2005 is to change the subdivision district for those lands legally described in the proposed bylaw to subdivision district 'V' that specifies a minimum parcel size of 50 hectare.

The intent and purpose of amendment Bylaw No. 1285.07, 2005 is to change the zoning of those lands legally described in the proposed bylaw is changed from P-1 Parks and Open Space 1 zone, with a 2.0 hectare minimum parcel size, to a new P-2 Parks and Open Space 2 zone the only difference being that this zone specifies a minimum parcel size of 50 hectare.

ALTERNATIVES

1. To receive the Report of the Public Hearing and give 3rd reading to Bylaw Nos. 1240.02, 2005, 1148.03, 2005, 1055.02, 2005, 1115.03, 2005, 1007.04, 2005, 500.325, 2005, and 1285.07, 2005.
2. To receive the Report of the Public Hearing and deny Bylaw Nos. 1240.02, 2005, 1148.03, 2005, 1055.02, 2005, 1115.03, 2005, 1007.04, 2005, 500.325, 2005, and 1285.07, 2005.

INTERGOVERNMENTAL IMPLICATIONS

Ministry of Transportation (MOT)

The zoning bylaw amendments must be referred to the *Ministry of Transportation* for consideration of approval pursuant to the *Highways Act*.

Ministry of Community Services

The Official Community Plan amendments must be referred to the *Minister of Transportation* for consideration of approval pursuant to the *Local Government Act*.

FINANCIAL AND WASTE MANAGEMENT PLAN IMPLICATIONS

There are no financial implications with respect to Regional District of Nanaimo Financial Plan. The Waste Management Plans are prepared in consideration of the Regional Growth Strategy as are the proposed amendment Bylaws.

PUBLIC CONSULTATION IMPLICATIONS

Public comments were received at the Public Hearing, which are outlined in the Summary of the Minutes and Submissions of the Public Hearing. No written submissions were received with respect to the Bylaw amendment applications. Notice of the Public Hearing, pursuant to the *Local Government Act*, was by newspaper in two consecutive editions of the Tuesday, October 4, 2005 and Friday, October 7, 2005 editions of the Parkville - Qualicum News and the two consecutive edition of Thursday, October 6, 2005 and the Saturday, October 8, 2005 editions of the Nanaimo News Bulletin.

VOTING

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

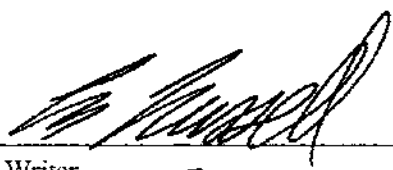
SUMMARY

Bylaws No. 1240.02, 2005, 1148.03, 2005, 1055.02, 2005, 1115.03, 2005, 1007.04, 2005, 500.325, 2005, and 1285.07, 2005, to amend the minimum parcel size to 50.0 hectares for the identified Resource (including forestry lands) and Open Space Lands, were introduced and given 1st and 2nd reading on Tuesday June 28, 2005 and proceeded to Public Hearing on Wednesday, October 12, 2005. The Official Community Plan amendment bylaws are subject to approval by the Minister of Community Services and the zoning amendment Bylaws are subject to approval by the Ministry of Transportation. Therefore, staff recommends that the Bylaws No.1240.02, 2005, 1148.03, 2005, 1055.02, 2005, 1115.03, 2005, 1007.04, 2005, 500.325, 2005, and 1285.07, 2005 be considered for 3rd reading and be referred to the appropriate Ministries for approval.

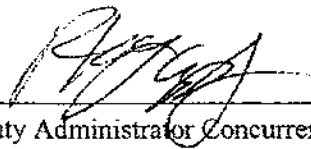
RECOMMENDATIONS

1. That the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on Wednesday, October 12, 2005 as a result of public notification of the following Bylaws be received:
 - "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw Amendment Bylaw No. 1240.02, 2005"
 - "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.03, 2005"
 - "Regional District of Nanaimo East Wellington - Pleasant Valley Official Community Plan Bylaw Amendment Bylaw No. 1055.02, 2005"
 - "Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.03, 2005"
 - "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.04, 2005"
 - "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.325, 2005"
 - "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No.1285.07, 2005"

2. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw Amendment Bylaw No. 1240.02, 2005" be given 3rd reading and be referred to the Minister of Community Services for approval pursuant to the *Local Government Act*.
3. That "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.03, 2005" be given 3rd reading and be referred to the Minister of Community Services for approval pursuant to the *Local Government Act*.
4. That "Regional District of Nanaimo East Wellington - Pleasant Valley Official Community Plan Bylaw Amendment Bylaw No. 1055.02, 2005" be given 3rd reading and be referred to the Minister of Community Services for approval pursuant to the *Local Government Act*.
5. That "Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.03, 2005" be given 3rd reading and be referred to the Minister of Community Services for approval pursuant to the *Local Government Act*.
6. That "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.04, 2005" be given 3rd reading and be referred to the Minister of Community Services for approval pursuant to the *Local Government Act*.
7. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.325, 2005" be given 3rd reading and be referred to the Ministry of Transportation for approval pursuant to the *Highway Act*.
8. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No.1285.07, 2005" be given 3rd reading and be referred to the Ministry of Transportation for approval pursuant to the *Highway Act*.



Report Writer



Deputy Administrator Concurrence



Manager Concurrence

COMMENTS:

devsvs/reports/2005/ZA3360.30 0518 Oc brd Resource and Forest Land PH &3rd

Attachment No. 1 (Page 1 of 2)

Summary of the Minutes and Submissions to the Public Hearing
REGIONAL DISTRICT OF NANAIMO

REPORT OF THE PUBLIC HEARING
HELD AT REGIONAL DISTRICT OF NANAIMO OFFICE – BOARD CHAMBERS
6300 HAMMOND BAY ROAD, NANAIMO, BC
WEDNESDAY OCTOBER 12, 2005 AT 7:00 PM

To Consider Bylaws No. 1240.02, 2005, 1148.03, 2005, 1055.02, 2005, 1115.03, 2005,
1007.04, 2005, 500.325, 2005, and 1285.07, 2005

Note: These minutes are not a verbatim recording of the proceeding but summarize the comments of those in attendance at the Public Hearing.

PRESENT:

Elaine Hamilton, Chairperson, Director of Electoral Area 'C'
Denise Haime, Director of Electoral Area 'D'
Lou Biggemann, Director of Electoral Area 'F'
Joe Stanhope, Director of Electoral Area 'G'
David Bartram, Director of Electoral Area 'H'
Robert Lapham, Deputy Administrator
Jason Llewellyn, Manager of Community Planning
Blaine Russell, Planner

There were 14 persons in attendance.

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

The Planner provided an outline of the Bylaws including a summary of the proposal. No submissions were received.

Barbara Hourston – 2948 Hammond Bay Road

- Bold move on part of Regional Directors
- Will improve quality of life

Patricia Minola – 645 Nanaimo River Road

- Is the trustee of properties located at 645 Nanaimo River Road on behalf of her mother Ms. Hoehn, and two gentlemen a Mr. Matiko and Mr. Domke (the 3 current property owners).
- Two of the property owners are in their 80ies.
- Approximately 70 acre property identified by the following Parcel ID (PID) Nos. : 000-853-593 009-789-723 000-853-585 009-789-677.
- Want to split the property into 3 parcels of approximately 20 acres each, but have not yet made application.
- Has been in negotiation with 3 individuals interested in purchasing the property creating 3 lots.
- Not here to tell you that it is not appropriate in the rest of the Regional District but that it is inappropriate for the area.

Attachment No. 1 (Page 2 of 2)

Summary of Minutes and Submissions (continued)

- Request that the property be removed from the proposed amendment Bylaw.
- If it is not possible to remove the property from the proposed Bylaw amendment 3rd and final reading should be delayed to allow time for the owner to apply to the Ministry of Transportation for subdivision.
- Heard about the bylaw amendment through proposed purchaser who was discussing the property with Mr. Russell in the planning department.
- The proposed amendment is a big change for her family as they were relying on the ability to subdivide.
- Is under the impression that the bylaw adoption is done deal but wanted to put a human face to someone caught up in the rules.

Jill Butler – 1819 Morden Road

- Applaud RDN decision to implement rezoning to preserve land.
- Supports Regional Districts growth management plan.

Mike Jessen – 1266 Jukes Place

- Hearing very useful as you consider what others have said.
- Is member of the French Creek Residents Association, Arrowsmith Watersheds Coalition Society, and the Parksville Steamkeepers Society.
- Supports proposed changes to resource and forestry lands as it protects water supplies and enhances riparian habitat.
- Wants communities to undertake to a land buy-back process.
- View of proposed change, as viewed on the maps, not that impressive, except for in Electoral Area 'H', should be called Area 'H' rezoning motion.
- In light of the lady that spoke of her concerns with regards to rezoning is concerned that the RDN has gone after small property owners and not large property owners, such as forest companies.
- Should do more in the region outside of Area 'H'

The Chairperson called for formal submissions with respect to Bylaw Nos. 1240.02, 2005, 1148.03, 2005, 1055.02, 2005, 1115.03, 2005, 1007.04, 2005, 500.325, 2005, and 1285.07, 2005.

The Chairperson called for further submissions for the second time.

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

There being no further submissions, the Chairperson adjourned the Hearing at 7:45 p.m.

Certified true and accurate this 12th day of October, 2005.

Blaine Russell
Recording Secretary

Director Elaine Hamilton
Chairperson, Electoral Area 'C'

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, OCTOBER 11, 2005, AT 6:00 PM
IN THE RDN BOARD CHAMBERS**

Present:

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

Also in Attendance:

B. Lapham	Deputy Administrator
J. Llewellyn	Manager of Community Planning
W. Moorman	Manager of Engineering
M. Pearse	Manager of Administrative Services
L. Burgoyne	Recording Secretary

MINUTES

MOVED Director Haime, SECONDED Director Bartram, that the minutes of the Electoral Area Planning Committee meeting held September 13, 2005 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Bylaw Amendment Application No. ZA0510 – Cedar Estates – Cedar & Hemer Roads – Area A.

MOVED Director Kreiberg, SECONDED Director Bartram, that the report of the second Public Information Meeting containing the Summary of Minutes and Submissions of the second Public Information Meeting held on August 31, 2005 as a result of public notification for "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005" be received.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60544 – Leigh Millan on behalf of BCAB Developments Ltd. – Whiting Way – Area A.

MOVED Director Kreiberg, SECONDED Director Stanhope, that Development Permit Application No. 60544 in conjunction with the subdivision be approved according to the terms and conditions outlined in Schedule Nos. 1, 2, and 3 and to the notification requirements pursuant to the Local Government Act with respect to the proposed variances.

CARRIED

Development Permit Application No. 60547 – Purchase – 608 Viking Way – Area G.

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Amendment Application No. 60547 with a variance to the maximum building height from 9.5 metres, as permitted in DP No. 77, to 9.9 metres to facilitate the construction of a dwelling unit and attached garage at 608 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

OTHER

Request for Relaxation of the Minimum 10% Perimeter Requirement – Pickard – 3793 Island Highway West – Area G.

MOVED Director Stanhope, SECONDED Director Holme, that the request from Andrew and Charlene Pickard to relax the minimum 10% frontage requirement for proposed Lot 1, as shown on the plan of subdivision of Lot 1, District Lot 11, Newcastle District, Plan 32299, be approved subject to the conditions set out in Schedule No. 1.

CARRIED

The Deputy Administrator provided a verbal update on pending public hearings.

ADJOURNMENT

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

CARRIED

TIME: 6:09 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON TUESDAY, OCTOBER 11, 2005, AT 6:30 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. Haimé	Electoral Area D
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director L. McNabb	City of Nanaimo
Director L. Sherry	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director T. Krall	City of Nanaimo

Also in Attendance:

B. Lapham	Deputy Administrator
J. Finnie	General Manager of Environmental Services
N. Connelly	General Manager of Community Services
N. Avery	Manager of Financial Services
M. Pearce	Manager of Administrative Services
L. Burgoyne	Recording Secretary

CALL TO ORDER

DELEGATIONS

Ron Tanasichuk and Gail Adrienne, Nanaimo Area Land Trust.

Mr. Tanasichuk provided information regarding the Nanaimo Area Land Trust and the services they provide. He requested the Regional District provide \$30,000 for operating funds for the Nanaimo Area Land Trust for 2006.

MINUTES

MOVED Director Krall, SECONDED Director Bartram, that the minutes of the Committee of the Whole meeting held September 13, 2005 be adopted.

CARRIED

COMMUNITY SERVICES

Green Building Project – Local Government Building Programs.

MOVED Director McNabb, SECONDED Director Holdom, that the report on local government green building programs undertaken as a part of the Green Buildings Project be received.

CARRIED

RECREATION AND PARKS

Electoral Area C/D Parks & Open Space Advisory Committee.

MOVED Director Hamilton, SECONDED Director Haime, that the Terms of Reference for the Electoral Area 'C' Parks and Open Space Advisory Committee be deferred.

CARRIED

REGIONAL GROWTH MANAGEMENT

State of Sustainability Project – Groundwater Indicator Research Report.

MOVED Director Holdom, SECONDED Director Bartram, that the report "State of Sustainability Project – Groundwater Indicators Research Work" be received.

CARRIED

MOVED Director Holdom, SECONDED Director Bartram, that the allocation of an additional \$26,000 to Regional Growth Management Services to complete the work in the report regarding the five indicators of the state of groundwater resources in the region be considered as part of the 2006 budget process.

MOVED Director Holdom, SECONDED Director Haime, that the motion be amended by adding: and that the option of allocating New Deal funding for the project be considered.

CARRIED

The question was called on the main motion, as amended.

The motion CARRIED.

TRANSPORTATION SERVICES

Electoral Area 'A' HandyDART Service Expansion.

MOVED Director Krall, SECONDED Director Krieger,;

1. That the report on the expansion of HandyDART service to the area outside of the current service area boundary in Electoral Area 'A' be received.
2. That Southern Community Transit Service Area Amendment Bylaw No. 1230.03, 2005 be introduced, read three times and be forwarded to the Inspector of Municipalities for approval.

CARRIED

CORPORATE & COMMUNITY DEVELOPMENT

BUILDING INSPECTION

Section 57 of the Community Charter – Contravention of Bylaws.

The Chairperson advised that the following filing has currently been deferred for one month:

Lot 2, District Lot 78, Nanoose District, Plan 15562 – 2768 Teds Road, Area 'E', owned by Young Soon Reimer.

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 5, District Lot 186, Nanoose District, Plan 48557 – 8566 Rimming Road, Area 'E', owned by Heber Graham Smith.
- (b) Lot 58, District Lot 29, Plan 45632, Nanoose District – 809 Arrowsmith Way, Area 'G', owned by Mary Jean Wright.

CARRIED

ENVIRONMENTAL SERVICES

UTILITIES

Requests for Property Inclusions - Fairwinds Sewer Local Service Area Bylaw 947.02; Nanoose Bay Peninsula Water Service Area Amalgamation Amendment Bylaw No. 867.02; Nanoose Bay Bulk Water Local Service Area Bylaw No. 1049.04 – Area E.

MOVED Director Holme, SECONDED Director Sherry,

1. That "Nanoose Bay Peninsula Water Service Area Amalgamation Amendment Bylaw No. 867.02, 2005" (re Lot A, DL 6, Nanoose Land District VIP58653 and Lot B, DL 84, Nanoose Land District, VIP 53591) be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
2. That "Fairwinds Sewer Local Service Area Bylaw 947.02, 2005" (re Lot A, DL 6, Nanoose Land District, VIP 58653) be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
3. That "Nanoose Bay Bulk Water Local Service Area Bylaw No. 1049.04" (re Lot B, DL 84, Nanoose Land District, VIP 53591) be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Barclay Crescent Sewer Rates and Regulation Bylaw No. 1472 – Area G.

MOVED Director Krail, SECONDED Director Sherry,

1. That "Barclay Crescent Sewer Rates and Regulation Bylaw No. 1472" be introduced for first three readings.
2. That "Barclay Crescent Sewer Rates and Regulation Bylaw No. 1472, 2005" having received three readings be adopted.

CARRIED

Fairwinds Water Local Service Area Reserve Fund Expenditure Bylaw No. 1473 – Area E.

MOVED Director Holme, SECONDED Director Sherry,

1. That "Fairwinds Water Local Service Area Reserve Fund Expenditure Bylaw No. 1473, 2005" be introduced for first three readings.
2. That "Fairwinds Water Local Service Area Reserve Fund Expenditure Bylaw No. 1473, 2005" having received three readings be adopted.

CARRIED

Morningstar Creek Water Local Service Area Amendment Bylaw No. 1125.02 – Area G.

MOVED Director Sherry, SECONDED Director Biggemann, that "Morningstar Creek Water Local Service Area Amendment Bylaw No. 1125.02, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

French Creek Sewer Local Service Area Bylaw No. 813.36 and Northern Community Sewer Local Service Area Bylaw No. 889.38 – 816 Reid Road – Area G.

MOVED Director Sherry, SECONDED Director Kreiberg,

1. That “Regional District of Nanaimo French Creek Sewer Local Service Area Bylaw No. 813.36, 2005” be introduced, read three times, and forwarded to the Inspector of Municipalities for approval.
2. That “Northern Community Sewer Local Service Area Bylaw No. 889.38, 2005” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
3. That a suitable covenant be placed on the property restricting subdivision until the construction of a new gravity sewer on Reid Road as well as insuring the property owners participate in the costs of the new sewer development.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Electoral Area ‘A’ Parks and Green Spaces Advisory Committee.

MOVED Director Kreiberg, SECONDED Director McNabb, that the minutes from the meeting of the Electoral Area ‘A’ Parks and Green Spaces Advisory Committee held July 21, 2005 be received for information.

CARRIED

Electoral Area ‘B’ Parks and Open Space Advisory Committee.

MOVED Director Lund, SECONDED Director Haime, that the minutes from the meeting of the Electoral Area ‘B’ Parks and Open Space Advisory Committee held June 21, 2005 be received for information.

CARRIED

Nanoose Bay Parks and Open Space Advisory Committee.

MOVED Director Holme, SECONDED Director Hamilton, that the minutes from the meetings of the Nanoose Bay Parks and Open Space Advisory Committee held July 4, August 22 and September 12, 2005 be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Biggemann, that the minutes from the meeting of the District 69 Recreation Commission held September 22, 2005 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the Terms of Reference to undertake a Recreation Services Master Plan for the Oceanside Area (District 69) be approved and a Request for Proposals be issued for project consultant services.

CARRIED

Transit Business Plan Update Select Committee.

MOVED Director Krall, SECONDED Director Westbrook, that the minutes from the meeting of the Transit Business Plan Update Select Committee held September 22, 2005 be received for information.

CARRIED

MOVED Director Krall, SECONDED Director Westbrook, that the report on the expansion of HandyDART service to the area outside of the current service area boundary in Electoral Area ‘A’ be received.

CARRIED

MOVED Director Krall, SECONDED Director Westbrook, that the Terms of Reference for the Qualicum Beach Transit Review be approved.

CARRIED

MOVED Director Krall, SECONDED Director Holme, that the Regional District advise and reconfirm with BC Transit its strong interest in the use of hybrid buses with the RDN transit system in the near future as part of BC Transit's planning for the use of New Deal funding for the fleet and their review of alternative vehicle and fuel technology.

CARRIED

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

MOVED Director Holdom, SECONDED Director Bartram, that the minutes from the meeting of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project held September 8, 2005 be received for information.

CARRIED

Arrowsmith Water Service.

MOVED Director Holme, SECONDED Director McNabb, that the minutes from the meeting of the Arrowsmith Water Service Management Committee held July 13, 2005 be received for information.

CARRIED

Grants-in-Aid Committee.

MOVED Director Hamilton, SECONDED Director Kreiberg, that the minutes from the meeting of the Grants-in-Aid Committee held October 5, 2005 be received for information.

CARRIED

MOVED Director Hamilton, SECONDED Director Kreiberg, that the following grants be awarded:

School District 68:

Cedar School & Community Enhancement Society	\$	800
People for a Healthy Community on Gabriola Society	\$	500
Poetry Festival Gabriola	\$	500
Nanaimo Parent Participation Preschool	\$	1,359

District 69 Policing:

Oceanside Community Policing Offices	\$	1,000
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School District 69:

Arrowsmith Search & Rescue Society	\$	900
District 69 Family Resource Association	\$	685
District 69 Society of Allied Support Groups	\$	700
Forward House Community Society	\$	1,000
Parksville Seniors Activity & Drop-in Centre	\$	300

CARRIED

BOARD INFORMATION

MOVED Director Bartram, SECONDED Director Westbrook, that staff review and report back to this Committee with regard to correspondence received from Ida Chong, Minister of Community Services and Minister Responsible for Seniors' and Women's Issues, concerning the electronic meetings regulation.

CARRIED

PRESENTATION

2006 Detailed Budget Review.

Presentations on the 2006 Budget were made by the Manager of Finance, the Deputy Administrator, the General Manager of Community Services and the General Manager of Environmental Services.

MOVED Director Krall, SECONDED Director Kreiberg, that the 2006 Regional Parks tax requisition and budget be amended to provide \$30,000 as an operating grant for the Nanaimo Area Land Trust.

CARRIED

MOVED Director Bartram, SECONDED Director Holdom, that the Regional Growth Management tax requisition be amended to add \$6,000 as additional funds to undertake the groundwater indicator collection work for 2006.

CARRIED

IN CAMERA

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

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 9:25 PM

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD	<i>R</i>	MoF	
OCT 18 2005			
BOARD			

MEMORANDUM

TO: John Finnie, P. Eng.
General Manager of Environmental Services

DATE: October 14, 2005

FROM: Carey McIver
Manager of Solid Waste

FILE: 5360-46

SUBJECT: Landfill Gas Utilization Operating Agreement

PURPOSE

To obtain Board approval to enter into an agreement with Cedar Road Landfill LFG Inc. (formerly Suncurrent Industries Inc.) for the operation and maintenance of an electrical generation facility on the RDN landfill.

BACKGROUND

In June 2005 the Board approved a Development Agreement with Suncurrent Industries Inc. (Suncurrent) to provide for the construction of a facility on the RDN landfill to demonstrate the commercial viability of operating external combustion engines to generate electricity using landfill gas as an alternative fuel source.

Suncurrent's project objective is to generate 0.5 MW of electricity, with the option to expand up to 1 MW, utilizing STM 260 sterling engine external combustion technology. Suncurrent's proposed facility will include nine STM 260 55kW generators housed in three pre-engineered portable enclosures with a configuration of three generators per enclosure. The STM 260 will utilize LFG as a feedstock and will not be supplemented by other non-renewable energy sources. This will be the first demonstration of this technology using LFG in Canada.

Since June Suncurrent have been actively pursuing financing options for their \$1.8 million facility. In September they submitted an application to the Federation of Canadian Municipalities (FCM) Green Municipal Investment Fund for a \$1.2 million low interest loan. The remaining \$600,000 will be financed through equity funding.

Suncurrent have also organized and incorporated a new sole purpose company, Cedar Road LFG Inc, (Cedar LFG) to construct and operate the proposed facility. However, as per the Development Agreement, an assignment of the agreement from Suncurrent to Cedar LFG will require Board approval.

In accordance with the Development Agreement, staff and Cedar LFG have negotiated an Operating Agreement to govern the operation and maintenance of the facility as well as determine an annual royalty payment to the RDN. This payment represents a reasonable compensation to the RDN for the supply of landfill gas and has been set at 20% of the net earnings of Cedar LFG arising from or in connection with the project. Copies of the Operating Agreement are available on request.

ALTERNATIVES

1. Approve the Operating Agreement and assignment to Cedar Road LFG Inc.
2. Do not approve the Operating Agreement and assignment to Cedar Road LFG Inc.

FINANCIAL IMPLICATIONS

As reported to the Board in June, the only direct costs to the RDN for this project have been engineering and legal services associated with the negotiation of the agreements as well as the integration of the RDN collection and flare system with the Cedar LFG facility. These costs are not anticipated to exceed \$20,000 and should be recovered from Suncurrent's future payments to the RDN for the use of the gas. Based on a set of conservative assumptions, these payments may amount to roughly \$200,000 over the 10 year term of the project.

LEGAL IMPLICATIONS

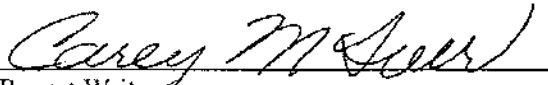
With respect to the assignment, staff is confident that Cedar LFG have the technical, professional and financial capacity to assume Suncurrent's obligations under the Development Agreement as well as the obligations set out in the proposed Operating Agreement.

SUMMARY

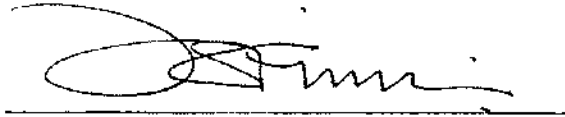
In June 2005 the Board approved a Development Agreement with Suncurrent Industries Inc. (Suncurrent) to provide for the construction of a facility on the RDN landfill to generate electricity using landfill gas as an alternative fuel source. Since execution of this agreement Suncurrent have organized and incorporated a new sole purpose company, Cedar Road LFG Inc, (Cedar LFG) to construct and operate the proposed facility. As per the Development Agreement staff and Cedar LFG have negotiated an Operating Agreement to govern the operation and maintenance of the facility as well as determine an annual royalty payment to the RDN.

RECOMMENDATIONS

1. That the Board consent to the assignment of the Development Agreement from Suncurrent Industries Inc. to Cedar Road LFG Inc.; and,
2. That the Board approve the Operating Agreement with Cedar Road LFG Inc to govern the operation and maintenance of the facility.



Report Writer



General Manager Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
OCT 17 2005			
BOARD			

MEMORANDUM

TO: John Finnie
General Manager Environmental Services

DATE: October 14, 2005

FROM: Sean De Pol
Acting Manager Liquid Waste

FILE: 5330-20-FCPC-DU

SUBJECT: Liquid Waste Management
French Creek Pollution Control Centre Dewatering Upgrade

PURPOSE

To award the tender for the installation of the French Creek Pollution Control Centre centrifuge and to approve the release of DCC funds for this project.

BACKGROUND

The French Creek Pollution Control Centre (FCPCC) is a secondary treatment plant that produces biosolids as part of its operations. Biosolids need to be dewatered to facilitate economical transportation to composting operations.

In 1984 the Regional District purchased and installed a belt filter press (BFP) to dewater biosolids at the FCPCC. The BFP is now undersized and near the end of its operational life. Staff earlier recommended the purchase and installation of a centrifuge of the same type as installed at the Greater Nanaimo Pollution Control Centre (GNPCC). The Board authorized the purchase of the centrifuge and this recent tender is for the installation of the equipment.

The RDN received four bid responses to the tender. The work involves removing a beltfilter press, installing a centrifuge and chemical feed system, modifications to the existing building and construction of additional chemical rooms.

The following four bids were received:

D. Robinson Contracting Ltd.	\$1,096,038
I.D.L. Projects Inc.	\$1,271,000
Knappett Projects Inc	\$1,285,000
Western Industrial Contractors Ltd.	\$1,296,200

Our consultant has evaluated the tenders and the proper documentation has been verified. The low bidder for the project is D. Robinson Contracting Ltd. at a cost of \$1,096,038. Our consultants recommend the award of the project to D. Robinson Contracting Ltd. Staff supports this recommendation.

The following is our most recent costing for the completion of the project:

	Original Estimate	Current Cost
Construction Contract	\$875,930	\$1,096,038
Engineering (Design and construction period services)	\$152,000	\$152,000
Purchase of Centrifuge (previously purchased)	<u>\$322,070</u>	<u>\$322,070</u>
Total Project Cost	\$1,350,000	\$1,570,108

The total budgeted amount for this project (construction, engineering and purchase of centrifuge) was \$1,350,000 which has been exceeded as a result of the higher than anticipated construction tender results. The project components have been reviewed with our consultants to determine whether there are components that could be deleted or deferred. This action would result in additional work being scheduled next year at increased costs (due in part to retendering smaller portions of the projects) and is therefore not recommended.

The project is to be financed by a combination of DCC funds and operating funds as follows:

	Original Estimate	Current Cost
DCC's (70%)	\$ 945,000	\$1,099,080
Operational Budget (30%)	<u>\$ 405,000</u>	<u>\$ 471,030</u>
	\$1,350,000	\$1,570,110

ALTERNATIVES

1. Award the construction contract to D. Robinson Ltd. for the FCPCC centrifuge installation project for the tendered price of \$1,096,038 and approve the release of DCC's (for construction, engineering and purchase of centrifuge) in the amount of \$1,099,080.
2. Retender the project next year.

FINANCIAL IMPLICATIONS

Staff have reviewed both the 2006 operating budget and financial plan projections. The additional costs can be accommodated in the operations budget by deferring some consultant projects to 2007. The 2006 tax requisition will not be effected by these changes. There are sufficient DCC's on hand to cover the portion required from that source.

SUMMARY

Four bids for installing a centrifuge at the FCPCC have been evaluated. The low bidder for the project is D. Robinson Contracting Ltd. at a cost of \$1,096,038. The work involves removing a beltfilter press, installing a new centrifuge and chemical feed system, modifications to the existing building and construction of additional chemical rooms. The centrifuge is an improved technology that will provide better dewatering and improved odour management at FCPCC. Our consultants recommend the award of the project to D. Robinson Contracting Ltd.

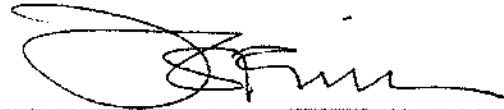
Staff have reviewed the project elements for cost savings and have concluded there are no significant opportunities and recommend proceeding with the project. The project will be financed by a combination of DCC's and operating funds. The DCC portion must be authorized by resolution.

RECOMMENDATIONS

1. **That** the Regional District of Nanaimo award the FCPCC centrifuge installation project for the tendered amount of \$1,096,038 to D. Robinson Contracting Ltd.
2. **That** Development Cost Charge funding in the amount of \$1,099,080 be authorized for the FCPCC dewatering upgrade project.



Report Writer



General Manager Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Crms	
CAO		GM ES	
DA CCD	<i>PA</i>	MoF	
OCT 18 2005			
<i>BOARD</i>			

MEMORANDUM

TO: Neil Connelly
General Manager of Community Services

DATE: October 17, 2005

FROM: Tom Osborne
Manager of Recreation and Parks

FILE:

SUBJECT: East Wellington and Pleasant Valley Parks and Open Space Advisory Committee

PURPOSE

To approve the formation of an East Wellington and Pleasant Valley Parks and Open Space Advisory Committee and its Terms of Reference.

BACKGROUND

This report provides for the establishment of an East Wellington and Pleasant Valley Parks and Open Space Advisory Committee (POSAC). With the amalgamation of Electoral Area 'C' and 'D' occurring after the November 19, 2005 local elections, the Committee will be responsible for providing advice and coordinating community park activities within that portion of the electoral area. In addition, separate Community Park Budgets for the geographical areas of Extension / Arrowsmith - Benson and East Wellington /Pleasant Valley will be provided for.

The Regional District currently has five Electoral Area parks advisory committees in operation:

- Electoral Area 'A' POSAC – established in 1996
- Electoral Area 'G' POSAC – established in 1999
- Electoral Area 'E' POSAC – established in 2001
- Electoral Area 'B' POSAC – established in 2003.
- Electoral Area 'H' POSAC – established in 2004

The five current Advisory Committees provide an opportunity for parks issues to be examined and discussed at the community level. The Committees also facilitate community involvement in the implementation of parks plans and operational initiatives, and ensure parks related community concerns are channeled to the Board by way of official committee minutes and resolutions.

Staff has developed a Terms of Reference for the East Wellington and Pleasant Valley Advisory Committee that provides for membership, procedures and responsibilities that are consistent with the other five Committees that are in place. Advertising for POSAC members will be carried out in February 2006. The Regional Board will then be in a position to appoint advisory committee members in late March 2006, and a first meeting of the POSAC could be held in April 2006.

ALTERNATIVES

1. Approve the formation of an East Wellington and Pleasant Valley Parks and Open Space Advisory Committee and its Terms of Reference.
2. Not approve the formation of a Committee or its Terms of Reference at this time and provide alternative direction.

FINANCIAL IMPLICATIONS

The additional staff resources that assist in coordinating Advisory Committee activities will be reflected in the East Wellington and Pleasant Valley Community park budget.

RESOURCE IMPLICATIONS

Over the past five years, the RDN's portfolio of parks, trails, beach accesses and other open spaces has grown dramatically from 146 ha to 864 ha; this does not include approximately 60 km of trail and 17 beach or water accesses that have come under RDN park management during the same period. RDN staff has been very active in the creation, development and management of these parklands, particularly at the community level. Three full time park staff members are well occupied keeping the park system viable and responding to community demands.

CITIZEN IMPLICATIONS

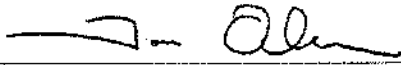
The RDN Parks and Open Space Advisory Committees provide area residents with an opportunity to bring forward ideas about park matters and discuss park issues with staff, the Electoral Area Director, and the Board.

SUMMARY

After the local elections to be held on November 19, 2005, Electoral Areas C and D will be amalgamated and the new combined area will be called Electoral Area 'C'. The area will have separate community park services and budgets that reflect the former area boundaries. As is the case with POSACs already functioning in Electoral Area's A, B, E, G, and H, the new East Wellington and Pleasant Valley POSAC will provide opportunities for residents to become actively involved in park management in their area and for parks related community concerns to be channeled to the Board by way of formal minutes and resolutions.

RECOMMENDATION

That the Terms of Reference for the East Wellington and Pleasant Valley Parks and Open Space Advisory Committee be approved.



Report Writer



General Manager Concurrence

East Wellington and Pleasant Valley Parks and Open Space Advisory Committee

Terms of Reference

Purpose

To establish a Parks and Open Space Advisory Committee for East Wellington and Pleasant Valley. The Committee will advise and provide information to the Nanaimo Regional District Board regarding parks and open space issues in the East Wellington and Pleasant Valley portion of Electoral Area C.

Membership

1. The East Wellington and Pleasant Valley Parks and Open Space Committee will be appointed by the Regional Board as follows:
 - the Electoral Area 'C' Director or designate
 - up to six Members at Large who are residents of the East Wellington and Pleasant Valley areas (former Area D) of Electoral Area 'C'.
2. The Committee will consist of a maximum of seven members. The Committee may operate without all positions being occupied. A quorum shall consist of four members.
3. For the first year of operation only, the terms of Committee membership shall be staggered with three members appointed for a two-year term and three members appointed for a one-year term. Beginning in the second year all members will be appointed for a two-year term. The Area 'C' Director will be on the Committee for the tenure of their respective Board appointment.

Procedures

1. The Committee shall elect a chairperson and recording secretary annually at the first meeting of each calendar year.
2. The Committee may meet as required but will structure its activities to meet approximately four times per year.
3. Minutes of Committee meetings will be forwarded to the Regional District Board for information.

Responsibilities

1. Make recommendations and provide advice to the Regional Board regarding a wide range of parks and open space issues including:
 - the acquisition of community park sites;
 - the development and maintenance of community park sites; and
 - priorities for the expenditure of community park operating and reserve funds.
2. Liaise, provide leadership, and work with community and neighbourhood groups on a wide range of parks and open space matters including:
 - volunteer park development projects;
 - obtaining input regarding park planning and acquisition priorities;
 - trail system planning and development; and
 - waterfront accesses.
3. Play a leadership role and provide a focal point for co-operation between community interests and the Regional District on parks and open space issues.
4. Provide community input into park planning documents including the development and updating of a community park master plan and specific community park development plans.
5. Work within the objectives and policies of the Regional Growth Management Plan, local Official Community Plans, the Regional Parks System Plan and any other statutory plans that are applicable to Electoral Area 'C'.

Financial Considerations

The Committee will provide input on an annual basis to the Electoral Area Director and the Regional Board regarding the level of funding and priorities for expenditures from these budgets, including park reserve funds, for parks and open space purposes. The Committee will also have the ability to look at a variety of other funding sources and strategies and make recommendations in their regard to the Regional District.

Reporting and Authority

In the provision of their services to the East Wellington and Pleasant Valley Parks and Open Space Advisory Committee, Committee members have a responsibility to act in the best interests of their community and within the policies and guidelines established by the Regional District.