

**REGIONAL DISTRICT OF NANAIMO**

**BOARD MEETING  
TUESDAY, NOVEMBER 22, 2005  
(immediately following the Hospital Board meeting)**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

1. **CALL TO ORDER**
  2. **DELEGATIONS**
  3. **BOARD MINUTES**  
11-26 Minutes of the regular Board meeting held on October 25, 2005 and the Special Board meeting held November 8, 2005.
  4. **BUSINESS ARISING FROM THE MINUTES**
  5. **COMMUNICATIONS/CORRESPONDENCE**  
27-31 **Shelly Lumsden, Malaspina University-College**, re Support for Endowed Chair in Tourism and Sustainable Rural Development.
  6. **UNFINISHED BUSINESS**  
**From the Electoral Area Committee meeting held November 8, 2005:**  
32-39 Development Permit Application No. 60546 – Wilson – 673 Imperial Drive – Area G. (Electoral Area Directors except EA ‘B’ – One Vote)
- BYLAWS**
- Second Reading.**
- 40-45 **Bylaw No. 500.324 - Land Use and Subdivision Bylaw Amendment -- Text Amendment – Nanoose Bay Official Community Plan Implementation – Area E.** (Electoral Area Directors except EA ‘B’ – One Vote)

**For Adoption.**

- 46-47            **Bylaw No. 500.320** – Land Use and Subdivision Bylaw Amendment Bylaw – Areas ‘A’, ‘C’, ‘D’, ‘E’, ‘G’ & ‘H’. (Electoral Area Directors except EA ‘B’ One Vote)
- 48-50            **Bylaw No. 1285.08** – Amendment Application ZA0509 – Oceanside Wood Products – 1429 Springhill Road – Area F. (Electoral Area Directors except EA ‘B’ – One Vote)
- Bylaw No. 889.37**    Northern Community Sewer Service Area Boundary Amendment - Barclay Crescent Sewer Service Area. (All Directors – One Vote)
- Bylaw No. 813.33** – French Creek Sewerage Facilities Local Service Area Amendment Bylaw – 889 Cavin Road – Area G. (All Directors – One Vote)
- Bylaw No. 889.33** – Northern Community Sewer Local Service Area Amendment Bylaw - 889 Cavin Road – Area G. (All Directors - One Vote)

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

**7.1      ELECTORAL AREA PLANNING STANDING COMMITTEE**

- 51-53            Minutes of the Electoral Area Planning Committee meeting held November 8, 2005. (for information)

**PLANNING**

**AMENDMENT APPLICATIONS**

**Amendment Application ZA0512 – Taylor/Houston – Fielding Road – Area A.**  
(Electoral Area Directors except EA ‘B’ – One Vote)

- 1. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.321, 2005”, to rezone the land from Residential 2 Subdivision District ‘F’ (RS2F) to Fielding Road Comprehensive Development Zone 22 Subdivision District ‘Z’ (CD22Z) to accommodate future light industrial and related uses on a property located on Fielding Road be given 1<sup>st</sup> and 2<sup>nd</sup> reading.*
- 2. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.321, 2005” proceed to Public Hearing.*
- 3. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.321, 2005” be delegated to the Electoral Area ‘A’ Director or his alternate.*

## DEVELOPMENT PERMIT APPLICATIONS

**Development Permit Application No. 60534 – Andrew Lis, on behalf of Gaigher Holding Ltd. – Jamieson Road – Area H. (Electoral Area Directors except EA ‘B’ – One Vote)**

**Delegations wishing to speak to DP No. 60534.**

*That Development Permit Application No. 60534 submitted by Andrew Lis, on behalf of Gaigher Holdings Inc., in conjunction with the subdivision on the parcel legally described as That Part of Lot 40, Newcastle District, Lying to the South West of the Esquimalt and Nanaimo Railway Company Right of Way, Except Those Parts in Plans 15180 and 43604 and designated within the Environmentally Sensitive Areas Development Permit Area, be approved, subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.*

**Development Permit Application No. 60551 – Fern Road Consulting, on behalf of D & B Yochim – Marshall Road – Area H. (Electoral Area Directors except EA ‘B’ – One Vote)**

**Delegations wishing to speak to DP No. 60551.**

*That Development Permit Application No. 60551 submitted by Fern Road Consulting Ltd., on behalf of D & B Yochim, in conjunction with the subdivision on the parcel legally described as Lot V, District Lot 19, Newcastle District, Plan 8156 and designated within the Environmentally Sensitive Features Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.*

**Development Permit Application No. 60552 – Erickson – 1013 Surfside Drive – Area G. (Electoral Area Directors except EA ‘B’ – One Vote)**

**Delegations wishing to speak to DP No. 60552.**

*That Development Permit Application No. 60552, to facilitate an addition to the dwelling unit at 1013 Surfside Drive, be approved according to the terms outlined in Schedule No. 1.*

**Development Permit Application No. 60553 – Fern Road Consulting Ltd., on behalf of A G Project Management Inc. – McColl Road – Area H. (Electoral Area Directors except EA ‘B’ – One Vote)**

**Delegations wishing to speak to DP No. 60553.**

*1. That Development Permit Application No. 60553 submitted by Fern Road Consulting Ltd., on behalf of AG Project Management Inc., in conjunction with the subdivision on the parcel legally described as Lot 12, District Lot 85, Newcastle District, Plan 2018, Except part in Plan 3803 and Except Parcel A (DD 70745N) and designated within the Environmentally Sensitive Features and Hazard Lands Development Permit Areas be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.*

2. *That the park land proposal, in the amount and location as shown on Schedule No. 2 of the staff report, be accepted subject to the conditions set out in Schedule No. 3 of the staff report.*
3. *That the request for relaxation of the minimum 10% frontage requirement for proposed Lots 9, 23 and 24 be approved.*

## **OTHER**

**Request for Relaxation of the Minimum 10% Perimeter Requirement – Reynolds – 1850 Shasta Road – Area A.** (Electoral Area Directors except EA 'B' One Vote)

*That the request from Walter Reynolds to relax the minimum 10% frontage requirement for proposed Lot 1, as shown on the plan of subdivision of Lot 2, Plan VIP65093, Section 14, Range 5, Cedar District, be approved.*

## **7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE**

54-60 Minutes of the Committee of the Whole meeting held November 8, 2005. (for information)

## **COMMUNITY SERVICES**

### **EMERGENCY PLANNING**

**Pandemic Influenza Planning – VIHA and Local Governments.** (All Directors – One Vote)

*That the report on the VIHA Pandemic Influenza Plan be received for information.*

## **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 title of the property 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 2, District Lot 78, Nanoose District, Plan 15562 2768 Teds Road, Area 'E', owned by Young Soon Reimer.*

## FINANCE

### **Operating Results to September 30, 2005.** (All Directors – One Vote)

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

### **Authority to Fund Community Radio Station.** (All Directors – One Vote)

*That the report on the Regional District's authority to fund a community radio station on Gabriola Island be received for information.*

### **Vancouver Island Biosphere Request for Study Funding.** (All Directors – One Vote)

*That a decision on the request from the Vancouver Island Biosphere Center be deferred and that staff be directed to review comparative jurisdictions' grants-in-aid criteria, obtain comment and input from the current members of the Grants-in-Aid Committee and report the results of the survey to the Board prior to March 31, 2006.*

### **Amendment to Bylaw No. 951 – a Bylaw to Provide for the Payment of Development Cost Charges by Installments.**

(All Directors – One Vote)

1. *That "District 69 Development Cost Charge Installment Payments Amendment Bylaw No. 951.01, 2005" be introduced for three readings.*

(All Directors – 2/3)

2. *That "District 69 Development Cost Charge Installment Payments Amendment Bylaw No. 951.01, 2005" having received three readings be adopted.*

## FIRE PROTECTION

### **Request to Use Reserve Funds for Early Payout of Firefighting Vehicle Lease – Errington Fire Department.** (All Directors – Weighted Vote)

*That the Board authorize the use of \$41,550 from the Errington Fire Department reserve fund to assist in paying down their vehicle lease with the Municipal Finance Authority.*

### **Extension Fire Protection Service Boundary Amendment Bylaw No. 1439.01 and Nanaimo River Fire Protection Service Boundary Amendment Bylaw No. 1440.01.** (All Directors – One Vote)

1. *That "Extension Fire Protection Service Boundary Amendment Bylaw No. 1439.01, 2005" be introduced for first three readings and be forwarded to the Ministry of Community Services for approval.*

2. *That "Nanaimo River Fire Protection Service Boundary Amendment Bylaw No. 1440.01, 2005" be introduced for first three readings and be forwarded to the Ministry of Community Services for approval.*

**Lease Agreement for Ambulance Station Located at the Bow Horn Bay Firehall Site. (All Directors – Weighted Vote)**

*That the Chairperson and Deputy Administrator be authorized to execute the lease agreement with BCBC for the use of portions of the Bow Horn Bay Fire service firehall and land for locating housing and equipment operated by the BC Ambulance Service.*

**PLANNING**

**District of Lantzville Development Services Contract Agreements. (All Directors – Weighted Vote)**

*That the 2006 Service Agreements between the Regional District of Nanaimo and the District of Lantzville for mapping, animal control, building inspection, bylaw enforcement, house numbering, noise regulations, nuisance control and unsightly premises services be approved.*

**ENVIRONMENTAL SERVICES**

**LIQUID WASTE**

**French Creek Pollution Control Centre Biosolids Program – Contract. (All Directors – Weighted Vote)**

*That the RDN discontinue sending FCPCCC biosolids to Qualicum Farms Limited and award a two year contract for biosolids reuse to SYLVIS Environmental.*

**Liquid Waste Department Wet Weather Flow – Inflow and Infiltration Program. (All Directors – One Vote)**

*That the fact sheet on Wet Weather Flow in the Greater Nanaimo Trunk and Treatment System be received for information.*

**SOLID WASTE**

**Open Burning Smoke Control Regulation – Request for Category Change – Electoral Areas A, B, E and G. (All Directors – One Vote)**

*That the Board request that the Ministry of Environment change Electoral Areas A, B, E and G to Category A under the Open Burning Smoke Control Regulation.*

**Joint CVRD/RDN Solid Waste Disposal Request for Proposals. (All Directors One Vote)**

*That the Board receive the correspondence from the Cowichan Valley Regional District inviting the RDN to participate in a request for proposals seeking options for solid waste disposal; and,*

*That the Board reply to the Cowichan Valley Regional District advising them that a request for proposals is premature at this time and should be postponed until completion of the joint review of new and emerging technologies scheduled for 2006.*

**UTILITIES**

**French Creek Bulk Water Supply Local Service Area Boundary Amendment Bylaw No. 1050.05. (All Directors -- One Vote)**

*That "French Creek Bulk Water Supply Local Service Area Boundary Amendment Bylaw No. 1050.05, 2005" be introduced for first three readings and be forwarded to the Ministry of Community Services for approval.*

**Inclusion of Two Properties into the Pacific Shores Sewer Local Service Area – Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.06 and Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.39. (All Directors – One Vote)**

- 1. That "Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.06, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*
- 2. That "Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.39, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*

**COMMISSION, ADVISORY & SELECT COMMITTEE**

**District 69 Recreation Commission.**

(All Directors – One Vote)

*That the minutes of the District 69 Recreation Commission meeting held October 20, 2005 be received for information.*

(Parksville, Qualicum Beach, Electoral Areas 'E', 'F', 'G', 'H' Weighted Vote)

*That the Youth and Community Grants be endorsed as follows with the exception of the Errington War Memorial Hall Association request in the amount of \$5,000:*

**Community Group**

<i>Arrowsmith Community Enhancement Society</i>	<i>\$ 1,005</i>
<i>Arrowview Elementary PAC</i>	<i>\$ 2,000</i>
<i>Bard to Broadway - adult program</i>	<i>\$ 1,215</i>
<i>Coombs Halloween Candy Walk</i>	<i>\$ 2,500</i>
<i>Echo Players Theatre Group</i>	<i>\$ 1,100</i>
<i>Errington War Memorial Hall Association</i>	<i>\$ 5,000</i>
<i>Oceanside Ebbitide Slo-Pitch</i>	<i>\$ 1,800</i>
<i>Oceanside Floor Curlers</i>	<i>\$ 500</i>
<i>Oceanside Lyric Ensemble</i>	<i>\$ 1,100</i>
<i>Parksville and District Association for Community Living</i>	<i>\$ 2,500</i>
<i>Parksville Seniors Activity &amp; Drop-in Centre</i>	<i>\$ 200</i>

**Youth Group**

<i>Bard to Broadway – youth program</i>	<i>\$ 1,250</i>
<i>District 69 Family Resource Association</i>	<i>\$ 1,678</i>
<i>Oceanside Track and Field Club</i>	<i>\$ 2,500</i>
<i>Qualicum Beach Volunteer Fire Department</i>	<i>\$ 2,500</i>

*That staff review the grant request from the Errington War Memorial Hall Association to determine the funds required to complete repairs to the hall roof.*

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

*That the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held October 13, 2005 be received for information.*

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

*That the minutes of the Regional Parks and Trails Advisory Committee meeting held October 25, 2005 be received for information.*

**Area 'B' Parks and Open Space Advisory Committee. (All Directors – One Vote)**

*That the minutes of the Area 'B' Parks and Open Space Advisory Committee meeting held September 12, 2005 be received for information.*

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

*That the minutes of the Transit Business Plan Update Select Committee meeting held October 27, 2005 be received for information.*



*That the motion with respect to transit and HandyDART fares brought forward from the Transit Business Plan Update Select Committee be referred back to a special meeting of the Committee to be held November 17, 2005 and a report be submitted to the November 22, 2005 Board meeting.*

## **NEW BUSINESS**

### **E & N Pest Management Plan. (All Directors – One Vote)**

*That staff prepare a letter to the Premier expressing the RDN's disappointment of the Provincial government's approval of the Pest Management Plan for the E & N Railway in spite of the many valid concerns expressed by the Board of Directors and residents of the Regional District of Nanaimo, Municipalities of Nanaimo, Parksville and Qualicum Beach and the District of Ladizville.*

*That the RDN solicit support from the Regional Districts, Municipalities and MLA's along the E & N Railway corridor requesting that the Minister of Environment, the Honourable Barry Penner, intervene to suspend the Pest Management Plan for the E & N Railway right of way.*

### **7.3 EXECUTIVE STANDING COMMITTEE**

### **7.4 COMMISSIONS**

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

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

- 61-72                      Amendment to the Barclay Crescent Sewer Rates and Regulation Bylaw No. 1472. (All Directors – 2/3 Weighted Vote)
- 73-77                      Bunker Place Rezoning Petition – Area G. (All Directors – One Vote)
- 78-81                      2005 Home Lake Regional Park Management Plan and RFEI/RFP Process for Operations and Development 2006-2025.
- 82-104                      Federal New Deal for Cities and Communities – Community Works Fund Agreement. (All Directors – Weighted 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)(g) of the Local Government Act the Board proceed to an In Camera meeting to consider legal matters.*

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE REGULAR MEETING OF THE BOARD  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, OCTOBER 25, 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
Alternate	
Director I. Neden	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 D. Tyndall	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. Avcry	Manager of Financial Services
M. Pearse	Manager of Administrative Services
N. Tonn	Recording Secretary

**CALL TO ORDER**

The Chairperson welcomed Alternate Director Neden to the meeting.

**DELEGATIONS**

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

Ms. Wilson was not in attendance.

**BOARD MINUTES**

MOVED Director Krall, SECONDED Director Sherry, that the minutes of the regular Board meeting held September 20, 2005 be adopted.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**Joshua and Helen Finck, re Development Permit Application No. 60547 – Purchase – 608 Viking Way – Area G.**

MOVED Director Kreiberg, SECONDED Director Sherry, that the correspondence from Joshua and Helen Finck regarding Development Permit Application No. 60547 be received for information.

CARRIED

**Jim and Rosemarie Lee, re Development Permit Application No. 60547 – Purchase – 608 Viking Way – Area G.**

MOVED Director Kreiberg, SECONDED Director Sherry, that the correspondence from Jim and Rosemarie Lee regarding Development Permit Application No. 60547 be received for information.

CARRIED

**Willem and Petronella Schoonerbeek, re Development Permit Application No. 60547 – Purchase – 608 Viking Way – Area G.**

MOVED Director Kreiberg, SECONDED Director Sherry, that the correspondence from Willem and Petronella Schoonerbeek regarding Development Permit Application No. 60547 be received for information.

CARRIED

**Greg Spears, Vancouver Island Biosphere Centre, re Funding.**

MOVED Director Kreiberg, SECONDED Director Sherry, that the correspondence from the Vancouver Island Biosphere Centre regarding funding for the development of a VI Biosphere Centre business plan be received for information.

CARRIED

**UNFINISHED BUSINESS**

**BYLAWS**

**For Adoption.**

**Bylaw No. 791.10.**

MOVED Director Krall, SECONDED Director Holme, that “Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.10, 2005” be adopted.

CARRIED

**Bylaw No. 794.06.**

MOVED Director Krall, SECONDED Director Holme, that “French Creek Fire Protection Local Service Area Boundary Amendment Bylaw No. 794.06, 2005” be adopted.

CARRIED

**Bylaw No. 874.05.**

MOVED Director Holme, SECONDED Director Krall, that “French Creek Water Local Service Area Boundary Amendment Bylaw No. 874.05, 2005” be adopted.

CARRIED

**Bylaw No. 889.35.**

MOVED Director Holme, SECONDED Director Sherry, that “Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.35, 2005” be adopted.

CARRIED

**Bylaw No. 1089.03.**

MOVED Director Krall, SECONDED Director Sherry, that "French Creek Bulk Water Supply Development Cost Charge Area Boundary Amendment Bylaw No. 1089.03, 2005" be adopted.  
CARRIED

**Bylaw No. 791.11.**

MOVED Director Sherry, SECONDED Director McNabb, that "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.11, 2005" be adopted.  
CARRIED

**Bylaw No. 821.05.**

MOVED Director Sherry, SECONDED Director Holme, that "Errington Fire Protection Local Service Area Boundary Amendment Bylaw No. 821.05, 2005" be adopted.  
CARRIED

**Bylaw No. 1022.05.**

MOVED Director Krall, SECONDED Director Neden, that "Coombs-Hilliers Fire Protection Local Service Area Boundary Amendment Bylaw No. 1022.05, 2005" be adopted.  
CARRIED

**Bylaw No. 975.39.**

MOVED Director Holme, SECONDED Director Sherry, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.39, 2005" be adopted.  
CARRIED

**Bylaw No. 1231.01.**

MOVED Director Bartram, SECONDED Director Kreiberg, that "Regional District of Nanaimo Regional Parks and Trails Service Area Conversion Amendment Bylaw No. 1231.01, 2005" be adopted.  
CARRIED

**Bylaw No. 1285.05.**

MOVED Director Krall, SECONDED Director Sherry, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" be adopted.  
CARRIED

**Bylaw No. 1471.**

MOVED Director Krall, SECONDED Director Bartram, that "Regional District of Nanaimo Drinking Water and Watershed Protection Research Service Establishing Bylaw No. 1471, 2005" be adopted.  
CARRIED

**Bylaw No. 813.31.**

MOVED Director Krall, SECONDED Director Holme, that "French Creek Sewerage Facilities Local Service Area Amendment Bylaw No. 813.31, 2005" be adopted.  
CARRIED

**Bylaw No. 889.30.**

MOVED Director Sherry, SECONDED Director Hamilton, that "Northern Community Sewer Local Service Area Amendment Bylaw No. 889.30, 2005" be adopted.  
CARRIED

**Bylaw No. 813.35.**

MOVED Director Sherry, SECONDED Director Hamilton, that "French Creek Sewerage Facilities Local Service Area Amendment Bylaw No. 813.35, 2005" be adopted.  
CARRIED

**Bylaw No. 874.06.**

MOVED Director Sherry, SECONDED Director Hamilton, that "French Creek Water Local Service Area Amendment Bylaw No. 874.06, 2005" be adopted.

CARRIED

**Bylaw No. 889.36.**

MOVED Director Sherry, SECONDED Director Hamilton, that "Northern Community Sewer Local Service Area Amendment Bylaw No. 889.36, 2005" be adopted.

CARRIED

**Bylaw No. 909.01.**

MOVED Director Sherry, SECONDED Director Hamilton, that "Sandpiper Streetlighting Local Service Area Amendment Bylaw No. 909.01, 2005" be adopted.

CARRIED

**Bylaw No. 1050.03.**

MOVED Director Sherry, SECONDED Director Hamilton, that "French Creek Bulk Water Supply Local Service Area Amendment Bylaw No. 1050.03, 2005" be adopted.

CARRIED

**Bylaw No. 1400.**

MOVED Director Holme, SECONDED Director Kreiberg, that "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005" be adopted.

CARRIED

**Public Hearing.**

**Report of the Public Hearing held October 13, 2005 with Respect to Bylaw No. 500.324 – Nanoose Bay Official Community Plan Implementation – Area E.**

MOVED Director Holme, SECONDED Director Bartram, that the report of the Public Hearing containing the Summary of the Minutes of the Public Hearing held October 13<sup>th</sup>, 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.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005" be referred back to staff for consideration of amendments.

CARRIED

**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.**

MOVED Director Hamilton, SECONDED Director Bartram, 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”

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw Amendment Bylaw No. 1240.02, 2005” be given 3<sup>rd</sup> reading and be referred to the Minister of Community Services for approval pursuant to the *Local Government Act*.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that “Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.03, 2005” be given 3<sup>rd</sup> reading and be referred to the Minister of Community Services for approval pursuant to the *Local Government Act*.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw Amendment Bylaw No. 1055.02, 2005” be given 3<sup>rd</sup> reading and be referred to the Minister of Community Services for approval pursuant to the *Local Government Act*.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that “Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.03, 2005” be given 3<sup>rd</sup> reading and be referred to the Minister of Community Services for approval pursuant to the *Local Government Act*.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that “Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.04, 2005” be given 3<sup>rd</sup> reading and be referred to the Minister of Community Services for approval pursuant to the *Local Government Act*.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.325, 2005” be given 3<sup>rd</sup> reading and be referred to the Minister of Community Services for approval pursuant to the *Local Government Act*.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.07, 2005” be given 3<sup>rd</sup> reading and be referred to the Minister of Community Services for approval pursuant to the *Local Government Act*.

CARRIED

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

**ELECTORAL AREA PLANNING STANDING COMMITTEE**

MOVED Director Hamilton, SECONDED Director D. Haime, that the minutes of the Electoral Area Planning Committee meeting held October 11, 2005 be received for information.

CARRIED

**PLANNING**

**AMENDMENT APPLICATIONS**

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

MOVED Director Hamilton, SECONDED Director Kreiberg, 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 Hamilton, SECONDED Director Kreiberg, 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

The Chairperson asked the Deputy Chairperson to preside over the meeting for the next item.

**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 denied.

CARRIED

The Chairperson resumed the chair.

**OTHER**

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

MOVED Director Hamilton, SECONDED Director Kreiberg, 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



**COMMITTEE OF THE WHOLE STANDING COMMITTEE**

MOVED Director Westbrook, SECONDED Director Sherry, that the minutes of the regular Committee of the Whole meeting held October 11, 2005 be received for information.

CARRIED

**COMMUNITY SERVICES**

**Green Building Project – Local Government Building Programs.**

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

CARRIED

**REGIONAL GROWTH MANAGEMENT**

**State of Sustainability Project – Groundwater Indicator Research Report.**

MOVED Director Bartram, SECONDED Director Holdom,:

1. That the report “State of Sustainability Project – Groundwater Indicators Research Work” be received.
2. 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.

CARRIED

**TRANSPORTATION SERVICES**

**Electoral Area ‘A’ HandyDART Service Expansion.**

MOVED Director Krall, SECONDED Director Kreiberg, 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 Kreiberg, 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 AND COMMUNITY DEVELOPMENT**

**BUILDING INSPECTION**

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

The Chairperson noted that the following contravention has been resolved:

- (a) Lot 58, District Lot 29, Plan 45632, Nanoose District – 809 Arrowsmith Way, Area ‘G’, owned by Mary Jean Wright.

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 Rumming Road, Area 'E', owned by Heber Graham Smith.

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, 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.

CARRIED

MOVED Director Holme, SECONDED Director Sherry, 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.

CARRIED

MOVED Director Holme, SECONDED Director Sherry, 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 Sherry, SECONDED Director Hamilton, that "Barclay Crescent Sewer Rates and Regulation Bylaw No. 1472" be introduced for first three readings.

CARRIED

MOVED Director Sherry, SECONDED Director Haime, that the adoption of "Barclay Crescent Sewer Rates and Regulation Bylaw No. 1472, 2005" be deferred until staff present a report on the implementation process which would offer incentives to residents who hook up to the service early.

CARRIED

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

MOVED Director Holme, SECONDED Director Krall, that "Fairwinds Water Local Service Area Reserve Fund Expenditure Bylaw No. 1473, 2005" be introduced for first three readings.

CARRIED

MOVED Director Holme, SECONDED Director Krall, 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 Holme, 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 Holdom, 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.

CARRIED

MOVED Director Sherry, SECONDED Director Holdom, 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.

CARRIED

MOVED Director Sherry, SECONDED Director Tyndall, 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 Holdom, 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 Longmuir, 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 Kreiberg, that the minutes of the Nanoose Bay Parks and Open Space Advisory Committee meetings held July 4, August 22 and September 12, 2005 be received for information.

CARRIED

**District 69 Recreation Commission.**

MOVED Director Bartram, SECONDED Director Westbroek, 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 Westbrook, 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 McNabb, 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 terms of reference for the Qualicum Beach Transit Review be approved.

CARRIED

MOVED Director Krall, SECONDED Director Tyndall, 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 Management Committee.**

MOVED Director Holme, SECONDED Director Longmuir, 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 Longmuir, 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 D. Haime, 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

CARRIED

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

**District 69 Policing:**

Oceanside Community Policing Offices	\$	1,000	CARRIED
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MOVED Director Westbrook, SECONDED Director Holme, that the following grants be awarded:

**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**

**Electronic Meetings Regulation.**

MOVED Director Bartram, SECONDED Director Holdom, 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.**

MOVED Director McNabb, SECONDED Director Tyndall, 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 Holme, SECONDED Director Kreiberg, 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

**ADMINISTRATOR'S REPORTS**

**Landfill Gas Utilization Operating Agreement.**

MOVED Director Sherry, SECONDED Director Longmuir, the Board consent to the assignment of the Development Agreement from Suncurrent Industries Inc. to Cedar Road LFG Inc.  
CARRIED

MOVED Director Sherry, SECONDED Director Holdom, that the Board approve the Operating Agreement with Cedar Road LFG Inc. to govern the operation and maintenance of the facility.  
CARRIED

**French Creek Pollution Control Centre – Dewatering Upgrade – Contract Award.**

MOVED Director Sherry, SECONDED Director Westbrook, 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.

CARRIED

MOVED Director Sherry, SECONDED Director Westbrook, that development cost charge funding in the amount of \$1,099,080 be authorized for the FCPCC dewatering upgrade project.

CARRIED

**East Wellington and Pleasant Valley Parks and Open Space Advisory Committee – Terms of Reference.**

MOVED Director D. Haime, SECONDED Director Hamilton, that the terms of reference for the East Wellington and Pleasant Valley Parks and Open Space Advisory Committee be approved.

CARRIED

Director Neden left the meeting citing a possible conflict of interest with the next item.

**Breakwater Enterprises Ltd. – Acquisition of Water System by EPCOR North Island Water Inc.**

MOVED Director Krall, SECONDED Director Tyndall, that the Regional District of Nanaimo present, to the Comptroller of Water Rights, the case for public (RDN) ownership of Breakwater Enterprises Ltd. water system, outlining the benefits of RDN ownership and the public interest in continued supply and safety of the water system.

CARRIED

Director Neden returned to the meeting.

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Vancouver Island Biosphere Centre Request for Funding.**

MOVED Director Westbrook, SECONDED Director Holme, that this request be referred to staff for a full report.

CARRIED

**NEW BUSINESS**

**Nanoose Bay Parks & Open Space Advisory Committee.**

MOVED Director Holme, SECONDED Director McNabb, that Laurance (Kiwi) Stanners be appointed to the Nanoose Bay Parks and Open Space Advisory Committee for a term ending December 31, 2007.

CARRIED

**Veterans Remembrance Day Transportation.**

MOVED Director McNabb, SECONDED Director Westbrook, that transit fares for veterans attending Remembrance Day events be reduced.

CARRIED

**Open Houses at French Creek Pollution Control Centre and Nanaimo Water Pollution Control Centre.**

The General Manager of Environmental Services noted that the open houses at both FCPCC and NWPC on October 15<sup>th</sup> and 22<sup>nd</sup> respectively went very well.

**IN CAMERA**

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

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 7:37 PM

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CHAIRPERSON

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DEPUTY ADMINISTRATOR

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE SPECIAL BOARD MEETING  
HELD ON TUESDAY, NOVEMBER 8, 2005, AT 8:03 PM  
RDN BOARD CHAMBERS**

**Present:**

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

**Also in Attendance:**

B. Lapham	Deputy Administrator
N. Connelly	General Manager of Community Services
M. Pearse	Manager of Administrative Services
C. McIver	Manager of Solid Waste
N. Avery	Manager of Financial Services
S. DePol	A/Manager of Liquid Waste
N. Tonn	Recording Secretary

**UNFINISHED BUSINESS**

**BYLAWS.**

**Public Hearing.**

**Report of the Public Hearing held October 27, 2005 with Respect to Bylaw No. 500.320 – Land Use and Subdivision Amendment Bylaw No. 500.320 – Amendment to Minimum Parcel Size – Electoral Areas ‘A’, ‘C’, ‘D’, ‘E’, ‘G’ and ‘H’.**

MOVED Director Hamilton, SECONDED Director Bartram, that the report of the Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held October 27, 2005 as a result of public notification of “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.320, 2005” be received.

CARRIED



MOVED Director Hamilton, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.320, 2005" be given 3<sup>rd</sup> reading.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.320, 2005" be forwarded to the Ministry of Transportation for approval.

CARRIED

**Report of the Public Hearing held November 1, 2005 with Respect to Bylaw No. 1285.08 – Electoral Area 'F' Zoning and Subdivision Amendment Bylaw – Oceanside Forest Products Ltd./Keith Brown Associates Ltd. – 1429 Springhill Road – Area F.**

MOVED Director Biggemann, SECONDED Director Holme, that the report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on November 1, 2005 as a result of public notification on "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.08, 2005" and the additional two pieces of correspondence from D. Carpenter and K. Brown be received.

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" be given 3<sup>rd</sup> reading.

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" be forwarded to the Ministry of Transportation for its approval.

CARRIED

MOVED Director Biggemann, SECONDED Director D. Haime, that the following conditions be secured and/or completed by the applicant prior to Board consideration of adoption of Bylaw No. 1285.08, 2005:

- The applicant, at the applicant's expense, to prepare and register to the satisfaction of the Regional District of Nanaimo, a Section 219 covenant restricting vegetation removal within 4.5 metres of the property line adjacent to Church Road and prohibiting the storage of wood wastes beyond a volume of 250m<sup>3</sup> and the processing of wood wastes.
- Applicant to submit a copy of the waste discharge authorization as issued by the Ministry of Environment.

CARRIED

**Financial Plan 2006 – 2011 Bylaw No. 1474.**

MOVED Director McNabb, SECONDED Director Korpan, that "Regional District of Nanaimo Financial Plan 2006 to 2011 Bylaw No. 1474, 2005" be introduced for first three readings.

CARRIED

MOVED Director McNabb, SECONDED Director Korpan, that "Regional District of Nanaimo Financial Plan 2006 to 2011 Bylaw No. 1474, 2005" having received first three readings be adopted and be forwarded as required to the municipal jurisdictions and the Ministry of Community Services.

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 legal matters.

CARRIED

**ADJOURNMENT**

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

CARRIED

**TIME: 8:01 PM**

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CHAIRPERSON

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DEPUTY ADMINISTRATOR

REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Cms
CAO	GM ES
DA CCB	MoF
NOV 1 2005	
<i>BOARD Correspondence</i>	

**Burgoyne, Linda**

**From:** Shelley Lumsden [lumsdens@MALA.BC.CA]  
**Sent:** Monday, October 31, 2005 2:59 PM  
**To:** office@tofino.ca; mayor@city.victoria.bc.ca; municipalhall@csaanich.ca; camreid@telus.net; obcouncil@oakbay.bc.org; zeballos@zeballos.net; district@lantzville.ca; gridlewis@cablerocket.com; gshier@uduelet.ca; damos@sidney.ca; clerksec@saanich.ca; gmcowell@cumberland.bc.net; gary.korpan@nanaimo.ca; mayor.portmacneill@telus.net; mayorhill@town.viewroyal.bc.ca; general@porthardy.ca; info@num.esquimalt.bc.ca; jevans@district.sooke.bc.ca; admin@town.comox.bc.ca; ncreamer@city.colwood.bc.ca; lefebre@northcowichan.bc.ca; karel@roessong.com; mayor@district.metchosin.bc.ca; ken\_mcrae@city.port-alberni.bc.ca; cao@alertbay.ca; lynn.nash@cambellriver.ca; mdurkin@capescot.net; duncan@city.duncan.bc.ca; office@village.sayward.bc.ca; rlongmuir@city.parksville.bc.ca; rhutchins@town.ladysmith.bc.ca; info@city.courtenay.bc.ca; sa'sgard@cbpr.bc.ca; lkaercher@district.langford.bc.ca; mayor@villageoftahsis.com; admin@northsaanich.ca; mayor@qualicumbeach.com; town\_of\_gibsons@sunshine.net; jpeake@lakecowichan.ca; info@rdmw.bc.ca; csp12345@telus.net; ed.steeves@scrd.bc.ca; chairperson@acrd.bc.ca; twarnes@rdcs.bc.ca; Burgoyne, Linda; directors@crd.bc.ca; information@islandstrust.bc.ca; mmarcotte@cverd.bc.ca; ccrd@belc.bc.ca  
**Cc:** Nicole Vaugeois  
**Subject:** Support for Endowed Chair in Tourism and Sustainable Rural Development  
**Attachments:** Template - Letters of Support - Rural Tourism.doc

Malaspina University-College and Thompson Rivers University are partnering to help support rural tourism development in British Columbia. The partnership has received 1.25 million from the Leading Edge Endowment Fund to create an Endowed Chair in Tourism and Sustainable Rural Development. This position will work with communities and entrepreneurs in rural areas of the province to provide research support, resources and training opportunities.

The commitment of funds must be matched by the partnership by March 2006. At this point in time, we are seeking letters of support from communities, operators and organizations that can attest to the need for such an initiative within the province. To this end, if you could assist us by providing a letter of support by November 20, 2005, we would greatly appreciate it.

Some background information is provided below, and information to assist in writing letters of support is also included as an attachment to this email. If you would like to discuss this initiative, please contact Nicole L. Vaugeois at (250) 753-3245 Local 2772 via email at vaugeois@jala.bc.ca. Please feel free to pass this along to additional organizations that you think may be in support of the initiative.

Background information can be obtained at:

1. Regional Innovation: Endowed Chair in Tourism and Sustainable Rural Development Case (pdf document linked off Malaspina's website)  
<http://research.mala.bc.ca/docs/rural%20book.pdf>  
 2. Government announcement  
 Leading Edge Endowment Fund Announcement  
<http://www.leefbc.ca/whatsnew/current/04jun30-2.htm>

Nicole L. Vaugeois, PhD  
 Thompson Rivers University-College Professor  
 Malaspina University-College  
 100 Fifth Street  
 Nanaimo, BC V9R 5S5  
 Phone: (250) 753-3245 Local 2772  
 Fax: (250) 740-6488

**Letters of Support for:**  
**BC Leaders in Innovation**  
**Endowed Chair in Tourism and Sustainable Rural Development**

Thank you for providing a letter of support for the Tourism and Sustainable Rural Development project being undertaken by Malaspina University-College in partnership with Thompson Rivers University. Your letter will be used as we proceed with our fundraising campaign to provide evidence of support from industry, communities and organizations involved in rural tourism.

**Please note:**

- Some notes on the objectives of this initiative and potential impacts are provided in the next few pages. These points may be useful to you when writing the letter.
- Letters should be addressed "To whom it may concern" as they may be used to garner support from multiple funding bodies.

Letters of support should be sent in hard copy to:

Nicole L. Vaugeois  
University-College Professor  
Malaspina University-College  
900 Fifth Street  
Nanaimo, B.C. V9R 5S5  
Canada  
Phone: (250) 753-3245 Local 2772  
Fax: (250) 740-6488  
Email: [Vaugeois@maia.bc.ca](mailto:Vaugeois@maia.bc.ca)

Deadline for letters is **November 20, 2005**

**BC Leaders in Innovation  
Endowed Chair in Tourism and Sustainable Rural Development**

**Objectives**

The principal objectives of the program of research for a Chair in Tourism and Sustainable Regional Development are to profile rural tourism and its role in healthy communities, to understand the obstacles to sustainable tourism development in the regions and to work with communities and entrepreneurs to overcome them.

The major elements of the initiative will include:

**1. Clarifying realities and obstacles to developing tourism in rural regions of the province**

The research program will determine how development of rural tourism differs from urban tourism such that those involved have a better understanding and are more capable of addressing the inherent challenges. This clarity will also provide support for rural tourism initiatives at the regional, provincial and national level.

**2. Determining and monitoring the information and support needs of rural tourism stakeholders to establish a coordinated research plan for the province**

The Chair and an Advisory Committee will develop a research agenda to guide rural tourism in British Columbia. This initiative will be used to guide initial research priorities and identify potential collaborators. Monitoring the information needs will be done through an innovative "Rural Tourism Roadshow" where a research team from Malaspina University-College and Thompson Rivers University will travel throughout the province annually to collect best practices, communicate with stakeholders, work on applied projects, and prioritize work for rural communities.

**3. Responding to research needs using collaborative research teams from other academic institutions, government agencies and communities**

Research is most useful when initiated by those who need the information. Many communities and businesses cannot access or afford the information they need to become successful in rural tourism. The Research Chair will respond to the information needs of those engaged in rural tourism by either connecting them with resources, reworking information in a user friendly format, linking them with individuals, or undertaking specific studies. The nominee will develop a comprehensive database of all researchers in Canada that are engaged in work related to rural tourism development. This database will be maintained and used as a communications tool to notify researchers of projects, findings, requests for proposals, etc.

**4. Engaging in knowledge transfer and extension activity to provide support for businesses and communities involved in tourism development**

Housed in the new Faculty of Management building at Malaspina University-College is a Research Centre where the Research Chair will be located. These facilities will also be used to house a research assistant and resources related to rural tourism development. This Centre will become a "knowledge transfer center" or "clearinghouse" of information

with the aim to connect those who are looking for research and those who are doing research in rural tourism. The Centre will act as a “translator” to rework existing research into user-friendly formats for use by those in the industry.

**5. Enhancing capacity in tourism development among new and existing professionals by providing accessible and relevant training and education opportunities**

The Chair will work with the Tourism Educators Consortium to bring attention to the specific needs of rural tourism. New courses and modules to enhance new students’ fluency in rural tourism will be developed. Existing workers, and particularly tourism entrepreneurs, will be advantaged by the development of new education and training products designed in collaboration with other tourism educators that are both accessible to people in rural areas and provide relevant information on how to be successful in a rural context.

**6. Assuming a leadership role in the creation of a network of researchers in rural tourism development in BC that is linked directly to regional economic development initiatives**

The Chair will take an active leadership role in approaching emerging and established researchers in BC and asking them to contribute to the rural tourism research agenda. Individuals will be invited to participate in the annual Rural Tourism Roadshow and to take ownership of the projects that emerge. The Chair will actively pursue funding opportunities to enable collaboration on projects and will ensure regional comparisons are made with the resulting data.

**7. Supporting regions to prepare and benefit from the upcoming 2010 Olympic Games**

If each region of the province is to benefit economically from the 2010 Olympic Games, rural tourism products need to be developed and made available to visiting markets. The Research Chair will develop training modules on tourism product development and market readiness that can and will be delivered throughout the province on request, and on a distance delivery basis. The Research Chair will collaborate with existing efforts in the province to research the economic and social impact of the Olympics and will initiate a project to determine the long term economic impacts of the Olympics on rural communities in the province.

**Potential Impacts**

Potential impacts of this initiative include:

- a. Rural tourism and the realities faced in its development will be more clearly understood from the community to national level;
- b. Increased funding support for research and innovation projects will be enhanced due to the raised profile of rural tourism;
- c. Coordination in the studies being undertaken and the resources being used to support rural tourism;
- d. Relationships between researchers will be developed and fostered resulting in a network of researchers and clear communication and sharing of findings;

- e. The system and resources to provide support to new tourism entrepreneurs will be enhanced. This will facilitate higher success rates among small tourism organizations that supply the majority of the regions employment in tourism.
- f. The human capital in the regional tourism industry will be expanded, particularly in management and entrepreneurship. This expanded capacity will enable individual operations to achieve greater success and, ultimately, the industry to remain a viable economic development vehicle.
- g. Stronger networks within the industry will be created through the development and delivery of alternative training and education programs. This will allow the industry to continue to learn more about itself, and to share success strategies with one another.
- h. The regional tourism industry will have access to on-going, current and reliable information to guide decision-making. The partners and the tourism industry will be able to "benchmark" and understand how to respond to future scenarios.
- i. Rural communities will have a place and people to connect with to support rural tourism development initiatives. Tourism will become more integrated with policy and planning initiatives at the local community. Leaders will be more knowledgeable about the tourism industry, and will support its development based on more complete information.



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
NOV 16 2005			
BOARD			

**MEMORANDUM**

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

**FROM:** Robert Lapham, Deputy Administrator **FILE:** 3060 30 60546

**SUBJECT:** Development Permit Application No. 60546 – Wilson Electoral Area 'G' – 673 Imperial Drive

**PURPOSE**

To consider an application for the siting of a moved-on dwelling unit and associated site improvements and the removal of an existing manufactured home within the 'Sensitive Lands Development Permit Area' (DPA 10) pursuant to the "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998."

**BACKGROUND**

This application was referred back to staff at the November 8, 2005 Electoral Area Planning Committee meeting to allow the Director for Electoral Area 'G' to obtain further information with respect how the proposal complied with the Building Bylaw Regulations for moved on buildings. The referral was also in consideration of a petition from area residents that raised concerns about the proposal. Staff has reviewed the submission by the applicant and the proposal complies with the regulations for moved on buildings as well as the Development Permit Area guidelines. Where a proposal complies with the applicable zoning and building bylaw regulations and meets the development permit guidelines, unless substantive technical reasons related to the flood hazard and impact on sensitive ecosystems can be documented the Regional District will be legally compelled to issue a development permit for the proposal. However, staff has refused to authorize the placement of the building on the lot until the necessary approvals have been granted. (The building is current on a truck trailer parked on the highway.) Therefore, the following report and original recommendation previously submitted to the Electoral Area Planning Committee is being forwarded directly to the Board following the review by the Electoral Area Director.

The subject property, legally described as Lot 2, District Lot 28, Nanoose District, Plan 22685, is located at 673 Imperial Drive in the French Creek area of Electoral Area 'G' (see Attachment No. 1). The subject property is bound by residential lots to the north and east, to the south by River Crescent and to the west by Imperial Drive. Other residential properties are across from both roads.

The subject property, approximately 1582 m<sup>2</sup>, is zoned 'Residential 1' (RS1) subdivision district 'Q' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The property is presently serviced by community water and is on an individual septic disposal system. Community Sewer may be available in the near future as sewer lines are in the process of being installed in the area.

As the subject property is within the RDN building inspection area, "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991" and "Regional District of Nanaimo Building Regulation and Fees Bylaw No. 1250, 2001" and subsequent amendments apply. The 200 year flood plain has been established at 4.1 metres Geodetic Survey of Canada Datum (GSC).



The Sensitive Lands Development Permit Area was established to protect the natural environment, its ecosystems and biological diversity and to protect development from hazardous conditions. This Development Permit Area is applicable to flood prone lands and all those lands within the Plan Area with a natural grade greater than 30%.

The applicant was advised in August not to relocate the dwelling unit onto the subject property prior to the required Development Permit and Building Permits having been approved and issued and confirmation that the dwelling unit would meet the requirements, pursuant to "Regional District of Nanaimo Building Regulation and Fccs Bylaw No. 1250, 2001" and subsequent amendments, for moved on buildings. On September 29, 2005, based on the information provided by the applicant, the building did not have sufficient floor area to satisfy the requirements of Bylaw No. 1250 and; therefore, Community Planning was unable to proceed with support for the Development Permit Application at that time. Subsequently, the correct floor area calculations were provided (101.3 m<sup>2</sup>) which meet Bylaw No. 1250 requirements for a moved-on building. The value has also been confirmed by an Accredited Appraiser registered with the Accredited Appraiser Canadian Institute (AACI) and met the minimum valuation requirements of Bylaw No. 1250.

#### **ALTERNATIVES**

1. To approve the requested Development Permit application subject to the terms outlined in Schedule No. 1.
2. To identify which Development Permit guidelines are not being met and to deny the requested Development Permit.

#### **LAND USE AND DEVELOPMENT IMPLICATIONS**

This development permit is to facilitate the siting of a dwelling unit, in this case a moved-on building, on the subject property within the Sensitive Lands Development Permit Area. This Development Permit Area was established to protect development from hazardous conditions.

The Residential 1 zone permits a maximum density of one dwelling unit per parcel. The existing manufactured home will require a Building Permit for a temporary living facility and then a Demolition Permit to remove the manufactured home prior to occupancy being issued on the Building Permit for the moved-on dwelling unit. The dwelling unit is proposed to be sited in compliance with the Residential 1 (RS1) zone parcel coverage, minimum setback and maximum height requirements.

#### **HAZARD IMPLICATIONS**

A geotechnical report was completed by Robert A Davey, P. Eng., of Davey Consulting and Engineering Ltd. The report indicates that the foundation will be above the 200 year flood plain and that relocation of the building onto the property can be completed in a geotechnically safe manner for residential use provided the building is structurally sound. As the proposed dwelling unit will be above the 200 year flood plain a save harmless covenant is not being required as part of this application.

The Building Inspection Department may require that this geotechnical report and any subsequent engineering reports be registered on title as a condition of issuing the building permit. Structural engineering has been received on the dwelling unit and structural integrity will be addressed by Building Inspection Department as part of the Building Permit process.

**ENVIRONMENTAL IMPLICATIONS / LANDSCAPING**

The location of the property at more than 75 metres from French Creek would not allow for interaction with the riparian area, therefore any direct impact on French Creek is highly unlikely and improbable. The subject property is clearly beyond the 30 metre leave strip requirement of the Watercourse Protection Development Permit Area and there are no known environmentally sensitive features on the lot; therefore guidelines that address the natural environment, its ecosystems and biological diversity of the 'Sensitive Lands Development Permit Area' (DPA 10) by way of vegetation buffers and landscape screening are not applicable on the subject property. The subject property is already fully landscaped as it has functioned as a residential lot for a number of years.

The applicants have not indicated the location of the drainage systems on the site plan submitted with the application; therefore, staff recommends that the Board approve the Development Permit with the condition that the drainage works are to the satisfaction of the Chief Building Inspector.

**MOVED ON BUILDING IMPLICATIONS**

The Building Inspection Department has indicated that the moved-on dwelling unit is in compliance "Regional District of Nanaimo Building Regulation and Fees Bylaw No. 1250, 2001" and subsequent amendments. This includes meeting the minimum floor area, value, and bonding requirements.

**VOTING**


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

**SUMMARY/CONCLUSIONS**

This is an application to permit the siting of a moved-on dwelling unit within the Sensitive Lands Development Permit Area. As the dwelling unit can be sited on the subject property so that it is geotechnical safe for the intended use, above the 200 year flood plain, and in compliance with the Building Regulation and Fees Bylaw, staff suggests that the application has technical merit to proceed and recommends the application be approved.

**RECOMMENDATION**

That Development Permit Application No. 60546, to facilitate the siting of a dwelling unit at 673 Imperial Drive, be approved according to the terms outlined in Schedule No. 1.

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

**COMMENTS:**

*devsvs/reports/2005/dp no 3060 30 60546 Wilson*

**Schedule No. 1**  
**Terms of Development Permit No. 60546**  
**Lot 2, District Lot 28, Nanoose District, Plan 22685**  
**673 Imperial Drive**

**Development of Site**

1. Subject property to be developed in accordance with Schedule No. 1 and substantial compliance with Schedules No. 2 and 3.
2. All construction of buildings and structures to be undertaken must be consistent with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."
3. All works must be completed in accordance with the *British Columbia Building Code* and a building permit shall be obtained prior to commencement.
4. All works must be completed in accordance with "Regional District of Nanaimo Building Regulation and Fees Bylaw No. 1250, 2001" and subsequent amendments.
5. Drainage works shall be to the satisfaction of the Chief Building Inspector.
6. Land alteration that is necessary to provide community water and sewer connection shall be permitted.
7. Residential landscaping consisting of trees, shrubs, lawn, native vegetation and a driveway shall be permitted on the subject property.

**Geotechnical Report**

8. That all recommendations established by the Geotechnical Report prepared by Robert A Davey, P. Eng. of Davey Consulting and Engineering, a Division of Davey Holdings Ltd. shall be undertaken by the property owner.
9. The geotechnical report and subsequent engineer's reports shall be registered on title, if deemed necessary by the Chief Building Inspector.

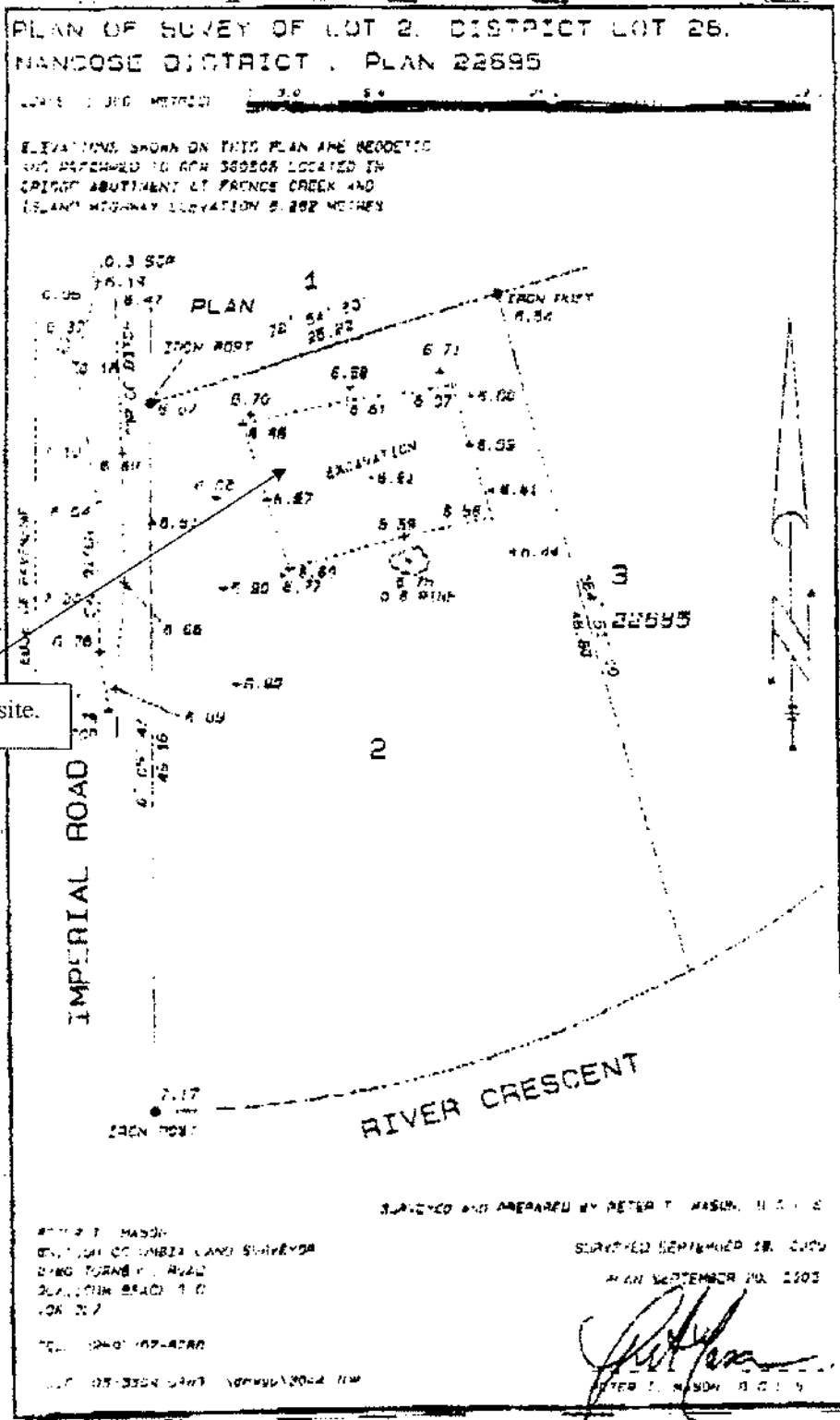
**Survey**

10. The applicants are to provide a final survey certified by a British Columbia Land Surveyor (BCLS), if deemed necessary by the Chief Building Inspector.

**Development Permit Protection Measures**

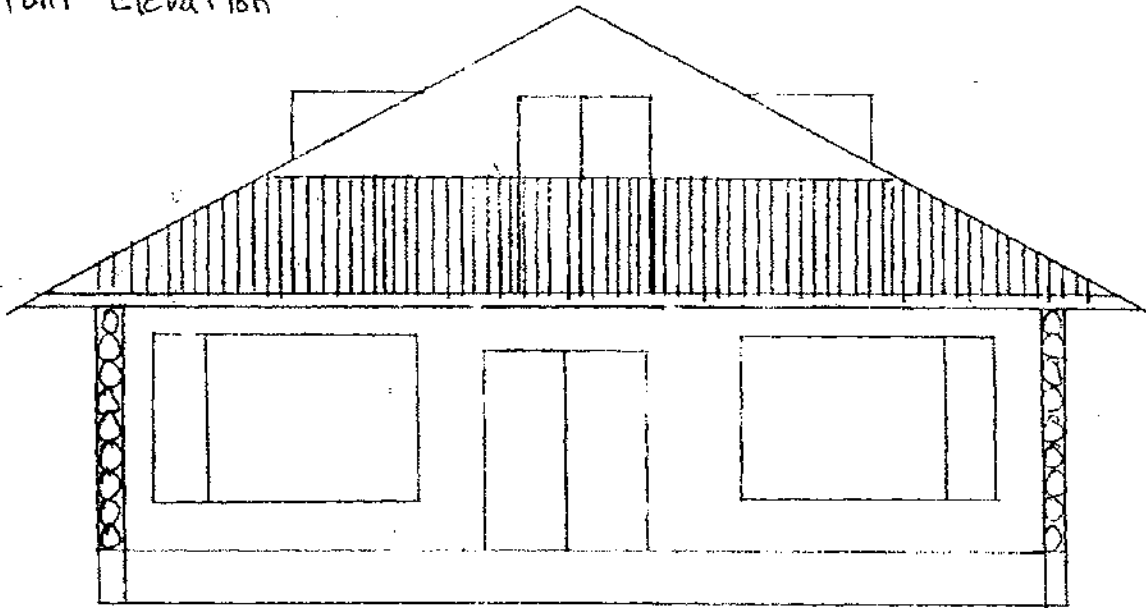
11. No habitation or building machinery or storage of items damageable by flood waters shall be located below the flood elevation of 4.1 metres GSC.
12. Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works and to stabilize the site after construction is complete. These measures must include:
  - Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
  - Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
  - Sediments must not be discharged to any drainage ditch or watercourse.
  - Cover temporary fills or soil stockpiles with polyethylene or tarps.
  - The discharge of surface drainage, including drainage from perimeter drains, roof leaders, and driveways shall be to the satisfaction of the Chief Building Inspector.

Schedule No. 2  
 Site Plan - Development Permit No. 60546  
 Lot 2, District Lot 28, Nanoose District, Plan 22685  
 673 Imperial Drive

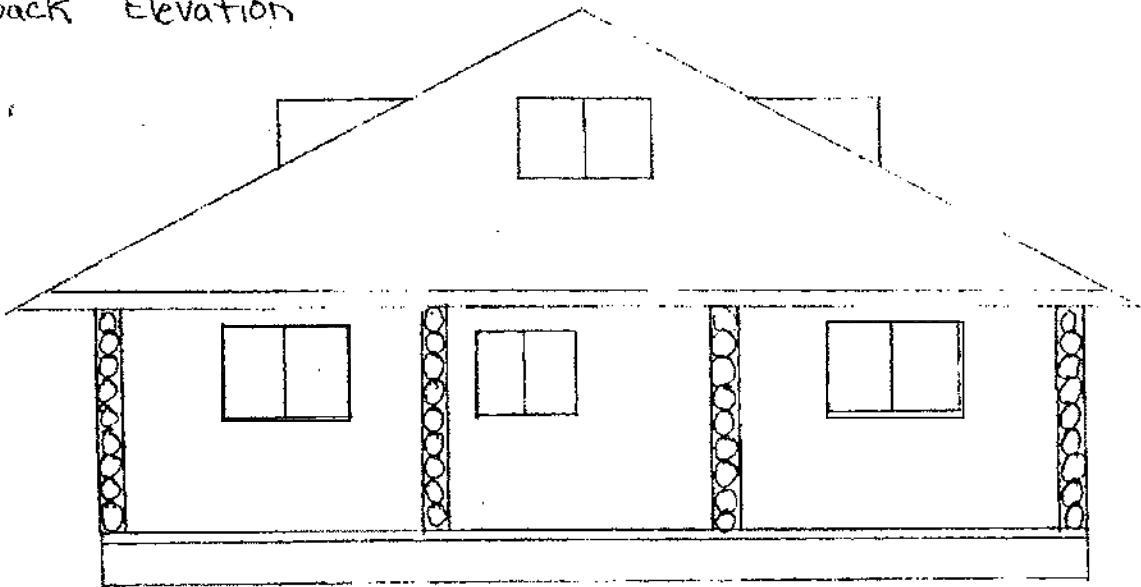


Schedule No. 3  
Profile Plan - Development Permit No. 60546  
Lot 2, District Lot 28, Nanoose District, Plan 22685  
673 Imperial Drive

Front Elevation

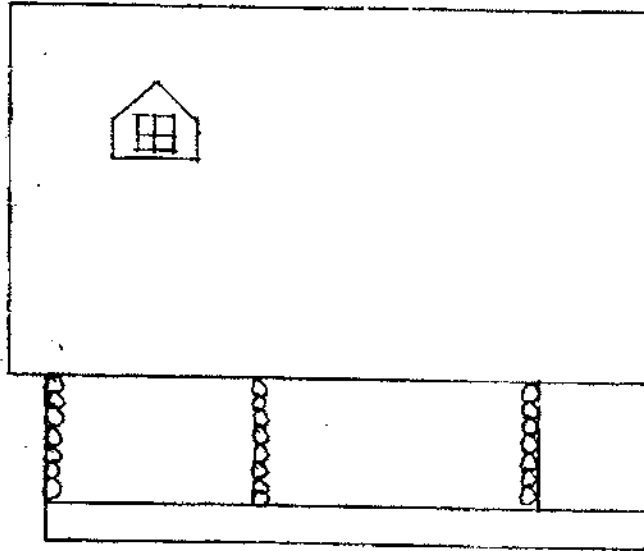


Back Elevation

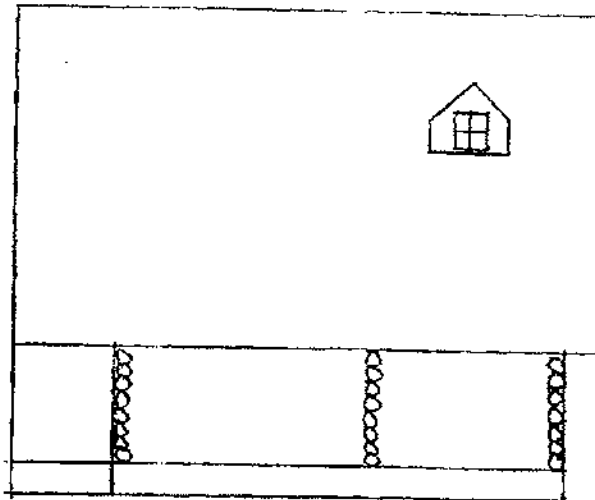


Schedule No. 3 (part 2 of 2)  
Profile Plan - Development Permit No. 60546  
Lot 2, District Lot 28, Nanoose District, Plan 22685  
673 Imperial Drive

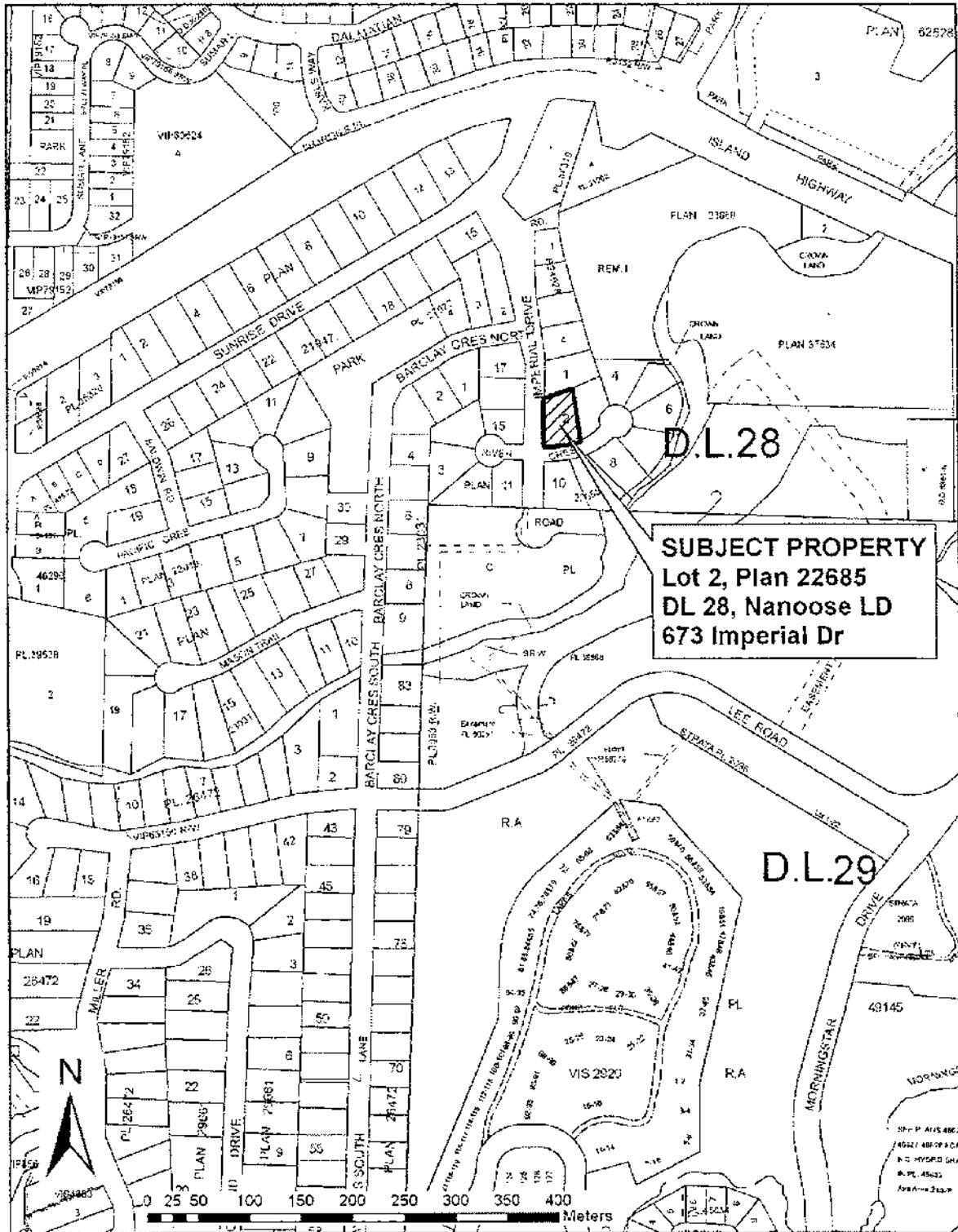
Left Elevation



Right Elevation



Attachment No. 1  
Subject Property  
Development Permit No. 60546



BCGS Map Sheet No. 92F 039 1:3



REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Cms
CAO	GM ES
DA CCD	MoF
NOV 15 2005	
BOARD	

**MEMORANDUM**

**TO:** Robert Lapham  
Deputy Administrator

**DATE:** November 14, 2005

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

**FILE:** 3360 30 0517

**SUBJECT:** RDN Text Amendment – Nanoose Bay Official Community Plan Implementation Electoral Area 'E'

**PURPOSE**

To reintroduce “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005” as amended at 2<sup>nd</sup> reading and to proceed to a new Public Hearing.

**BACKGROUND**

As the Board is aware, the Nanoose Bay Electoral Area ‘E’ Official Community Plan 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 1<sup>st</sup> and 2<sup>nd</sup> reading of the “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 3<sup>rd</sup> reading at the July 26, 2005 Regular Board meeting and was adopted on October 25, 2005.

A number of implementation action items are identified in the OCP bylaw. A report detailing the actions associated with amending Bylaw No. 500 in order to ensure its consistency with the OCP bylaw was received by the Regional Board at its Regular Board meeting on August 23, 2005. 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.

At its Regular meeting on August 23, 2005 “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005” was received by the Regional Board, was granted 1<sup>st</sup> and 2<sup>nd</sup> 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 2<sup>nd</sup> reading. As a result, the Public Hearing was not held. A subsequent Public Hearing was held on October 13<sup>th</sup> 2005. On October 25<sup>th</sup>, 2005 the Report of the Public Hearing on Bylaw No. 500.324, 2005 was received and the Bylaw was referred back to staff with direction to consider possible amendments.



Based upon the public input received two amendments to the bylaw are identified for Board consideration. These amendments are discussed below and are included in the revised draft of Bylaw No. 500.324, 2005 which is included as Attachment No. 2.

### **ALTERNATIVES**

1. To reconsider amendment Bylaw No. 500.324 for 3<sup>rd</sup> reading as currently written, and proceed to adoption.
2. To amend Bylaw No. 500.324 at 2<sup>nd</sup> reading and proceed to Public Hearing.
3. To refer Bylaw No. 500.324 back to staff with direction to make further amendments.

### **LAND USE AND DEVELOPMENT IMPLICATIONS**

Based upon an evaluation of public input received to date the following two amendments to “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005” are proposed.

Bylaw No. 500.324 currently proposes that Section 3.4.84 of “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005” be amended to require that strata lots in Rural 5 Zones have a minimum 2.0 ha parcel size requirement. Property owners and legal surveyors have objected to this amendment because they consider it to regulate land tenure as much as use.

Bylaw No. 500.324 currently proposes to amend the Subdivision District of Agricultural Land Reserve lands that are designated Resource in the OCP. This amendment involves a number of parcels changing from a 'D' (2 ha.), and one parcel from an 'F' (1 ha.) Subdivision District to the 'B' (8 ha.) Subdivision District. This proposed amendment also received a number of objections from property owners.

Given the objections received from the public, staff has provided a revised Bylaw 500.324 to remove these two proposed amendments to “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005.” The text of Bylaw No. 500.324, 2005 with the above noted revisions is shown as Attachment No. 2. Staff recommends that Bylaw No. 500.324, 2005, as amended, be reintroduced at 2<sup>nd</sup> reading and proceed to Public Hearing.

Attachment No. 1 shows the properties impacted by Bylaw No. 500.324 with the above noted revisions to the bylaw.

### **PUBLIC CONSULTATION IMPLICATIONS**

The zoning amendments that have been proposed are outlined in the OCP Bylaw, which has been the subject of considerable public consultation and debate. As a result, there has been opportunity for affected property owners to raise issues and concerns. Further, a Public Hearing was held on October 13<sup>th</sup>, 2005 and the Report of the Public Hearing was received and the Bylaw was referred back to staff with direction to consider possible amendments on October 25<sup>th</sup>, 2005.

As a result Bylaw No. 500.324 has been revised and may be reconsidered for 2<sup>nd</sup> reading by the Board. Should the bylaw be amended at 2<sup>nd</sup> reading a new Public Hearing must be held.

Lantzville, Ministry of Community Services, Ministry of Forests, Ministry of Energy and Mines, Agricultural Land Commission, School District #69, Vancouver Island Health Authority, and Nanoose First Nation. Verbal comments were received from the Ministry of Agriculture that they support increasing the parcel size for lands in the ALR to 8.0 ha.

## VOTING

Electoral Area Directors – one vote, except Electoral Area ‘B’.

## SUMMARY

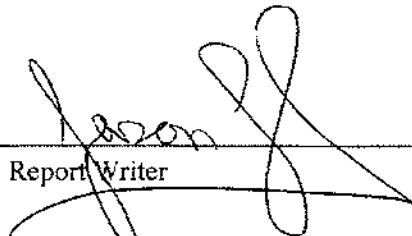
The “Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005” includes an implementation strategy to establish consistency between the minimum parcel sizes outlined in the OCP for lands designated Coast Residential, Rural Residential and Resource and the Land Use and Subdivision Bylaw No. 500. These amendments are also consistent with the *Regional Growth Strategy*.

“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 1<sup>st</sup> and 2<sup>nd</sup> reading and was referred to a Public Hearing that was held on October 13<sup>th</sup> 2005. The Report of the Public Hearing on Bylaw No. 500.324, 2005 was received on October 25<sup>th</sup>, 2005 and the Bylaw was referred back to staff with direction to consider possible amendments. Based upon the public input that was received, two revisions to the amendment Bylaw are identified for Board consideration.

The restriction on building strata subdivisions pursuant to the *Strata Property Act* for Rural 5 (RUS) zoned properties, and the proposal to increase the parcel size for Resource lands in the ALR to 8.0 ha. has been removed from the proposed new Bylaw No. 500.324 as shown in Attachment No. 2. Staff recommends that the revised “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005” be reintroduced at 2<sup>nd</sup> reading and be referred to a Public Hearing.

## RECOMMENDATIONS

1. That the amended “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005” be given 2<sup>nd</sup> reading.
2. That the amended “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.324, 2005” proceed to a Public Hearing.
3. That the Public Hearing on 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.



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Report Writer



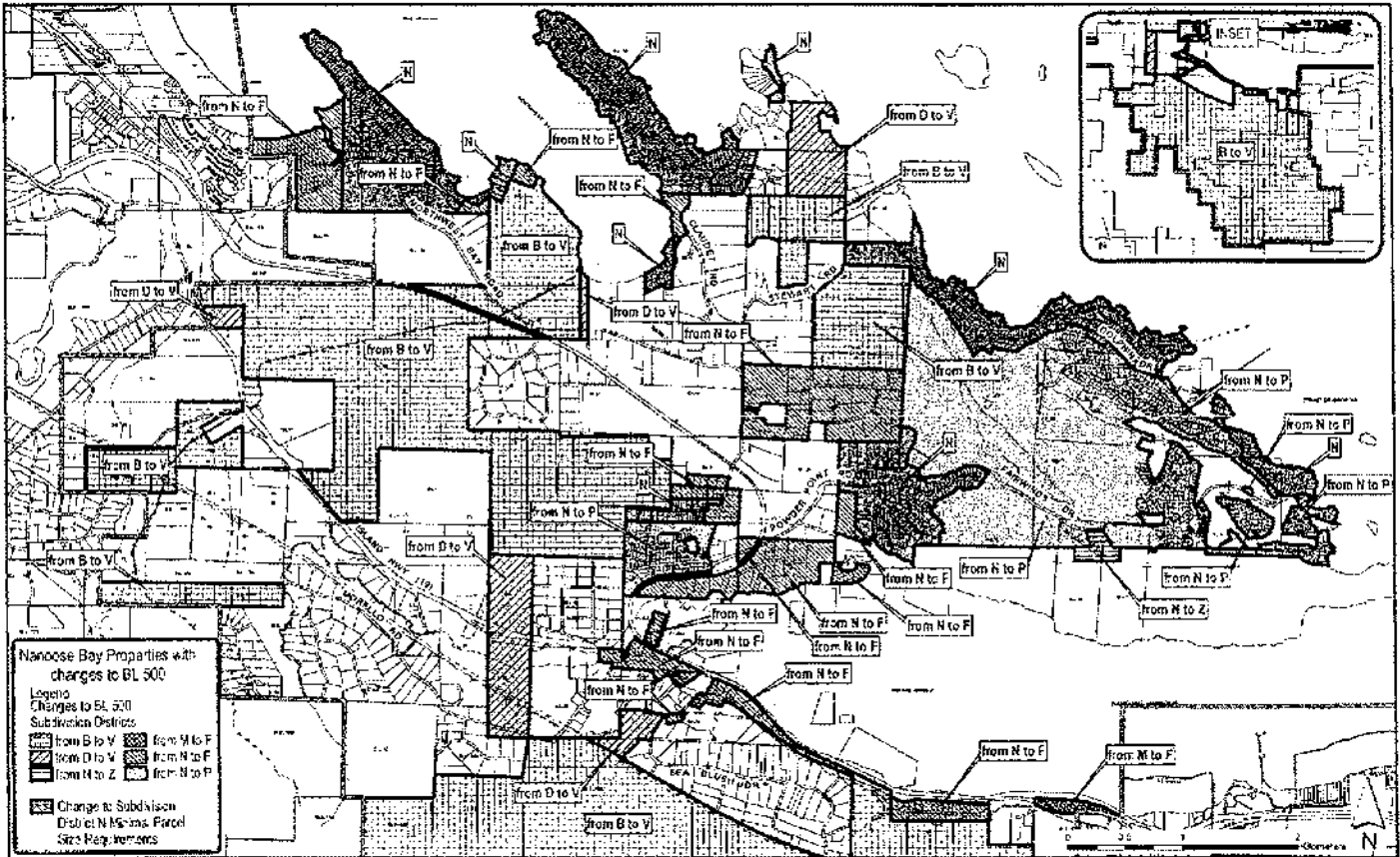
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Deputy Administrator Concurrence

## COMMENTS:

devsus/reports/2005.txt 3360 30 0517 EAE OCP Implementation

Attachment No. 1  
Electoral Area E Zoning Amendment Subject Properties



**Attachment No. 2**  
**Text of**  
**Regional District of Nanaimo Land Use and Subdivision Bylaw**  
**Amendment Bylaw No. 500.324, 2005**

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

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

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

1. **PART 3 LAND USE REGULATIONS**, is hereby amended as follows:

**Section 3.9 Setbacks - Sea** is hereby deleted and replaced with the following:

**Section 3.9 Setbacks – Sea**

- a) For all Electoral Areas, except Electoral Area 'E', on parcels adjacent to or containing a coastal watercourse, no building or structure shall be constructed, moved, extended
  - i) within 8.0 metres horizontal distance inland from the top of a slope of 30% or greater boundary; or
  - ii) within 8.0 metres horizontal distance from the natural boundary, whichever is greater.
- b) For Electoral Area 'E', on parcels adjacent to or containing a coastal watercourse, no building or structure shall be constructed, moved, extended
  - i) within 8.0 metres horizontal distance inland from the top of a slope of 30% or greater; or
  - ii) within 15.0 metres horizontal distance from the natural boundary, whichever is greater.

2. **SCHEDULE '3A', ZONING MAPS** is hereby amended by rezoning:

- i) From Residential 1 (RS1) to Public 4 (PU4) the land legally described as:

Lot A, District Lot 7, Nanoose District, Plan VIP59496,

- i) From Residential 1 (RS1) to Public 1 (PU1) the land legally described as:

Lots 3, District Lot 130, Nanoose District, Plan 27190

Lots 4, District Lot 130, Nanoose District, Plan 27190

Lots 5, District Lot 130, Nanoose District, Plan 27190

Lots 6, District Lot 130, Nanoose District, Plan 27190

as shown in heavy outline on Schedule '1' which as attached to and forms part of this Bylaw.

3. **PART 4 SUBDIVISION REGULATIONS, SCHEDULE '4A', SUBDIVISION DISTRICT MAPS** is hereby amended as follows:

- a) by changing the Subdivision District from 'N' to Subdivision District 'Z' for the land legally described as

Lot A, District Lot 7, Nanoose District, Plan VIP59496,

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

- b) by changing the Subdivision District from 'B' to Subdivision District 'V', for those parcels shown on Schedule '3', which is attached to and forms part of this Bylaw;
- c) by changing the Subdivision District from 'D' to 'V', for those parcels shown on Schedule '4', which is attached to and forms part of this Bylaw;
- d) by changing the Subdivision District from 'M' to 'F', for those parcels shown on Schedule '5', which is attached to and forms part of this Bylaw;
- e) by changing the Subdivision District from 'N' to 'F', for those parcels shown on Schedule '6', which is attached to and forms part of this Bylaw; and
- f) by changing the Subdivision District from 'N' to 'P', for those parcels shown on Schedule '7', which is attached to and forms part of this Bylaw;

5. **PART 4 SUBDIVISION REGULATIONS, SCHEDULE '4B', SUBDIVISION DISTRICTS** is hereby amended as follows:

- a) **Subdivision District 'N':**

- i) by deleting the minimum parcel size of 1,000m<sup>2</sup> for parcels with Community Water and Community Sewer system; and replacing with 1,600 m<sup>2</sup>.



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
NOV 15 2005			
BOARD			

**MEMORANDUM**

**TO:** Robert Lapham  
Deputy Administrator

**DATE:** November 15, 2005

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

**FILE:** 3360 30 0511

**SUBJECT:** Bylaw Amendment Bylaw No. 500.320, 2005 – Amendment to Minimum Parcel Size  
Electoral Areas 'A', 'C', 'D', 'E', 'G' & 'H'

**PURPOSE**

To consider Bylaw No. 500.320 for adoption.

**BACKGROUND**

The purpose of this amendment bylaw is to amend Part 4.4.1 of the Subdivision Regulations of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" by increasing the minimum parcel size for subdivision pursuant to section 946 of the *Local Government Act* (subdivision to provide a residence for a relative) from a minimum parcel size of 2500 m<sup>2</sup> to a minimum parcel size of 1.0 ha.

Bylaw No. 500.320, 2005 was introduced and given 1<sup>st</sup> and 2<sup>nd</sup> reading on May 24, 2005. As a result of further review staff re-introduced an amended Bylaw No. 500.320, 2005 on September 20, 2005 for 2<sup>nd</sup> reading. The amendments accommodate subdivisions to a minimum size of 2500 m<sup>2</sup> where the property is connected to a community water service prior to the adoption of the Regional Growth Strategy. On October 27, 2005 a Public Hearing was held for the amended bylaw. The Report of the Public Hearing containing the summary of the Minutes and Submissions was considered by the Board, and the Bylaw received 3<sup>rd</sup> reading on September 20, 2005. Approval from the Ministry of Transportation was received on November 9, 2005.

**ALTERNATIVES**

1. To adopt Bylaw No. 500.320.
2. To not adopt Bylaw No. 500.320.

**VOTING**

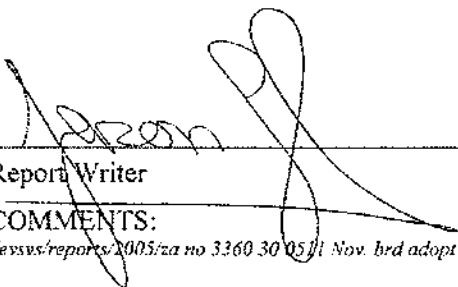
Electoral Area Directors - one vote, except Electoral 'B'.

**SUMMARY**

Bylaw No. 500.320, 2005 was given 1<sup>st</sup> and 2<sup>nd</sup> reading on September 20, 2005. On October 27, 2005 a Public Hearing was held for the amended bylaw. The Report of the Public Hearing containing the summary of the Minutes and Submissions was considered by the Board, and the Bylaw received 3<sup>rd</sup> reading on September 20, 2005. Approval from the Ministry of Transportation was received on November 9, 2005. The Board may now consider "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.320, 2005" for adoption.

**RECOMMENDATION**

That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.320, 2005" be adopted.

  
\_\_\_\_\_  
Report Writer  
COMMENTS:  
*devvs/reports/2005/za no 3360 30 05/11 Nov. brd adopt*

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



REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Cms
CAO	GM ES
DA CCD	McF
NOV 10 2005	
BOARD	

MEMORANDUM

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

**DATE:** November 10, 2005

**FROM:** Greg Keller  
Planner

**FILE:** 3360 30 0509

**SUBJECT:** Amendment Application ZA0509 - Oceanside Wood Products—Bylaw No. 1285.08  
All Electoral Areas, Except 'B'

PURPOSE

To consider Bylaw 1285.08, 2005 for adoption.

BACKGROUND

Bylaw No. 1285.08, 2005 was introduced and given 1<sup>st</sup> and 2<sup>nd</sup> reading on September 20, 2005. This was followed by a Public Hearing held on November 1, 2005. The Board granted 3<sup>rd</sup> reading for the bylaw on November 8, 2005.

The purpose of this amendment bylaw is to rezone the parcel legally described as Lot 5, District Lot 103, Nanoose District, Plan VIP73532 and located at 1429 Springhill Road in Electoral Area 'F' (see attachment No. 1 for location of subject property) from Industrial 1 (I-1) to CD-17 1429 Springhill Road (CD-17) in order to permit the construction of a value-added lumber re-manufacturing facility including a defined area for outdoor storage, sorting, and bucking of raw logs.

At 3<sup>rd</sup> reading of this amendment application, the Conditions for Approval include the preparation and registration of a covenant restricting vegetation removal within 4.5 metres of the property line adjacent to Church Road and prohibiting the storage of wood wastes beyond a volume of 250m<sup>3</sup> and the processing of wood wastes on the subject property. The second condition requires the applicant to submit a copy of the waste discharge authorization as issued by the Ministry of Environment.

Please note, the proposed CD-17 1429 Springhill Road zone prohibits the storage of wood wastes beyond a volume of 250m<sup>3</sup> and the processing of wood wastes on the subject property; therefore, reference to the storage and processing of wood waste on the subject property is not included in the covenant. The requested covenant has been signed by the property owner and is being registered on title by solicitors acting for the Regional District of Nanaimo.

The Environmental Protection Officer of the Ministry of Environment indicates that the applicant has completed the public consultation component of the waste discharge permitting process and that the applicant is proposing works considered reasonably typical for the treatment demands of the proposed operation. The Ministry has also indicated that as the waste discharge permit is for a "low risk discharge" and is not a high priority. The Ministry has indicated that it is unlikely that an authorization permit for the proposed discharge will not be issued.



Based on the correspondence received from the Ministry of Environment and the fact that airborne emissions are under provincial jurisdiction, staff is satisfied that the applicant has taken all steps reasonable to obtain a waste discharge authorization permit and that the applicant has satisfied this condition of approval.

**ALTERNATIVES**

1. To adopt Bylaw No. 1285.08, 2005
2. To not adopt Bylaw No. 1285.08, 2005

**VOTING**

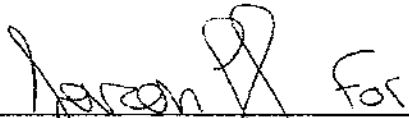
Electoral Area Directors - one vote except Electoral Area 'B'.

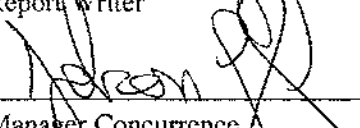
**SUMMARY**

The purpose of Bylaw No. 1285.08, 2005 is to rezone Lot 5, District Lot 103, Nanoose District, Plan VIP73532, located at 1429 Springhill Road in Electoral Area 'F' to permit the construction of a value-added lumber re-manufacturing facility including a defined area for outdoor storage, sorting, and bucking of raw logs. The bylaw was given 3<sup>rd</sup> reading on November 8, 2005. Staff is satisfied that the applicant has adequately met the required conditions of approval. Therefore, staff recommends that the Board consider adoption of Bylaw No. 1285.08, 2005.

**RECOMMENDATION**

That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.08, 2005" be adopted.

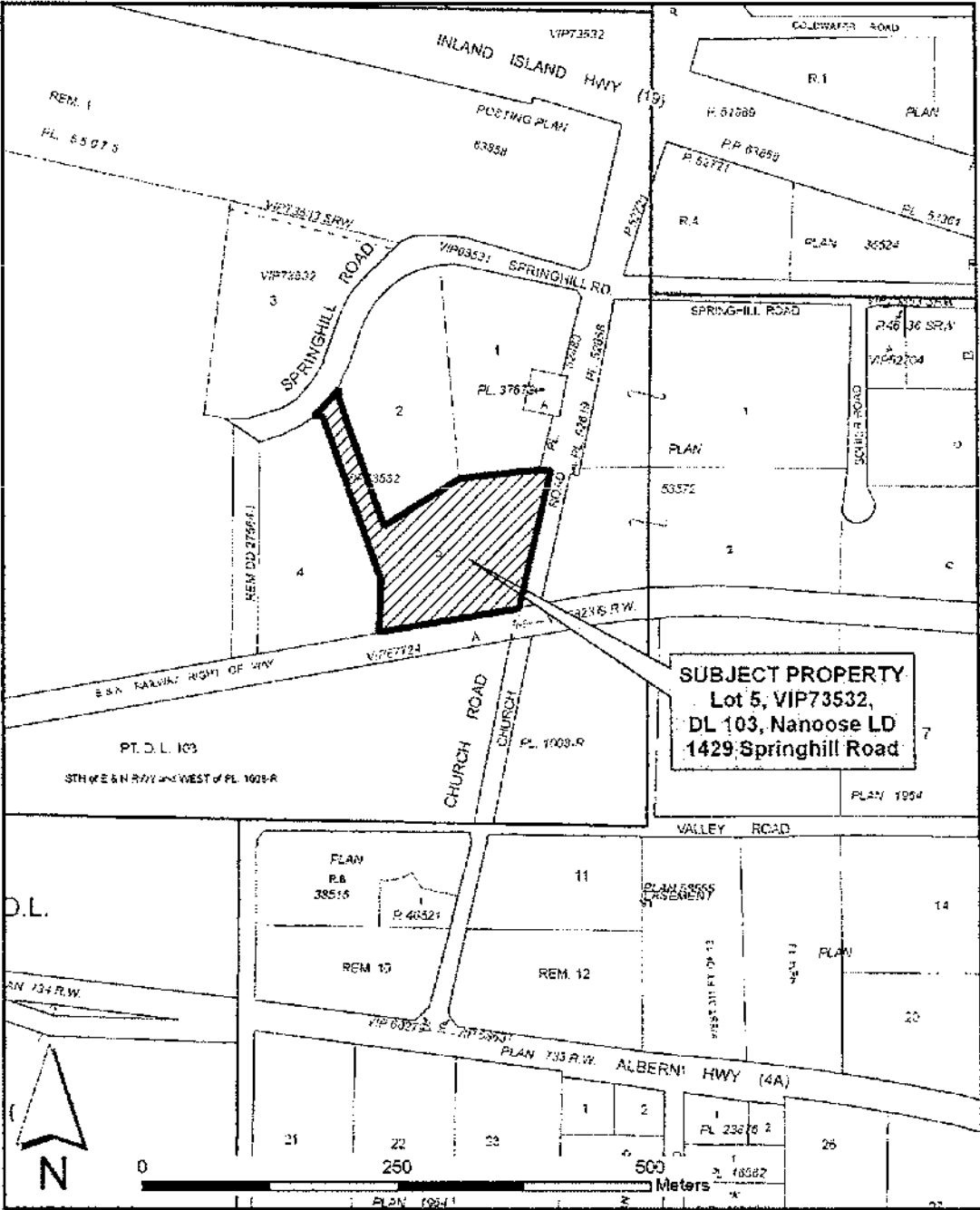
  
\_\_\_\_\_  
Report Writer

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

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

COMMENTS:  
*devsvs/reports/2005/ZA3360 30 0509 no brd 1285.08 adopt*

Attachment No. 1  
Location of Property Map



BCGS MAPSHEET NO. 92F.099.1.1

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, NOVEMBER 8, 2005, AT 6:30 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

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

**Also in Attendance:**

B. Lapham	Deputy Administrator
J. Lewellyn	Manager of Community Planning
W. Moorman	Manager of Engineering Standards & Subdivision
M. Pearse	Manager of Administrative Services
C. McIver	Manager of Solid Waste
N. Tonn	Recording Secretary

**MINUTES**

MOVED Director Bartram, SECONDED Director Holme, that the minutes of the Electoral Area Planning Committee meeting held October 11, 2005 be adopted.

CARRIED

**PLANNING**

**AMENDMENT APPLICATIONS**

**Amendment Application ZA0512 – Taylor/Houston – Fielding Road – Area A.**

MOVED Director Kreiberg, SECONDED Director Bartram,:

1. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.321, 2005", to rezone the land from Residential 2 Subdivision District 'F' (RS2F) to Fielding Road Comprehensive Development Zone 22 Subdivision District 'Z' (CD22Z) to accommodate future light industrial and related uses on a property located on Fielding Road be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.321, 2005" proceed to Public Hearing.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.321, 2005" be delegated to the Electoral Area 'A' Director or his alternate.

CARRIED

## DEVELOPMENT PERMIT APPLICATIONS

### **Development Permit Application No. 60534 – Andrew Lis, on behalf of Gaigher Holding Ltd. – Jamieson Road – Area H.**

MOVED Director Bartram, SECONDED Director Biggemann, that Development Permit Application No. 60534 submitted by Andrew Lis, on behalf of Gaigher Holdings Inc., in conjunction with the subdivision on the parcel legally described as That Part of Lot 40, Newcastle District, Lying to the South West of the Esquimalt and Nanaimo Railway Company Right of Way, Except Those Parts in Plans 15180 and 43604 and designated within the Environmentally Sensitive Areas Development Permit Area, be approved, subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

### **Development Permit Application No. 60546 – Wilson – 673 Imperial Drive – Area G.**

MOVED Director Stanhope, SECONDED Director Kreiberg, that this item be referred back to staff for further information.

CARRIED

### **Development Permit Application No. 60551 – Fern Road Consulting, on behalf of D & B Yochim – Marshall Road – Area H.**

MOVED Director Bartram, SECONDED Director Holme, that Development Permit Application No. 60551 submitted by Fern Road Consulting Ltd., on behalf of D & B Yochim, in conjunction with the subdivision on the parcel legally described as Lot V, District Lot 19, Newcastle District, Plan 8156 and designated within the Environmentally Sensitive Features Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

### **Development Permit Application No. 60552 – Erickson – 1013 Surfside Drive – Area G.**

MOVED Director Stanhope, SECONDED Director Bartram, that Development Permit Application No. 60552, to facilitate an addition to the dwelling unit at 1013 Surfside Drive, be approved according to the terms outlined in Schedule No. 1.

CARRIED

### **Development Permit Application No. 60553 – Fern Road Consulting Ltd., on behalf of A G Project Management Inc. – McColl Road – Area H.**

MOVED Director Bartram, SECONDED Director Stanhope,;

1. That Development Permit Application No. 60553 submitted by Fern Road Consulting Ltd., on behalf of AG Project Management Inc., in conjunction with the subdivision on the parcel legally described as Lot 12, District Lot 85, Newcastle District, Plan 2018, Except part in Plan 3803 and Except Parcel A (DD 70745N) and designated within the Environmentally Sensitive Features and Hazard Lands Development Permit Areas be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.
2. That the park land proposal, in the amount and location as shown on Schedule No. 2 of the staff report, be accepted subject to the conditions set out in Schedule No. 3 of the staff report.
3. That the request for relaxation of the minimum 10% frontage requirement for proposed Lots 9, 23 and 24 be approved.

CARRIED

**OTHER**

**Request for Relaxation of the Minimum 10% Perimeter Requirement – Reynolds – 1850 Shasta Road – Area A.**

MOVED Director Kreiberg, SECONDED Director D. Haime, that the request from Walter Reynolds to relax the minimum 10% frontage requirement for proposed Lot 1, as shown on the plan of subdivision of Lot 2, Plan VIP65093, Section 14, Range 5, Cedar District, be approved.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 6:39 PM

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CHAIRPERSON

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE COMMITTEE OF THE WHOLE  
MEETING HELD ON TUESDAY, NOVEMBER 8, 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
Alternate	
Director A. Kruyt	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director L. McNabb	City of Nanaimo
Director L. Sherry	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director T. Krall	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director D. Tyndall	City of Nanaimo

**Also in Attendance:**

B. Lapham	Deputy Administrator
N. Connelly	General Manager of Community Services
N. Avery	Manager of Financial Services
M. Pearce	Manager of Administrative Services
C. McIver	Manager of Solid Waste
S. DePol	A/Manager of Liquid Waste
N. Tonn	Recording Secretary

**CALL TO ORDER**

The Chairperson welcomed Alternate Director Kruyt to the meeting and congratulated him on his many years on the Board.

**DELEGATION**

**Jean Crowder, MP Nanaimo-Cowichan, re Federal Update.**

Ms. Crowder stressed the need for open communication channels between all levels of government and touched on a number of federal government items including Bill C66. Ms. Crowder then opened the floor to questions from the Board.

**LATE DELEGATION**

MOVED Director Krall, SECONDED Director Lund, that Mr. K. Zakreski be permitted to address the Committee as a late delegation.

CARRIED

**Ken Zakreski, re Community Radio Service.**

Mr. Zakreski provided a verbal update on the Gabriola Island Radio Society's application to the CRTC for radio service licensing on Gabriola Island.

**MINUTES**

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the Committee of the Whole meeting held October 11, 2005 be adopted.

CARRIED

**COMMUNITY SERVICES**

**EMERGENCY PLANNING**

**Pandemic Influenza Planning – VIHA and Local Governments.**

MOVED Director Krall, SECONDED Director Korpan, that the report on the VIHA Pandemic Influenza Plan be received for information.

CARRIED

**CORPORATE & COMMUNITY DEVELOPMENT**

**BUILDING INSPECTION**

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

MOVED Director Holme, SECONDED Director Korpan, that the following filing be deferred to the next In Camera Board meeting:

Lot 3, District Lot 78, Nanoose District, Plan 28203 – 1794 Oakleaf Road, Area 'E', owned by D. and K. Barber.

CARRIED

MOVED Director Holme, SECONDED Director Hamilton, that a notice be filed against the title of the property 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 2, District Lot 78, Nanoose District, Plan 15562 -- 2768 Teds Road, Area 'E', owned by Young Soon Reimer.

CARRIED

**FINANCE**

**Operating Results to September 30, 2005.**

MOVED Director Sherry, SECONDED Director McNabb, that the summary report of financial results from operations to September 30, 2005 be received for information.

CARRIED

**Authority to Fund Community Radio Station.**

MOVED Director Krall, SECONDED Director Tyndall, that the report on the Regional District's authority to fund a community radio station on Gabriola Island be received for information.

CARRIED

**Vancouver Island Biosphere Request for Study Funding.**

MOVED Director Tyndall, SECONDED Director Biggemann, that a decision on the request from the Vancouver Island Biosphere Center be deferred and that staff be directed to review comparative jurisdictions' grants-in-aid criteria, obtain comment and input from the current members of the Grants-in-Aid Committee and report the results of the survey to the Board prior to March 31, 2006.

CARRIED

**Amendment to Bylaw No. 951 – a Bylaw to Provide for the Payment of Development Cost Charges by Installments.**

MOVED Director McNabb, SECONDED Director Bartram,:

1. That "District 69 Development Cost Charge Installment Payments Amendment Bylaw No. 951.01, 2005" be introduced for three readings.
2. That "District 69 Development Cost Charge Installment Payments Amendment Bylaw No. 951.01, 2005" having received three readings be adopted.

CARRIED

**FIRE PROTECTION**

**Request to Use Reserve Funds for Early Payout of Firefighting Vehicle Lease – Errington Fire Department.**

MOVED Director Biggemann, SECONDED Director Holme, that the Board authorize the use of \$41,550 from the Errington Fire Department reserve fund to assist in paying down their vehicle lease with the Municipal Finance Authority.

CARRIED

**Extension Fire Protection Service Boundary Amendment Bylaw No. 1439.01 and Nanaimo River Fire Protection Service Boundary Amendment Bylaw No. 1440.01.**

MOVED Director Hamilton, SECONDED Director D. Haime,:

1. That "Extension Fire Protection Service Boundary Amendment Bylaw No. 1439.01, 2005" be introduced for first three readings and be forwarded to the Ministry of Community Services for approval.
2. That "Nanaimo River Fire Protection Service Boundary Amendment Bylaw No. 1440.01, 2005" be introduced for first three readings and be forwarded to the Ministry of Community Services for approval.

CARRIED

**Lease Agreement for Ambulance Station Located at the Bow Horn Bay Firehall Site.**

MOVED Director Bartram, SECONDED Director Holme, that the Chairperson and Deputy Administrator be authorized to execute the lease agreement with BCBC for the use of portions of the Bow Horn Bay Fire service firehall and land for locating housing and equipment operated by the BC Ambulance Service.

CARRIED



**HOSPITAL**

**Regional Hospital District 2006 Provisional Budget.**

MOVED Director Sherry, SECONDED Director Kruyt, that the 2006 Regional Hospital District provisional budget be approved with the following components:

Property tax requisition	\$ 5,232,920	
Minor capital equipment grants (from current property taxes)	\$ 2,004,800	
Major capital equipment grants (borrow up to)	\$ 815,000	
		CARRIED

**PLANNING**

**District of Lantzville Development Services Contract Agreements.**

MOVED Director C. Haime, SECONDED Director Holdom, that the 2006 Service Agreements between the Regional District of Nanaimo and the District of Lantzville for mapping, animal control, building inspection, bylaw enforcement, house numbering, noise regulations, nuisance control and unsightly premises services be approved.

CARRIED

**ENVIRONMENTAL SERVICES**

**LIQUID WASTE**

**French Creek Pollution Control Centre Biosolids Program – Contract.**

MOVED Director Sherry, SECONDED Director Holdom, that the RDN discontinue sending FCPCC biosolids to Qualicum Farms Limited and award a two year contract for biosolids reuse to SYLVIS Environmental.

CARRIED

**Liquid Waste Department Wet Weather Flow – Inflow and Infiltration Program.**

MOVED Director Sherry, SECONDED Director Kruyt, that the fact sheet on Wet Weather Flow in the Greater Nanaimo Trunk and Treatment System be received for information.

CARRIED

**SOLID WASTE**

**Open Burning Smoke Control Regulation – Request for Category Change – Electoral Areas A, B, E and G.**

MOVED Director Krall, SECONDED Director Lund, that the Board request that the Ministry of Environment change Electoral Areas A, B, E and G to Category A under the Open Burning Smoke Control Regulation.

CARRIED

**Joint CVRD/RDN Solid Waste Disposal Request for Proposals.**

MOVED Director Sherry, SECONDED Director McNabb,:

1. That the Board receive the correspondence from the Cowichan Valley Regional District inviting the RDN to participate in a request for proposals seeking options for solid waste disposal; and,

2. That the Board reply to the Cowichan Valley Regional District advising them that a request for proposals is premature at this time and should be postponed until completion of the joint review of new and emerging technologies scheduled for 2006.

CARRIED

## UTILITIES

### **French Creek Bulk Water Supply Local Service Area Boundary Amendment Bylaw No. 1050.05.**

MOVED Director Krall, SECONDED Director Sherry, that "French Creek Bulk Water Supply Local Service Area Boundary Amendment Bylaw No. 1050.05, 2005" be introduced for first three readings and be forwarded to the Ministry of Community Services for approval.

CARRIED

### **Inclusion of Two Properties into the Pacific Shores Sewer Local Service Area – Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.06 and Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.39.**

MOVED Director Holme, SECONDED Director Sherry,:

1. That "Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.06, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
2. That "Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.39, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

## COMMISSION, ADVISORY & SELECT COMMITTEE

### **District 69 Recreation Commission.**

MOVED Director Bartram, SECONDED Director Longmuir, that the minutes of the District 69 Recreation Commission meeting held October 20, 2005 be received for information.

CARRIED

Director Longmuir left the meeting citing a possible conflict of interest with the next item.

MOVED Director Bartram, SECONDED Director Sherry, that the Youth and Community Grants be endorsed as follows with the exception of the Errington War Memorial Hall Association request in the amount of \$5,000:

#### ***Community Group***

Arrowsmith Community Enhancement Society	\$	1,005
Arrowview Elementary PAC	\$	2,000
Bard to Broadway – adult program	\$	1,215
Coombs Halloween Candy Walk	\$	2,500
Echo Players Theatre Group	\$	1,100
Errington War Memorial Hall Association	\$	5,000
Oceanside Ebttide Slo-Pitch	\$	1,800
Oceanside Floor Curlers	\$	500
Oceanside Lyric Ensemble	\$	1,100
Parksville and District Association for Community Living	\$	2,500
Parksville Seniors Activity & Drop-in Centre	\$	200

**Youth Group**

Bard to Broadway – youth program	\$	1,250	
District 69 Family Resource Association	\$	1,678	
Oceanside Track and Field Club	\$	2,500	
Qualicum Beach Volunteer Fire Department	\$	2,500	
			CARRIED

MOVED Director Bartram, SECONDED Director Sherry, that staff review the grant request from the Errington War Memorial Hall Association to determine the funds required to complete repairs to the hall roof.

CARRIED

Director Longmuir returned to the meeting.

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

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held October 13, 2005 be received for information.

CARRIED

**Regional Parks and Trails Advisory Committee.**

MOVED Director McNabb SECONDED Director Tyndall, that the minutes of the Regional Parks and Trails Advisory Committee meeting held October 25, 2005 be received for information.

CARRIED

**Area 'B' Parks and Open Space Advisory Committee.**

MOVED Director Lund, SECONDED Director Kreiberg, that the minutes of the Area 'B' Parks and Open Space Advisory Committee meeting held September 12, 2005 be received for information.

CARRIED

**Transit Business Plan Update Select Committee.**

MOVED Director Krall, SECONDED Director Holdom, that the minutes of the Transit Business Plan Update Select Committee meeting held October 27, 2005 be received for information.

CARRIED

MOVED Director Korpan, SECONDED Director Krall, that the motion with respect to transit and HandyDART fares brought forward from the Transit Business Plan Update Select Committee be referred back to a special meeting of the Committee to be held November 17, 2005 and a report be submitted to the November 22, 2005 Board meeting.

CARRIED

**NEW BUSINESS**

**E & N Pest Management Plan.**

MOVED Director Bartram, SECONDED Director Kreiberg,:

1. That staff prepare a letter to the Premier expressing the RDN's disappointment of the Provincial government's approval of the Pest Management Plan for the E & N Railway in spite of the many valid concerns expressed by the Board of Directors and residents of the Regional District of Nanaimo, Municipalities of Nanaimo, Parksville and Qualicum Beach and the District of Lantzville.

2. That the RDN solicit support from the Regional Districts, Municipalities and MLA's along the E & N Railway corridor requesting that the Minister of Environment, the Honourable Barry Penner, intervene to suspend the Pest Management Plan for the E & N Railway right of way.

CARRIED

#### **BOARD INFORMATION**

##### **Community Works Fund Agreement.**

The Chairperson noted the favourable financial impact that the Community Works Fund Agreement will have on the Regional District of Nanaimo in the next four years.

#### **ADJOURNMENT**

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

CARRIED

TIME: 8:01 PM

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CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Cms
CAO	GM ES
DA CCD	MoF
NOV 10 2005	
BOARD	

## MEMORANDUM

**TO:** John Finnie  
General Manager of Environmental Services

**DATE:** November 7, 2005

**FROM:** Mike Donnelly  
Manager of Utilities

**FILE:** 5500-22-BC-01

**SUBJECT:** Amendment to the Barclay Crescent Sewer Rates and Regulation Bylaw No. 1472

### PURPOSE

To present for Board approval an amended Barclay Crescent Sewer Rates and Regulation Bylaw.

### BACKGROUND

At the October 25<sup>th</sup>, 2005 meeting of the Board the following motions were carried with respect to the proposed Barclay Crescent Sewer Rates and Regulation Bylaw No. 1472 – Area G:

1. That "Barclay Crescent Sewer Rates and Regulation Bylaw No. 1472" be introduced for first three readings.
2. That the adoption of "Barclay Crescent Sewer Rates and Regulation Bylaw No. 1472, 2005" be deferred until staff present a report on the implementation process which would offer incentives to residents who hook up to the service early.

Bylaw No. 1472 addresses the rates and regulations necessary to allow for the connection to the new Barclay Crescent sewer system. The sewer system is being installed to service an area of significant density where a number of septic system failures have occurred.

Discussion at the October 25<sup>th</sup>, 2005 Board meeting and the subsequent resolution supported the need to consider opportunities to encourage as many properties as possible to connect in the first year of service. An incentive approach would be beneficial for financial reasons to those considering a sewer connection, would compliment the RDN position that connections should be made as soon as possible for environmental reasons, and would support the health and environmental rationale under which RDN received project funding from the Canada-BC Infrastructure program.

The current connection fee for sewer connections in all RDN sewer service areas is \$300. With the majority of the work associated with sewer service lines being carried out under the general contract for the project the actual costs related to RDN forces is approximately \$70. The proposed reduction in the connection fee would be in effect for 2006 only. Beginning January 1<sup>st</sup>, 2007 any properties not connected would be subject to the full \$300 connection fee. This would allow sufficient time for all property owners to apply for connections and install any on-site works that may be necessary.

After 2006 property owners would be subject to the language in Sections 6.0 and 7.0 of the proposed bylaw which allow the Manager to issue a Notice to Connect to the owner of any parcel of land capable of connection. This notice will require the owner to carry out the connection not less than 2 months and not more than 6 months after receiving the notice.

**ALTERNATIVES**

1. Approve the Barclay Crescent Sewer Rates and Regulation Bylaw No. 1472 as amended.
2. Amend the Barclay Crescent Sewer Rates and Regulation Bylaw No. 1472 and approve as amended.
3. Do not approve the proposed bylaw amendment.

**FINANCIAL IMPLICATIONS**

The 2006 Operating Budget for the Barclay Crescent Sewer Service Area does not include revenue from sewer service connections. As a result, the one time reduction of the sewer connection fees will have no negative effect on the service area budget.

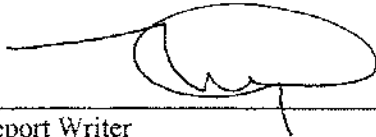
**SUMMARY/CONCLUSIONS**

The Barclay Crescent Sewer Rates and Regulations Bylaw No. 1472 was brought before the Board at the October 25<sup>th</sup>, 2005 Board Meeting. At that time the Board requested that staff come forward with an incentive plan, in the form of an amendment to the bylaw, to encourage early hook up to the new sewer system by residents of the Barclay Crescent area.

This incentive has now been included in Schedule "B" of the bylaw which allows for a reduction in the standard sewer connection fee. Under the amended fee structure any connections made in 2006 would be \$70. The full \$300 per connection will be charged beginning January 1<sup>st</sup>, 2007.

**RECOMMENDATIONS**

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

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

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

**COMMENTS:**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1472**

**A BYLAW TO REGULATE THE PROVISION, OPERATION AND  
ADMINISTRATION OF THE BARCLAY CRESCENT SEWER SERVICE AND TO  
PROVIDE FOR THE IMPOSITION AND COLLECTION OF RATES**

WHEREAS the Board of the Regional District of Nanaimo has by Barclay Crescent Sewer Local Service Establishment Bylaw No. 1391, 2005, established the Barclay Crescent Sewer Local Service;

AND WHEREAS the Regional Board may regulate in relation to a service;

AND WHEREAS the Regional Board may, by bylaw, regulate the design and installation of sewerage works provided by persons other than the Regional District;

AND WHEREAS the Regional Board may require owners of real property to connect their buildings and structures to the appropriate sewer in the manner specified in the bylaw;

AND WHEREAS the Regional Board may, by bylaw, impose fees and charges in relation to the connection to and use of the sewer system;

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

**PART ONE - INTERPRETATION**

**1.0 Citation**

1.1 This Bylaw may be cited as the "Barclay Crescent Sewer Rates and Regulations Bylaw No. 1472, 2005".

**2.0 Definitions**

2.1 In this Bylaw, unless the context otherwise requires:

**"Applicant"** means an owner or his agent making application for a Sewer Connection.

**"Building Inspector"** means the Chief Building Inspector of the Regional District and includes any person appointed or designated by the Board to act on his behalf or to carry out the function of the Building Inspector under this bylaw.

**"Building Sewer"** means a sewer and all attachments installed, owned and maintained by the Owner connecting a Service Connection at the property line to the plumbing system of a building or structure on the Premises.

**"Capable of Connection"** means that the Parcel of Land abuts the highway, Regional District right of way or easement, upon or in which there is a Collector Sewer with excess capacity and that the Service Connection will have adequate cover at the property line and drain towards the sewer, allowing the building or structure on the Parcel of Land to be connected to the Service Connection by either a gravity building sewer, or a pump and force main.

**"Collector Sewer"** means a sewer used to collect sewage from Premises in the Service Area.

**"Manager"** means the Manager of Utilities of the Regional District and includes any person appointed or designated by the Board to act on his behalf or to carry out the function of the Manager under this bylaw.

**"Owner"** means any person who in respect of real property is the owner or agent in writing for the Owner of any Premises or a Parcel of Land that is capable of connection to the Sewer System.

**"Parcel of Land"** means any lot, block or other area in the Service Area in which land is held or into which it is subdivided, but does not include a highway.

**"Premises"** means the Parcel of Land, including buildings and structures that have a Service Connection.

**"Regional District"** means the Regional District of Nanaimo.

**"Sanitary Sewer"** means a sewer owned and operated by the Regional District that carries sanitary sewage and permitted industrial waste, and to which storm waters are not intentionally admitted.

**"Service Area"** means the service area established by Barclay Crescent Sewer Local Service Establishment Bylaw No. 1391, 2005.

**"Service Connection"** means a pipe, which may include a valve, an inspection chamber or clean-out and all necessary appurtenances connecting a Sewer Connection to a Building Sewer at the property line.

**"Sewage"** means liquid wastes that contain animal, mineral, or vegetable matter originating in a building or through an industrial process.

**"Sewer Connection"** is a sewer pipe extending from a Sanitary Sewer to the property line of the Premises and includes a Service Connection.

**"Sewer Extension"** means any installation requiring the construction of a Sanitary Sewer on a highway or Regional District Right of Way.

**"Sewer System"** means all of the system of sanitary sewer works treatment and disposal facilities owned and operated by the Regional District for the benefit of the Service Area.



## **PART TWO - SERVICE CONNECTIONS**

### **3.0 Individual Connection**

3.1 Each parcel of land capable of connection to the Sewer System shall have one Sewer Connection.

### **4.0 Application**

4.1 A person wishing to connect to the Sewer System shall make application to the Regional District in writing in the form of a Building Permit Application prescribed by Schedule "A" signed by the Owner of the Parcel of Land for which the application is made.

4.2 The application shall be accompanied by drawings showing the dimensions of all buildings and sewers and their location in relation to the property line and shall include locations of clean-outs, ground cover over pipe, type of pipe proposed to be used and, where applicable, location, size and depth of any existing septic tank.

4.3 Each application for a Sewer Connection shall be completed in all details prior to submission.

4.4 No application shall be considered to have been approved by the Regional District until a building permit for the Sewer Connection has been issued by the Regional District.

### **5.0 Connection Locations**

5.1 Where possible, a Sewer Connection will be located where requested by the applicant, however if the applicant's preferred location is not practicable due to unsuitable ground conditions or the existence of installed surface improvements or underground utilities, the Manager may designate the location of the Sewer Connection.

### **6.0 Mandatory Connection to Sanitary Sewer System**

6.1 The Manager may issue a Notice to Connect to the owner of any parcel of land capable of connection which will require the owner to carry out the connection within the time period specified in that notice.

### **7.0 Delivery of the Notice**

7.1 A Notice to Connect will be sent by registered mail or delivered by personal service to an Owner of a Parcel of Land capable of connection. The Notice will require the Owner to connect or cause to be connected the buildings or structures on the Parcel of Land to the Sewer Connection within the period specified in the Notice to Connect. The period specified will not be less than two months and not more than six months. The Notice will be deemed to have been received three days after mailing.

## **8.0 Failure to Comply**

- 8.1 If, after the expiration of the time period specified in the Notice to Connect, an Owner has failed or neglected to construct or install a Building Sewer and Service Connection and has failed or neglected to connect his buildings or structures to the Sewer Connection as required, the Regional District, by its employees or contractors, may enter upon the property and cause the connection to be made.
- 8.2 Where a Building Sewer and Service Connection is made under section 8.1, it will be done at the expense of the Owner in default and the expense may be recovered from the Owner under Section 797.2 of the *Local Government Act* in the same manner as taxes.

## **PART THREE - CONDITIONS OF SERVICE**

### **9.0 Responsibility of Owner**

- 9.1 A Building Sewer must be maintained by the Owner at his or her sole expense.

### **10.0 Blockages**

- 10.1 Where any Sewer Connection or Service Connection becomes stopped up or otherwise fails to function, the Owner or occupier of the Premises served must first determine the location of the blockage.
- 10.2 The Owner or occupier of the Premises must at his or her own expense unblock any blockage in the Building Sewer.
- 10.3 Where any stoppage or failure is found to exist in a Sewer Connection or Service Connection, the Owner or occupier must immediately notify the Manager.
- 10.4 All costs incurred by the Regional District in restoring service and unstopping the Sewer Connection or Service Connection must be paid by the Owner or occupier of the Premises upon demand unless the stoppage or failure was caused by the Regional District.
- 10.5 If the costs imposed under section 10.4 remain unpaid on the 31st day of December in the year in which the work is done, the costs will be recovered in accordance with Section 797.2 of the *Local Government Act* (by being deemed to be taxes in arrears).

### **11.0 Abandonment**

- 11.1 When any Building Sewer is abandoned, the Owner of the Premises must notify the Manager and the Owner must effectively block up the Building Sewer at the Service Connection with an approved watertight seal.

**12.0 Septic Tanks**

12.1 An Owner of Premises must abandon and remove or fill the existing septic tank on the Premises in accordance with all applicable regulations upon connection to the Service Connection.

**13.0 Connection to Service Connection**

13.1 An Owner must install a Sewer Connection prior to installation of the Building Sewer and connection of the Building Sewer to the Service Connection.

13.2 Where the Owner installs a Building Sewer prior to installation of the Sewer Connection contrary to section 13.1, the Regional District is not responsible for meeting the elevation of the Building Sewer or connecting the Sanitary Sewer to the Building Sewer.

**14.0 Depth**

14.1 The depth of the Building Sewer will be determined by the Manager.

14.2 An Owner must install the Building Sewer with sufficient depth to provide natural drainage from the lowest floor of any building or structure except where natural drainage is made impractical by the relative elevation of the sewer and the lowest floor of the building or structure or by any other cause.

**15.0 Prohibitions**

15.1 A person must not discharge, or cause or permit to be discharged, into the Sewer System or into any manhole or inspection drain or other part of the Sewer System or into any plumbing fixture connection to the Sewer System, any substance of any kind that:

- (a) obstructs or tends to obstruct or damage the Sewer System;
- (b) which causes or tends to cause any nuisance;
- (c) which interferes or tends to interfere in any manner with the proper functioning, maintenance or repair of the Sewer System;
- (d) without limiting the generality of the foregoing, is a prohibited waste set out in "Regional District of Nanaimo Sewer Use Regulatory Bylaw No. 1225, 2002".

15.2 A person must not:

- (a) damage, destroy, uncover, deface, or otherwise tamper with any part of the Sewer System;
- (b) make any alteration or connection to the Sewer System without obtaining the required permits or written authorization from the Manager.

15.3 A person must not connect any roof drain or other storm water drains to the Sewer System.

#### **PART FOUR - ILLEGAL CONNECTIONS**

##### **16.0 Illegal Connections**

16.1 A person must not connect or allow to be connected, or allow to remain connected to the Sewer System, any Parcel of Land:

- (a) without the required permits or written authorization from the Manager; or
- (b) contrary to the provisions of this Bylaw.

##### **17.0 Disconnection of Illegal Connections**

17.1 The Manager may, on thirty (30) days written notice sent to the Owner by registered mail, order the disconnection, stopping up and closing of a Service Connection at the expense of the Owner for:

- (a) violation of any provision of this Bylaw;
- (b) failure to maintain to the standard of the B.C. Plumbing Code, the Building Sewer and other plumbing on the Owner's Premises that is connected to the Sewer System.

17.2 A notice to an Owner under section 17.1 shall be deemed to have been received three (3) days after mailing.

17.3 The Manager may order the immediate disconnection, stopping up and closing of a Sewer Connection connected to the Sewer System which discharges into the Sewer System contrary to this Bylaw.

#### **PART FIVE - SEWER RATES AND CHARGES**

##### **18.0 Service Connection Fee**

18.1 An Applicant must pay the Service Connection fee as prescribed in Schedule 'B' of this Bylaw at the time of application for a sewer connection.

##### **19.0 User Charge**

19.1 The Owner or occupier of Premises must pay the user charge in Schedule 'C' to this Bylaw for the use of the Sewer System.

**PART SIX - ENFORCEMENT**

**20.0 Right of Entry for Inspection**

20.1 The Manager or Bylaw Enforcement Officer of the Regional District may enter, at all reasonable times, on any property subject to this Bylaw to ascertain whether the regulations of this Bylaw or the directions of the Manager or Regional District pursuant to this Bylaw are being observed.

**21.0 Offence**

21.1 Any person who does any act or thing or who suffers or permits any act or thing to be done in contravention of this Bylaw commits an offence.

21.2 Where this Bylaw requires that a person perform any act or do any thing pursuant to this Bylaw, and the person fails to take the required action, the matter or thing may be done at the expense of the person in default together with costs and interest at the rate prescribed in section 11(3) of the *Taxation (Rural Area) Act* in the same manner as municipal taxes.

**22.0 Penalty**

22.1 A person who commits an offence contrary to this Bylaw is liable on summary conviction to a penalty of not less than \$300.00 and for each subsequent offence to a penalty of not less than \$400.00.

22.2 The penalties imposed under Subsection 22.1 are in addition to and not in substitution for any other penalty or remedy imposed under this Bylaw or any other statute, law or regulation.

Introduced and read three times this 22nd day of November, 2005.

Adopted this 22nd day of November, 2005.

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CHAIRPERSON

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DEPUTY ADMINISTRATOR

Chairperson

Deputy Administrator

**SCHEDULE 'A'**  
[Section 4.1]

**APPLICATION FOR BUILDING PERMIT**



6100 Hammond Bay Road, P.O. Box 40, Ladysmith, B.C. V0T 1R0  
Telephone: (250) 360-6630 - Toll-free: (250) 654-3808 - Fax: (250) 360-4313

BUILDING PERMIT No.	23722
DATE OF PERMIT	
BY-LAW NO.	ZONING
FORM NO.	
ISSUED	
DATE OF APPLICATION	

**APPLICATION FOR BUILDING PERMIT**

Name of Owner \_\_\_\_\_ Telephone \_\_\_\_\_

Building Address \_\_\_\_\_

Name of Builder \_\_\_\_\_ Telephone \_\_\_\_\_

Builder's Address \_\_\_\_\_

Description of Proposed Work \_\_\_\_\_

As registered owner of real property legally described as: \_\_\_\_\_

I hereby make application for a Building Permit to construct: \_\_\_\_\_

Special Requirements or Conditions Applicable: (Overlays, Development Permits, Floodplain, Bore, etc.) \_\_\_\_\_

**ALL PERMITS EXPIRE TWO YEARS AFTER DATE OF PERMIT OR WHEN BUILDING PLACED IN USE OR OCCUPIED**

As the applicant you shall be responsible to:

1. Provide drawings and documents specified in Section 5-6 of Bylaw No. 1000.
2. Call for inspection as per Section 13 of Bylaw No. 1000.
3. Not occupy a building prior to the issuance of an Occupancy Permit.
4. Advise the Chief Building Inspector to enter at all reasonable times upon premises that are the subject of this Application for a Building Permit.
5. Undertake any measures and steps to ensure the safe and sound construction of the building.
6. Obtain the Building Permit from the Chief Building Inspector after which time the Chief Building Inspector has authorized for release of the documents.
7. Keep the Building Permit and a copy of the approved plans on the premises.
8. Otherwise comply with the terms of Bylaw No. 1000.

The Regional District does not by the issuance of granting of this permit warrant in any way that the building to which this permit applies was constructed in conformity with any of the provisions of any local building or planning regulations or with all health and safety requirements of any statute or bylaw, nor shall it warrant, nor shall it be responsible for the quality of work or materials or the installation of any electrical or gas fixtures or appliances or the use of building materials meet applicable standards or comply with any provincial or federal regulations or standards.

The granting of this permit does not relieve the applicant, acceptor or owner from continuing local regulations of every pertinent bylaw and regulation enacted within the Regional District and the approval of any plans or specifications submitted in support of an application for this permit. It also does not exempt the applicant, acceptor or owner from conforming to every bylaw and regulation.

In consideration of the granting of this permit, you agree to release and indemnify the Regional District of Nanaimo, its board members, employees and agents from and against all liability, demands, claims, causes of action, suits, judgments, losses, damages, costs and expenses of whatever kind which may or may not be incurred, partially or completely, in respect of, or in consequence of, the granting of this permit or any responsibility, failure to inspect, certification, approval, endorsement or failure to enforce the Regional District of Nanaimo Building Bylaw or the British Columbia Building Code and to agree that the Regional District of Nanaimo owes me no duty of care in respect of these matters.

Personal information collected on this form is available for the purpose of processing the application and for administrative and record-keeping. The personal information is collected under the authority of the Municipal Act and Regional District of Nanaimo's Bylaws. If you have any questions about this collection, contact the General Manager, Regional District of Nanaimo, P.O. Box 40, Ladysmith, B.C. V0T 1R0. Phone: 360-6630 or 654-3808 (toll-free).

I have read the above agreement, release and indemnity and understand it.

Owner \_\_\_\_\_ Application Fee \_\_\_\_\_

Date \_\_\_\_\_ Receipt No. \_\_\_\_\_

RECORD COPY

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Chairperson

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Deputy Administrator

## **SCHEDULE 'B'**

[Section 18.1]

### **SERVICE CONNECTION FEE**

The following Service Connection fees to defray the cost of laying a Sewer Connection shall be paid in accordance with section 18.1 of the Bylaw:

(a) Connection Fee	\$ 300.00
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#### NOTES:

These connection fees are for work within the road right-of-way. Further costs to physically connect the sewer from the property line to the home are at the expense of the property owner.

The standard connection fee in Schedule 'B' (a) will be reduced to \$70.00 for any sewer connections completed under this bylaw and approved by the RDN in 2006.

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Chairperson

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Deputy Administrator

**SCHEDULE 'C'**  
[Section 19.1]

**USER CHARGE**  
[if applicable]

1. Billing and Payment:

- (a) Annual sewer rates as invoiced by the Regional District are due and payable on presentation. A ten (10%) percent discount will be applied if payment of all outstanding charges in effect from time to time is received on or before the discount date shown on the invoice.
- (b) Amounts unpaid on the 31<sup>st</sup> of December in any year shall be deemed to be taxes in arrears and will be transferred to property taxes as prescribed under Section 797.2 of the *Local Government Act*.
- (c) All payments received will be applied firstly against arrears and then to current balances.

2. Rates Payable:

(a) User Charge:

<b>Classification</b>	<b>Annual Rate</b>
(a) Single Family Residence	\$215.00
(b) Apartments, Suites or Duplex - Each Unit	\$215.00
(c) Cafes and Restaurants -- for each group of plumbing fixtures	\$215.00
(d) Garage or Service Station	\$215.00
(e) Store or Business Premises -- for each group of plumbing fixtures	\$215.00
(f) Mobile Homes (whether situated in a mobile Home park or not) -- per unit	\$215.00
(g) Churches and Halls -- for each group of plumbing fixtures	\$215.00
(h) Licenses Premises -- for each group of plumbing fixtures	\$215.00
(i) Motels -- per unit -- including residential managers' or owners' units	\$ 1.00
(j) Hotels -- per room	\$ 1.00
(k) Camping - for each group of plumbing fixtures	\$ 1.00
- for each space with a sewer connection	\$ 1.00
(l) Laundry, Laundromat or Dry Cleaners -- per washer	\$ 75.00
(m) Sani Dump (per connection)	\$410.00

(Note: group of plumbing fixtures is equivalent to three fixtures.)





REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD	<input checked="" type="checkbox"/>	MoF	
NOV 14 2005			
BOARD			

## MEMORANDUM

**TO:** Robert Lapham  
Deputy Administrator

**DATE:** November 10, 2005

**FROM:** Jason Llewellyn  
Manager of Community Planning

**FILE:** 3320 30 2600

**SUBJECT:** Bunker Place Rezoning Petition

### PURPOSE

To present to the Board a petition signed by a number of Bunker Place property owners requesting that the property be rezoned to prohibit further subdivision.

### BACKGROUND

Bunker Place was initially subdivided under a Land Use Contract that states that the use and development of the lands is to conform to the zoning bylaw or any subsequently enacted zoning bylaw. Therefore "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" applies. The area is zoned Residential 1, Subdivision District Q (RS1Q). The Q Subdivision District requires a 700 square metre minimum parcel size where community sewer and water are provided. The Bunker Place lots are all over 1400 square metres. The configuration of the two corner lots at 1260 (Lot 41) and 1263 (Lot 31) Bunker Place lend themselves to subdivision given their available street frontage. Also the lots at 1225 (Lot 35), 1230 (Lot 36), and 1236 (Lot 37) Bunker Place may potentially be subdivided if adequate improvements are made to the Yambury Road right of way.

An application was made in 2004 to the Ministry of Transportation to subdivide the Lot at 1260 Bunker Place in half. This lot is located at the corner of Bunker Place and Boulton Drive. On January 11, 2005 the Subdivision Approving Officer issued a preliminary layout approval for the subdivision of 1260 Bunker Place. This year community water and sewer services were provided to the property, clearing the way for completion of subdivision of the property. Final approval of the subdivision by the Approving Officer is imminent.

In order to prohibit further subdivision of Bunker Place lots, area residents are requesting, by way of the petition (*see Attachment No. 1*), that the Regional District of Nanaimo amend the Subdivision District for the lots 31-42. It is noted that the petition is not signed by the owners of the two corner lots at 1260 and 1263 Bunker Place and the internal lot at 1240 (Lot 38) Bunker Place; however, the petition requests that the Subdivision District for these Lots be amended. Attachment No. 2 is a map of Bunker Place and the properties involved.

The French Creek Official Community Plan (OCP) supports Neighbourhood Residential development in this area at a density of 15 dwelling units per hectare. This equates to 666 square metres per lot; therefore, the OCP supports the existing Subdivision District that permits 700 square metre lots for this

area. Should the Board wish to proceed with an amendment to the Subdivision District to prohibit the subdivision of 700 square metre lots, where the owners do not consent, it may also be necessary to amend the OCP prior to amending the Subdivision District.

It is also an option that the Board refer this issue to the French Creek OCP review process that is scheduled to occur in 2006.

#### ALTERNATIVES

1. To receive the petition.
2. To receive the petition and refer the issue to the French Creek OCP review process.
3. To receive the petition and direct staff to initiate an application to amend the Subdivision District for all of the Bunker Place lots as requested in the petition to prohibit further subdivision.
4. To receive the petition and direct staff to initiate an application to amend the Subdivision District for the Bunker Place lots where there is property owner consent.

#### IMPLICATIONS

Changing the Subdivision District from Q to Z would prohibit future subdivision provided no new subdivision applications were made prior to adoption of the amendment bylaw. It is noted that amending the Subdivision District would not impact the subdivision of 1260 Bunker Place, which is near completion.

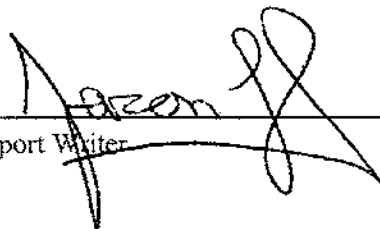
Any property owner may make an application to the RDN to amend their zoning or Subdivision District. However, the intent of the petition is that the RDN initiate the application to rezone Lots 31 to 42 at no cost to the property owners. It is also the intent of the petition that the Subdivision District for 1240, 1260, and 1263 Bunker Place be amended to prohibit subdivision regardless of whether the approval of the owners is obtained. It is staff's understanding that the owners of these three properties refused to sign the petition.

#### SUMMARY

Staff received a petition requesting that the Subdivision District for eleven (11) lots on Bunker Place be amended to prohibit further subdivision. The petition does not include the signature of three of the eleven (11) property owners. This petition is forwarded to the Board for consideration.

#### RECOMMENDATIONS

That the Board receive this report for information.

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

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

#### COMMENTS:

devsrv\reports\3320 30 2600 no Bunker Place Rezoning Petition

ATTACHMENT NO. 1 (page 1 of 2)

PETITION  
 LOTS 31-42, INCLUSIVE, PL 29438, NANOOSE DISTRICT  
 BUNKER PLACE, PARKSVILLE, BC

We, the undersigned owners of properties on Bunker Place, hereby request that this cul-de-sac be down zoned so that no subdivision may take place within any of the above-mentioned lots.

Name	Civic Address	Lot Number
<i>Jack Bilckert</i>	Lot 40 - 1252 BUNKER PLACE	LOT 40
<i>Toni Kieper</i>	Lot 32 - 1255 Bunker Place	Lot 32
<i>Ken Bordin</i>	Lot 36 - 1230 Bunker Place	Lot 36
<i>Jill Collins Anne Sembe</i>	Lot 39 - 1246 Bunker Place	Lot 39 (See Attached)
<i>B. K. R. R. R.</i>	Lot 32 - 1255 Bunker Pl	Lot 32
<i>M.J. Buckner</i>	Lot 40 - 1252 Bunker Pl	Lot 40
<i>CAROL BORDIAN</i>	Lot 36 - 1230 Bunker Place	Lot 36
<i>W.S. O. O.</i>	Lot 35 - 1225 Bunker Plc	Lot 35
<i>W.S. O. O.</i>	Lot 34 - VACANT	Lot 34
<i>W.S. O. O.</i>	Lot 33 - 1245 Bunker Plc	Lot 33
<i>W.S. O. O.</i>	Lot 33 - 1245 Bunker Plc	Lot 33
<i>Susan M. M.</i>	Lot 42 - 780 Southbee drive	Lot 42
<i>W.S. O. O.</i>	Lot 37 - 1236 BUNKER	Lot 37

*W.S. O. O.* 1225 W ISLAND Hwy, Parksville, B.C. *W.S. O. O.*

Submitted to the Regional District of Nanaimo: November 6, 2005  
 Date

Receipt acknowledged by the Regional District of Nanaimo:  
Wayne M. M. Nov 7/05.  
 Signature & Title Date

ATTACHMENT NO. 1 (page 2 of 2)

Page 1 of 1

Carol Bordian

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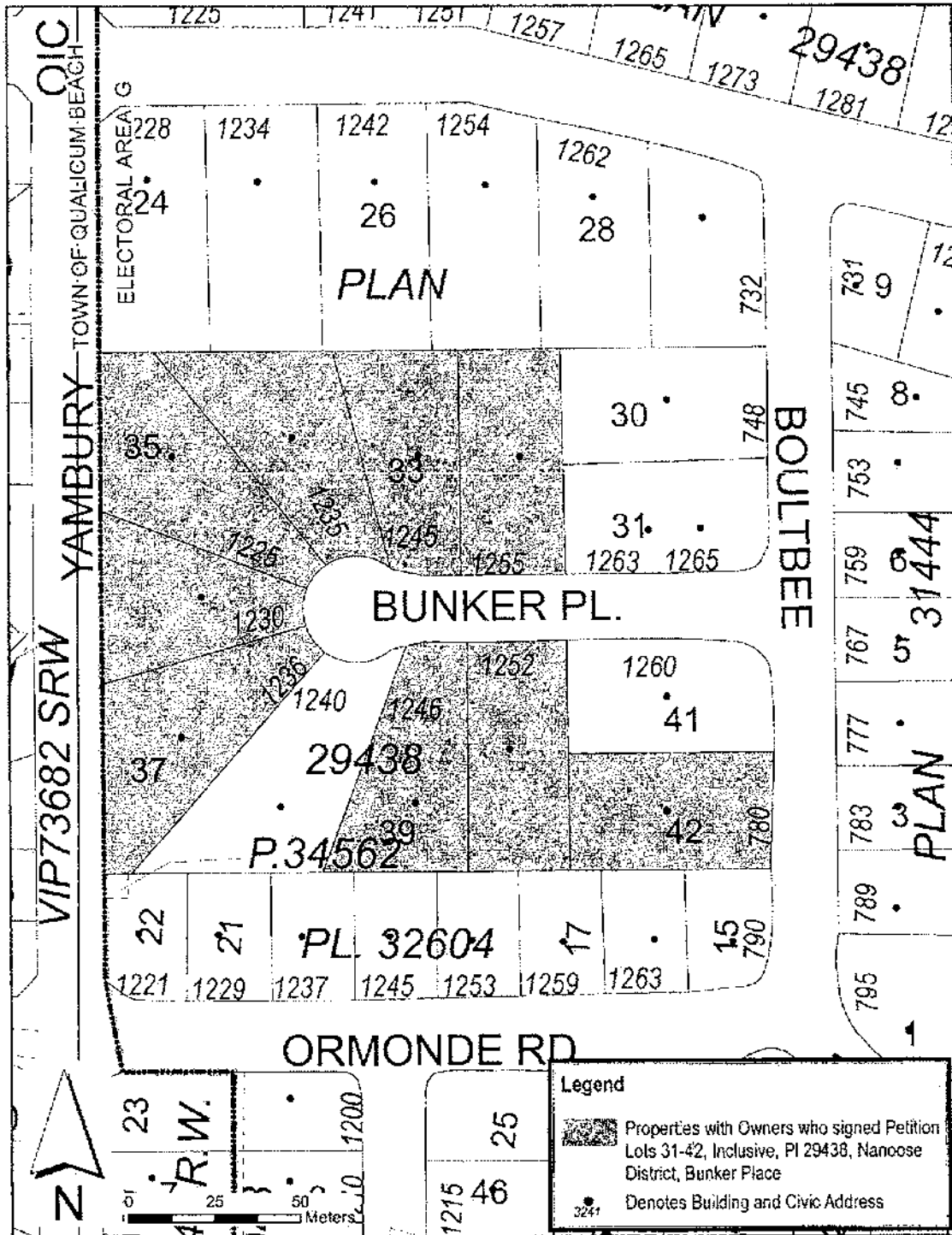
From: "Tony Combe" <littlehatches@btinternet.com>  
To: <cuddy@nana.mo.ark.com>  
Cc: "Jill Collins" <jill.collins@btinternet.com>  
Sent: November 6, 2005 5:54 AM  
Subject: PETITION - BUNKER PLACE, PARKSVILLE, LOTS 31-42 incl.PL29438 Nanoose District

This is to advise that my sister, Jill Collins and I, sisters of Mr. Peter Hopkins (deceased) owner of 1246 Bunker Place, Lot 39, DL 49, Plan 29438, Nanoose District hereby request that this cul-de-sac be down zoned so that no subdivision may take place within any of the above mentioned lots.

Anne Combe

11/6/2005

ATTACHMENT NO. 2



BCGS Map Sheet No. 92F 039.1 3



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Gms	
CAO		GM ES	
DA CCD	<i>[initials]</i>	McF	
NOV 16 2005			
<i>BOARD</i>		MEMORANDUM	

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

**DATE:** November 14, 2005

**FROM:** Joan Michel  
Parks and Trails Coordinator

**FILE:** 6240-20 HOLA

**SUBJECT:** 2005 Horne Lake Regional Park Management Plan and  
RFEI / RFP Process for Operations and Development 2006-2025

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**PURPOSE**

To review and consider an updated Management Plan for Horne Lake Regional Park and proceed with a request for expressions of interest (RFEI) and request for proposals (RFP) for the operation and development of the park over the 2006-2025 period.

**BACKGROUND**

**A. January 2002 – January 2005**

The RDN acquired Horne Lake Regional Park (HLRP) in January of 2002, and Recreation and Parks staff undertook park and campground operations for the first year. In March 2003, the Regional Board approved the 2003 Horne Lake Regional Park Management Plan and a request for proposals for a park operator was issued for the 2003-08 period. An operator was selected but by late summer, his business failed and Recreation and Parks staff took over the direct operations at HLRP. In March 2004, Recreation and Parks submitted a report to the Regional Board on the future of operations of the Park. The report concluded:

*"The RDN has been managing HLRP since early 2002. A substantial amount of work is required to resolve outstanding property issues at the Park and fulfill stated Management Plan policies and aims. A re-examination of this work underlines the need for significant capital investment in Park development over the next ten to twenty years. The current Management Plan's assumption that the RDN can handle required development funding, financed through the RDN's share of Park revenues, is no longer considered valid. Unless there is to be a significant RDN subsidy of HLRP over the next decade, the private sector needs to be engaged in the direct financing of HLRP development."*

The Board directed staff to complete a report on a long-term plan for the private-sector operation and development of Horne Lake Regional Park.

In October 2004, staff reported to the Board on progress and identified the following major projects to be completed before a long-term agreement for the operations and development of HLRP could be concluded:

- (a) rezoning of the Park,
- (b) completion of a comprehensive emergency plan for the Park,
- (c) confirmation of the Regional District's ability to contract long-term, and
- (d) an update of the 2003 HLRP Management Plan.

In January 2005, staff reported to the Board that the projects would be completed by the Fall of 2005.

**B. February 2005 - November 2005**

- (a) RDN Development Services initiated the rezoning Horne Lake Regional Park at the start of the year. The Board gave first and second reading of a draft bylaw in April 2005. A public information meeting was held in June 2005, with no significant concerns expressed by agencies, stakeholders or the public. The Board gave third reading to amendment Bylaw No. 500.318, 2005 in late June 2005. Schedule 1 of the bylaw amendment identified conditions of zoning approval to be secured or completed before fourth reading is given to the new bylaw. These conditions have been secured and the Bylaw was adopted by the Board in September 2005.
- (b) A comprehensive emergency plan for HLRP will be completed by January 31, 2006 and before a long-term operator-developer agreement for the Park is concluded with a private contractor.
- (c) Legal and financial advice on the question of the RDN's ability to contract long-term, i.e., beyond five years, confirms that as long as the contract or agreement assigns or assumes no long-term financial obligation on the part of the RDN, there is no impediment to engaging in a 20-year operator-developer agreement at HLRP. It is noted that receiving revenues from the Park would constitute a financial obligation.
- (d) The 2003 Management Plan has now been updated and the *2005 Horne Lake Regional Park Management Plan* is attached under separate cover for consideration and approval by the Board.

**C. November 2005 – April 2006**

The following table describes a process and actions leading to the approval of the 2005 Horne Lake Regional Park Management Plan and the conclusion of a 2006-2025 park operations and development agreement with a private contractor.

<b>November 2005</b>	<ul style="list-style-type: none"> <li>1. Regional Board receives and approves the 2005 HLRP Management Plan.</li> <li>2. Recreation and Parks completes a draft operating agreement and issues a Request for Expressions of Interest due January 6, 2006.</li> </ul>
<b>January 2006</b>	<p>Qualified Expressions of Interest are reviewed.</p> <ul style="list-style-type: none"> <li>➤ If more than one received, Recreation and Parks issues a Request for Proposals and holds a competition for the contract. Proposals are due January 31, 2006.</li> <li>➤ If only one qualified expression is received, the proponent is requested to submit a proposal by January 31, 2006.</li> </ul> <p>Recreation and Parks completes a comprehensive emergency plan for HLRP</p>

	with the assistance of RDN Emergency Services and in consultation with park neighbours and relevant agencies.
<b>February 2006</b>	Proposals for the long-term operation and development of HLRP are reviewed with the assistance of professional business and legal advisors. The Recreation and Parks Department, in consultation with Development Services and Finance Departments, negotiates a draft agreement with the successful proponent. Performance requirements, development milestones as well as a schedule of operational review points involving the Regional Board are part of the agreement.  NB: The RFP process does not require that the RDN select a proponent or conclude an agreement. Alternate arrangements would however need to be made for HLRP before the start of the 2006 camping season, and revision of the Management Plan would need to be considered.
<b>March 2006</b>	Recreation and Parks submits the draft agreement to the Regional Board for approval; Development Services submits its written approval of the agreement to the Board.
<b>April 2006</b>	New HLRP operations and development agreement takes effect April 1, 2006.

## ALTERNATIVES

1. To approve the 2005 Horne Lake Regional Park Management Plan and the process for obtaining and concluding an agreement with a private contractor for the operation and development of the Park over the 2006-2025 period.
2. To not approve the 2005 Horne Lake Regional Park Management Plan and provide alternative direction.

## FINANCIAL IMPLICATIONS

Long-term private sector participation will allow for the necessary investment and work required to address infrastructural deficiencies at the park and further protection of the environment to take place. The approach will also provide for the development of a self-sustaining, safe and appealing campground park as set out in the HLRP Management Plan.

The 2006-2011 Financial Plan period provides for annual expenditures at HLRP in the order of \$20,000. The five year Financial Plan reflects RDN park management and minor development with a park operator in place and responsible for most park operating expenses under \$500. Should a private operator be secured, funds currently used for operational subsidies could be applied to the necessary acquisition of the DFO parcel at the entrance of Park. No provision exists in the 2006-2011 Financial Plan for the RDN to undertake directly the comprehensive development at HLRP that is provided for in the current and revised HLRP Management Plan.



## INTERGOVERNMENTAL IMPLICATIONS

Over the last few years, BC Parks has moved into longer-term park agreements, initially eight to ten year operating agreements with an increased role for operator investment and return. Now, BC Parks is looking even longer term agreements for parks like Horne Lake Caves that have significant development requirements and public use. Staff met with BC Parks and Ministry of Environment staff in October 2005 to review opportunities that exist at HLRP and Horne Lake Caves Provincial Park for the RDN and BC Parks to join forces in operational and development initiatives involving the two parks over the long-term. There was consensus for the RDN to proceed with the long term operating and development agreement process and to include in the revised management plan the need to meet and consult with Ministry staff on opportunities to partner on developments that benefit both parks.

## CITIZEN IMPLICATIONS

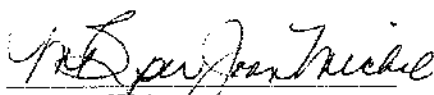
The public has access to one of the few large freshwater lakes in the Region from the park. Demand for camping and boating at Horne Lake by residents of the Region, especially Nanaimo, is strong and growing as is demand from further a field. The park is well regarded by schools and organized groups as a location for outdoor education involving camping even though the poor state of facilities and infrastructure is often criticized. Neighbouring Horne Lake Caves Provincial Park draws in more than 30,000 visitors per year to the west end of Horne Lake and defines the area as a premiere regional tourism destination.

## SUMMARY

The RDN has been managing HLRP since early 2002. The property requires considerable investment in order that the standards and goals set out in the 2003 Park Management Plan, Park Zoning Bylaw 500.318 and Park Use Regulation Bylaw 1399 can be achieved. Following the early failure of the 2003-08 park operator agreement, Recreation and Parks staff advised the Regional Board in March 2004 that traditional five-year park operating agreements will not provide desired results at HLRP. A long-term operating-development agreement with a private operator is required to enable necessary park investment to be made and to ensure standards and management goals are realized.

## RECOMMENDATIONS

1. That the 2005 Horne Lake Regional Park Management Plan and process for engaging a long-term operator-developer for the Park be approved.
2. That a Request for Expressions of Interest followed by a Request for Proposals be issued for the operation and development of Horne Lake Regional Park over the 2006-2025 period.

  
Report Writer

  
General Manager Concurrence

  
Manager Concurrence



CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
NOV 17 2005			
BOARD			

**MEMORANDUM**

**TO:** Members of the Board **DATE:** November 17, 2005

**FROM:** N.Avery **FILE:**  
 Manager, Financial Services

**SUBJECT:** Federal New Deal for Cities and Communities – Community Works Fund Agreement

**PURPOSE:**

To authorize the Chair and Deputy Administrator to execute the Community Works Fund Agreement established under the Agreement on the Transfer of Federal Gas Tax Revenues.

**BACKGROUND:**

The Union of BC Municipalities recently forwarded to all local governments the Community Works Fund Agreement which is part of the New Deal funding agreement with the Federal Government. The funding arrangements are that the UBCM will manage the distribution of the funds transferred to British Columbia and will report to the Federal Government on the use of the funds.

Local governments must execute a Community Works Fund Agreement between themselves and the UBCM to receive their share of the gas tax revenues. The local government, by signing the agreement makes the following commitments:

- i) expend the funds on the eligible costs of eligible projects as defined in the agreement
- ii) maintain appropriate administrative and accounting records
- iii) adhere to the communications protocols with respect to identifying the source of funding for eligible projects
- iv) report to UBCM annually on the receipt and use of the funds and the outcomes achieved

**FINANCIAL IMPLICATIONS:**

The Electoral Areas of the Regional District are eligible to receive the estimated following amounts over the next five years:

2006/2007	\$307,580
2007/2008	\$410,894
2008/2009	\$514,070
2009/2010	\$1,040,264


There is a fairly broad range of eligible project categories with emphasis on improving physical infrastructure (water, sewer, and public transit), energy conservation and long term planning for waste reduction, water use management and community development.

**SUMMARY/CONCLUSIONS:**

The UBCM has forwarded the Community Works Fund Agreements which once executed will result in the transfer of the first instalment of the federal gas tax revenues to local governments. Local governments have the authority to determine which projects will be supported with these funds within the project categories defined in the agreement. Once annually, we will report to the UBCM on the use, outcomes and unexpended funds transferred to the Regional District. Staff recommend the agreement be executed.

**RECOMMENDATION:**

That the Chairperson and Deputy Administrator be authorized to execute with the UBCM the Community Works Fund Agreement on the transfer of Federal gas tax revenues to local governments.

  
Report Writer

**COMMENTS:**

**CANADA - BRITISH COLUMBIA - UNION OF BRITISH COLUMBIA  
MUNICIPALITIES**

**AGREEMENT ON THE TRANSFER OF FEDERAL GAS TAX  
REVENUES UNDER**

**THE NEW DEAL FOR CITIES AND COMMUNITIES**

**COMMUNITY WORKS FUND AGREEMENT**

This Agreement made as of \_\_\_\_\_, 2005,

**BETWEEN:**

The Regional District of Nanaimo (the Local Government)

**AND**

**UNION OF BRITISH COLUMBIA MUNICIPALITIES** as established under the  
*Union of British Columbia Municipalities Incorporation Act* SBC 1959, c.106, as  
represented by the President. [UBCM]

**WHEREAS:**

- A. Local governments in British Columbia have encouraged the transfer of a portion of federal gas tax revenues;
- B. Canada has announced The New Deal for Cities and Communities to foster vibrant, creative, prosperous and sustainable cities and communities across Canada;
- C. The UBCM representing local governments in British Columbia has entered into an Agreement with Canada and British Columbia to transfer a portion of federal gas tax funds to local governments by establishing a Community Works Fund;
- D. The Agreement sets out the purpose, terms and conditions of the Community Works Fund;
- E. The UBCM has agreed to administer the Community Works Fund and has agreed with Canada and British Columbia to ensure the terms and conditions as set out in the Agreement are incorporated into the Community Works Fund Agreement;
- F. The UBCM and the local government have agreed to work together in partnership to fulfill the terms and conditions of the Community Works Fund and acknowledge that the success of the Community Works Fund will require the collective efforts of all participating local governments in British Columbia.

**NOW THEREFORE**, in consideration of the mutual promises herein, the UBCM and the Local Government agree as follows:

**I. Purpose:**

1.1 The purpose of this Community Works Fund Agreement is to enable:

- i) the Local Government to participate in the New Deal for Cities and Communities and to benefit from the Community Works Fund (CWF) in accordance with the terms and conditions of the Agreement on the Transfer of Federal Gas Tax Revenues between Canada, British Columbia and the UBCM;
- ii) the UBCM to allocate Community Works Funds to the Local Government on the terms and conditions herein; and
- iii) the UBCM to implement and administer the Community Works Fund pursuant to the Agreement on the Transfer of Federal Gas Tax Revenues under the New Deal for Cities and Communities made between Canada, British Columbia and the UBCM.

1.2 The following Schedules originating from the Agreement and the following Addendum form part of this Community Works Fund Agreement:

Schedule A - Eligible Project Categories and Sub-Categories by Community Tier

Schedule B – Eligible Costs for Eligible Recipients

Schedule C – Eligible Recipient Accountability Framework

Schedule E - Reporting and Audits

Schedule G - Communications Protocol

Addendum #1 – Local Government Community Works Fund Allocation

1.3 Definitions:

“**Agreement**” means the Agreement on the Transfer of Federal Gas Tax Revenues between Canada, British Columbia and the UBCM that outlines the scope of expected areas of co-operation under the New Deal for Cities and Communities and that provides for the Community Works Fund, and for the UBCM to administer and implement the disbursement of monies therefrom.

“**Capacity Building Projects**” means projects and activities that strengthen the Local Government’s capacity to develop and implement integrated sustainability planning, as more particularly described in Schedule A.

“**Community Works Fund, (CWF)**” means the fund provided from the Federal gas tax revenues to be dispersed to local governments based on a percentage of the per capita allocation for local spending priorities in accordance with the terms and conditions set out in the Agreement.

“**CWF Agreement**” means this agreement made between UBCM and the Local Government.

“**Chief Financial Officer**” means in the case of a municipality, the officer assigned financial administration responsibility under S. 149 of the *Community Charter*, and in the case of a Regional District, the officer assigned financial administration responsibility under S. 199 of the *Local Government Act*, R.S.B.C. 1996, c.323.

“**Eligible Costs**” means those costs described in Schedule B, incurred in respect of Eligible Projects.

“**Eligible Projects**” means Capacity Building Projects and ESMI Projects as described in Schedule A.

“**Eligible Recipient**” means the Local Government.

“**Environmentally Sustainable Municipal Infrastructure (ESMI) Projects**” means projects that result in tangible capital assets in British Columbia primarily for public use or benefit and owned by the Local Government that:

- (i) improve the quality of the environment and contribute to reduced greenhouse gas emissions, clean water, or clean air; and
- (ii) fall within the category of projects described in Schedule A hereto.

“**Gas Tax Fund Transfer Payment Program, (GTF)**” means the program under the New Deal for Cities and Communities to provide local governments in British Columbia with a source of stable, predictable and long term funding towards environmentally sustainable municipal infrastructure to help them address their infrastructure needs and meet sustainability objectives.

“**Integrated Community Sustainability Planning**” means long-term planning, in consultation with community members that provides direction for the community to realize sustainability objectives it has for the environmental, cultural, social and economic dimensions of its identity.

“**Management Committee**” means a Committee required to be established by the Agreement to administer and manage the implementation of the Agreement. The Management Committee must consist of three local government members appointed by UBCM who will include the Chair, one provincial member and one federal member.

“**New Deal for Cities and Communities, (NDCC)**” means the federal initiative to enhance the Government of Canada’s commitments to advancing sustainability on four major themes: economic, environmental, social and cultural.

“Partnership Committee” means a Committee required to be established by the Agreement to monitor the overall strategic implementation of the Agreement, approve the templates for funding agreements, and develop frameworks, priorities and criteria for monitoring, planning and evaluation and for resolving disputes. The Partnership Committee, co-chaired by a federal and a provincial member, will have six members including two representatives from Canada, British Columbia and the UBCM.

## **2. Commitment by the Parties:**

- 2.1 The Parties agree to maintain a positive and productive working relationship and open communication based on respect and trust. The Local Government accepts the leadership role of the UBCM as a party to the Agreement together with Canada and British Columbia and will cooperate with the UBCM in fulfilling the Agreement obligations of the UBCM.
- 2.2 **Role of UBCM:** UBCM has, pursuant to the Agreement, agreed with Canada and British Columbia to:
- i) receive the monies from Canada for the purpose of the CWF;
  - ii) allocate funds in a timely manner to the Local Government to be spent on Eligible Projects and Eligible Costs in accordance with the terms and conditions and accountability framework of the Agreement and enforce all terms and conditions in a diligent and timely manner and seek remedies from non-compliant Eligible Recipients;
  - iii) evaluate results and report on achievement of outcomes to Canada and British Columbia, including Annual Expenditure Reports, Outcome Reports and Audit Reports as required by the Agreement;
  - iv) fulfill other roles and responsibilities as set out in the Agreement including, without limitation, administration, monitoring financial and performance, reporting and auditing of Eligible Projects and Eligible Costs.

## **3. Commitments of the Local Government:**

- 3.1 The Local Government shall:
- i) expend funds paid to the Local Government under this CWF Agreement only to pay Eligible Costs of Eligible Projects as set out in Schedule A and Schedule B and agrees to all of the terms and conditions of the Eligible Recipient Accountability Framework as set out in Schedule C. With respect to Eligible Projects shown in Schedule A, the Tier applicable to the Local Government is depicted in Addendum #1.
  - ii) maintain all administrative, corporate and accounting records related to the receipt and expenditure of all CWF allocations in accordance with generally accepted accounting principles, and retain these records for three years beyond the expiry date set out in Section 6.1 of this CWF Agreement.

- iii) if the Local Government is a regional district, the CWF funds shall be to support Eligible Projects that directly benefit the Electoral Areas of the Regional District.
  - iv) adhere to the Communications Protocol as outlined in Schedule G of this CWF Agreement.
- 3.2 The Local Government must provide to the UBCM no later than July 1 of each year a written report clearly setting out the following information for the previous fiscal year ending December 31:
- i) amounts received under this CWF Agreement;
  - ii) amounts paid in the aggregate for Eligible Projects from monies received under this CWF Agreement;
  - iii) any amount held at year end to be paid for Eligible Projects;
  - iv) a list of all Eligible Projects of the Local Government approved for funding, indicating the locations, investment category, amount and identity of all sources of funding and nature of the investment;
  - v) information on expected outcomes of the investment in accordance with the outcome indicators established by the Partnership Committee and provided in writing to the Local Government by the UBCM;
  - vi) a declaration from the Chief Financial Officer that to the best of knowledge all funds paid under this CWF Agreement have been expended for Eligible Costs of Eligible Projects and that each Eligible Project funded will result in net incremental spending on infrastructure.
- 3.3 Whenever Canada requires the UBCM to provide to Canada an audit of an Eligible Project, the Local Government must permit such audit and fully cooperate with any auditor retained by the UBCM for such purpose.
- 3.4 As Canada may, at any time during the period for which records must be kept pursuant to S.3.1 (ii) of this CWF Agreement, conduct a performance audit (value for money) with UBCM which may include an Eligible Project, the Local Government will permit and cooperate in such audit; making all records pursuant to S.3.1 (ii) available to such person as Canada may retain to conduct such audit.

#### **4. Contribution Provisions**

- 4.1 Provided the Local Government is not in default of this CWF Agreement and subject to the UBCM receiving sufficient CWF funds from Canada each year, the total allocation contribution to the Local Government over the term of this CWF Agreement is anticipated to be in accordance with Addendum #1 payable in two payments per year within thirty days of receipt of such funds by the UBCM from Canada.



- 4.2 Whenever by operation of S.4 of Schedule C, the Local Government is obligated to pay monies to the UBCM:
- i) it shall forthwith provide to the UBCM the required payment together with a full accounting, certified under the Chief Financial Officer's signature, of what monies the Local Government believes are owing to the UBCM, and the circumstances giving rise to the obligation to pay; and
  - ii) the Local Government shall, at the request of the UBCM, make available to the UBCM and its auditors all accounts and records and documents relating to the repayment referred to under S.4 in Schedule C.

## **5. Dispute Resolution, Default and Remedies**

- 5.1 The UBCM and the Local Government are committed to working together and making all efforts to reach agreement on fulfillment of the terms and conditions of this CWF Agreement and of the UBCM's obligations to Canada and British Columbia under the Agreement. This includes early and ongoing communication and information sharing.
- 5.2. In the event of an unresolved dispute between the two parties regarding the terms and conditions of this CWF Agreement, either party may refer the dispute to the dispute resolution process to be developed by the Partnership Committee.
- 5.3 On receipt by the Local Government of the default notice under S.2 of Schedule C the Local Government,
- i) must not further expend or thereafter commit to expend any CWF funds then held by it, pursuant to this CWF Agreement; and
  - ii) must within 30 days of receipt of such notice, remedy the default, or demonstrate to the satisfaction of the UBCM that it has taken sufficient actions as necessary to commence curing the default or must proceed to dispute resolution.
- 5.4 Until the Local Government has remedied any default, or satisfied the UBCM and the Management Committee that it is taking sufficient action to do so, or any dispute resolution has been engaged and completed, the Local Government shall not make any expenditures of CWF funds held by it, pursuant to this CWF Agreement except upon written request to the Management Committee, and after written approval from the UBCM on recommendation of the Management Committee to do so.
- 5.5 If and so long as the Local Government remains in default of this CWF Agreement after notice, pursuant to S.5.3 has been given, the UBCM's obligation to make any further CWF payments pursuant to S.4.1 of this CWF Agreement are suspended.

**6. Miscellaneous**

- 6.1 **Term:** This CWF Agreement must be executed first by the Local Government and the term of the CWF Agreement commences on the date of the subsequent execution of it by the UBCM. This CWF Agreement shall expire on March 31, 2015.
- 6.2 **Survival:** The rights and obligations, set out in Sections 3.1 (ii), and (iv), 3.2, 3.3, 3.4, 4.2, and Schedule C will survive the expiry or early termination of this CWF Agreement and any other section which is required to give effect to the termination or to its consequences shall survive the termination or early termination of this CWF Agreement.
- 6.3 **Amendment:** The Local Government acknowledges that the Agreement may from time to time be amended by Canada, British Columbia and the UBCM and if and whenever such amendments to the Agreement are made, the Local Government agrees that the UBCM may require this CWF Agreement to be amended to reflect, at the sole discretion of the UBCM, the amendments made to the Agreement. Where the UBCM requires this CWF Agreement to be so amended, it will provide to the Local Government notice in writing of the amendments it requires. Such amendments shall form part of this CWF Agreement and be binding on the Local Government and the UBCM thirty (30) days after such notice, unless before then the Local Government elects in writing to give written notice of termination of this CWF Agreement to the UBCM.
- 6.4 **Waiver:** No provision of this CWF Agreement shall be deemed to be waived by the UBCM, unless waived in writing with express reference to the waived provisions and no excusing, condoning or earlier waiver of any default by the Local Government shall be operative as a waiver, or in any way limit the rights and remedies of the UBCM or Canada.
- 6.5 **No assignment:** This CWF Agreement is not assignable by the Local Government and the Local Government shall not assign, pledge, or otherwise transfer any entitlement to allocation of funds under this CWF Agreement to any person and shall upon receipt of any allocation of funds hereunder pay and expend such funds thereafter only in accordance with the terms of this CWF Agreement.
- 6.6 **Notice:** Any notice, information or document provided for under this CWF Agreement must be in writing and will be effectively given if delivered or sent by mail, postage or other charges prepaid, or by facsimile or email. Any notice that is delivered will have been received on delivery; and any notice mailed will be deemed to have been received eight (8) calendar days after being mailed.

**Any notice to the UBCM will be addressed to:**

Executive Director  
Union of British Columbia Municipalities  
60-10551 Shellbridge Way  
Richmond, British Columbia  
V6X 2W9

Facsimile: 604-270-9116  
Email: ubcm@civicnet.bc.ca

Any notice to the Local Government will be addressed to:

The Corporate Officer at the place designated as the local government office.

**SIGNATURES**

This CWF Agreement has been executed on behalf of the Local Government by the Mayor or Chair and the duly authorized Corporate Officers pursuant to a resolution of Council in the case of a municipality or by a Board in the case of a Regional District and on behalf of the Union of British Columbia Municipalities by the President and by its Corporate Officer.

Local Government  
Original signed by:

UNION OF BC MUNICIPALITIES  
Original signed by:

\_\_\_\_\_  
Mayor/Chair

\_\_\_\_\_  
President

\_\_\_\_\_  
Corporate Officer

\_\_\_\_\_  
UBCM Corporate Officer

This CWF Agreement has been executed by the UBCM on the \_\_\_\_\_ day of \_\_\_\_\_ 2005.

580.60.FA.CWF Finals-CWFA-Final  
Revised: 10/24/05 2:20 PM

**SCHEDULE A- Eligible Project Categories and Sub-Categories by  
Community Tier**

Project Categories	Sub-Categories	Tier 1	Tier 2	Tier 3
<b>Public Transit</b>	Develop or improve public transit system (rapid transit, buses, bus ways, sea-buses, commuter rail, ferries, street cars, cycling and pedestrian infrastructure, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Road system improvements that encourage a reduction in car dependency (express bus lanes, HOV lanes, park and ride, bike paths, queue, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
	Implement innovative technologies that support environmental sustainability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Rehabilitation of roads and bridges that enhance sustainability outcomes	<input type="checkbox"/>	<input type="checkbox"/>	
	Paths and trails	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Community Energy Systems</b>	Improving energy systems through the use of water systems to generate hydro	<input type="checkbox"/>	<input type="checkbox"/>	
	Community energy systems (wind, solar, thermal, geothermal, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
	Alternative energy systems	<input type="checkbox"/>	<input type="checkbox"/>	
	Alternative energy systems that serve local government infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	
	Retrofit local government buildings and infrastructure (e.g. water pumps, street lights, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
	Reduce the GHG impact of solid waste (e.g. biogas recovery and conversion of biomass to bio-oil)	<input type="checkbox"/>	<input type="checkbox"/>	
	Fleet vehicle conversion	<input type="checkbox"/>		
	Implement innovative technologies that support environmental sustainability	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Water and Wastewater</b>	Developing or upgrading drinking water systems to improve water quality and reduce water use, increase energy efficiency, and secure water supply in the face of drought	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Developing or upgrading wastewater and storm water systems to improve water quality and improve aquatic habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Implement innovative technologies that support environmental sustainability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Investments in the enhancement and/or protection of community green space such as streams and natural corridors including habitat protection systems to improve water quality and improve aquatic habitat	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Solid Waste Management</b>	Develop or improve solid waste collection, treatment and disposal strategies in ways that reduce resource use, or encourage recycling and re-use	<input type="checkbox"/>	<input type="checkbox"/>	
	Support full cost recovery from users through improved application of user charges	<input type="checkbox"/>	<input type="checkbox"/>	
	Reduce the environmental impact of solid waste (e.g. composting, bio gas recovery)	<input type="checkbox"/>	<input type="checkbox"/>	
	Implement innovative technologies that support environmental sustainability	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Capacity Building</b>	Increase local government capacity to undertake integrated sustainability planning including:			
	Regional growth strategies	<input type="checkbox"/>	<input type="checkbox"/>	
	Community development plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Community plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Community Energy Planning	<input type="checkbox"/>	<input type="checkbox"/>	
	Transportation plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Infrastructure development plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Liquid waste management plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Solid waste management plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Long-term cross-modal transportation plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Water conservation/demand management plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Drought management contingency plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Air quality plans	<input type="checkbox"/>	<input type="checkbox"/>	
	Greenhouse gas reduction plans	<input type="checkbox"/>	<input type="checkbox"/>	
Energy conservation plans	<input type="checkbox"/>	<input type="checkbox"/>		
Implementing/planning innovative environmental technologies that support sustainability	<input type="checkbox"/>	<input type="checkbox"/>		

**SCHEDULE B- Eligible Costs for Eligible Recipients****1. Eligible Costs for Eligible Recipients****1.1 Project Costs**

Eligible Costs, as specified in this Agreement, will be all direct costs that are in the Parties' opinion properly and reasonably incurred, and paid by an Eligible Recipient under a contract for goods and services necessary for the implementation of an Eligible Project. Eligible Costs may include only the following:

- a) the capital costs of acquiring, constructing or renovating a tangible capital asset and any debt financing charges related thereto;
- b) the fees paid to professionals, technical personnel, consultants and contractors specifically engaged to undertake the surveying, design, engineering, manufacturing or construction of a project infrastructure asset, and related facilities and structures;
- c) the costs of environmental assessments, monitoring and follow-up programs, as required by the *Canadian Environmental Assessment Act* or a provincial equivalent; and
- d) the costs related to strengthening the ability of Local Governments to develop Integrated Community Sustainability Planning.

**1.1.1 Employee and Equipment Costs**

The incremental costs of the Local Government's employees or equipment may be included in its Eligible Costs under the following conditions:

- a) the Local Government has determined that it is not economically feasible to tender a contract;
- b) employees or equipment are employed directly in respect of the work that would have been the subject of the contract; and
- c) the arrangement is approved in advance and in writing by the Management Committee.

**1. Administration Costs**

That portion of Funds representing interest earned may be used to pay for administration costs.

**2. Ineligible Costs for Eligible Recipients**

Costs related to the following items are ineligible costs:

- a) Eligible Project costs incurred before April 1, 2005;
- b) services or works that, in the opinion of the Management Committee are normally provided by the Eligible Recipient or a related party;
- c) salaries and other employment benefits of any employees of the Eligible Recipient, except as indicated in Section 1.1;
- d) an Eligible Recipient's overhead costs, its direct or indirect operating or administrative costs, and more specifically its costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by its applicant's staff;
- e) costs of feasibility and planning studies for individual Eligible Projects;
- f) taxes for which the Eligible Recipient is eligible for a tax rebate and all other costs eligible for rebates;
- g) costs of land or any interest therein, and related costs;
- h) cost of leasing of equipment by the Local Government, except as indicated in section 1.1 above;
- i) routine repair and maintenance costs;
- j) legal fees;
- k) administrative costs incurred as a result of implementing this Agreement, subject to 1.2 above; and
- l) audit and evaluation costs.

**SCHEDULE C- Eligible Recipient Accountability Framework****1. Commitments**

Eligible Recipients will:

- a) ensure that Gas Tax Funding will result in net incremental capital spending on Municipal Infrastructure or capacity building.
- b) ensure that Gas Tax Funds will be used only for Eligible Projects (Schedule A) and to pay only Eligible Costs (Schedule B).
- c) implement Eligible Projects in a diligent and timely manner.
- d) during the term of the Agreement, where the Eligible Recipient is a Local Government, undertake Integrated Community Sustainability Planning, either by itself or as part of a regional strategy.
- e) provide, on request of either Canada or UBCM, a copy of the Capital Investment Plan.
- f) permit UBCM and Canada on request, reasonable access to all records relating to all Eligible Projects that have received Funds.
- g) comply, as necessary, with the Communications Protocol set out in Schedule G.
- h) comply with all legislated environmental assessment requirements, and agree that no Funds will be committed to an Eligible Project until all required environmental requirements have been satisfied.
- i) implement all mitigation measures identified in any environmental assessment of the Eligible Project.
- j) award and manage all contracts for the supply of services and/or material to the Eligible Project in accordance with the Eligible Recipient's relevant policies and procedures, and award contracts in a manner that is transparent, competitive, and consistent with value for money principles.
- k) if Funds are paid to the Eligible Recipient in advance of the Eligible Recipient incurring and paying Eligible Costs, invest such Funds in accordance with British Columbia law and the Eligible Recipients' investment policies.



- l) expend all Funds prior to the termination of this Agreement.
- m) report annually on the use of Gas Tax Funds in accordance with the set of indicators to be established by the Partnership Committee, and to be provided in writing to the Eligible Recipient by the UBCM:
- submit an annual report to the UBCM, by July 1 of each year, before the next instalment of the Community Works Funds is released and before subsequent payments for a project under the Strategic Priorities Fund or Innovations Fund can be made. The report will provide Eligible Recipient specific information that will allow the UBCM to create the aggregated report as contained in Schedule E.
  - a declaration from the officer responsible for financial administration, that Funds were used in accordance with the Community Works Fund Agreement, must accompany the annual report and that the financial statements were prepared following accounting rules of the Public Sector Accounting Board.
  - provide the UBCM with information on incrementality based on the methodology developed by the Partnership Committee for the purpose of the evaluation as described in Section 7.3 of the Agreement.
  - public accountability and reporting requirements for municipalities can be met through the normal cycle of municipalities' progress reporting, as required under the *Community Charter*.
  - public accountability and reporting requirements for regional districts can be met through the normal cycle of regional districts' financial reporting, as required under the *Local Government Act*.

## 2. Event of Default

If an Eligible Recipient fails to observe or comply with any of the terms or conditions set out in a funding agreement, including the established spending criteria, the UBCM, upon the recommendation of the Management Committee, may, at its discretion exercisable by written notice to the Eligible Recipient, reduce, suspend or terminate any further payment.

### 3. Use of Funds

The Eligible Recipient acknowledges that it may use Funds to pay up to 100% of Eligible Costs of an Eligible Project, provided that to the extent it is receiving money under an Infrastructure Program in respect of an Eligible Project to which the Eligible Recipient wishes to apply Funds, the maximum federal contribution limitation set out in any Infrastructure Program contribution agreement made in respect of that Eligible Project shall continue to apply, and Funds paid to the Eligible Recipient shall be deemed to be a federal contribution under the said contribution agreement.

### 4. Ownership

The Eligible Recipient shall retain title to, and ownership of, the infrastructure resulting from the Eligible Project for at least ten (10) years after Project completion.

If, at any time within ten (10) years from the date of completion of the Eligible Project, the Eligible Recipient sells, leases, encumbers or otherwise disposes of, directly or indirectly, any asset constructed, rehabilitated or improved, in whole or in part, with funds contributed by Canada under the terms of this Agreement, other than to Canada, British Columbia, a Local Government or a Crown corporation of British Columbia that is the latter's agent for the purpose of implementing this agreement, the Eligible Recipient shall repay the UBCM, on demand, a proportionate amount of the funds contributed by Canada, as follows:

Where Eligible Project asset is sold, leased, encumbered or disposed of:	Repayment of contribution (in current dollars)
Within 2 Years after Eligible Project completion	100%
Between 2 and 5 Years after Eligible Project completion	55%
Between 5 and 10 Years after Eligible Project completion	10%

The Eligible Recipient agrees to notify the UBCM in writing as soon as practicable of any transaction triggering the above-mentioned repayment.

## 5. Indemnification

The Eligible Recipient shall indemnify and save harmless Canada and the UBCM, their officers, servants, employees or agents, from and against all claims and demands, losses, costs, damages, actions, suits or other proceedings by whomsoever brought or prosecuted in any manner based upon, or occasioned by any injury to persons, damage to or loss or destruction of property, economic loss or infringement of rights caused by or arising directly or indirectly from:

- a) all Eligible Projects;
- b) the performance of the Funding Agreement, or the breach of any term or condition of the Funding Agreement, by the Eligible Recipient, its officers, employees and agents or by a third party, and any of its officers, employees, servants or agents;
- c) the design, construction, operation, maintenance and repair of any part of an Eligible Project; and
- d) any omission, or other wilful or negligent act of the Eligible Recipient or third party and their respective employees, officers, servants or agents.

except to the extent to which such claims, demands, losses, costs, damages, expenses, actions, suits or other proceedings relate to an act of negligence of an officer, employee or agent of the UBCM.

**SCHEDULE E – Reporting and Audits****1. Reporting****1.1 Annual Expenditure Report****1.1.1 The Annual Expenditure Report will report on the:**

- Amounts received from Canada under this Agreement;
- Amounts paid to Eligible Recipients;
- Amounts received from Canada for future payments to Eligible Recipients;
- Amounts paid by Eligible Recipients in aggregate for Eligible Projects;
- Amounts held at year-end by Eligible Recipients in aggregate to be paid for Eligible Projects.

**1.1.2 The Annual Expenditure Report will also indicate in a narrative the progress that UBCM has made in meeting its commitments and contributions.****1.1.3 The Annual Expenditure Report will also include the following information:**

A listing of all Eligible Projects that have been approved for funding, indicating the location, investment category, amount and identity of all sources of funding, nature of the investment and expected outcomes, as identified in Schedule E. If SIMSI is used to provide project information, there is no need to provide above information in the Annual Expenditure Report.

**1.1.4 In the case of Eligible Recipients with a year-end other than March 31, and with the prior approval of UBCM, the Annual Report may include information in respect of Eligible Projects related to that Eligible Recipient to the year-end of that Eligible Recipient.****1.1 Outcomes Report**

The Outcomes Report will report on the cumulative investments made, including information on the degree to which these investments have actually contributed to the objectives of cleaner air, cleaner water and reduced GHG emissions.

**2. Audit Report**

The Audit Report, which includes the results of financial and compliance audits, will provide an opinion as to whether all of the information contained in the Annual Expenditure Report is complete and accurate, and whether UBCM has complied with all material provisions of this Agreement.

**Annual Expenditure Report – Template Reporting Format for Funding Flows**

	<b>Annual</b>	<b>Cumulative</b>
	<b>01/04/20xx – 31/03/20xy</b>	<b>Date of signing – 31/03/20xy</b>
<b>UBCM</b>		
Opening balance of unspent funding		xxx
Received from Canada	xx	xxx
Transferred to Eligible Recipients	(xx)	(xxx)
Closing balance of unspent funding		xxx
<b>Eligible Recipients in aggregate</b>		
Opening balance of unspent funding		xxx
Received from UBCM	xx	xxx
Spent on eligible projects	(xx)	(xxx)
Closing balance of unspent funding		xxx

**SCHEDULE G- Communications Protocol**

Canada, British Columbia and the UBCM agree that Canadians have a right to transparency and public accountability, which is best served by full information about the benefits of the New Deal for Cities and Communities.

This communications protocol establishes the principles and practices that will guide all announcements and events related to this Agreement, funding to Eligible Recipients under this Agreement and the New Deal. Communications activities may include, without limitation, major public events or announcements, or communications products such as speeches, press releases, websites, advertising, promotional material or signage.

**The Parties agrees that:**

In addition to joint communications activities, Canada, British Columbia and UBCM may include messaging in their own communications products and activities, around their commitment to the New Deal, and other initiatives and investments in cities and communities.

**The Government of Canada agrees that:**

1. It will make periodic announcements, through public events, press releases and/or other mechanisms, of the transfer of federal gas tax revenues to British Columbia for allocation to local governments within its jurisdiction.
2. It will make regular announcements, on a city, community or regional basis, of projects that have benefited from federal gas tax funds. Key milestones may be marked by public events, press releases and/or other mechanisms.
3. It will report regularly to the public on the outcomes of the investments entered into under this Agreement, including through the Treasury Board Secretariat Canada's Annual Performance Report, and through the National Evaluation described in Section 7 of this Agreement.

**British Columbia and UBCM agree that:**

1. All communications referring to projects funded under this Agreement will clearly acknowledge the contributions made by Canada.

2. All communications materials referring to the sharing of federal gas tax revenues with Eligible Recipients will recognize that this initiative forms part of the New Deal through the use of the Canada wordmark and of a tagline.
3. UBCM's Funding Agreements will include the provisions included in this Protocol, particularly that:
  - a. All communications by the Eligible Recipient referring to projects funded under this Agreement will clearly recognize Canada's investments.
  - b. Eligible Recipients will ensure permanent signage at the location of projects receiving investments under this Agreement, prominently identifying the Government of Canada's investment and including the Canada wordmark. Where there is no fixed location for signage, such as a transit vehicle, a prominent marker will recognize the Government of Canada's contribution. All signage/plaques will be located in such a way as to be clearly visible to users, visitors and/or passersby.

#### **General**

1. The timing of public events shall be sufficient to allow for all orders of government to plan their involvement. Either Party shall provide a minimum of 21 days notice of an event or announcement.
2. The Parties agree that they and Eligible Recipients will each receive appropriate recognition in joint communications materials.
3. Joint communications material and signage will reflect Government of Canada communications policy, including the *Official Languages Act*, and federal-provincial/territorial identity graphics guidelines. Costs related to announcements and signage in the French language will be the responsibility of Canada.

#### **Assessment**

Communication results will be assessed as part of the evaluation process set out in Section 7.3.2 of the Agreement.

**Local Government  
Community Works Fund Agreement**

**Nanaimo Regional District**

Tier 2

Population Estimate (see Note 1): 36,918

The Community Works Fund allocation has two elements:

1. a base funding amount, and
2. a population-based funding amount.

Based upon the population estimate noted above, base funding of \$25,000, and 50 % of \$15.32 in per-capita funding, the 2005/2006 Community Works Fund allocation for the Nanaimo Regional District is: **\$ 307,803.74**

The following anticipated Community Works Fund allocation amounts are provided for planning purposes only and are subject to change (see Note 2 below):

<b>Year</b>	<b>Base Amount</b>	<b>Per-Capita Amount (Estimated)</b>	<b>Community Works Fund Allocation (Estimated)</b>
2006/2007	\$ 25,000	\$ 15.31	\$ 307,579.96
2007/2008	\$ 31,583	\$ 20.55	\$ 410,894.40
2008/2009	\$ 38,478	\$ 25.76	\$ 514,068.42
2009/2010	\$ 50,000	\$ 53.65	\$ 1,040,264.91

Note 1: The population figures used to determine the per-capita allocation of funds are the BC Statistics' population estimates as of July 1, 2004, as released in December 2004 (see BC Statistics website: <http://www.bcstats.gov.bc.ca/data/pop/pop/estspop>). The population data will be modified based on 2006 census data when available.

Note 2: Boundary changes, incorporations of new municipalities, etc., will also vary the available funding in subsequent fiscal years. The amount of funding provided under individual Community Works Fund Agreements may vary, reflecting the scope of services provided by the Local Government as they relate to the scope of Eligible Projects, but only may vary the funding by formulas established or criteria prescribed by the Partnership Committee following consultation with any affected Local Governments.