

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, JULY 25, 2006
(immediately following the Hospital Board meeting)**

(RDN Board Chambers)

A G E N D A

PAGES

1. **CALL TO ORDER**
2. **DELEGATIONS**
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3. **BOARD MINUTES**
10-20 **Minutes of the Board meeting held June 27, 2006.**
4. **BUSINESS ARISING FROM THE MINUTES**
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21-22 **Harold & Anne Grindl, re Development Variance Permit Application No. 90518 – Bessembinder – 1977 Harlequin Crescent – Area E.**
23 **Norman & Cynthia Kostich, re Development Variance Permit Application No. 90615 – Middleton – 4595 Berbers Drive – Area H.**
24-25 **Larry & Melinda Pope, re Development Variance Permit Application No. 90615 – Middleton – 4595 Berbers Drive – Area H.**
6. **UNFINISHED BUSINESS**
BYLAWS
For Adoption.
Bylaw No. 500.327. (Electoral Area Directors except EA ‘B’ – One Vote)
26-29 **That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.327, 2006”, be adopted.**

This is a bylaw to rezone property located at 2180 South Wellington Road (Area A) from Residential 2 Subdivision District 'M' and Industrial 1 Subdivision District 'F' to South Wellington Light Industrial Comprehensive Development Zone 28, in order to facilitate the future development of light industrial uses.

Public Hearing and Third Reading.

Bylaw No. 500.334. (Electoral Area Directors except EA 'B' – One Vote)

30-36 Report of the Public Hearing held June 28, 2006 with respect to "*Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.334, 2006*" – J.E. Abbott – Island Highway West – Area G.

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

7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

37-39 Minutes of the Electoral Area Planning Committee meeting held July 11, 2006. (for information)

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0603 – Mountain Fire Protection District – Corner of Jinglepot Road & Meadow Drive – Area C. (All Directors except EA 'B' – One Vote)

1. *That the minutes of the Public Information Meeting held on June 20, 2006, be received.*
2. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.335, 2006", to rezone the subject property from Rural 1 to Public 4 to allow the use of the site for a fire hall be given 1st and 2nd reading.*
3. *That the public hearing for "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.335, 2006", be waived and notice in accordance with Section 893 of the Local Government Act be given.*
4. *That the conditions as outlined in Schedule No. 1 be completed as recommended.*

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60626 – Fern Road Consulting Ltd., on behalf of P. Adair, G. Adair, R. Knutson and K. Adair – Oakdowne Road – Area H. (All Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Permit Application No. 60626.

That Development Permit Application No. 60626 submitted by Fern Road Consulting Ltd., on behalf of P. Adair, G. Adair, R. Knutson and K. Adair in conjunction with the subdivision on the parcel legally described as Lot 1, District Lot 89, Newcastle District, Plan 36988 and designated within the Environmentally Sensitive Areas Development Permit Area pursuant to the Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003, be approved, subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

DEVELOPMENT VARIANCE PERMIT

Development Variance Permit Application No. 90518 – Bessembinder – 1977 Harlequin Crescent – Area E. (All Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Variance Permit Application No. 90518.

That Development Variance Permit Application No. 90518, to reduce the north interior side lot line setback from 2.0 metres to 0.0 metres for an elevated concrete parking structure at 1977 Harlequin Crescent, be approved according to the terms outlined in Schedule No. 1 and subject to the Board’s consideration of comments received as a result of public notification.

OTHER

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement & Request for Acceptance of Park Land Dedication – George Gow on behalf of G. Gow, D. Gow & H. Lechthaler – MacMillan Road – Area A. (All Directors except EA ‘B’ – One Vote)

- 1. That the park land proposal submitted by George Gow on behalf of G. Gow, D. Gow and H. Lechthaler in conjunction with the subdivision proposal of Lot 2, Section 16, Range 8, Cranberry District, Except Parts in Plans 8039 and 9378 be accepted in the location and amount as shown on Schedule No. 1 of the staff report.*
- 2. That the request for relaxation of the minimum 10% frontage requirement for proposed Lots 3, 4 and 5 be approved.*

DEVELOPMENT VARIANCE PERMIT

Development Permit Application No. 90614 – Tom Hoyt, BCLS, on behalf of Wayne Roine – Yellow Point Road – Area A. (All Directors except EA 'B' – One Vote)

That Development Variance Permit No. 90614, submitted by Tom Hoyt, BCLS, on behalf of Neil Roine, to relax the minimum setback requirement for the proposed interior side lot line from 8.0 metres to 5.0 metres, 4.9 metres and 2.9 metres for three existing accessory buildings in conjunction with the proposed subdivision of Lot 1, Section 5, Range 5, Cedar District, Plan 8608, Except Part in Plan 32954, as shown on Schedule No. 1 of the staff report, be approved subject to the notification requirements subject to the Local Government Act.

OTHER

Riparian Areas Regulation Implementation OCP Amendment Bylaw Nos. 1240.03, 1152.03, 1148.04, 814.09, 1055.03, 1115.04, 1335.02, 1007.05 and 1400.01. (All Directors except EA 'B' – One Vote)

40-59 *That this item be referred back to staff for further housekeeping.*

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

60-65 Minutes of the Committee of the Whole meeting held July 11, 2006. (for information)

CORPORATE SERVICES

ENVIRONMENTAL SERVICES

LIQUID WASTE

Union of British Columbia Municipalities Community Excellence Awards – Environmental Management System. (All Directors – One Vote)

That the Board support the application to the Union of British Columbia Municipalities Community Excellence Awards from the Liquid Waste Department for their Environmental Management System.

SOLID WASTE

Waste Stream Management Licensing Bylaw Progress Report. (All Directors – One Vote)

That the Board receive the progress report on Waste Stream Management Licensing Bylaw No. 1386 for information.

Organics Diversion Strategy Progress Report. (All Directors – One Vote)

That the progress report on the Organics Diversion Strategy be received for information.

RECREATION AND PARKS SERVICES

Review of Park Land Dedication in Conjunction with the Subdivision Application Process – Policy No. C1.5. (All Directors – One Vote)

That this item be referred back to staff.

REGIONAL TRANSPORTATION AND PLANNING SERVICES

REGIONAL GROWTH STRATEGY

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

That staff be directed to refer the UCIA to the RDN member municipalities for comment and confirmation that the UCIA is acceptable.

COMMISSION, ADVISORY & SELECT COMMITTEE

Regional Hospital District Select Committee. (All Directors – One Vote)

That the minutes of the Regional Hospital District Select Committee meeting held June 28, 2006 be received for information.

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

That the minutes of the Arrowsmith Water Service Management Committee meeting held April 18, 2006 be received for information.

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

That the minutes of the Climate Change Select Committee meeting held June 29, 2006 be received for information.

Regional Waste Advisory Committee. (All Directors – One Vote)

That the minutes of the Regional Waste Advisory Committee meeting held June 29, 2006 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 June 15, 2006 be received for information.

- 1. That the District 68 Transit service adjustments for September 5, 2006 be approved.*
- 2. That a report from staff be prepared on partnership opportunities for hospital transportation services.*
- 3. That staff prepare a report on opportunities to obtain more funding for handyDART.*

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 meetings held June 14, 2006 and June 28, 2006 be received for information.

Intergovernmental Advisory Committee. (All Directors – One Vote)

That the minutes of the Intergovernmental Advisory Committee meeting held June 22, 2006 be received for information.

Regional Parks & Trails Advisory Committee.

(All Directors – One Vote)

That the minutes of the Regional Parks and Trails Advisory Committee meeting held June 13, 2006 be received for information.

(All Directors – Weighted Vote)

- 1. That the Regional Board authorize the execution of a 99-year lease with the Nature Trust of BC for the operation and management of Englishman River Regional Park, legally described as Block 602, Nanoose District except Part in Plan VIP76721.*

(All Directors – One Vote)

- 2. That the Regional District be directed to work with the City of Nanaimo on identifying the means to develop a formal parking area and trailhead for the Mt. Benson Regional Park.*

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

That the minutes of the Electoral Area 'A' Parks and Green Spaces Advisory Committee meeting held May 18, 2006 be received for information.

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

That the minutes of the Electoral Area 'B' Parks and Open Space Advisory Committee meeting held April 10, 2006 be received for information.

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

That the minutes of the Nanoose Bay Parks and Open Space Advisory Committee meeting held June 5, 2006 be received for information.

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

That the minutes of the Electoral Area 'H' Parks and Open Space Advisory Committee meeting held April 19, 2006 be received for information.

District 69 Recreation Commission.

(All Directors – One Vote)

That the minutes of the District 69 Recreation Commission meeting held June 22, 2006 be received for information.

That the Recreation Services Master Plan for Oceanside (2006-2017) be approved to guide the development, management, administration and operations of recreation services in District 69.

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

That the applicable admission and rental rates in Appendices A, B and C be amended to reflect the new six percent GST rate that will take affect July 1, 2006.

That the program, admission and rental fees for Oceanside Place in 2006/07 be approved as outlined in Appendix A.

That the program, admission and rental fees for Ravensong Aquatic Centre in 2007 be approved as outlined in Appendix B.

That the Recreation Coordinating program fees and recovery rates, administration fee and revenue-sharing percentage ratio for Term Instructor (Companies) agreements for 2007 be approved as outlined in Appendix C.

That the Regional District of Nanaimo approve the revised Sublease with the Parksville Curling Club Society with amendments made to Section 5.21 and the addition of Sections 5.22 and 5.23 for the use of the District 69 Arena for the term of October 1, 2003 to March 31, 2008.

NEW BUSINESS

Building Inspection – Electoral Areas A, F and H. (All Directors – One Vote)

That staff be instructed to bring forward a report on the implementation of the building inspection function within parts of Electoral Areas 'A', 'F' and 'H'.

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.5 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

8. ADMINISTRATOR'S REPORTS

- 66-72 "Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.44, 2006" – 580 Berry Point Road, Gabriola Island – Area B. (All Directors – One Vote)
- 73-75 Local Government Stewardship Council. (All Directors – One Vote)
- 76-85 Development Permit Application No. 60615 – Roderick & Dolly McDonald – 287 Dan's Road – Area C. (Electoral Area Directors except EA 'B' – One Vote)
- 86-93 Development Variance Permit Application No. 90615 – Middleton – 4595 Berbers Drive – Area H. (Electoral Area Directors except EA 'B' – One Vote)
- 94-100 Zoning Amendment Application No. ZA0510 – Cedar Estates – Cedar & Hemer Roads – Area A. (Electoral Area Directors except EA 'B' – One Vote)
- 101-107 Expansion of Building Inspection Service Areas. (All Directors – One Vote)
- 108-109 Board Strategic Plan 2006-2009. (All Directors – One Vote) (Plan included as separate enclosure)

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

That pursuant to Section 90(1) (i) of the Community Charter the Board proceed to an In Camera meeting to consider items related to legal issues.

Burgoyne, Linda

From: michele deakin [auklet@shaw.ca]
Sent: Monday, July 10, 2006 1:39 PM
To: Burgoyne, Linda
Subject: presentation to RDN

Hi Linda

Nikki Wright will be in town on July 25th and would be able to make a presentation to the RDN regarding Greenshores program and the value of eelgrass for shoreline stabilization and other services.

Nikki is Chair of the Seagrass Conservation Working Group - a consortium of provincial and federal government agencies, First Nations, academics, scientists, stewardship and conservation groups, volunteers and students. This group is responsible for mapping and monitoring of eelgrass in 20 communities along the BC coast.

Nikki spoke to the Oceanside Development and Construction Association during the Brant Wildlife Festival and had a lot of interest and followup discussion as a result of her talk. This included talk about the need for community-wide shoreline planning rather than on property-by-property basis.

Nikki can give her presentation using either power point or overheads.

If you need further information, or to confirm the presentation, you can reach me at 250-738-0232 or auklet@shaw.ca.

Thank you,

Michele Deakin

Communications Coordinator

Seagrass Conservation Working Group

7/10/2006

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, JUNE 27, 2006, AT 7:03 PM IN THE
RDN BOARD CHAMBERS**

Present:

Director J. Stanhope	Chairperson
Director J. Burnett	Electoral Area A
Director B. Sperling	Electoral Area B
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Alternate	
Director S. Herle	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director B. Bestwick	City of Nanaimo
Director D. Brennan	City of Nanaimo
Alternate	
Director J. Cameron	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

C. Mason	Chief Administrative Officer
T. Osborne	Gen. Mgr. of Recreation & Parks
M. Pearse	Manager of Administrative Services
N. Avery	Manager of Financial Services
C. McIver	Manager of Solid Waste
W. Moorman	Mgr. of Engineering Standards & Subdivision
D. Trudeau	Manager of Transportation Services
N. Tonn	Recording Secretary

DELEGATIONS

Ceri Peacey, re Hamilton Marsh Project.

Ms. Peacey provided a visual presentation of Hamilton Marsh and stressed the importance of adding this environmentally diverse parcel of land to the District's regional park acquisition list.

LATE DELEGATIONS

MOVED Director Bartram, SECONDED Director Westbrook, that a late delegation be permitted to address the Board.

CARRIED

Hermine Hicks, re Transit Issues.

Ms. Hicks, speaking on behalf of a number of Nanaimo bus riders, raised her concerns regarding transit service and presented a petition of 300 concerned citizens for the Board's viewing.

BOARD MINUTES

MOVED Director Westbrook, SECONDED Director McNabb, that the minutes of the regular Board meeting held May 23, 2006 and the special Board meeting held June 13, 2006 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Bob & Beryl Cassidy, re Development Variance Permit Application No. 90613 – Barber – 1794 Oak Leaf Drive – Area E.

MOVED Director Holme, SECONDED Director Herle, that the correspondence from Bob and Beryl Cassidy regarding Development Variance Permit Application No. 90613 be received.

CARRIED

Mr. & Mrs. Vojtech, re Development Variance Permit Application No. 90613 – Barber – 1794 Oak Leaf Drive – Area E.

MOVED Director Holme, SECONDED Director Herle, that the correspondence from Mr. and Mrs. Vojtech regarding Development Variance Permit Application No. 90613 be received.

CARRIED

UNFINISHED BUSINESS

BYLAWS

For Adoption.

Bylaw No. 1021.07.

MOVED Director Holme, SECONDED Director Bartram, that "Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.07, 2006" be adopted.

CARRIED

Bylaw No. 889.40.

MOVED Director Holme, SECONDED Director Bartram, that "Regional District of Nanaimo Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.40, 2006 be adopted.

CARRIED

Bylaw No. 1370.01.

MOVED Director Biggemann, SECONDED Director Westbrook, that "Regional District of Nanaimo (Coombs-Hilliers Fire Protection) Loan Authorization Amendment Bylaw No. 1370.01, 2006" be adopted.

CARRIED

Bylaw No. 791.13.

MOVED Director Burnett, SECONDED Director McNabb, that "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.13, 2006" be adopted.

CARRIED

Bylaw No. 500.306.

MOVED Director Bartram, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.306, 2004" be adopted.

CARRIED

Public Hearing and Third Reading.

Bylaw No. 500.333.

MOVED Director Burnett, SECONDED Director Young, that the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on June 7, 2006, on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.333, 2006" be received.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.333, 2006" be given 3rd reading and be referred to the Ministry of Transportation for approval pursuant to the *Transportation Act*.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the conditions, as outlined in Schedule No. 1, be secured and/or completed by the applicant to the satisfaction of the Regional District prior to consideration of adoption of Bylaw No. 500.333, 2006.

CARRIED

Bylaw No. 500.336.

MOVED Director Holme, SECONDED Director Bartram, that the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on June 15, 2006 as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.336, 2006" be received.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.336, 2006" be given 3rd reading.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that the conditions as outlined in Schedule No. 1 be secured and/or completed by the applicant to the satisfaction of the Regional District prior to consideration of adoption of Bylaw No. 500.336, 2006.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

MOVED Director Bartram, SECONDED Director Sperling, that the minutes of the Electoral Area Planning Committee meeting held June 13, 2006 be received for information.

CARRIED

PLANNING

Director Holme left the meeting citing a possible conflict of interest with the next two items.

DEVELOPMENT PERMIT APPLICATION

Development Permit Application No. 60622 and Request for Relaxation of the Minimum 10% Perimeter Frontage –Ken Kyler, BCLS, Je Anderson & Associates on behalf of J & M Law – Davenham Road - Area E.

MOVED Director Bartram, SECONDED Director Biggemann, that Development Permit Application No. 60622 submitted by Ken Kyler, BCLS, JE Anderson & Associates, on behalf of J & M Law, in conjunction with the subdivision on the parcel legally described as Lot 3, DL 137, Nanoose District, Plan VIP64016 and designated within the Sensitive Ecosystem Protection Development Permit Area be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the request for relaxation of the minimum 10% frontage requirement for proposed Lot A be approved.

CARRIED

DEVELOPMENT VARIANCE PERMIT

Development Variance Permit Application No. 90612 – Park Land Consideration – Request for 10% Frontage Relaxation – Timberlake-Jones Engineering Ltd., on behalf of Timberstone Development Ltd. – Davenham Road and Oak Leaf Drive – Area E.

MOVED Director Bartram, SECONDED Director Biggemann, that Development Variance Permit Application No. 90612, submitted by Timberlake-Jones Engineering Ltd., on behalf of Timberstone Developments Ltd., in conjunction with the subdivision on the parcels legally described as Lot 1, DL 78, Plan 14212 Except Those Parts in Plans 28203 and 29052 and Lot 5, DL 131, Plan VIP69734, All of Nanoose District, be approved subject to the conditions outlined in Schedules No. 1 and 3 of the corresponding staff report and the notification requirements pursuant to the Local Government Act with respect to the proposed variances outlined in Schedule No. 2.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the park land proposal, in the amount and location as shown on Schedule No. 3 of the staff report, be accepted subject to the conditions set out in Schedule No. 4 of the staff report.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the request for relaxation of the minimum 10% frontage requirement for proposed Lot 12 be approved.

CARRIED

Director Holme returned to the meeting.

OTHER

Request for Relaxation of the Minimum 10% Frontage Requirement – JE Anderson on behalf of J. Kantor – Fowler Road – Area H.

MOVED Director Bartram, SECONDED Director Biggemann, that the request submitted to relax the minimum 10% frontage requirement for proposed Lots 1 and 2 as shown on the proposed plan of subdivision of Lot 19, District Lot 81, Nanoose District, Plan 1967, be approved subject to the conditions outlined in Schedules No. 1 and 2.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60627 – Watson & Forster – 861 Miller Road – Area G.

MOVED Director Bartram, SECONDED Director Burnett, that Development Permit Application No. 60627, to facilitate the replacement of an existing double-wide manufactured home with a stick frame dwelling at 861 Miller Road, be approved according to the terms outlined in Schedule No. 1.

CARRIED

Development Permit Application No. 60628 – Newcastle Engineering Ltd., on behalf of L. Michaels – 1400 Dorcas Point Road – Area E.

MOVED Director Bartram, SECONDED Director Holme, that Development Permit Application No. 60628 submitted by Newcastle Engineering Ltd., on behalf of L. Michaels, in conjunction with the subdivision on the parcel legally described as Lot A, DL 110, Nanoose District, Plan VIP76564 and designated within the Sensitive Ecosystem Protection 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. 60629 – Trout – 2671 Seablush Drive – Area E.

MOVED Director Bartram, SECONDED Director Holme, that Development Permit Application No. 60629, to allow for the construction of an addition to an existing dwelling unit and a second dwelling unit at 2671 Seablush Drive, be approved according to the terms outlined in Schedule No. 1.

CARRIED

DEVELOPMENT VARIANCE PERMITS

Development Variance Permit Application No. 90610 – McGillivray and Hopwood – 3039 Hillview Road – Area E.

MOVED Director Bartram, SECONDED Director Holme, that Development Variance Permit Application No. 90610, to relax the front lot line setback from 8.0 metres to 0.0 metres and the east side lot line from 2.0 metres to 0.0 metres to legalize an existing retaining wall at 3039 Hillview Road, be approved according to the terms outlined in Schedule No. 1 and subject to the Board's consideration of comments received as a result of public notification.

CARRIED

Development Variance Permit Application No. 90611 – Colclough on behalf of Island Timberlands – 1420 & 1430 Island Highway East – Area E.

MOVED Director Bartram, SECONDED Director Holme, that Development Variance Permit Application No. 90611, to relax the maximum height restriction from 8.0 metres to 9.98 metres to construct a shop at 1420 & 1430 Island Highway East, be approved according to the terms outlined in Schedule No. 1 and subject to the Board's consideration of comments received as a result of public notification.

CARRIED

OTHER

Request for Relaxation of the Minimum 10% Perimeter Requirement – Fern Road Consulting Ltd., on behalf of A. Lotoski – 2882 & 2890 Olympic Road – Area H.

MOVED Director Bartram, SECONDED Director Holme, that the request from Fern Road Consulting Ltd., on behalf of A. Lotoski to relax the minimum 10% frontage requirement for the proposed Remainder of Lot 8, as shown on the submitted plan of the subdivision of Lot 8, District Lot 90, Newcastle District, Plan VIP57995, be approved.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director McNabb, SECONDED Director Holdom, that the minutes of the Committee of the Whole meeting held June 13, 2006 be received for information.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Harold and Marianne Robinson, re Building Permit for 2991 Northwest Bay Road – Area E.

MOVED Director Holme, SECONDED Director Bartram, that the correspondence from Harold and Marianne Robinson regarding a building permit for 2991 Northwest Bay Road be received.

CARRIED

Ross Peterson, re Building Permit for 2991 Northwest Bay Road – Area E.

MOVED Director Holme, SECONDED Director Bartram, that the correspondence from Ross Peterson regarding the building permit for 2991 Northwest Bay Road be received.

CARRIED

CORPORATE SERVICES

FINANCE

Nanaimo River Fire Protection Security Issuing Bylaw No. 1488.

MOVED Director Young, SECONDED Director McNabb, that “Regional District of Nanaimo (Nanaimo River Fire Protection) Security Issuing Bylaw No. 1488, 2006” be introduced for three readings.

CARRIED

MOVED Director Brennan, SECONDED Director Holdom, that “Regional District of Nanaimo (Nanaimo River Fire Protection) Security Issuing Bylaw No. 1488, 2006” having received three readings be adopted.

CARRIED

Security Issuing (City of Nanaimo New Nanaimo Center) Bylaw No. 1489.

MOVED Director Westbrook, SECONDED Director Cameron, that “Regional District of Nanaimo Security Issuing (City of Nanaimo New Nanaimo Center) Bylaw No. 1489, 2006” be introduced for three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Bestwick, that “Regional District of Nanaimo Security Issuing (City of Nanaimo New Nanaimo Center) Bylaw No. 1489, 2006” having received three readings be adopted.

CARRIED

Barclay Crescent Sewer Security Issuing Bylaw No. 1486 and Interim Financing Barclay Crescent Sewer Bylaw No. 1487.

MOVED Director Westbrook, SECONDED Director McNabb, that "Regional District of Nanaimo (Barclay Crescent Sewer) Security Issuing Bylaw No. 1486, 2006" be introduced for three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Burnett, that "Regional District of Nanaimo (Barclay Crescent Sewer) Security Issuing Bylaw No. 1486, 2006" having received three readings be adopted.

CARRIED

MOVED Director Westbrook, SECONDED Director Burnett, that "Regional District of Nanaimo Interim Financing (Barclay Crescent Sewer) Bylaw No. 1487, 2006" be introduced for three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Burnett, that "Regional District of Nanaimo Interim Financing (Barclay Crescent Sewer) Bylaw No. 1487, 2006" having received three readings be adopted.

CARRIED

DEVELOPMENT SERVICES

BUILDING INSPECTION

Section 57 of the Community Charter – Contravention of Bylaws.

MOVED Director Holme, SECONDED Director Bartram, that a notice be filed against the titles of the properties listed, pursuant to Section 57 of the Community Charter.

- a) Lot 18, District Lot 8, Plan 20762, Nanoose Land District, 3697 Dolphin Drive, Electoral Area 'E', owned by N. and K. Shearer.

CARRIED

Marijuana Grow Op Remediation – 909 Esslinger Road – Area G.

MOVED Director Bartram, SECONDED Director Herle, that a notice be placed on the title of the property at 909 Esslinger Road legally described as Lot 24, District Lot 81, Plan VIP56034, Nanoose Land District and enforcement of Regional District of Nanaimo bylaws be pursued.

CARRIED

SUBDIVISIONS AND ENGINEERING STANDARDS

Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.14 – Northwest Bay Road – Area E.

MOVED Director Holme, SECONDED Director Holdom, that the parcels legally described as Lot 1, DL 68, Plan 3940 except for part in Plan VIP80339; DL 68 Except Amended Parcel A Thereof and Except Those Parts in Plans 3940, 26680, 27026, 27376, 30341 and VIP80336, all within the Nanoose Land District, be included in the Rural Streetlighting Local Service Area.

CARRIED

MOVED Director Holme, SECONDED Director Brennan, that "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.14, 2006" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

Pump and Haul Local Service Area Amendment Bylaw No. 975.43 – 7357 Industrial Road – District of Lantzville.

MOVED Director Haime, SECONDED Director McNabb, that the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include Lot 15, District Lot 44, Wellington District, Plan 15245 (Industrial Road in the District of Lantzville).

CARRIED

MOVED Director Haime, SECONDED Director McNabb, that “Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.43, 2006” be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Wastewater Engineering Servicing Contract Extension.

MOVED Director Holme, SECONDED Director Cameron, that staff be directed to extend the wastewater engineering services contract with Associated Engineering (BC) Ltd. for an additional two year term expiring June 2008.

CARRIED

SOLID WASTE

2006 Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.09.

MOVED Director Holdom, SECONDED Director Cameron, that “Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.09, 2006” be introduced and read three times.

CARRIED

MOVED Director Holdom, SECONDED Director Sperling, that “Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.09, 2006” having received three readings be adopted.

CARRIED

Church Road Transfer Station Solid Waste Hauling Services Contract – Regional Landfill.

MOVED Director Westbrook, SECONDED Director Biggemann, that a 5-year contract for the provision of solid waste hauling services from the Church Road Transfer Station for 2006 to 2011 be awarded to Bobell Trucking at a cost of \$1,593,154.

CARRIED

UTILITIES

Planning Services Fees and Charges Amendment Bylaw No. 1259.04.

MOVED Director Brennan, SECONDED Director Bartram, that “Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.04, 2006” be introduced for three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Bartram, that "Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.04, 2006" having received three readings be adopted.

CARRIED

Lantzville West Water System (Rumming Road) – Request for RDN Ownership and Operation.

MOVED Director Holme, SECONDED Director Haime, that staff confirm with the Ministry of Environment that we intend to access funds offered to undertake a review of the Lantzville West Water System in the fall of 2006.

CARRIED

MOVED Director Holme, SECONDED Director Haime, that staff be directed to proceed with an engineering review of the Lantzville West Water System.

CARRIED

RECREATION AND PARKS SERVICES

Lighthouse Community Centre Society Funding Agreement.

MOVED Director Bartram, SECONDED Director Holme, that the Regional District of Nanaimo approve the revised Agreement with the Lighthouse Community Centre Society which includes the addition of Section 4.6 to provide \$1,000 in 2006 and \$1,000 in 2007 for operational and maintenance costs for the Lighthouse Community Centre to be funded by the Electoral Area 'H' Community Park Function.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Nanoose Bay Parks and Open Space Advisory Committee.

MOVED Director Holme, SECONDED Director McNabb, that the minutes of the Nanoose Bay Parks and Open Space Advisory Committee meeting held April 3, 2006 be received for information.

CARRIED

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held May 17 and May 31, 2006 be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Biggemann, that the minutes of the District 69 Recreation Commission meeting held May 18, 2006 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the Regional Board approve the recommendations from the District 69 Recreation Commission Grants Committee for the following Community Recreation Grants:

District 69 Community Recreation Grants

Arrowsmith Community Enhancement Society	\$	533	
Ballenas Secondary School Dry Grad Committee – beautifying legacy	\$	1,000	
Bard to Broadway Theatre Society – adult program	\$	2,000	
Deep Bay Celebration	\$	2,000	
Errington Therapeutic Riding Association	\$	1,265	
Mid-Island Wildlife Watch Society – Brant Festival	\$	1,000	
Nicolls Park Revitalization Project	\$	1,000	
Parksville & Dist. Assoc. for Community Living Operation Track Shoes	\$	1,500	
Parksville Grand Pappies – Slo-Pitch	\$	2,400	
Qualicum Beach Lawn Bowling Club	\$	3,100	
Ravensong Aquatic Club	\$	2,500	
Ravensong Masters Swim Club	\$	1,900	
Vancouver Island Opera (formerly Oceanside Lyric Ensemble)	\$	2,500	
			CARRIED

MOVED Director Bartram, SECONDED Director Herle, that the Regional Board approve the recommendations from the District 69 Recreation Commissions Grants Committee for the following Youth Recreation Grants:

District 69 Youth Recreation Grants

Ballenas Secondary School Dry Grad Committee – dry grad event	\$	1,000	
Bard to Broadway Theatre Society – youth program	\$	2,500	
District 69 Family Resource Association	\$	3,600	
District 69 Minor Softball	\$	410	
Kidfest	\$	1,500	
Nanoose Bay Parent’s Advisory Council	\$	1,000	
Parksville Royals Baseball	\$	4,500	
			CARRIED

MOVED Director Bartram, SECONDED Director Westbrook, that the District 69 Recreation Commission and Regional Board accept and approve the Oceanside Community Arts Councils’ late application for a Youth Recreation Grant in the amount of \$750.00.

CARRIED

NEW BUSINESS

Environmental Officer Position.

MOVED Director Westbrook, SECONDED Director Holme, that staff investigate the possibility of hiring an Environmental Officer position within the Regional District budget or in conjunction with member municipalities.

CARRIED

ADMINISTRATOR’S REPORT

Development Variance Permit Application No. 90613 – Barber – 1794 Oak Leaf Drive – Area E.

Ms. Barber distributed pictures and information to the Board for their viewing, and provided additional information regarding Development Variance Permit Application No. 90613.

MOVED Director Holme, SECONDED Director Bartram, that Development Variance Permit Application No. 90613, to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as outlined on Schedule No. 1, be approved and that the applicant have the stairs engineered and deemed safe and that they will absolve the Regional District from any further legal action should anything happen to the stairs after the engineer's report is done.

CARRIED

Development Permit Application No. 60619 – Dave Scott for 3536696 Canada Inc. – Fairwinds Development – Area E.

MOVED Director Holme, SECONDED Director Bartram, that Development Permit Application No. 60619, to establish building envelopes to allow the future construction of single-dwelling units and accessory buildings on each proposed parcel on Bonnington Drive within Phase 9B in Fairwinds be approved according to the terms outlined in Schedule No. 1.

CARRIED

NEW BUSINESS

HMCS Winnipeg Presentation.

The Chairperson presented to the Board, on behalf of the HMCS Winnipeg, a framed print of the naval vessel which he received on his tour of the ship. The Chairperson requested that staff send a letter of thanks to the Captain and crew to show our appreciation.

Vancouver Island Corridor Foundation News Release.

The Chairperson noted that a press release has been issued by the Vancouver Island Corridor Foundation announcing the appointment of Southern Railway as the new operator of the Island's railway.

IN CAMERA

MOVED Director Holme, SECONDED Director Holdom, that pursuant to Section 90(1)(i) of the *Community Charter* the Board proceed to an In Camera meeting to consider items related to legal issues.

CARRIED

ADJOURNMENT

MOVED Director Holme, SECONDED Director Holdom, that this meeting adjourn to allow for an In Camera meeting.

CARRIED

TIME: 8:01 PM

CHAIRPERSON

MANAGER, ADMINISTRATIVE SERVICES

The Board of Directors
Regional District of Nanaimo

July 17, 2006

Re: Development Variance
Permit# 90518
Bessembinder

From:
Harold & Anne Grindl
Owners
Lot 35, 1975 Harlequin Crescent
NanOOSE Bay, BC

To whom it may concern:

As owners of the property adjoining the subject property to the north, we have been aware of Mr. Bessembinder's intent to build an elevated parking structure in order to make the dwelling more easily sellable.

While we are not generally opposed to the idea of the parking platform, removing the setback will increase the already substantial visual and aesthetic impact of such a platform on our property, as it will be directly opposing and at equal level to the front side and sundeck of our home. If approved, the structure will be no more than 6 metres from the edge of our sundeck and 9 metres from the house front. Please see the attached property survey of lot 35 for details.

Furthermore, the elevations indicated in the submission by far understate the height of the support pilings required, as the ground slope is not gentle as indicated in page 2 of Sched. 3, but rather equals or exceeds 45 degrees. The height of the support pilings will likely have to be 15 to 20 ft. I would strongly urge the board of directors to do a physical visual inspection of the site before making a decision on the matter.

The underside of the proposed structure with the cross braces, as designed, will be visible from every house in sight line on Harlequin Crescent. While such design may well be aesthetically acceptable in road construction, it would be an eyesore in a residential area.

Should The Board of Directors nonetheless favour passing the variance, we would at the very least request that Mr. Bessembinder be required in writing to minimize the visual impact of the support structure, by blending it into the surroundings using natural rock to hide the utilitarian underbelly of the platform. It can unfortunately not be relied upon a future owner of the dwelling to do this work after the structure has been established. In our opinion, the onus should rest solely with the applicant to not only satisfy zoning and engineering concerns, but also the aesthetic concerns of the neighbouring properties.

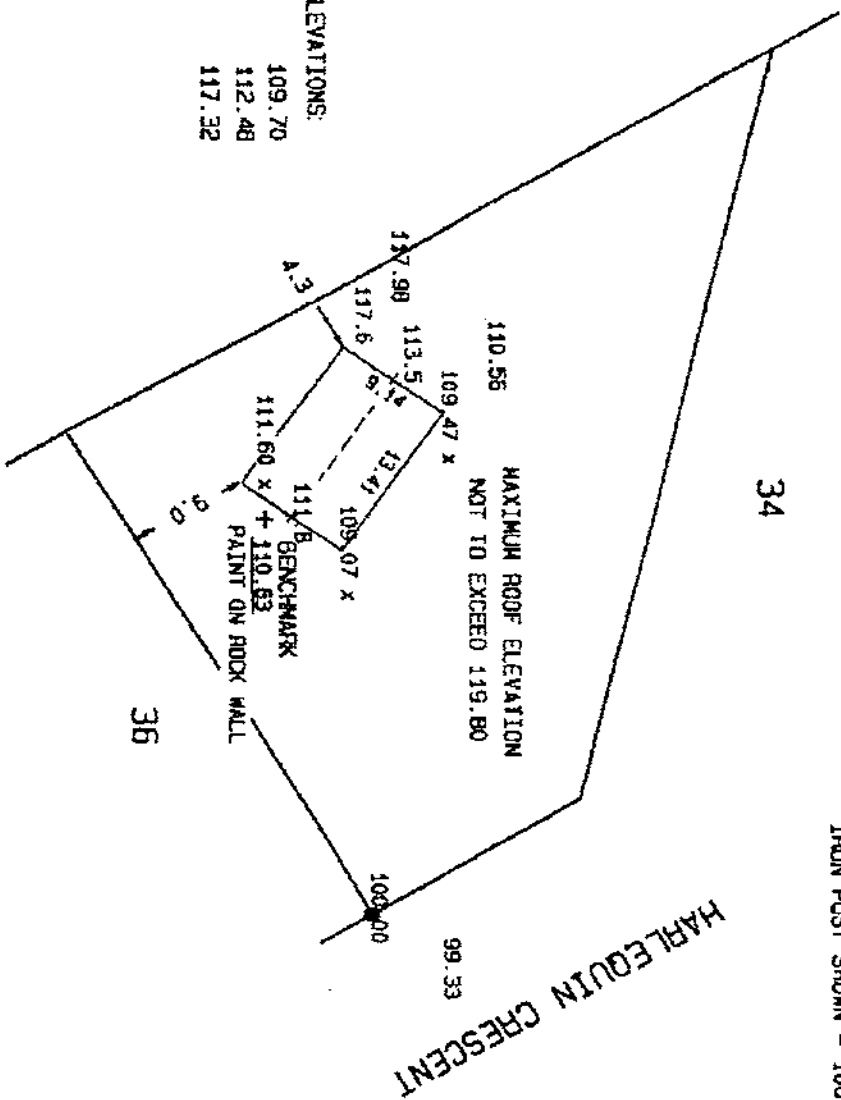
Regards

Harold & Anne Grindl
12556 Stave Lake Rd.
Mission, BC

c/c sent by email to planning@rdn.bc.ca

PLAN OF PROPOSED HOUSE LOCATION ON LOT 35,
DISTRICT LOT 78, NANOOSE DISTRICT, PLAN 29112

SCALE 1:500
ALL MEASUREMENTS ARE IN METRES
ELEVATIONS ARE BASED ON AN ASSUMED DATUM
IFORN POST SHOWN = 100.0



PROPOSED ELEVATIONS:

GARAGE SLAB	109.70
MAIN FLOOR	112.48
ROOF PEAK	117.32

T.G. HOYT
B.C. Land Surveyor
512 Wentworth Street
Nanaimo, B.C.
V9R 3E4
753-2921

FB 328/26

Certified Correct
This 31st day of October, 2005.
[Signature]
B.C. Surveyors

July 19, 2006

Regional District of Nanaimo Planning Department
6300 Hammond Bay Rd.
Nanaimo, BC
V9T 6N2

To Whom It May Concern

RE: Lot 68, District Lot 40, Newcastle District, Plan 21776

This is to inform you that as property owners, we are objecting to the *Development Variance Permit* requested by the owners of the abovesaid property. It is our belief that precedence will be set should a variance be granted and the beauty and nature of this landscape could radically change as a result.

Our home is Lot 10 Frontier and Mapleguard and believe that if a variance is granted to Lot 68, Lot 67 could follow, allowing more land space for the current owner to develop, thus, infringing on our property value and current privacy. Likewise, the character of this whole corner will inevitably change. Allowing a 4.6 meter variance is a significant amount of land when you consider the increasing property values in the area.

Unfortunately, without anyone to enforce bylaws, people will take liberties and face the results. The shed concerned was erected within the last 12 months, as was the home. As with the Lasqueti resident who was recently told she had to move her dwelling, it is the responsibility of the homeowner to research ALL regulations PRIOR to building.

Bowser/Deep Bay is a beautiful, serene area. Let's not begin to give the land away. This will only allow property owners to continue to take liberties. Trees and natural habitat growing on these reserved areas that are removed will affect birds and wildlife. Decreased property values will follow as many others seek to claim land where buildings were built illegally.

Please follow the existing *Regional District of Nanaimo land Use and Subdivision Bylaw No. 500, 1987* as it precedes this application date.

Without Prejudice

Norman and Cynthia Kostich
Lot 10
District lot 40, Newcastle District, Plan 21776..

Laustsen, Denise

From: melinda.pope@healthpoint.com
Sent: July 20, 2006 2:44 PM
To: Laustsen, Denise
Subject: Objection to Variance App. #90615, 4595 Berbers Rd. District "H"

To the RDN Board of Directors:

My wife and I would like to voice our objection to the granting of this application.

First I'd like to give you a little background information.

Early in October 2005, after the owner marked out where he wanted the "garage", he was told by his builders, that the location contravened the building by-laws. They were told to build it where he'd laid it out. (the same builders, who are neighbours, also built our house and were very precise with us on current by-laws. I also contacted your offices to get the details as well. We hired a professional surveyor to lay out our buildings so that we would meet the existing building land use by-laws and avoid any issues with your office as well as unhappy neighbours).

I called the planning office and subsequently the by-law enforcement office before the concrete pad for this garage was poured to voice my concerns. I called the by-law office again roughly a week or so later after the pad had been poured and spoke to by-law officer for Area H (Tom ??) to ask if he was looking into it. I was told at that time, he'd received several complaints from other neighbours and would be looking into the matter. He also told me, that if the building contravened the bylaw it would have to be moved. I called again when the walls and trusses were going up, and was told he had not been to the property yet, but would be going in short order. Construction continued to completion. No one was ever advised as to the status of concerns made to the bylaw office.

Upon hearing about the subject variance application above, I spoke to the by-law officer, and he told me that when he finally got out to see the building in question, the roof was on. He also tells me that even if he had gone out in the early stages of construction, he had no authority to put a stop work order on the site. I have to question then - Why have by-law officers at all? I have made my concerns on this point to the Manager of Bylaw enforcement today.

Prior to this application, the names of complainants are never released. The owners of this property are wonderful people and great neighbours. I understand they have a right to know who is objecting and why. The last thing we want is animosity amongst neighbours, but we feel strongly enough about our reasons as follows.

1. We are very concerned with future buildings and sizes of such which may legally or illegally be built on this property as a result of the granting of the variance.
2. This area is changing rapidly, with much construction underway. People are investing hundreds of thousands of dollars into property, with homes selling upwards of \$850,000. A vacant waterfront lot in front of our home is currently for sale at \$450,000. It will sell and someone will eventually want to build on it. There are also several older smaller homes we look over, in our view of the ocean. Someday the owners may want to tear down and rebuild. Although some of our view will be lost eventually, we're not prepared to accept more than is allowed. We have bylaws after all. Right? Although owners have every right, just as we did, to develop their property within the property use bylaws, will they adopt the "do it first and ask for forgiveness later" attitude? This is a small community and word travels fast! Unless the simple by-laws we have in place are respected, no one can be assured that their value (monetary or otherwise) is not at risk. Ignorance of local development rules is no excuse. We had absolutely no problem

finding out the bylaws when building our dream retirement home and we lived on the mainland at the time.

3. Currently your office has a variance application to construct a home and garage on Mapleguard Drive. The owners have applied "the legal way" prior to construction.

What message are you sending to them and others that may want to build here in the future?

Granting this variance sets a terrible precedent in Area H, which affects all homeowners here.

Should we adopt a policy of "Build what you want - Where you want - Big as you want - Ignore the bylaws - the Regional District will give their blessing after the fact through a variance application"? I would be very disappointed if this were to be the case.

Thank you for your time and consideration of our objection.

Larry and Melinda Pope
4594 Mapleguard Drive,
Site 138, C-49, RR 1
Bowser, BC V0R 1G0

PS.

I would like to see Electoral District H become a building permit and inspection area. Neighbours shouldn't have to be the inspectors. Not with property values as they are.

This transmission (including any accompanying attachments) is confidential, is intended only for the individual or entity named above, and is likely to contain privileged, proprietary and confidential information that is exempt from disclosure requests under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, use of or reliance upon any of the information contained in this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify the sender by e-mail, and delete the original message.



R D N			
CAO	GMES		
GMCS	GMR&P		
GMOS	GMRT&P		
JUL 17 2006			
CHAIR		BOARD	
[Handwritten signature]			

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: July 17, 2006

FROM: Greg Keller
Planner

FILE: 3360 30 0501

SUBJECT: Bylaw Amendment Bylaw No. 500.327 – Nanaimo Mini Storage/Brown
Electoral Area 'A' – 2180 South Wellington Road

PURPOSE

To consider Bylaw 500.327 for adoption.

BACKGROUND

Bylaw No. 500.327, 2006, was introduced and given 1st and 2nd reading on January 24, 2006. This was followed by a Public Hearing held on February 13, 2006. The Board granted 3rd reading for the bylaw on February 28, 2006.

The purpose of this amendment bylaw is to rezone the property legally described as Lot A, Section 11, Range 7, Cranberry District, Plan VIP76453 and located at 2180 South Wellington Road in Electoral Area 'A' from Residential 2 Subdivision District 'M' (RS2M) and Industrial 1 Subdivision District 'F' (I1F) to South Wellington Light Industrial Comprehensive Development Zone 28 in order to facilitate the future development of light industrial uses (*see Attachment No. 1 for location of subject property*).

At 3rd reading of this bylaw, the Board directed that two covenants be registered on title and all equipment storage, truck parking, and other uses not permitted by the current or proposed zoning be removed from the subject property at the applicant's expense. These conditions, were to be completed or secured prior to consideration of 4th reading of the corresponding bylaw, are outlined in *Schedule No. 1*.

The applicant has registered the required covenants and has removed all equipment storage, truck parking, and other uses not permitted by the current or proposed zoning

Ministry of Transportation sign off was also required after 3rd reading. This approval has been received.

ALTERNATIVES

1. To adopt Bylaw No. 500.327, 2006.
2. To not adopt Bylaw No. 500.327, 2006.

VOTING

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

SUMMARY

"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.327, 2006," was considered by the Board and given 1st and 2nd reading on January 24, 2006. Subsequent to that, a Public Hearing was held on February 13, 2006, and the Board granted 3rd reading on February 28, 2006.

In staff's opinion, the applicant has adequately satisfied the conditions of approval; therefore, this bylaw may now be considered by the Board for adoption.

The following recommendation is provided for consideration by the Board.

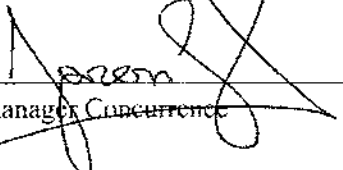
RECOMMENDATION

That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.327, 2006," be adopted.

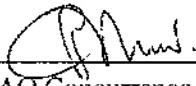


Report Writer

General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

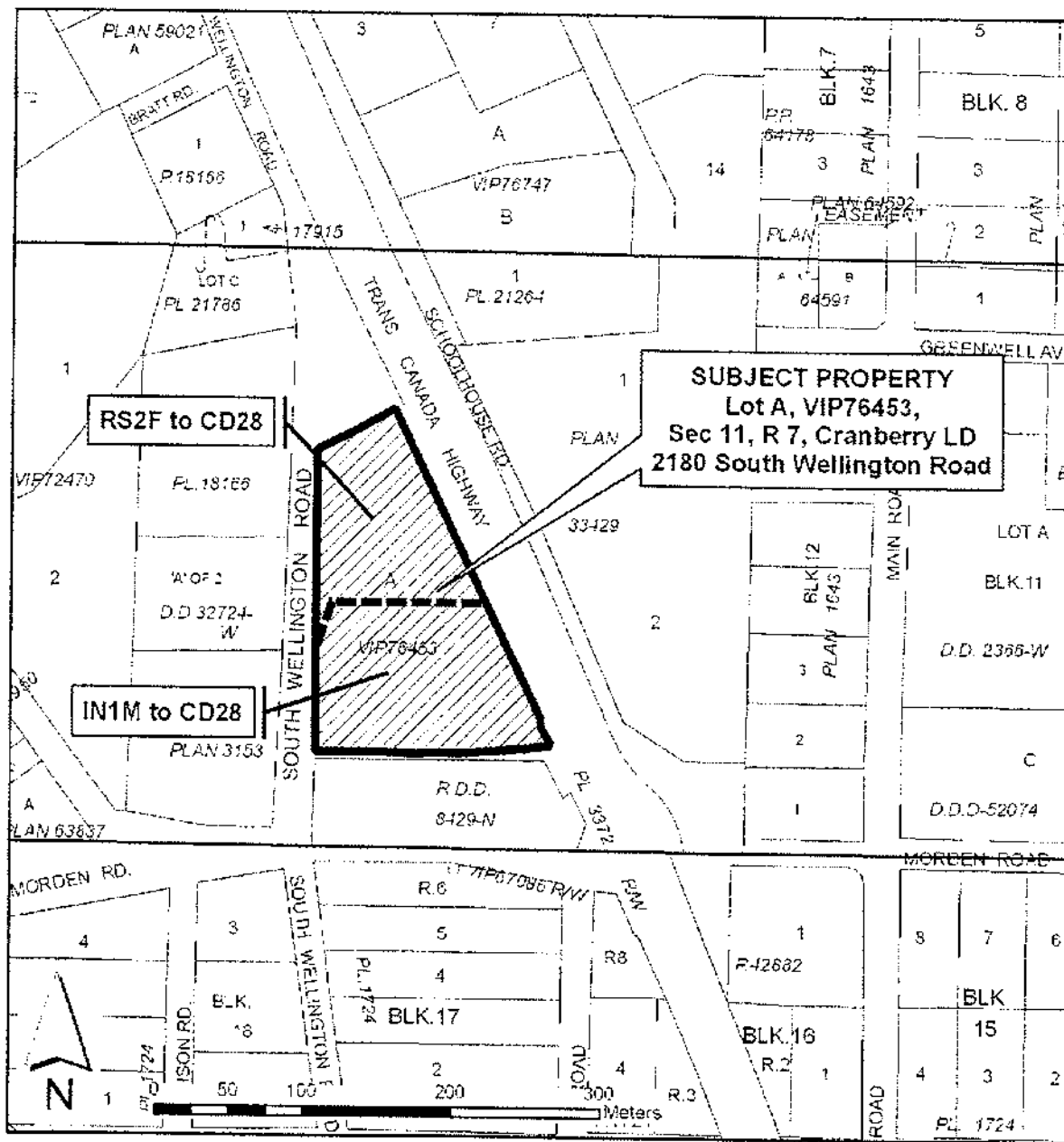
devsvs/reports/2006/za ju 3360 30 0501 Nanaimo Mini Storage - Brown 4th Adoption Report

Schedule No. 1
Conditions for Approval for
Zoning Amendment Application No. ZA0501
Amendment Bylaw No. 500.327
Lot A, Section 11, Range 7, Cranberry District, Plan VIP76453

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.327, 2005, for final reading:

1. The applicant shall, at their expense and to the satisfaction of the Regional District, register on title a Section 219 covenant requiring the issuance of a Development Permit that includes the provision of landscaping in accordance with the landscaping plan submitted by the applicant prior to any use or development occurring on the portion of the subject property currently zoned residential.
2. The applicant shall, at their expense and to the satisfaction of the Regional District, register on title a Section 219 covenant restricting the placement of streamers, banners, or pennants on the subject property.
3. Applicant to submit written proof indicating that all conditions imposed by the Ministry of Transportation in the letter dated May 18, 2005, and any subsequent requests have been satisfied.
4. All equipment storage, truck parking, and other uses not permitted by the current or proposed zoning shall be removed from the subject property at the applicant's expense.

Attachment No. 1
Location of Subject Property
ZA0501



BCGS Map Sheet No. 826.001.4.3



RDN			
CAO	(W)	GMES	
GMCS		GMREP	
GMDS		GMREP	
JUL 17 2006			
CHAIR		BOARD	
Board			

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: July 14, 2006

FROM: Greg Keller
Planner

FILE: 3360 30 0602

SUBJECT: Amendment Bylaw No. 500.334, 2006
Jane England Abbott
Electoral Area 'G' – Island Highway West

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held on Wednesday, June 28, 2006, on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.334, 2006," and further, to consider Bylaw No. 500.334, 2006, for 3rd reading.

BACKGROUND

Bylaw No. 500.334, 2006, was introduced and given 1st and 2nd reading on May 23, 2006. This was followed by a Public Hearing held on June 28, 2006. The summary of the minutes and submissions is attached for the Board's consideration (see Attachment No. 2).

The purpose of this amendment bylaw is to rezone the parcel legally described as Lots 1 and 2, District Lot 80, Newcastle District, Plan VIP64106 and located on the Island Highway West in the Dashwood Area of Electoral Area 'G' (see Attachment No. 1 for location of subject property) from Public 1 Subdivision District 'M' (PU1M) to Residential 2 Subdivision District 'M' (RS2M) in order to facilitate the future construction of two dwelling units.

The applicant has agreed to meet a number of conditions of approval, which are to be secured or completed prior to consideration of adoption of the bylaw. These conditions are outlined in Schedule No. 1 of this report.

ALTERNATIVES

1. To receive the Report of the Public Hearing and give 3rd reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.334, 2006."
2. To receive the Report of the Public Hearing and deny "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.334, 2006."

FUTURE LAND USE IMPLICATIONS

The proposed residential use is consistent with the surrounding Residential 2 land uses. Staff are satisfied with the geotechnical report submitted by the applicant, which specifies a minimum setback of 10.0 metres from the top of the bank; and that the property is safe for the intended residential use provided the recommendations contained in the report are adhered to.

The applicant is required, prior to the Board's consideration of the corresponding bylaw for adoption, to register a Section 219 covenant registering the report on title including a save harmless clause releasing the Regional District of Nanaimo from all liability and/or damages as a result of erosion/landslide and an agreement that the applicant will adhere to the recommendations contained in the geotechnical report.

As the applicant has opted not to hook up to the Little Qualicum Waterworks District's Community Water System, the applicant, prior to the Board's consideration of the corresponding bylaw for adoption, must submit reasonable proof that a minimum year-round potable water supply of 3.5 m³ per day can be provided and that such water meets or exceeds the Canadian Drinking Water Standards. In addition, as the subject property is not serviced with community sewer, the applicants must also submit a report from a registered practitioner or registered professional assessing on-site sewage disposal and the ability of the site to accommodate two dwelling units

INTERGOVERNMENTAL IMPLICATIONS

Ministry of Transportation – the Ministry has indicated that they have no objection in principle subject to the following: The applicant must obtain an access permit, and only one access to Highway 19 shall be permitted.

It is also noted that this amendment bylaw is subject to the approval of the Ministry pursuant to the *Highway Act*.

Vancouver Island Health Authority – Staff has referred this application to the Vancouver Island Health Authority; and as of the date of this report, no comments have been received.

Dashwood Volunteer Fire Department – The Planning Department, in consideration of fire safety issues, refers applications for rezoning or OCP amendments to local fire departments. As of the date of this report, no negative comments have been received.

PUBLIC CONSULTATION IMPLICATIONS

Verbal submissions received at the Public Hearing are outlined in the Summary of the Minutes and Submissions of the Public Hearing (*see Attachment No. 2*).

LEGAL IMPLICATIONS

The process to draft and adopt "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.334, 2006," is consistent with the requirements of the *Local Government Act*.

Should the Board want to make changes to the proposed amendment bylaw in response to the submissions made at the Public Hearing, an amended 2nd reading and a second Public Hearing is required if these changes will: change the land use; increase the density; or, without the owner's consent, decrease the density.

VOTING

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

SUMMARY

The intent and purpose of this bylaw amendment is to rezone the subject properties from Public 1 Subdivision District 'M' (PU1M) to Residential 2 Subdivision District 'M' (RS2M) in order to facilitate the future construction of two dwelling units.

The bylaw was introduced and given 1st and 2nd reading on May 23, 2006. This was followed by a Public Hearing held on June 28, 2006. As the subject property is within 800 metres of a highway interchange, pursuant to the *Highway Act*, this amendment bylaw is subject to the approval of the Ministry of Transportation. The requirements set out in the Conditions of Approval are to be secured and/or completed by the applicant prior to the Board's consideration of the bylaw for adoption. Therefore, staff recommends that Bylaw No. 500.334, 2006, be considered for 3rd reading.

RECOMMENDATIONS

1. That the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on June 28, 2006, on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.334, 2006," be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.334, 2006," be given 3rd reading and be referred to the Ministry of Transportation for approval pursuant to the *Highway Act*.
3. That the conditions, as outlined in Schedule No. 1, be secured and/or completed by the applicant to the satisfaction of the Regional District prior to consideration of adoption of Bylaw No. 500.334, 2006.

Report Writer

General Manager Concurrence

Manager Concurrence

CAO Concurrence

COMMENTS:

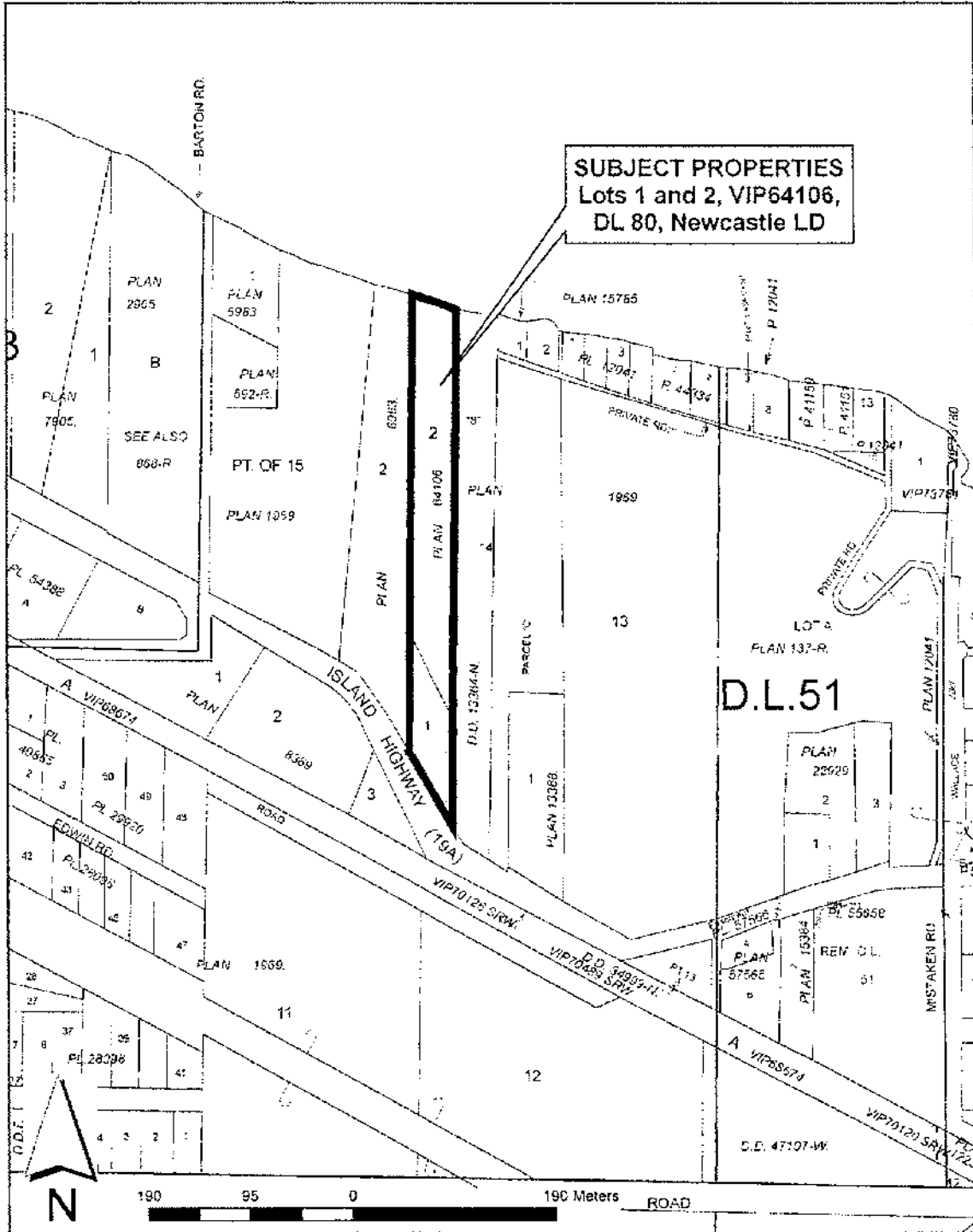
devs\reports\2006\za ju 3360 30 0602 346520 BC Ltd - Abbott 3rd Report

Schedule No. 1
Conditions of Approval
Zoning Amendment Application No. ZA0602
Lots 1 & 2, District Lot 80, Newcastle District, Plan VIP64106

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.334, 2006, for final reading:

1. The applicant shall, at their expense and to the satisfaction of the Regional District, register a Section 219 covenant that registers the geotechnical report prepared by Lewkowich Geotechnical Engineering Ltd. dated January 27, 2006, on title and requires the applicant to adhere to all conditions contained in the report.
2. The applicant shall, at their expense and to the satisfaction of the Ministry of Transportation and the Regional District of Nanaimo, consolidate Lots 1 and 2, District Lot 80, Newcastle District, Plan VIP64106.
3. The applicant shall submit written proof from the Ministry of Transportation that all conditions imposed by the Ministry of Transportation have been met to the satisfaction of the Ministry of Transportation.
4. The applicant shall submit a report from a registered practitioner or registered professional assessing on-site sewage disposal and the ability of the site to accommodate two dwelling units.
5. The applicant shall submit reasonable proof that a minimum year-round potable water supply of 3.5 m³ per day can be provided and that such water meets or exceeds the Canadian Drinking Water Standards.

Attachment No. 1
Location of Subject Property



Attachment No. 2

REGIONAL DISTRICT OF NANAIMO

Report of the Public Hearing

Held at Little Qualicum Community Hall, 1210 Centre Road, Dashwood, BC

June 28, 2006, at 7:00 pm

To Consider

**“Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.334, 2006”
Summary of Minutes and Submissions**

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

PRESENT:

Joe Stanhope
Paul Thompson
Greg Keller

Chairperson, Director, Electoral Area 'G'
Senior Planner
Planner

There were 8 persons in attendance.

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

The **Planner** provided an outline of the Bylaw, including a summary of the proposal.

The **Chairperson** called for formal submissions with respect to Bylaw 500.334, 2006.

John Edwards, 1109 Ganke Road, indicated that there is a memorandum in place by the water improvement district that requires any property that faces the highway to be subject to a parcel tax levied by the waterworks district.

Richard Riopal, 188 Fire Dance Lane, asked about the intent and purpose of the proposed bylaw.

The **Planner** in response to the question provided a brief description of the intent and purpose of the proposed bylaw.

Derrick York, 1007 Surfside Drive, asked how the applicants are proposing to access the property.

The **Planner** responded by indicating that the Regional District of Nanaimo does not regulate access onto controlled access highways and that the applicant will be required to meet the requirements of the Ministry of Transportation.

Derrick York, 1007 Surfside Drive, asked if the geotechnical report is available for viewing.

The **Planner** responded by indicating that the report is available at the side table for review.

The **Chair** provided an opportunity for those in attendance to read the report.

Tim Waring, 4055 Island Highway, asked if there were any plans for the use of the subject property adjacent to the highway.

The **Planner** responded by indicating that there is nothing proposed at this time on the portion of the property adjacent to the Highway.

Richard Riopal, 188 Fire Dance Lane, requested that the Regional District of Nanaimo take steps to secure the measures and recommendations contained in the applicant's geotechnical report.

The **Chairperson** called for further submissions.

The **Chairperson** called for further submissions for the second time.

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

There being no further submissions, the Chairperson adjourned the Hearing at 7:13 p.m.

Certified true and accurate this 25th day of July 2006.

Greg Keller
Recording Secretary

Director Joe Stanhope
Chairperson, Electoral Area 'G'

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, JULY 11, 2006, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director D. Bartram	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Alternate	
Director S. Herle	City of Parksville

Also in Attendance:

C. Mason	Chief Administrative Officer
P. Thompson	A/Manager of Community Planning
W. Moorman	Manager of Engineering Standards & Subdivisions
T. Osborne	General Manager of Recreation & Parks
N. Tonn	Recording Secretary

LATE DELEGATION

MOVED Director Biggemann, SECONDED Director Young, that a late delegation be permitted to address the Committee.

CARRIED

George Gow, re Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement & Request for Acceptance of Park Land Dedication – George Gow on behalf of G. Gow, D. Gow & H. Lechthaler – MacMillan Road – Area.

Mr. Gow thanked Director Burnett, Wayne Moorman and Susan Cormie for all their help during the application process.

MINUTES

MOVED Director Holme, SECONDED Director Stanhope, that the minutes of the Electoral Area Planning Committee meeting held June 13, 2006 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0603 – Mountain Fire Protection District – Corner of Jinglepot Road & Meadow Drive – Area C.

MOVED Director Young, SECONDED Director Burnett,;

1. That the minutes of the Public Information Meeting held on June 20, 2006, be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.335, 2006", to rezone the subject property from Rural 1 to Public 4 to allow the use of the site for a fire hall be given 1st and 2nd reading.

3. That the public hearing for "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.335, 2006", be waived and notice in accordance with Section 893 of the *Local Government Act* be given.
4. That the conditions as outlined in Schedule No. 1 be completed as recommended.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60626 – Fern Road Consulting Ltd., on behalf of P. Adair, G. Adair, R. Knutson and K. Adair – Oakdowne Road – Area H.

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit Application No. 60626 submitted by Fern Road Consulting Ltd., on behalf of P. Adair, G. Adair, R. Knutson and K. Adair in conjunction with the subdivision on the parcel legally described as Lot 1, District Lot 89, Newcastle District, Plan 36988 and designated within the Environmentally Sensitive Areas Development Permit Area pursuant to the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003, be approved, subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

Director Holme left the meeting citing a possible conflict of interest with two items on the Agenda. The Chairperson noted that these items would be addressed at this time.

DEVELOPMENT VARIANCE PERMIT

Development Variance Permit Application No. 90518 – Bessembinder – 1977 Harlequin Crescent – Area F.

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Variance Permit Application No. 90518, to reduce the north interior side lot line setback from 2.0 metres to 0.0 metres for an elevated concrete parking structure at 1977 Harlequin Crescent, be approved according to the terms outlined in Schedule No. 1 and subject to the Board's consideration of comments received as a result of public notification.

CARRIED

OTHER

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement & Request for Acceptance of Park Land Dedication – George Gow on behalf of G. Gow, D. Gow & H. Lechthaler – MacMillan Road – Area A.

MOVED Director Burnett, SECONDED Director Biggemann,:

1. That the park land proposal submitted by George Gow on behalf of G. Gow, D. Gow and H. Lechthaler in conjunction with the subdivision proposal of Lot 2, Section 16, Range 8, Cranberry District, Except Parts in Plans 8039 and 9378 be accepted in the location and amount as shown on Schedule No. 1 of the staff report.
2. That the request for relaxation of the minimum 10% frontage requirement for proposed Lots 3, 4 and 5 be approved.

CARRIED

Director Holme returned to the meeting.

DEVELOPMENT VARIANCE PERMIT

Development Permit Application No. 90614 – Tom Hoyt, BCLS, on behalf of Wayne Roine – Yellow Point Road – Arca A.

MOVED Director Burnett, SECONDED Director Young, that Development Variance Permit No. 90614, submitted by Tom Hoyt, BCLS, on behalf of Neil Roine, to relax the minimum setback requirement for the proposed interior side lot line from 8.0 metres to 5.0 metres, 4.9 metres and 2.9 metres for three existing accessory buildings in conjunction with the proposed subdivision of Lot 1, Section 5, Range 5, Cedar District, Plan 8608, Except Part in Plan 32954, as shown on Schedule No. 1 of the staff report, be approved subject to the notification requirements subject to the *Local Government Act*.

CARRIED

OTHER

Riparian Areas Regulation Implementation OCP Amendment Bylaw Nos. 1240.03, 1152.03, 1148.04, 814.09, 1055.03, 1115.04, 1335.02, 1007.05 and 1400.01.

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

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:43 PM

CHAIRPERSON



RDN	
CAO	SMES
GMOS	GMR&P
GMDS	GMRT&P
JUL - 4 2006	
CHAIR	BOARD
EAP	

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: June 30, 2006

FROM: Greg Keller
Planner

FILE: 6480-30-RAR

SUBJECT: Riparian Areas Regulation implementation OCP amendment Bylaw Nos. 1240.03, 1152.03, 1148.04, 814.09, 1055.03, 1115.04, 1335.02, 1007.05, and 1400.01.

PURPOSE

To consider amending all Regional District of Nanaimo Official Community Plans to implement the Riparian Areas Regulation and to consider granting 1st and 2nd readings to OCP amendment Bylaw Nos. 1240.03, 1152.03, 1148.04, 814.09, 1055.03, 1115.04, 1335.02, 1007.05, and 1400.01.

BACKGROUND

Staff previously presented this topic to the Board in staff reports dated June 7, 2005, and January 30, 2006. These reports outlined the technical details of the legislation and the approval process. These reports are available for viewing should the Board require further information on the technical aspects of the legislation. The following summarizes the Riparian Areas Regulation (RAR) requirements, procedures, and implications for the Board's consideration.

The Ministry of Environment, in cooperation with Fisheries and Oceans Canada, adopted new legislation titled the "Riparian Areas Regulation" (RAR), which came in to force on March 31, 2006. This new legislation was enacted in July of 2004 under Section 12 of the British Columbia Fish Protection Act. This legislation aims to protect the features, functions, and conditions that support fish processes in riparian areas.

As a result of the RAR, the Regional District of Nanaimo can not approve or allow to proceed any proposed development located within a Riparian Assessment Area (RAA)¹ until notification that an assessment report prepared by a Qualified Environmental Professional (QEP) has been accepted by the Ministry of Environment (please refer to Schedule No. 1 – Riparian Areas Regulation for further detailed information). In addition, the RAR requires local governments to protect its riparian areas in accordance with the RAR. Therefore, the Regional District of Nanaimo must have bylaws in place to protect fish habitat that are consistent with the RAR.

The RAR applies to all approvals issued under Part 26 of the Local Government Act for development within a RAA including:

- Development Permits;
- Development Variance Permits;
- Temporary Use Permits;
- Site specific Zoning Bylaw Amendments;

¹ The "riparian assessment area"(RAA) is defined as the area within 30 metres of the high water mark of a stream, within 30 metres of the top of a ravine bank, or within 10 metres of the top of a ravine bank where the ravine is more than 60 metres in width.

- Site specific Official Community Plan Amendments;
- Servicing Agreements; or,
- Land Use Contract amendments.

The RAR does **not** apply to:

- the issuance of a building permit;
- subdivision approval by Approving Officer;
- strata conversions;
- development permits or development variance permits for the purpose of enabling reconstruction or repair of a permanent structure protected under Section 911 (non-conforming use and siting) of the *Local Government Act* if the structure remains on its existing foundation;
- farm uses on Agricultural Land Reserve land;
- recreational or institutional uses on recreational or institutional zoned lands;
- Board of Variance Decisions; or,
- Forestry activities on Crown Land or private managed forest land.

In addition to the above, the RAR does not apply to the marine environment.

The requirement for an assessment is triggered where an approval is required for any permit, bylaw amendment, or agreement noted above that involves any of the following development within a riparian assessment area:

- removal, alteration, disruption, or destruction of vegetation;
- disturbance of soils;
- construction or erection of buildings or structures;
- creation of non-structural impervious or semi-impervious surfaces;
- flood protection works;
- construction of roads, trails, docks, wharves, and bridges;
- provision and maintenance of sewer and water services;
- development of drainage systems;
- development associated with subdivision; or,
- development of utility corridors.

The purpose of the QEP report is to determine the width of the protective buffer [referred to in the legislation as the Streamside Protection and Enhancement Area (SPEA)²] on each side of the stream³ and other measures to protect fish habitat. In other words, how far a development must be located from a watercourse and what must be done to preserve and enhance the riparian area within this buffer area for the purpose of fish habitat protection.

There are a number of options for implementing the RAR. The January 2006 staff report outlined the various options and explained the implications of each. The report recommended that staff begin the process to amend the development permit areas as required to implement the Riparian Areas Regulation. The Board passed the following resolution in support of RAR implementation during its regular Board meeting of June 28, 2005.

² Streamside Protection and Enhancement Area (SPEA) means (a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream, and (b) the size of which is determined according to this regulation on the basis of an assessment report provided by a qualified environmental professional in respect of a development proposal;

³ Stream includes any of the following that provides fish habitat: [a] a watercourse, whether it usually contains water or not, [b] a pond, lake, river, creek, or brook, [c] or a ditch, spring or wetland that is connected to surface flow to something referred to in [a] or [b] above.

MOVED Director Bartram, SECONDED Director Holme, that the Board direct staff to begin the process to amend the development permit areas as required to implement the Riparian Areas Regulation.

CARRIED

During this time, staff have clarified a number of outstanding issues related to liability, implementation, enforcement, monitoring, and Fisheries and Oceans Canada's role that previously delayed progress on the implementation of the RAR. Staff are now prepared to recommend the Board proceed with the required OCP amendments to bring the existing OCP's into compliance with the RAR as outlined in this report.

ALTERNATIVES

1. To approve the amendment bylaws for 1st and 2nd reading and proceed to hold Public Information Meeting(s) followed by a Public Hearing.
2. To not approve the amendment application for 1st and 2nd reading.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

Currently, not all of the Regional District of Nanaimo's OCP bylaws are consistent with the RAR as many of the existing Watercourse Protection Development Permit Areas: do not require an assessment for proposed developments within 30 metres of a watercourse; the guidelines are not the same as the RAR standards; and/or, not all watercourses are within a Development Permit Area. Further, requiring a Riparian Area Assessment will provide staff and the public with more certainty with respect to Development Permit application submission requirements and Development Permit application processing.

In order to effectively implement the RAR through amendments to the OCP's, staff are proposing to develop a new Development Permit Area (DPA) called the "Fish Habitat Protection Development Permit Area", or in the Nanoose Bay OCP the "Watercourse Protection Development Permit Area" that would be applied in each OCP (with minor modifications to fit the overall scheme and formatting of each OCP). The RAR applies to a wide range of streams, as defined in footnote No. 3 above, including ditches, springs, and wetlands, which makes it extremely difficult to identify these streams on a map. Mapping data is currently unavailable and/or unreliable for many streams within the Regional District of Nanaimo boundaries that may be subject to the RAR. The Courts have directed that all Development Permit Areas must be mapped to provide property owners certainty with respect to whether a particular property is designated within a Development Permit Area.

It is proposed that each Official Community Plan area in its entirety be included within the Development Permit Area. The proposed Development Permit Area would include a number of exemptions to reduce the number of Development Permit applications where it is found through investigation that there are no streams subject to the RAR located on a property or when a proposed development is not located within a Riparian Assessment Area.

The said exemptions would release an applicant from requiring a Development Permit in the following circumstances:

- a) A development is located outside of the Riparian Assessment Area as determined by a British Columbia Land Surveyor or other qualified person;
- b) A development proposed outside of the Streamside Protection and Enhancement Area where notification of an assessment report prepared in accordance with Section 4(2) of the Riparian

Areas Regulation Assessment Methods has been received by the Regional District of Nanaimo and there are no measures required to protect the SPEA;

- c) Renovations, repairs, or maintenance to existing buildings within the same footprint that are protected by Section 911 of the *Local Government Act*;
- d) Removal of trees deemed hazardous by a qualified arborist that threaten the immediate safety of life and buildings;
- e) All development on lands proposed to be used for 'farm operation' as defined by the *Farm Practices Protection Act*;
- f) All development on lands subject to the *Forest Act* or *Private Managed Forest Land Act*;
- g) All park or park land ancillary uses not containing commercial, residential, or industrial activities;
- h) Stream enhancement and fish and wildlife habitat restoration works that have obtained the required Provincial and Federal approvals. Any activity within the stream channel that has or may have an impact on a stream requires compliance with Provincial and Federal legislation and notification to the RDN;
- i) The removal of invasive plants or noxious weeds on a small scale within the Development Permit Area including, but not limited to, Scotch Broom, Himalayan Blackberry, Morning Glory, and Purple Loosestrife provided such works are conducted in accordance with a vegetation management plan prepared by a certified Arborist or other Qualified person and measures are taken to avoid sediment or debris being discharged into the watercourse or onto the foreshore and the area is replanted immediately in accordance with "h" above.

With the exception of Regional District of Nanaimo Englishman River Official Community Plan, all Regional District Official Community Plans currently contain Watercourse Protection Development Permit Areas. However, most of the existing Development Permit Areas are not consistent with the RAR as they either do not require a Development Permit for development within 30.0 metres of a watercourse and/or all watercourses are not designated within a Development Permit Area. The following outlines the existing watercourse protection Development Permit Areas in each OCP and a summary of the proposed changes.

OCP Area	Development Permit Area	Development Permit Applicability	Summary of Proposed Changes
Electoral Area 'A'	Streams, Nesting Trees, & Nanaimo River Floodplain	<ul style="list-style-type: none"> • Nanaimo River and Haslam Creek - 30 metres from the Natural Boundary • All other watercourses - 15 metres from the Natural Boundary 	<ul style="list-style-type: none"> • Housekeeping amendments recognize the RAR. • Adding a new Fish Habitat Protection Development Permit Area. • Inserting a new Development Permit Area Map.
Arrowsmith Benson – Cranberry	Watercourse Protection	<ul style="list-style-type: none"> • Nanaimo River, Englishman River, and 	<ul style="list-style-type: none"> • Housekeeping amendments recognize the RAR.

OCP Area	Development Permit Area	Development Permit Applicability	Summary of Proposed Changes
Bright		<ul style="list-style-type: none"> Haslam Creek - 30 metres from the Natural Boundary/Top of Bank • All other watercourses - 15 metres from the Natural Boundary/Top of Bank 	<ul style="list-style-type: none"> • Amendments to the existing Watercourse Protection Development Permit Area to ensure consistency with the RAR. • Adding a new Fish Habitat Protection Development Permit Area. • Inserting a new Development Permit Area Map.
East Wellington – Pleasant Valley	Environmentally Sensitive Areas	<ul style="list-style-type: none"> • All watercourses - 30 metres from the Natural Boundary 	<ul style="list-style-type: none"> • Housekeeping amendments recognize the RAR. • Remove the existing Environmentally Sensitive Features Development Permit Area and replace it with the Fish Habitat Protection Development Permit Area. • Inserting a new Development Permit Area Map.
Nanoose Bay	Watercourse Protection	<ul style="list-style-type: none"> • All watercourses - 30 metres from the Natural Boundary 	<ul style="list-style-type: none"> • Amend the existing Watercourse Protection Development Permit Area. Although this plan was developed in consideration of the RAR, there have recently been clarifications on some of the previous issues and updated legal opinions that warrant the proposed changes. • Inserting a new Development Permit Area Map.
French Creek	Watercourse Protection	<ul style="list-style-type: none"> • French Creek - 30 metres from the Natural Boundary • All other watercourses - 15 metres from the Natural Boundary 	<ul style="list-style-type: none"> • Housekeeping amendments recognize the RAR • Amendments to the existing Watercourse Protection Development Permit Area to ensure consistency with the RAR • Adding a new Fish Habitat Protection Development Permit Area • Inserting a new Development Permit Area Map

OCP Area	Development Permit Area	Development Permit Applicability	Summary of Proposed Changes
Shaw Hill – Deep Bay	Environmentally Sensitive	All watercourses - 15 metres from the Natural Boundary	<ul style="list-style-type: none"> • Housekeeping amendments recognize the RAR. • Amendments to the existing Environmentally Sensitive Areas Development Permit Area to ensure consistency with the RAR. • Adding a new Fish Habitat Protection Development Permit Area. • Inserting a new Development Permit Area Map.
Englishman River	None at this time	N/A	<ul style="list-style-type: none"> • Housekeeping amendments recognize the RAR. • Adding a new Fish Habitat Protection Development Permit Area. • Inserting a new Development Permit Area Map.
Electoral Area 'H'	Environmentally Sensitive	<ul style="list-style-type: none"> • Big Qualicum River, Thames Creek and Nile Creek - 30 metres from the Natural Boundary • All other watercourses - 15 metres from the Natural Boundary 	<ul style="list-style-type: none"> • Housekeeping amendments recognize the RAR. • Amendments to the existing Environmentally Sensitive Features Development Permit Area to ensure consistency with the RAR. • Adding a new Fish Habitat Protection Development Permit Area. • Inserting a new Development Permit Area Map.

As mentioned above, the majority of OCP's require housekeeping amendments to make them consistent with the RAR. For most OCPs, a new Fish Habitat Protection Development Permit Area will be added and minor amendments will be made to the existing Watercourse Protection Development Permit Area to ensure consistency with the proposed Development Permit Area.

Staff are proposing to replace/amend the existing Development Permit Areas rather than insert new Development Permit Areas in the East Wellington – Pleasant Valley and Nanoose Bay OCP's. This is primarily because the existing Development Permit Area guidelines currently contain policies related to fish habitat protection and the proposed amendments would minimize conflicts between the existing policies and the RAR amendments.

Where the existing Development Permit Area is proposed to be amended rather than inserting a new Development Permit Area, staff was concerned with maintaining the existing level of protection for environmentally sensitive features other than fish habitat. Therefore, staff has, where feasible, carried forward the relevant guidelines pertaining to the protection of the natural environment, other than fish habitat to ensure the same level of protection exists.

The Englishman River OCP currently does not have a Watercourse Protection Development Permit Area, so the proposed amendment would insert a new Fish Habitat Protection Development Permit Area. Please note, the Area 'G' OCP review is currently in progress, which would see the French Creek, Englishman River, and Shaw Hill – Deep Bay OCP's being combined into one OCP.

REGIONAL GROWTH STRATEGY IMPLICATIONS

The proposed OCP amendments are consistent with Policy 4D in the "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1309, 2002," to protect streamside areas in accordance with applicable Provincial and Federal legislation. The Regional Growth Strategy also encourages the Federal and Provincial Governments to support the development and implementation of measures to protect streams and streamside areas at the local government area.

ZONING IMPLICATIONS

If the proposed OCP amendments are approved, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," and "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 1285, 2002," would remain unaffected.

DEVELOPMENT APPLICATION PROCESSING AND DEVELOPMENT INQUIRY IMPLICATIONS

As mentioned above, the Regional District of Nanaimo Planning Department, along with other regional districts are challenged by the inability to identify all streams that may be subject to the RAR, and therefore, may be open to liability for not fully complying with RAR. When development inquiries are received by the Planning Department, staff must determine whether or not there is a watercourse subject to the RAR located on the subject property. There are a few different options available to make this determination.

The first option is for staff to conduct a site visit for every development inquiry and development application. This option is not practical without a significant increase in current staffing resources.

The second option is to require the property owner/applicant to hire a Biologist/Qualified Environmental Professional prior to any development to make a determination as to whether or not there is a watercourse that is subject to the RAR on a subject property. This option is the only option that guarantees that the Regional District of Nanaimo will not be found liable for not requiring an assessment report. However, this option would be extremely onerous for property owners and developers especially when there are no watercourses on the subject property or adjacent lands.

The third option is to require the property owner/applicant to sign a property declaration stating whether or not there are/is water features of any kind located on the subject property and whether or not any development is proposed within 30.0 metres of the water feature. If there are no water features identified, the Regional District of Nanaimo would rely on that information and potentially allow the development to proceed subject to staff conducting a review of existing records and mapping to confirm the absence of a watercourse. If a watercourse is located on a subject property and development is proposed within the Riparian Assessment Area, the applicant would hire a QEP to make a determination as to whether or not the watercourse is subject to the RAR. Where time permits, staff may conduct a site visit. Where staff

conducts a site visit and is uncertain as to the status of a watercourse, the applicant will be required to hire a QEP to make the determination.

In staff's opinion, the third option is the most practical; therefore, staff recommend the use of the property declaration form and have attached a policy as Schedule No. 2 for the Board's consideration.

PROCEDURAL AND PUBLIC CONSULTATION IMPLICATIONS

Pursuant to Section 879 of the *Local Government Act*, staff recommend that the Board:

1. consider whether the opportunities for consultation with one or more of the persons, organizations, and authorities should be early and ongoing; and,
2. specifically consider whether consultation is required with
 - i. the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan;
 - ii. the board of any regional district that is adjacent to the area covered by the plan;
 - iii. the council of any municipality that is adjacent to the area covered by the plan;
 - iv. first nations;
 - v. school district boards, greater boards, and improvement district boards; and,
 - vi. the Provincial and federal governments and their agencies.

Proposed Public Consultation Strategy

Should the Board grant 1st and 2nd readings to the proposed bylaws, staff is proposing two Public Information Meetings to answer questions and explain the proposed changes. Staff are proposing to hold Public Information Meetings during the month of September, one in School District 68 and one in School District 69, the locations and dates to be confirmed. While there is some urgency to proceed with the adoption of these bylaws, attendance is generally low at public meetings held during the summer months and public meetings at this time should generally be avoided. As well, staff is proposing to circulate an information bulletin in August to provide a summary of the RAR and the changes to the development permit areas proposed by the RDN. As well, the information bulletins will have details about the public meetings in September.

As part of the proposed public consultation strategy, staff are proposing to refer the proposed bylaws to the following agencies: Ministry of Environment, Fisheries and Oceans Canada, Ministry of Community Services, Provincial Agricultural Land Commission, City of Nanaimo, City of Parksville, District of Lantzville, Integrated Land Management Bureau, Town of Qualicum Beach, Cowichan Valley Regional District, Comox-Strathcona Regional District, Alberni-Clayoquot Regional District, Qualicum First Nation, Nanoose First Nation, Snuneymuxw First Nation, School District 69, School District 68, Ministry of Transportation, and the Vancouver Island Health Authority.

If the bylaw amendments proceed, a Public Hearing is required as part of the bylaw approval process. Staff is proposing to hold one Public Hearing in the Board Chambers of the Regional District of Nanaimo after the Public Information Meetings and before the Board's consideration of 3rd reading of the corresponding bylaws.

Staff is proposing to advertise the Public Information Meetings through a notice published in one issue of the Harbour City Star, Nanaimo News Bulletin, PQ News, the Beacon, and Take 5 (as the Take 5 is published monthly, the proposed notice may advertise both the Public Information Meeting and the Public Hearing). Staff is proposing to advertise the Public Hearing through two consecutive issues of the above newspapers, excluding the Take 5, which would only be one issue. Staff is also proposing to post notice on the Regional District of Nanaimo website and internal notice boards. Staff has already provided an

information backgrounder on the RAR published in the March 2006 edition of the Electoral Area Perspectives Newsletters, and staff is proposing to publish an RAR update in a future edition of the Electoral Area Perspectives Newsletters.

FINANCIAL AND WASTE MANAGEMENT PLAN IMPLICATIONS

Staff has considered the proposed amendment bylaws in conjunction with the Regional District of Nanaimo financial plan and the waste management plans and are of the opinion that the proposed amendment bylaws have no effect on these plans.

VOTING

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

SUMMARY

The provincial Riparian Areas Regulation came into force on March 31, 2006. This legislation requires that the affected local governments amend their bylaws in order to ensure that all development within a Riparian Assessment Area is assessed by a Qualified Environmental Professional. The RAR prohibits local governments from issuing any Part 26 approvals until a notification from the Ministry of Environment is received indicating that a satisfactory assessment has been conducted.

In order to meet this statutory requirement, staff are proposing to amend the OCP's to ensure, as close as possible, consistency with the RAR. This requires the implementation of a new Development Permit Area in each OCP and/or amendments to the existing Watercourse Protection Development Permit Areas, as well as some general housekeeping amendments to ensure there are no policy conflicts with the RAR.

RECOMMENDATIONS

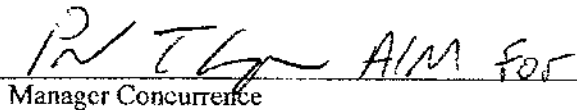
1. That the Regional District of Nanaimo Board approve the proposed public consultation strategy contained in this staff report.
2. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw Amendment Bylaw No. 1240.03, 2006," be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.04, 2006," be given 1st and 2nd reading.
4. That "Regional District of Nanaimo East Wellington - Pleasant Valley Official Community Plan Bylaw Amendment Bylaw No. 1055.03, 2006," be given 1st and 2nd reading.
5. That "Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.04, 2006," be given 1st and 2nd reading.
6. That "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.05, 2006," be given 1st and 2nd reading.
7. That "Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.09, 2006," be given 1st and 2nd reading.
8. That "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw Amendment Bylaw No. 1335.02, 2006," be given 1st and 2nd reading.

9. That "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw Amendment Bylaw No. 1152.03, 2006," be given 1st and 2nd reading.
10. That "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw Amendment Bylaw No. 1400.01, 2006," be given 1st and 2nd reading
11. That Regional District of Nanaimo Official Community Plan Amendment Bylaw Nos. 1240.03, 2006, 1148.04, 2006, 1055.03, 2006, 1115.04, 2006, 1007.05, 2006, 814.09, 2006, 1335.02, 2006, 1152.03, 2006, and 1400.01, 2006, be considered in conjunction with the Regional District of Nanaimo financial plan.
12. That Regional District of Nanaimo Official Community Plan Amendment Bylaw Nos. 1240.03, 2006, 1148.04, 2006, 1055.03, 2006, 1115.04, 2006, 1007.05, 2006, 814.09, 2006, 1335.02, 2006, 1152.03, 2006, and 1400.01, 2006, be considered in conjunction with all applicable Regional District of Nanaimo waste management plans.
13. That Regional District of Nanaimo Official Community Plan Amendment Bylaw Nos. 1240.03, 2006, 1148.04, 2006, 1055.03, 2006, 1115.04, 2006, 1007.05, 2006, 814.09, 2006, 1335.02, 2006, 1152.03, 2006, and 1400.01, 2006, be approved to proceed to Public Hearing.
14. That the Regional District of Nanaimo Board delegate an Electoral Area Director to chair the Public Hearing on Regional District of Nanaimo Official Community Plan Amendment Bylaw Nos. 1240.03, 2006, 1148.04, 2006, 1055.03, 2006, 1115.04, 2006, 1007.05, 2006, 814.09, 2006, 1335.02, 2006, 1152.03, 2006, and 1400.01, 2006.
15. That the Regional District of Nanaimo Board delegate an Electoral Area Director to act as vice chair for the Public Hearing on Regional District of Nanaimo Official Community Plan Amendment Bylaw Nos. 1240.03, 2006, 1148.04, 2006, 1055.03, 2006, 1115.04, 2006, 1007.05, 2006, 814.09, 2006, 1335.02, 2006, 1152.03, 2006, and 1400.01, 2006.
16. That the Regional District of Nanaimo Board approve the property declaration policy for use in determining the presence or absence of a watercourse subject to the Riparian Areas Regulation on a property attached as Schedule No. 2.



Report Writer

General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2006/ju 6480 30 RAR 1st & 2nd Report

Schedule No. 1
Riparian Areas Regulation

Definitions and interpretation

1 (1) In this regulation:

"Act" means the *Fish Protection Act*;

"active floodplain" means an area of land that supports floodplain plant species and is

- (a) adjacent to a stream that may be subject to temporary, frequent, or seasonal inundation, or
- (b) within a boundary that is indicated by the visible high water mark;

"assessment methods" means the methods set out in the Schedule;

"assessment report" means a report prepared in accordance with the assessment methods to assess the potential impact of a proposed development in a riparian assessment area and which is certified for the purposes of this regulation by a qualified environmental professional;

"development" means any of the following associated with or resulting from the local government regulation or approval of residential, commercial, or industrial activities or ancillary activities to the extent that they are subject to local government powers under Part 26 of the *Local Government Act*:

- (a) removal, alteration, disruption, or destruction of vegetation;
- (b) disturbance of soils;
- (c) construction or erection of buildings and structures;
- (d) creation of nonstructural impervious or semi-impervious surfaces;
- (e) flood protection works;
- (f) construction of roads, trails, docks, wharves and bridges;
- (g) provision and maintenance of sewer and water services;
- (h) development of drainage systems;
- (i) development of utility corridors;
- (j) subdivision as defined in section 872 of the *Local Government Act*;

"development proposal" means any development that is proposed in a riparian assessment area that is within or partly within the boundaries of an area administered by a local government;

"fish" means all life stages of

- (a) salmonids;
- (b) game fish; and,
- (c) regionally significant fish.

"floodplain plant species" means plant species that are typical of an area of inundated or saturated soil conditions and that are distinct from plant species on freely drained adjacent upland sites;

"high water mark" means the visible high water mark of a stream where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain;

"ministry" means the Ministry of Water, Land and Air Protection;

"natural features, functions and conditions" include, but are not limited to the following:

- (a) large organic debris that falls into the stream or streamside area, including logs, snags, and root wads;
- (b) areas for channel migration, including active floodplains;
- (c) side channels, intermittent streams, seasonally wetted contiguous areas, and floodplains;
- (d) the multicanopied forest and ground cover adjacent to streams that
 - (i) moderates water temperatures;
 - (ii) provides a source of food, nutrients, and organic matter to streams;
 - (iii) establishes root matrices that stabilize soils and stream banks, thereby minimizing erosion; and,
 - (iv) buffers streams from sedimentation and pollution in surface runoff.
- (e) a natural source of stream bed substrates;
- (f) permeable surfaces that permit infiltration to moderate water volume, timing, and velocity and maintain sustained water flows in streams, especially during low flow periods.

"permanent structure" means any building or structure that was lawfully constructed, placed, or erected on a secure and long lasting foundation on land in accordance with any local government bylaw or approval condition in effect at the time of construction, placement, or erection;

"qualified environmental professional" means an applied scientist or technologist acting alone or together with another qualified environmental professional, if

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association;
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal; and,
- (c) the individual is acting within that individual's area of expertise.

"ravine" means a narrow, steep-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1;

"riparian area" means a streamside protection and enhancement area;

"riparian assessment area" means

- (a) for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark;
- (b) for a ravine less than 60 meters wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and,
- (c) for a ravine 60 meters wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

"stream" includes any of the following that provides fish habitat:

- (a) a watercourse, whether it usually contains water or not;
- (b) a pond, lake, river, creek, or brook;
- (c) a ditch, spring, or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).

"streamside protection and enhancement area" means an area

- (a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream; and,
- (b) the size of which is determined according to this regulation on the basis of an assessment report provided by a qualified environmental professional in respect of a development proposal.

"top of the ravine bank" means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 meters measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

"wetland" means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries, and similar areas that are not part of the active floodplain of a stream.

(2) For the purposes of the definition of "streamside protection and enhancement area," vegetation must be considered to be "potential" if there is a reasonable ability for regeneration either with assistance through enhancement or naturally, but an area covered by a permanent structure must be considered to be incapable of supporting potential vegetation.

Purposes of this regulation

2 The purposes of this regulation are

(a) to establish directives to protect riparian areas from development so that the areas can provide natural features, functions, and conditions that support fish life processes; and,

(b) to facilitate an intergovernmental cooperation agreement between the ministry, Fisheries and Oceans Canada, and the Union of British Columbia Municipalities including the ability for individual intergovernmental cooperation agreements with local governments for any of the following:

(i) the implementation of this regulation;

(ii) the confirmation of regionally significant fish by the Ministry of Water, Land and Air Protection;

(iii) providing, sharing, or confirming information on fish habitat conditions;

(iv) describing roles and responsibilities with reference to applicable and appropriate use of authority and program mandates;

(v) dispute resolution;

(vi) a compliance strategy, including education, training, monitoring, reporting, enforcement, and auditing.

Application

3 (1) This regulation applies to the exercise of local government powers by local governments under Part 26 of the *Local Government Act* in those local government areas to which this regulation applies.

(2) This regulation does not apply to a development permit or development variance permit issued only for the purpose of enabling reconstruction or repair of a permanent structure described in section 911 (8) of the *Local Government Act* if the structure remains on its existing foundation.

Assessment reports required before development

4 (1) In respect of development proposals related wholly or partially to riparian assessment areas within the jurisdiction of a local government, a local government must not approve or allow

development to proceed in those riparian assessment areas unless the development proceeds in accordance with subsection (2) or (3).

(2) A local government may allow development to proceed if

(a) a qualified environmental professional carries out an assessment and certifies in the assessment report for that proposal that he or she is qualified to carry out the assessment that the assessment methods have been followed and provides their professional opinion that

(i) if the development is implemented as proposed there will be no harmful alteration, disruption, or destruction of natural features, functions, and conditions that support fish life processes in the riparian assessment area; or,

(ii) if the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption, or destruction of natural features, functions, and conditions that support fish life processes in the riparian assessment area; and,

(b) the local government is notified by the ministry that Fisheries and Oceans Canada and the ministry have been

(i) notified of the development proposal; and,

(ii) provided with a copy of an assessment report prepared by a qualified environmental professional that

(A) certifies that he or she is qualified to carry out the assessment,

(B) certifies that the assessment methods have been followed; and,

(C) provides a professional opinion that meets the requirements of subsection (2) (a) (i) or (ii) as to the potential impact of the development on the natural features, functions, and conditions that support fish life processes in the riparian assessment area.

(3) A local government may allow development to proceed if the Minister of Fisheries and Oceans Canada or a regulation under the *Fisheries Act* (Canada) authorizes the harmful alteration, disruption, or destruction of natural features, functions, and conditions that support fish life processes in the riparian assessment area that would result from the implementation of the development proposal.

Development of strategies for monitoring, enforcement, and education

5 The local government must cooperate in developing strategies with the ministry and Fisheries and Oceans Canada

(a) for obtaining certificates by qualified environmental professionals that the conditions set out in assessment reports have been properly implemented;

(b) for monitoring and enforcement to ensure that assessment reports have been properly prepared in accordance with the assessment methods and properly implemented; and,

(c) for public education with respect to the protection of riparian areas.

Use of local government powers for protection and enhancement of areas

6 When exercising its powers with respect to development, a local government must protect its riparian areas in accordance with this regulation.

Preparation of assessment report by qualified environmental professional

7 An assessment report for the purposes of this regulation must employ the assessment methods set out in the Schedule and must report on all of the following:

(a) the width of the streamside protection and enhancement area which must be protected;

(b) the measures necessary to protect the integrity of the streamside protection and enhancement area.

Transitional

8 (1) In this section, "**former regulation**" means the Streamside Protection Regulation, B.C. Reg 10/2001.

(2) If, before this regulation came into force, a local government had established streamside protection and enhancement areas in accordance with the former regulation, the local government is deemed to have met the requirements of this regulation in respect of those areas.

(3) Despite section 6 (5) of the former regulation, an amendment of a streamside protection and enhancement area referred to in subsection (2) of this section must be in accordance with this regulation.

Schedule No. 2

Board Policy for determining the presence or absence of a watercourse subject to the Riparian Areas Regulation

SUBJECT:	A: Property Declaration to determine the presence or absence of a watercourse on a property subject to the Riparian Areas Regulation	POLICY NO: CROSS REF.:	
EFFECTIVE DATE:	July 27, 2006	APPROVED BY:	Board
REVISION DATE:	June 6, 2006	PAGE:	1 OF 5

PURPOSE

To ensure that property owners and developers are aware of their responsibilities with respect to the Riparian Areas Regulation and to provide staff with guidelines that aid in determining the presence or absence of a watercourse subject to the Riparian Areas Regulation on a property when handling property-related inquiries and development applications.

POLICY

1. The property declaration form attached as Attachment No. 1 shall be completed by a property owner(s) or authorized agent(s) when applying for a building permit or in determining whether or not a Development Permit pursuant to the Riparian Areas Regulation is required in relation to a land use or a proposed development.
2. Where a property owner(s) or authorized agent(s) indicates that there is/are a watercourse(s) on a property, and the development, including land alteration and/or vegetation removal is proposed within 30.0 metres of a watercourse, staff may consider the following in determining if a Development Permit is required:
 - i. request that the applicant hire a Qualified Environmental Professional to make a determination as to whether the watercourse is subject to the RAR.
 - ii. where time permits, conduct a site visit to determine if the watercourse appears to be subject to the Riparian Areas Regulation and where uncertainty exists recommend the applicant to hire a Qualified Environmental Professional to make a determination as to whether the watercourse is subject to the RAR.
 - iii. request that the applicant provide a survey prepared by a British Columbia Land Surveyor to determine the location of a proposed development in relation to the Riparian Assessment Area.

3. Where a property owner(s) or authorized agent(s) indicates that there is a watercourse(s) on a property and development, including land alteration and/or vegetation removal is proposed more than 30.0 metres from a watercourse staff may consider the following:
 - i. to exempt the proposed development from requiring a Development Permit;
 - ii. to explain the requirements of the *Riparian Areas Regulation*; or,
 - iii. require a survey prepared by a British Columbia Land Surveyor to determine the location of a proposed development in relation to the Riparian Assessment Area.
4. Where an applicant indicates that there are no watercourses located on a subject parcel, staff may consider the following:
 - i. to exempt the proposed development from requiring a Development Permit;
 - ii. where existing information indicates the presence of a watercourse, where time permits, conduct a visit to verify the absence of the watercourse and where uncertainty exists require the applicant to hire a Qualified Environmental Professional to make a determination as to whether the watercourse is subject to the RAR; and/or,
5. If a proposed development as defined in the *Riparian Areas Regulation* is found to be within the Riparian Assessment Area as defined in the *Riparian Areas Regulation*, the applicant shall be required to hire a Qualified Environmental Professional to conduct an assessment pursuant to the *Riparian Areas Regulation*.



Declaration For Properties Not Subject To The Provincial Riparian Areas Regulations

Property Subject to Development:

Legal Description: _____

Property Address: _____

I (We) Acknowledge that on March 31, 2006, the province of British Columbia enacted the *Riparian Areas Regulation* that aims to protect the critical features, functions, and conditions required to sustain fish habitat. Furthermore, this legislation prohibits local governments from approving or allowing a development to proceed adjacent to a stream until a report prepared by a Qualified Environmental Professional has been received by the Ministry of Environment.

(Please check the one that applies): As the Registered Owner(s) or Authorized Agent(s) of the above Property I (we) confirm

- A. That there are no streams located on the subject property,
- or
- B. That there are streams located on the subject property, and
 - i. All proposed development including land alteration and vegetation removal is greater than 30.0 metres from the stream, or
 - ii. All proposed development including land alteration and vegetation removal is equal to or less than 30.0 metres from the stream.

I (we) understand that stream means any of the following:

- a) a watercourse, whether it usually contains water or not;
- b) a pond, lake, river, creek, or brook; and/or,
- c) a ditch, culvert, spring, or wetland.

I (We) understand that if there is a stream on the property it may be necessary to hire a Qualified Environmental Professional to make a determination if the water feature is subject to the *Riparian Areas Regulation*.

Signature(s): _____

Print Name(s): _____

Mailing Address: _____

Postal Code: _____ **Phone:** _____ **Date:** _____

Witnessed By: _____ **Date:** _____
Regional District of Nanaimo

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON TUESDAY, JULY 11, 2006, AT 7:00 PM IN THE RDN BOARD CHAMBERS

Present:

Director J. Stanhope	Chairperson
Director J. Burnett	Electoral Area A
Director B. Sperling	Electoral Area B
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Alternate	
Director S. Herle	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director B. Bestwick	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director D. Brennan	City of Nanaimo
Director L. McNabb	City of Nanaimo
Alternate	
Director J. Cameron	City of Nanaimo
Director J. Manhas	City of Nanaimo

Also in Attendance:

C. Mason	Chief Administrative Officer
T. Osborne	General Manager of Recreation & Parks
J. Finnie	General Manager of Environmental Services
W. Moorman	Manager of Engineering Standards & Subdivision
D. Trudeau	Manager of Transportation Services
D. Porteous	Manager of Recreation
C. Thomas	A/Manager of Regional Planning
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Directors Herle and Cameron to the meeting and introduced Godson Ehorke, Esther Tegah, Dalous Yaw and Kwame Twumasi-Awuah, the District's visiting delegates from Sunyani.

SPECIAL PRESENTATION

Christina Thomas, re Academic Award of Honour for the Professional Certificate Program in Local Government Administration, Capilano College.

The Chairperson presented Christina Thomas with her Academic Award of Honour in the Professional Certificate Program in Local Government Administration which was awarded for her excellent academic achievements in the program.

DELEGATIONS

Michele Deakin, re Little Qualicum River Watershed Plan.

Ms. Deakin provided an overview of results obtained during a feasibility study on a watershed plan for the Little Qualicum River in conjunction with the Qualicum Beach Streamkeepers and the Real Estate Foundation of BC. A map of the area and a copy of the presentation were distributed to Committee members for their information.

MOVED Director Bartram, SECONDED Director Westbrook, that the report and map be referred to the Drinking Water – Watershed Protection Stewardship Committee.

CARRIED

Dave Jamieson, re Recreation Services Master Plan for Oceanside.

Director Holme noted that this request to speak has been withdrawn.

MINUTES

MOVED Director Westbrook, SECONDED Director McNabb, that the minutes of the Committee of the Whole meeting held June 13, 2006 be adopted.

CARRIED

CORPORATE SERVICES

HOSPITAL

Nanaimo Regional Hospital District (2006 Capital Equipment and Projects) Borrowing Bylaw No. 140, 2006.

MOVED Director McNabb, SECONDED Director Manhas, that “Nanaimo Regional Hospital District (2006 Capital Equipment and Projects) Borrowing Bylaw No. 140, 2006” be introduced for first three readings.

CARRIED

MOVED Director McNabb, SECONDED Director Manhas, that “Nanaimo Regional Hospital District (2006 Capital Equipment and Projects) Borrowing Bylaw No. 140, 2006” having received three readings be adopted.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

Union of British Columbia Municipalities Community Excellence Awards – Environmental Management System.

MOVED Director Westbrook, SECONDED Director McNabb, that the Board support the application to the Union of British Columbia Municipalities Community Excellence Awards from the Liquid Waste Department for their Environmental Management System.

CARRIED

SOLID WASTE

Waste Stream Management Licensing Bylaw Progress Report.

MOVED Director Burnett, SECONDED Director Brennan, that the Board receive the progress report on Waste Stream Management Licensing Bylaw No. 1386 for information.

CARRIED

Organics Diversion Strategy Progress Report.

MOVED Director Burnett, SECONDED Director Manhas, that the progress report on the Organics Diversion Strategy be received for information.

CARRIED

RECREATION AND PARKS SERVICES

Review of Park Land Dedication in Conjunction with the Subdivision Application Process – Policy No. C1.5.

MOVED Director Bartram, SECONDED Director Herle, that this item be referred back to staff.

CARRIED

REGIONAL TRANSPORTATION AND PLANNING SERVICES

REGIONAL GROWTH STRATEGY

Urban Containment Implementation Agreement.

MOVED Director Bartram, SECONDED Director Herle, that staff be directed to refer the UCLA to the Electoral Area Planning Committee and RDN member municipalities for comment and confirmation that the UCIA is acceptable.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Regional Hospital District Select Committee.

MOVED Director McNabb, SECONDED Director Brennan, that the minutes of the Regional Hospital District Select Committee meeting held June 28, 2006 be received for information.

CARRIED

Arrowsmith Water Service Management Committee.

MOVED Director Holme, SECONDED Director McNabb, that the minutes of the Arrowsmith Water Service Management Committee meeting held April 18, 2006 be received for information.

CARRIED

Climate Change Select Committee.

MOVED Director Bartram, SECONDED Director Holdom, that the minutes of the Climate Change Select Committee meeting held June 29, 2006 be received for information.

CARRIED

Regional Waste Advisory Committee.

MOVED Director Holme, SECONDED Director Brennan, that the minutes of the Regional Waste Advisory Committee meeting held June 29, 2006 be received for information.

CARRIED

Transit Business Plan Update Select Committee.

MOVED Director Brennan, SECONDED Director McNabb, that the minutes of the Transit Business Plan Update Select Committee meeting held June 15, 2006 be received for information.

CARRIED

MOVED Director McNabb, SECONDED Director Brennan,:

1. That the District 68 Transit service adjustments for September 5, 2006 be approved.
2. That a report from staff be prepared on partnership opportunities for hospital transportation services.
3. That staff prepare a report on opportunities to obtain more funding for handyDART.

CARRIED

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meetings held June 14, 2006 and June 28, 2006 be received for information.

CARRIED

Intergovernmental Advisory Committee.

MOVED Director McNabb, SECONDED Director Bartram, that the minutes of the Intergovernmental Advisory Committee meeting held June 22, 2006 be received for information.

CARRIED

Regional Parks & Trails Advisory Committee.

MOVED Director McNabb, SECONDED Director Young, that the minutes of the Regional Parks and Trails Advisory Committee meeting held June 13, 2006 be received for information.

CARRIED

MOVED Director McNabb, SECONDED Director Young,:

1. That the Regional Board authorize the execution of a 99-year lease with the Nature Trust of BC for the operation and management of Englishman River Regional Park, legally described as Block 602, Nanoose District except Part in Plan VIP76721.
2. That the Regional District be directed to work with the City of Nanaimo on identifying the means to develop a formal parking area and trailhead for the Mt. Benson Regional Park.

CARRIED

Area 'A' Parks and Green Spaces Advisory Committee.

MOVED Director McNabb, SECONDED Director Burnett, that the minutes of the Electoral Area 'A' Parks and Green Spaces Advisory Committee meeting held May 18, 2006 be received for information.

CARRIED

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

MOVED Director Sperling, SECONDED Director McNabb, that the minutes of the Electoral Area 'B' Parks and Open Space Advisory Committee meeting held April 10, 2006 be received for information.

CARRIED

Nanoose Bay Parks and Open Space Advisory Committee.

MOVED Director Holme, SECONDED Director Manhas, that the minutes of the Nanoose Bay Parks and Open Space Advisory Committee meeting held June 5, 2006 be received for information.

CARRIED

Area 'H' Parks and Open Space Advisory Committee.

MOVED Director Bartram, SECONDED Director Cameron, that the minutes of the Electoral Area 'H' Parks and Open Space Advisory Committee meeting held April 19, 2006 be received for information.

CARRIED

PRESENTATION

Recreation Master Plan.

The General Manager of Recreation and Parks Services introduced Dan Porteous, Don Hunter and Fran Van Eynde, who participated in the compilation of the Recreation Master Plan and provided a visual and verbal overview of the plan including the public survey, Oceanside's demographic review, trends, leisure service planning, recreation facilities, parks and open space, recreation services and marketing, administration and implementation.

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Bestwick, that the minutes of the District 69 Recreation Commission meeting held June 22, 2006 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Westbrook, that the Recreation Services Master Plan for Oceanside (2006-2017) be approved to guide the development, management, administration and operations of recreation services in District 69.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the applicable admission and rental rates in Appendices A, B and C be amended to reflect the new six percent GST rate that will take affect July 1, 2006.

CARRIED

MOVED Director Bartram, SECONDED Director Cameron, that the program, admission and rental fees for Oceanside Place in 2006/07 be approved as outlined in Appendix A.

CARRIED

MOVED Director Bartram, SECONDED Director McNabb, that the program, admission and rental fees for Ravensong Aquatic Centre in 2007 be approved as outlined in Appendix B.

CARRIED

MOVED Director Bartram, SECONDED Director Bestwick, that the Recreation Coordinating program fees and recovery rates, administration fee and revenue-sharing percentage ratio for Term Instructor (Companies) agreements for 2007 be approved as outlined in Appendix C.

CARRIED

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

MOVED Director Bartram, SECONDED Director Burnett, that the Regional District of Nanaimo approve the revised Sublease with the Parksville Curling Club Society with amendments made to Section 5.21 and the addition of Sections 5.22 and 5.23 for the use of the District 69 Arena for the term of October 1, 2003 to March 31, 2008.

CARRIED

Director Holme returned to the meeting.

NEW BUSINESS

Building Inspection – Electoral Areas A, F and H.

MOVED Director Bartram, SECONDED Director Biggemann, that staff be instructed to bring forward a report on the implementation of the building inspection function within parts of Electoral Areas 'A', 'F' and 'H'.

CARRIED

Transit Busses.

Director Biggemann noted that BC Transit will be showcasing new busses at Malaspina College on August 1, 2006 and urged Directors to attend.

Construction Costs.

The General Manager of Environmental Services provided statistical information on the rising costs associated with construction in the Regional District.

ADJOURNMENT

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

CARRIED

TIME: 8:07 PM

CHAIRPERSON



R D N			
CAO	(10)	GMES	
GMCS		GMR&P	
GMDS		GMRT&P	
JUL 17 2006			
CHAIR		BOARD	
<i>Board</i>			

MEMORANDUM

TO: Sean De Pol
Acting Manager of Liquid Waste

DATE: July 7, 2006

FROM: Angela Mays
Engineering Technician

FILE: 4520-20-70

SUBJECT: Liquid Waste
Northern and Southern Communities
Pump and Haul Bylaw Amendment 580 Berry Point Road Gabriola Island

PURPOSE

To consider an amendment to Bylaw 975 which established the Regional District of Nanaimo's Pump and Haul program.

BACKGROUND

The pump and haul service was established to provide a solution for those properties unable to obtain a permit for an on site septic disposal system. In order to apply for a permit under this bylaw the following conditions must be met:

- the applicant must have a valid holding tank permit issued by Vancouver Island Health Authority
- the parcel must be greater than 700 m²
- the parcel is for existing uses and the disposal system has failed, or the parcel is currently vacant and will only be used for the construction of a single family residence
- the parcel cannot be further subdivided or stratified according to existing zoning or a restrictive covenant
- a community sewer system is not available
- including the parcel will not facilitate development of any additional units on the property
- the development conforms to zoning bylaws.

A person wishing to incorporate a property (or properties) into the Pump and Haul Service Area must first apply to the Regional District of Nanaimo to amend the Pump and Haul Bylaw No. 975. A Restrictive Covenant shall be registered against the title of the land in question in accordance with section 219 of the Land Title Act. The Restrictive Covenant shall require that the owner of the lot maintain a contract with a pump out company with a copy of the current contract always deposited with the Regional District of Nanaimo; the owner of the lot connect to sewers when they become available and the owner shall not subdivide or construct any additional units on the property.

A request has been received to include the following property into the Pump and Haul function:

1. Lot 14, Section 21, Plan 5958
580 Berry Point Road, Gabriola Island

Dr. Ken Brown and Shannon Cerniuk have petitioned the RDN to include their property into the Regional District of Nanaimo Pump and Haul Local Service Area, Bylaw No. 975. The existing building will be used on a part-time basis but the sewage holding tank will be constructed to accommodate full-time residents. A permit from the Environmental Health officer at the Central Vancouver Island Health Region approved the property for a holding tank. The property is greater than 700 m² in area and the property currently conforms to the existing zoning bylaw.

A Restrictive Covenant will be registered on the property requiring that a continuous contract with a pump out company be on file with the Regional District of Nanaimo, that the owner will connect to sewers when they become available and that the owner shall not subdivide or construct any additional units on the property.

ALTERNATIVES

1. Do not accept the application.
2. Accept the application.

FINANCIAL IMPLICATIONS

There are no financial implications. The applicant pays an application fee and an annual user fee. The Pump and Haul program is a user pay service.


SUMMARY/CONCLUSIONS

The application meets all requirements for inclusion into the Pump and Haul function, specifically the parcel size is greater than 700m², a community sewer is not available, a holding tank permit was obtained under the Provincial Sewage Disposal Regulation and the property currently conforms to the existing zoning bylaw. A Restrictive Covenant has been prepared for the property requiring that the owner of the lot maintain a contract with a pump out company with a copy of the current contract always deposited with the Regional District of Nanaimo; the owner of the lot connect to sewers when they become available and the owner shall not subdivide or construct any additional units on the property.

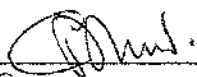
RECOMMENDATIONS

1. **That** the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include Lot 14, Section 21, Plan 5958, 580 Berry Point Road, Gabriola Island.
2. **That** "Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.44, 2006" be read three times and forwarded to the Inspector of Municipalities for approval.

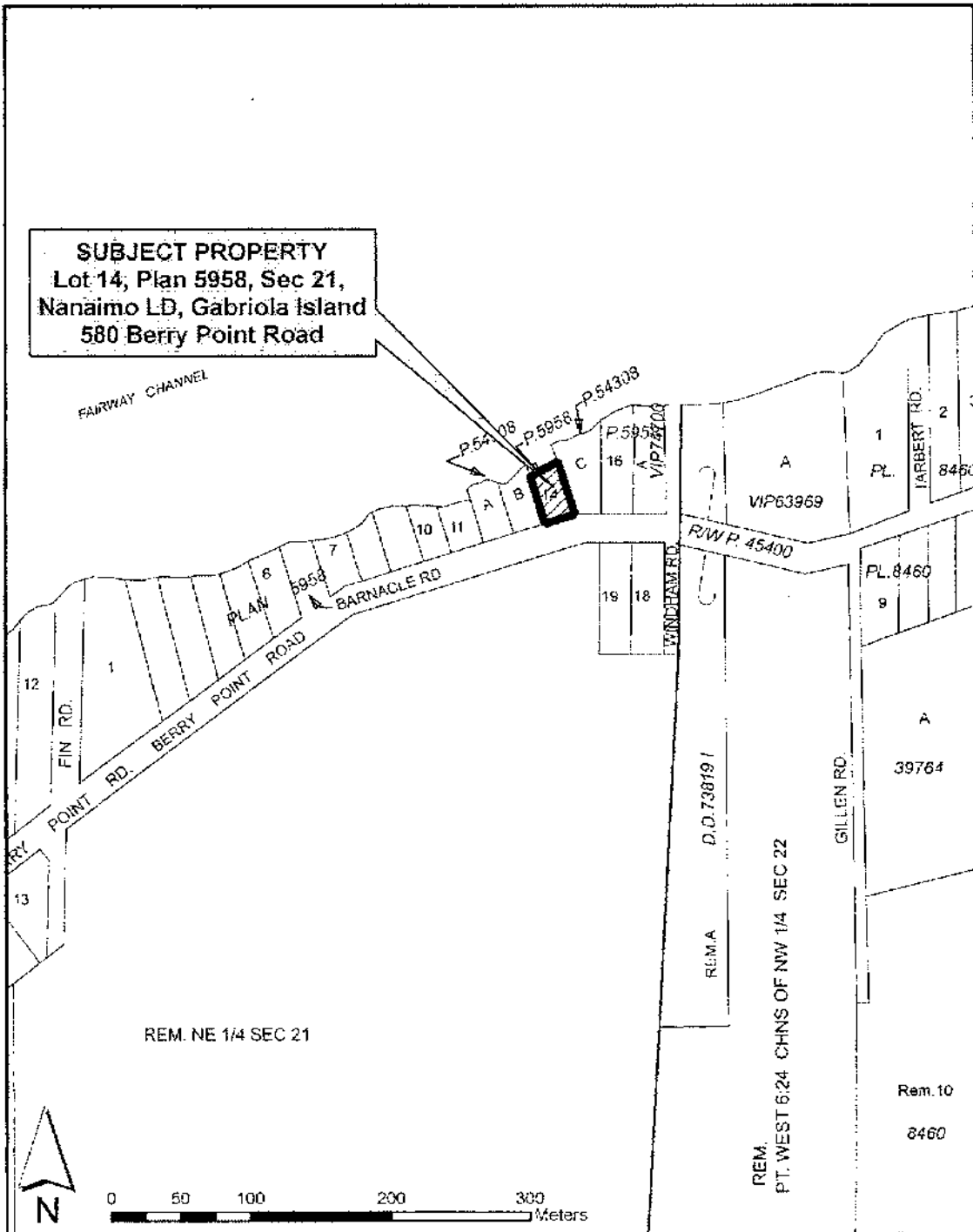

Report Writer


Manager Concurrence


General Manager Concurrence


CAO Concurrence

COMMENTS



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 975.44

**A BYLAW TO AMEND THE REGIONAL
DISTRICT OF NANAIMO PUMP AND
HAUL LOCAL SERVICE AREA
ESTABLISHMENT BYLAW NO. 975**

WHEREAS Regional District of Nanaimo Pump and Haul Local Service Area Establishment Bylaw No. 975, as amended, established the pump and haul local service area;

AND WHEREAS the Directors of Electoral Areas 'B', a defined portion of 'C', 'E', 'F', 'G' and 'H' have consented, in writing, to the adoption of this bylaw;

AND WHEREAS the Councils of the City of Nanaimo and the District of Lantzville have consented, by resolution, to the adoption of Bylaw No. 975.44;

AND WHEREAS the Board has been requested to amend the boundaries of the local service area to include the following property:

Lot 14, Section 21 , Plan 5958, Nanaimo Land District (Gabriola Island)

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

1. Schedule 'A' of Bylaw No. 975 is hereby repealed and replaced with Schedule 'A' attached hereto and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.44, 2006".

Introduced and read three times this 25th day of July, 2006.

Received the approval of the Inspector of Municipalities this ____ day of _____, 2006.

Adopted this ____ day of _____, 2006.

CHAIRPERSON

MANAGER, ADMINISTRATIVE SERVICES

.....
Chairperson

.....
Manager, Administrative Services

BYLAW NO. 975.44

SCHEDULE 'A'

Electoral Area 'B'

1. Lot 108, Section 31, Plan 17658, Nanaimo Land District.
2. Lot 6, Section 18, Plan 17698, Nanaimo Land District.
3. Lot 73, Section 31, Plan 17658, Nanaimo Land District.
4. Lot 24, Section 5, Plan 19972, Nanaimo Land District.
5. Lot 26, Section 12, Plan 23619, Nanaimo Land District.
6. Lot 185, Section 31, Plan 17658, Nanaimo Land District.
7. Lot 177, Section 31, Plan 17658, Nanaimo Land District.
8. Lot 120, Section 31, Plan 17658, Nanaimo Land District.
9. Lot 7, Section 18, Plan 17698, Nanaimo Land District.
10. Lot 108, Section 12, Plan 23435, Nanaimo Land District.
11. Lot 75, Section 13, Plan 21531, Nanaimo Land District.
12. Lot 85, Section 18, Plan 21586, Nanaimo Land District.
13. Lot 14, Section 21, Plan 5958, Nanaimo Land District.

Electoral Area 'C' (Defined portion)

Electoral Area 'E'

1. Lot 69, District Lot 68, Plan 30341, Nanoose Land District.
2. Lot 1, District Lot 72, Plan 17681, Nanoose Land District.
3. Lot 17, District Lot 78, Plan 14212, Nanoose Land District.
4. Lot 32, District Lot 68, Plan 26680, Nanoose Land District.
5. Lot 13, Block E, District Lot 38, Plan 13054, Nanoose Land District.
6. Lot 5, District Lot 78, Plan 25366, Nanoose Land District.
7. Lot 24, District Lot 68, Plan 30341, Nanoose Land District.
8. Lot 13, District Lot 78, Plan 25828, Nanoose Land District.
9. Lot 58, District Lot 78, Plan 14275, Nanoose Land District.
10. Lot 28, District Lot 78, Plan 15983, Nanoose Land District.
11. Lot 23, District Lot 78, Plan 14212, Nanoose Land District.
12. Lot 23, District Lot 78, Plan 28595, Nanoose Land District.
13. Lot 53, District Lot 78, Plan 14275, Nanoose Land District.
14. Lot 12, District Lot 8, Plan 20762, Nanoose Land District.

Electoral Area 'F'

1. Lot 22, District Lot 74, Plan 29012, Cameron Land District.
2. Lot 2, District Lot 74, Plan 36425, Cameron Land District.
3. Lot A, Salvation Army Lots, Plan 1115, Except part in Plan 734 RW, Nanoose Land District.
4. Strata Lot 179, Block 526, Strata Plan VIS4673, Cameron Land District.
5. Strata Lot 180, Block 526, Strata Plan VIS4673, Cameron Land District.
6. Strata Lot 181, Block 526, Strata Plan VIS4673, Cameron Land District.
7. Strata Lot 182, Block 526, Strata Plan VIS4673, Cameron Land District.
8. Strata Lot 183, Block 526, Strata Plan VIS4673, Cameron Land District.

Electoral Area ‘G’

1. Lot 28, District Lot 28, Plan 26472, Nanoose Land District.
2. Lot 1, District Lot 80, Plan 49865, Newcastle Land District.

Electoral Area ‘H’

1. Lot 22, District Lot 16, Plan 13312, Newcastle Land District.
2. Lot 29, District Lot 81, Plan 27238, Newcastle Land District.
3. Lot 46, District Lot 81, Plan 27238, Newcastle Land District.
4. Lot 9, District Lot 28, Plan 24584, Newcastle Land District.
5. Lot 41, District Lot 81, Plan 27238, Newcastle Land District.
6. Lot 20, District Lot 16, Plan 13312, Newcastle Land District.
7. Lot 2, District Lot 9, Plan 21610, Newcastle Land District.
8. District Lot 2001, Nanaimo Land District.
9. Lot 1, District Lot 40, Plan 16121, Newcastle District

City of Nanaimo

1. Lot 43, Section 8, Plan 24916, Wellington Land District.

District of Lantzville

1. Lot 24, District Lot 44, Plan 27557, Wellington Land District.
2. Lot A, District Lot 27G, Plan 29942, Wellington Land District.
3. Lot 1, District Lot 85, Plan 15245, Wellington Land District.
4. Lot 15, District Lot 44, Plan 15245, Wellington Land District



RDN		
CAO	GMES	
GMCS	GMR&P	
GMDS	GMRT&P	
JUL 17 2006		
CHAIR	BOARD	
Board		

MEMORANDUM

TO: Carey McIver
Manager of Solid Waste

DATE: July 13, 2006

FROM: Alan Stanley
Solid Waste Program Coordinator

FILE: 5380-20-STEW

SUBJECT: Local Government Stewardship Council

PURPOSE

To obtain Board support for RDN membership in the Local Government Stewardship Council.

BACKGROUND

Definition of Product Stewardship

Product stewardship is intended to provide waste management systems whereby producers and consumers assume the cost and lifecycle responsibility for the products they produce and use. Product stewardship by definition is user-pay waste management instead of a government-operated and taxpayer-financed waste management system.

Product stewardship is a proven, equitable and effective method of diverting wastes from disposal. Current BC product stewardship programs include industry-operated deposit systems on almost all beverage containers, automotive tires and batteries, and industry-funded collection of waste paint, used oil, solvents, fuels, pesticides and pharmaceuticals. These industry-led, user-pay programs generate high recovery rates, divert material from regional disposal facilities, stimulate the local economy and promote fairness for taxpayers. From a long-term sustainability perspective, the potential to influence product design is one of the most important aspects of product stewardship programs.

British Columbia's industry-led product stewardship programs are recognized internationally as innovative and effective approaches to waste management. The RDN Board has consistently supported the implementation and expansion of stewardship programs.

Local Government Stewardship Council

From 2001 to 2003, the Union of BC Municipalities (UBCM) and the Ministry of Environment (MOE) convened a Local Government Stewardship Council (LGSC) to provide a venue for discussion regarding existing and proposed Extended Producer Responsibility (EPR) programs. Although the Council was well supported by the Regional Districts involved, it ceased to function during 2003.

Since then the province has developed its Business Plan for stewardship programs and the Minister of the Environment has committed to including all product waste in EPR programs. A number of regional districts have suggested that re-establishing the Local Government Stewardship Council is necessary to insure that local government concerns are adequately represented in reviews of proposed EPR programs. Similar Councils are now operating or are in the formative stages in Washington state and California. It would be in the interests of local governments in BC to liaise with these other groups to move the EPR programs forward on more than one front.

Ideally, the Local Government Stewardship Council would be convened by MOE and UBCM, and both organizations have committed to participation in the council; however details on who would be responsible for convening meetings, setting agendas and establishing objectives have yet to be finalized.

ALTERNATIVES

1. Endorse RDN membership in a Local Government Stewardship Council.
2. Do not endorse RDN membership in a Local Government Stewardship Council.

FINANCIAL IMPLICATIONS

Endorsing the LGSC carries no financial implications apart from staff time to participate in LGSC activities and locally promote stewardship initiatives.

Stewardship programs have the potential to significantly reduce the amount of waste that must be handled by local government and paid for by the taxpayer. The removal of more toxic materials from the municipal waste stream through product stewardship programs has correctly transferred problematic disposal issues, risks and costs from the local government to producers and consumers of these materials.

INTERGOVERNMENTAL IMPLICATIONS

The provincial government currently administers stewardship programs. Currently, local government has no legislative authority to direct or otherwise influence stewardship plans. The LGSC would provide the RDN an opportunity to review and comment on proposed plans to ensure that they are consistent with RDN Zero Waste and climate change objectives. An example of RDN stewardship plan concerns is lobbying for stewards to have stewardship facilities in the Parksville-Qualicum area to avoid the requirement for residents to drive to Nanaimo to properly dispose of certain items.

ENVIRONMENTAL IMPLICATIONS

Product stewardship programs are a proven and reliable mechanism to remove material from the disposal stream and to ensure that the diverted materials are recycled. In the case of household hazardous wastes, for example, materials with higher levels of toxicity are removed from disposal and recycled.

PUBLIC RELATIONS IMPLICATIONS

The public has generally responded favourably to stewardship programs. Stewardship programs serve as a public education tool, helping to make consumers more aware of their responsibilities and impacts in terms of the waste that they generate. Personal responsibility for managing and financing waste generated by the individual consumer creates powerful incentives for a consumer to reduce waste.

SUMMARY

Product stewardship programs are a proven and reliable mechanism to remove material from the disposal stream and to ensure that the diverted materials are recycled. In the case of household hazardous wastes, for example, materials with higher levels of toxicity are removed from disposal and recycled.

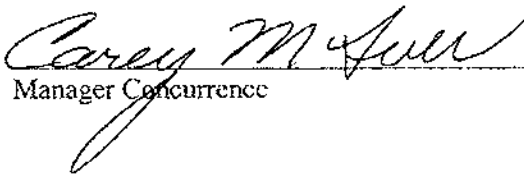
From 2001 to 2003, the Union of BC Municipalities (UBCM) and the Ministry of Environment convened a Local Government Stewardship Council (LGSC) to provide a venue for discussion regarding existing and proposed Extended Producer Responsibility (EPR) programs. Although the Council was well supported by the regional districts involved it ceased to function during 2003. It has been suggested by a number of regional districts that it is time for the Ministry of Environment and UBCM to reconvene the Local Government Stewardship Council.

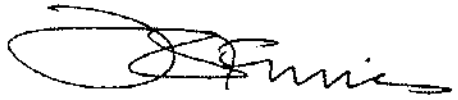
The LGSC would provide the RDN an opportunity to review and comment on proposed plans to ensure that they are consistent with RDN Zero Waste and climate change objectives. The public has generally responded favourably to stewardship programs.


RECOMMENDATIONS

1. **That** the Board endorse RDN membership in a Local Government Stewardship Council.
2. **That** the Board send a letter to the Ministry of Environment and the Union of BC Municipalities recommending that they take a lead role in reconvening a Local Government Stewardship Council.


Report Writer


Manager Concurrence


General Manager Concurrence


CAO Concurrence

COMMENTS:



RDN	
CAO	GMES
GMCS	GMR&P
GMDS	GMRT&P
JUL 17 2006	
CHAIR	BOARD
Paul	

MEMORANDUM

TO: Paul Thompson
Acting Manager of Community Planning

DATE: July 14, 2006

FROM: Norma Stumborg
Planner

FILE: 3060 30 60615

SUBJECT: Development Permit Application No. 60615 - Roderick and Dolly McDonald
287 Dan's Road - Electoral Area 'C'

PURPOSE

To consider a request for a development permit, with variance, to construct a house and replace a bridge within the Sensitive Ecosystem and Watercourse Protection Development Permit Areas.

BACKGROUND

This is an application for a Development Permit to construct a house and replacement clear-span bridge at 287 Dan's Road as shown in Schedules No. 2 and 3. The subject property is within the Sensitive Ecosystem and Watercourse Protection Development Permit Areas, pursuant to "Arrowsmith Benson Cranberry Bright Official Community Plan Bylaw No. 1148, 1999," and is legally described as: The East 30 Chains of Section 6, Range 3, Cranberry District, except part in Blind Lake and except those parts in Plans 29755 and VIP53245 (see Attachment No. 1). These development permit areas were established to protect the natural environment, its ecosystems, and biological diversity.

The applicant proposes to construct a house near the western property boundary. The subject property is 3.24 ha in size and is designated Rural 9, Subdivision District D, pursuant to Bylaw 500, 1987. The subject property is bordered on the east and south by Rural 1 properties, on the north and west by Rural 9 properties, and on the northwest by Blind Lake. The property is not within the Regional District of Nanaimo (RDN) building inspection area. The applicant intends to service the site with a private well and septic field. Access to the property is from Dan's Road on the northeast side and then via an existing driveway and old bridge.

The sensitive environmental features on the property are Blind Lake, the wetland, and the stream, which flows from the wetland. Professional engineers assessed the ground conditions and provided geotechnical recommendations and structural drawings for construction of the bridge. Qualified environmental professionals conducted an on-site assessment of the property on November 29, 2005, and prepared a Riparian Areas Regulation Report and associated Environmental Management Plan. Upslope of the wetland is a dense second growth forest consisting mainly of Douglas Fir and Western Red Cedar. The land slopes from the northeast and southwest corners of the parcel towards the wetland and lake at an average grade of approximately 15 percent.

The applicant is requesting a variance to Section 3.3.8 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," to relax the minimum setback from Blind Lake from 15 metres to 0 metres for a replacement, clear-span bridge over the Blind Lake outlet stream.

ALTERNATIVES

1. To approve the request for Development Permit No. 60615 subject to the conditions outlined in Schedule No. 1 and subject to the Board's consideration of the comments received as a result of public notification.
2. To deny the request for a development permit.

ENVIRONMENTAL IMPLICATIONS

Blind Lake, the stream, and wetland are fish bearing watercourses and the most environmentally sensitive features on the property. A professional biologist was retained and conducted an on-site assessment of the property on November 29, 2005, to determine how the development should occur so as to mitigate harm to the aquatic habitat. He prepared a Riparian Areas Regulation Report and associated Environmental Management Plan that specifies erosion and sediment control measures, and general environmental mitigation measures for the bridge replacement. With the exception of the bridge, the biologist indicates that the remaining development is outside the Streamside Protection and Enhancement Area (SPEA) and that the existing road marks the extent of the riparian vegetation. The Riparian Areas Regulation does not apply to the bridge because it requires a Section 9 Notification under the BC Water Act. The applicant proposes to connect the house to a waste disposal system that is approved by the Health Authority. Completing the development in accordance with the recommendations of the professional biologist is a requirement of this permit.

Restoration work is to be done in accordance with the guidelines provided in Stream Stewardship, 1993 and Land Development Guidelines, 1992 published by Department of Fisheries and Oceans Canada (DFO) and Ministry of Environment Lands and Parks (MELP) and the Environment Objectives, Best Management Practices and Requirements for Land Developments, March 2001 published by Ministry of Water, Land and Air Protection (MWLAP), or any subsequent editions.

DEVELOPMENT ANALYSIS

The existing bridge is approximately 30 years old and needs to be replaced. The proposed development has been geotechnically evaluated and the bridge structurally engineered by professional engineers. The geotechnical engineer indicates that the development may be undertaken on the property subject to the recommendations in the report. The Engineer provided three options for the bridge footings. The professional biologist recommends the least environmentally intrusive, which is Alternative #3.

To ensure that the recommendations related to environmental protection and safe use of the site are understood by current and future property owners, staff recommends that the Geotechnical Report and Environmental Management Plan along with a Section 219 covenant that saves the Regional District harmless be registered on the title of the property.

PUBLIC NOTIFICATION

As part of the required public notification process pursuant to the *Local Government Act*, adjacent and nearby property owners located within a 50 metre radius will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the permit.

VOTING

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

SUMMARY/CONCLUSIONS


This is an application for a development permit to construct a house and replacement, clear-span bridge within the Sensitive Ecosystem and Watercourse Protection Development Permit Areas at 287 Dan's Road. The application includes a request to relax the minimum setback from Blind Lake from 15 metres to 0 metres for the bridge over the Blind Lake outlet stream.

The proposed development has been evaluated by a Professional Biologist and Professional Engineer both of whom indicate that the development may be undertaken on the property subject to certain conditions. Their recommendations form part of this permit and will be registered on Title to ensure that the recommendations are known to future property owners.

From staff's assessment of this application, Development Permit No. 60615 is acceptable given the conditions outlined in Schedule No. 1 that takes into consideration the natural constraints of developing the subject property and environmental protection measures.

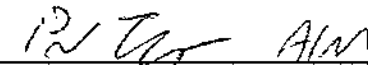
RECOMMENDATION

That Development Permit No. 60615, to allow the construction of a house and replacement clear-span bridge at 287 Dan's Road, be issued subject to the terms outlined in Schedule No. 1 and subject to the Board's consideration of comments received as a result of public notification.




Report Writer

General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS

dev.sys/reports/2006/reports/development/2006/dp_ju_3060_30_60615_McDonald_Report

Schedule No. 1
Terms of Development Permit No. 60615
287 Dan's Road

Development of Site

1. Subject property to be developed in accordance with Schedules No. 1, 2, and 3.
2. All uses and construction of buildings and structures to be undertaken must be consistent with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," except where varied by this permit.
3. Section 3.3.8 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," shall be varied to relax the minimum setback from Blind Lake from 15 metres to 0 metres for a replacement clear-span bridge over the Blind Lake outlet stream.
4. The applicant shall construct the structure in accordance with Footing Alternative #3 and the recommendations of the geotechnical report dated March 7, 2006, as prepared by Levelton Engineering Solutions, or any subsequent reports that may be required.
5. The house and clear-span bridge shall be constructed in compliance with the Building Code of British Columbia.
6. Construction for the bridge shall occur between August 15, 2006, and September 15, 2006.
7. The applicant shall develop the site in accordance with *Provincial* and *Federal* regulations, including, but not limited to, the waste disposal system.
8. The applicant should be familiar with Restoration work, which is to be done in accordance with the guidelines provided in Stream Stewardship, 1993 and Land Development Guidelines, 1992 published by DFO and MELP and the Environment Objectives, Best Management Practices and Requirements for Land Developments, March 2001 published by MWLAP, or any subsequent editions.

Development Permit Environmental Protection Measures

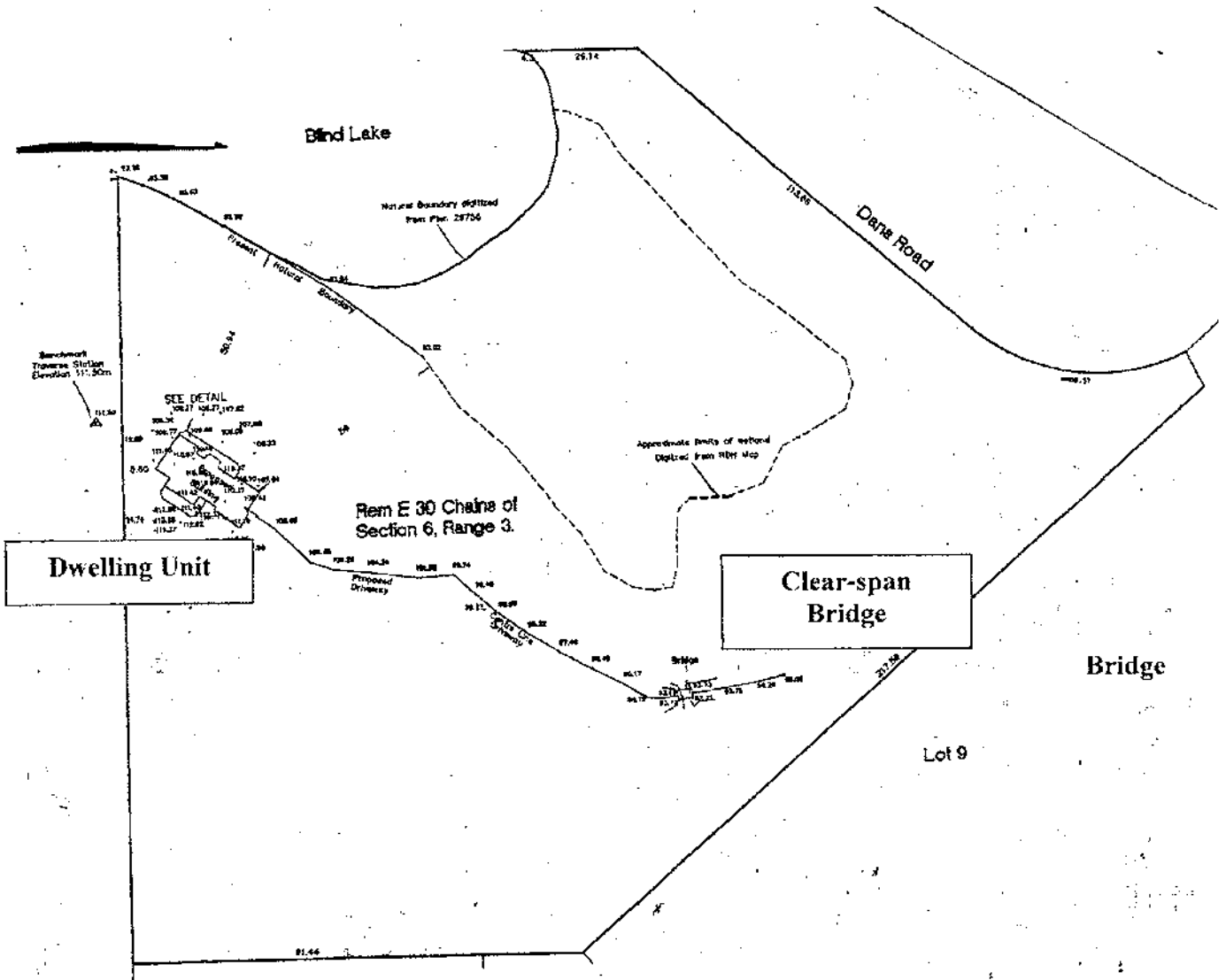
1. The development shall be done in accordance with the Environmental Management Plan prepared by Streamline Environmental Consulting Ltd. and dated June 19, 2006, and any subsequent reports.
2. Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works to ensure water entering the work site will be pumped out and to stabilize the site after construction is complete. These measures must include:
 - i. Retaining natural ground cover until grubbing is necessary for development and avoid clearing large areas of land and leaving them exposed.
 - ii. As soon as possible, re-vegetate exposed soils with grass seeding and/or planting of trees and shrubs and cover exposed soils with mulch such as hay, straw, or other organics, or hydroseed.
 - iii. All temporary stockpiles of soils that have the potential to generate sediment should be covered with plastic poly sheeting and/or surrounded on the down slope side with a sedimentation barrier such as properly installed silt fencing or hay bales. These must be installed such that runoff cannot escape beneath.
 - iv. Where possible, keep equipment to cleared areas and minimize unnecessary disturbance of both exposed soils and vegetated areas, especially during wet conditions.
3. Any excavated materials must be placed upland such that there is no potential for reintroduction into Blind Lake.

4. A spill kit should be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, it should be immediately reported to the British Columbia Provincial Emergency Program at 1-800-663-3456.
5. Machinery should be in good working condition, free of fluid leaks, as no fuels, lubricants or construction wastes are permitted to enter Blind Lake. Refueling of machinery is to be conducted more than 25 metres from Blind Lake.
6. An environmental monitor shall inspect the site no more than three days prior to the start of the bridge construction to determine whether the work will be conducted when the channel is dry. In the event that the work cannot be conducted outside of the wetted perimeter, the environmental monitor will prescribe the necessary mitigation measures. Upon completion of the bridge installation, the environmental monitor shall inspect the work to ensure that it has been completed as prescribed.
7. In the event that a headwall failure occurs, an environmental monitor shall be contacted immediately.

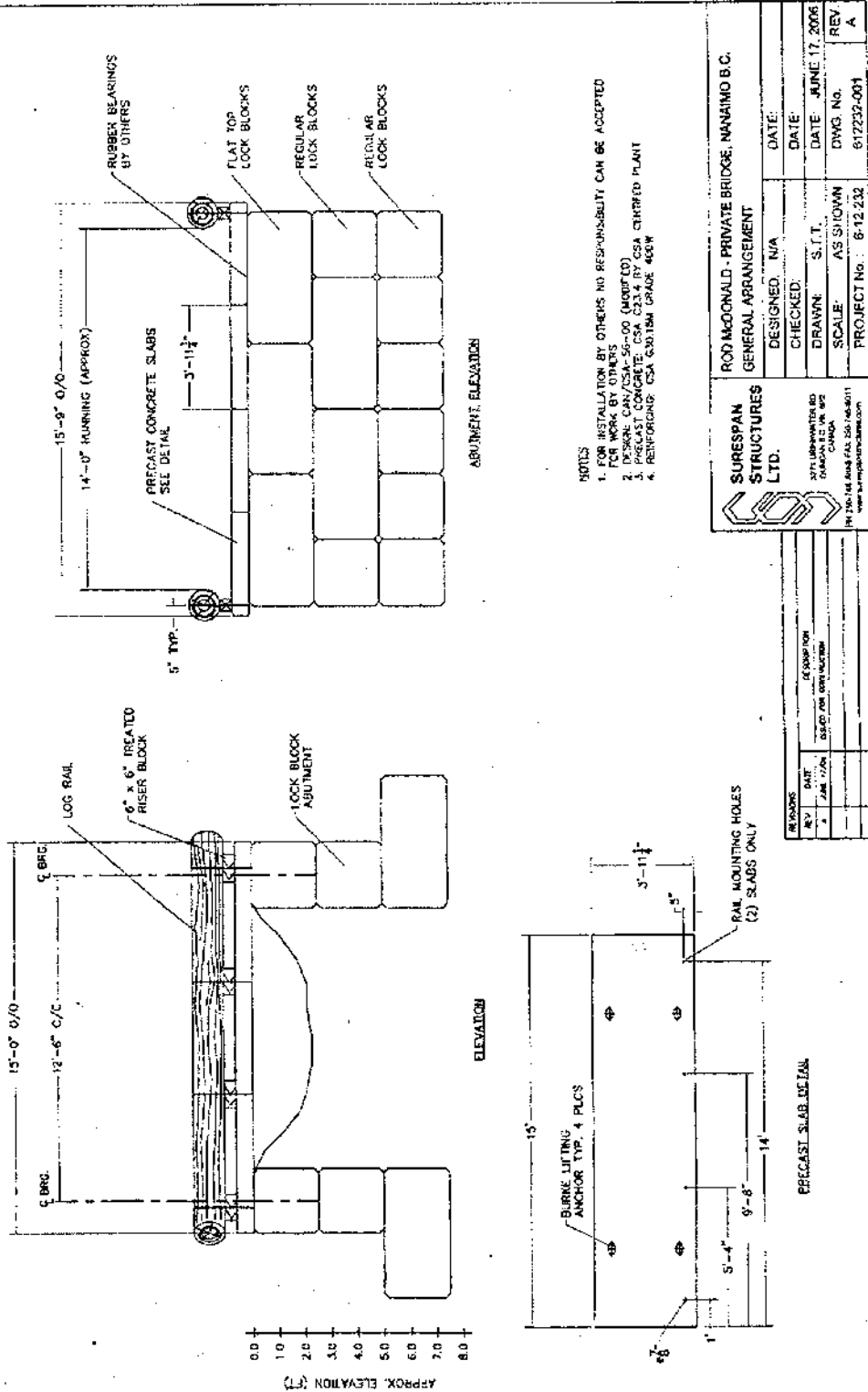
Covenant

1. At the applicant's expense and to the satisfaction of the Regional District of Nanaimo, a Section 219 save harmless covenant and the Geotechnical Report dated March 7, 2006, prepared by Levelton Engineering Solutions, and the Environmental Management Plan dated June 19, 2006, and prepared by Streamline Environmental Consulting Ltd. along with any subsequent addendum reports shall be registered on the Certificate of Title in favour of the Regional District of Nanaimo, prior to issuance of this permit.

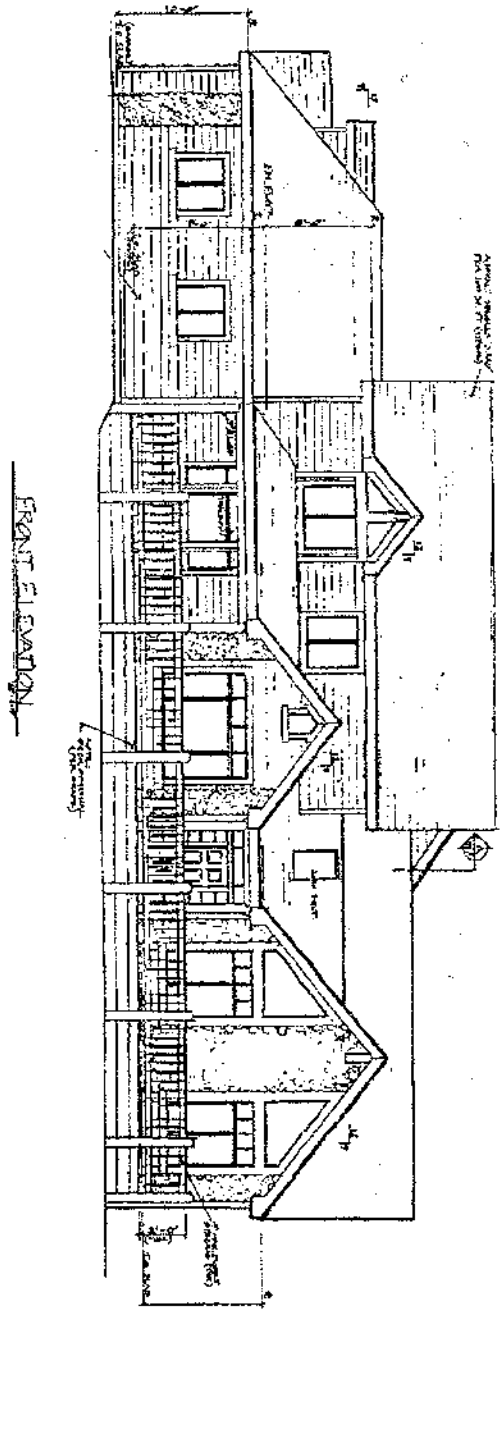
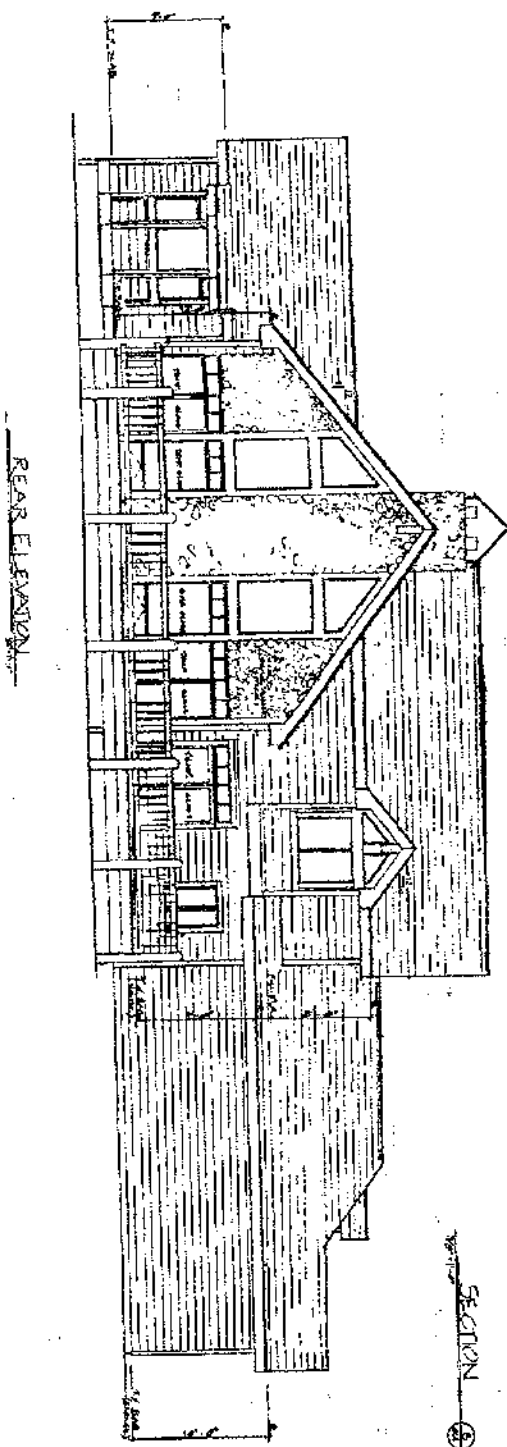
Schedule No. 2
Development Permit No. 60615
Proposed Site Plan
(as submitted by applicant / reduced for convenience)



Schedule No. 3 (1 of 3)
Development Permit No. 60615
Engineered Bridge Drawings
 (as submitted by applicant / reduced for convenience)

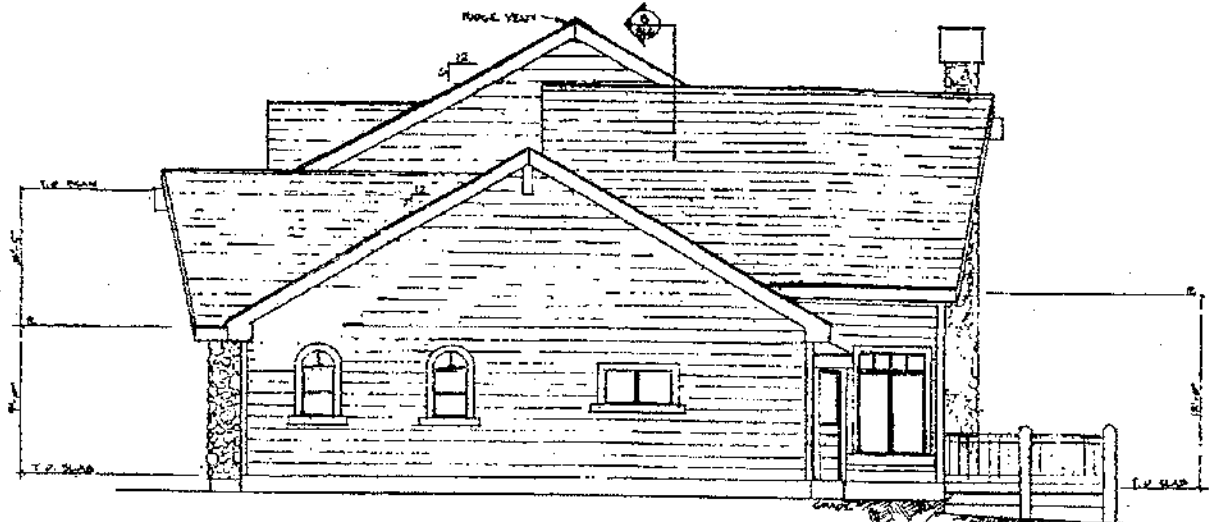


Schedule No. 3 (2 of 3)
Development Permit No. 60615
House Elevations
(as submitted by applicant / reduced for convenience)

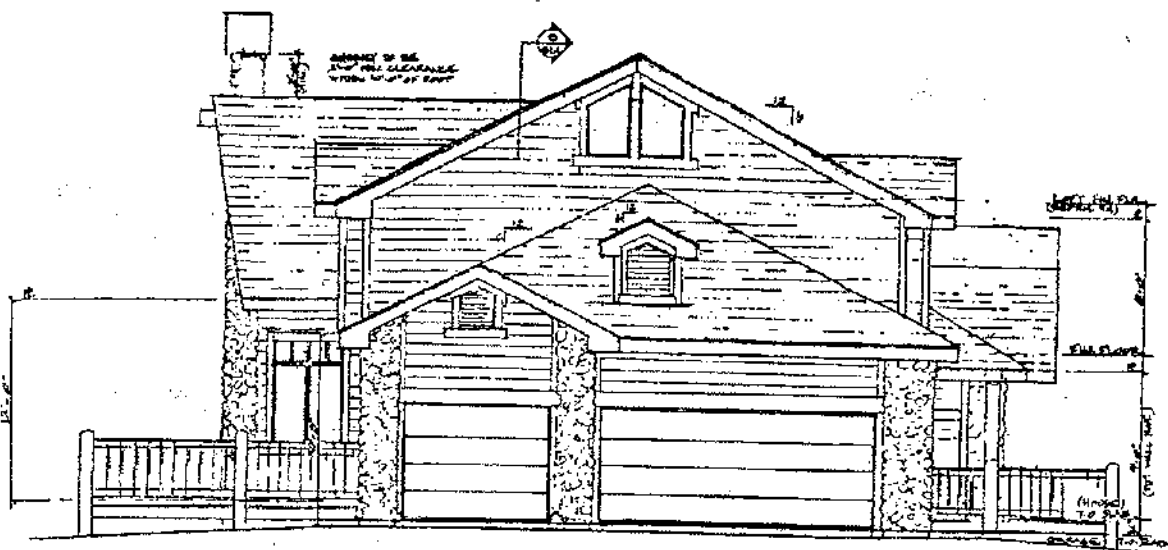


SECTION
②

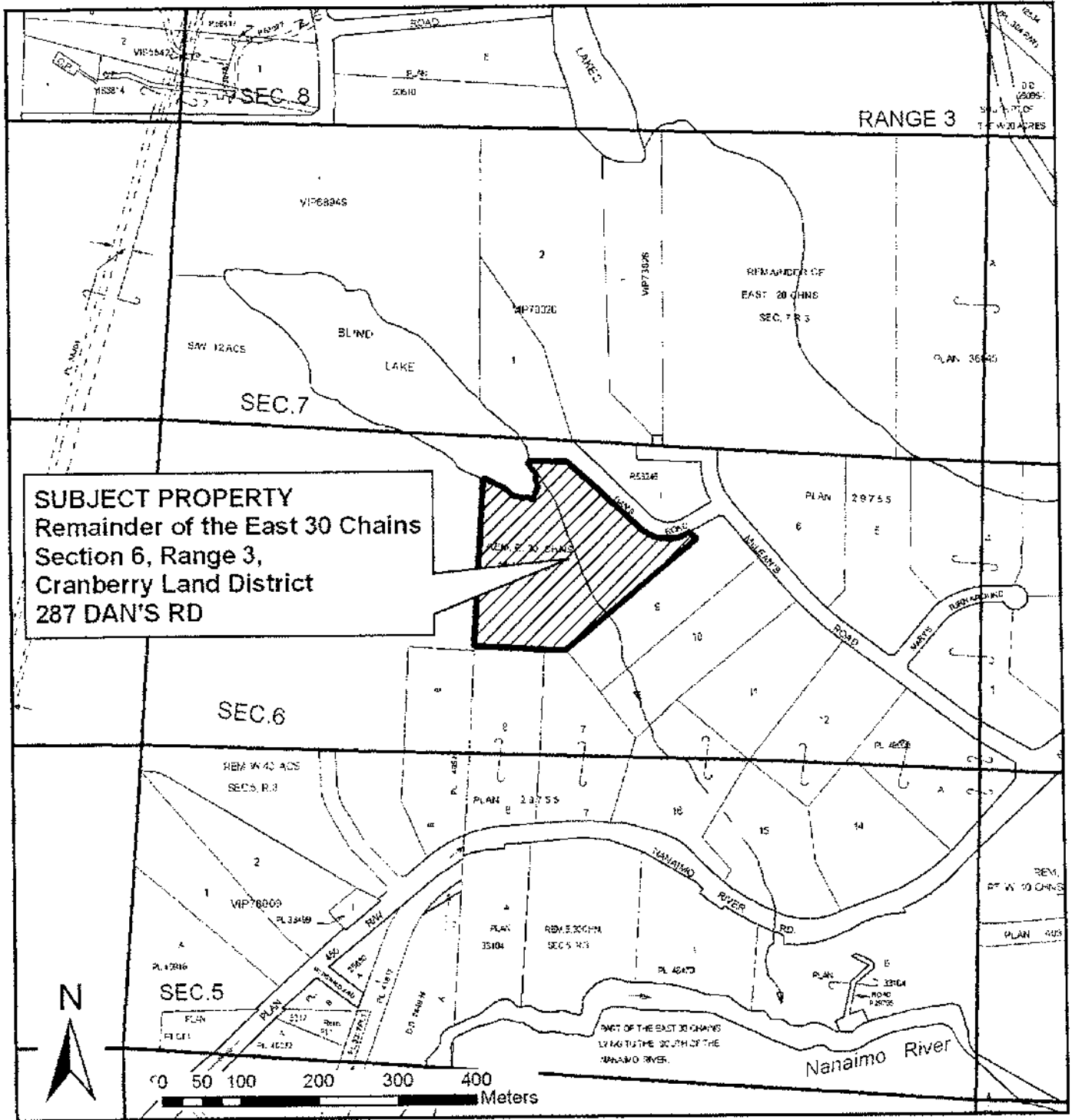
Schedule No. 3 (3 of 3)
Development Permit No. 60615
House Elevations
(as submitted by applicant / reduced for convenience)



RIGHT SIDE ELEVATION



Attachment No. 1
Development Permit No. 60615
Subject Property



SUBJECT PROPERTY
Remainder of the East 30 Chains
Section 6, Range 3,
Cranberry Land District
287 DAN'S RD



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CHAIR	BOARD	
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MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: July 14, 2006

FROM: Greg Keller
Planner

FILE: 3090 30 90615

SUBJECT: Development Variance Permit Application No. 90615 - Middleton
Electoral Area 'H' - 4595 Berbers Drive

PURPOSE

To consider an application for a Development Variance Permit to legalize the siting of an existing accessory building for a property located at 4595 Berbers Drive in Electoral Area 'H'.

BACKGROUND

The planning department has received a Development Variance Permit application to relax the minimum interior side lot line and front lot line setbacks in order to legalize the siting of an existing accessory building, located on the property legally described as Lot 68, District Lot 40, Newcastle District, Plan 21776 (see Attachment No. 1).

The applicant began construction of a 57.04 m² accessory building in the south east corner of the subject property in late 2005 prior to the construction of a dwelling unit on the subject property. The subject property is 0.19 hectares in area and is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The RS2 zone does not permit an accessory building to be located on a property if there is no principle use of a property. In other words, a dwelling unit must be constructed prior to the construction of an accessory building.

Bylaw Enforcement became aware of the subject building and advised the applicant to stop work on the accessory building and apply to the Regional District of Nanaimo for a Development Variance Permit. In addition, as the building appeared to be very close to the property line, the applicant was requested to provide a building location certificate. At that time the building was primarily constructed with the exception of the roof, which was not complete. The applicant indicated that his intent was to construct a dwelling unit in the spring of 2006. The applicant also submitted a notarized letter of undertaking to this affect.

The RS2 zone specifies a minimum setback of 8.0 metres from the front lot line and 2.0 metres from the interior side and rear lot lines. The survey indicated that the accessory building was located 3.4 metres from the front lot line and 1.5 metres from the side lot line. Therefore, a variance to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is required to legalize the siting of the building. The applicant submitted a Development Variance Permit application on November 16, 2005, along with a provincial lot setback relaxation from the Ministry of Transportation. Staff responded by indicating that the accessory building was not a lawful land use; therefore, a variance could not be issued until there was a dwelling unit under construction.

Staff advised the applicant that the Regional District of Nanaimo would withhold recommending enforcement action until June 20, 2006, to allow the applicant time to begin construction of a dwelling unit on the subject property. Staff also requested that the applicant notify our office when construction of a dwelling unit begins so that staff could begin to process the Development Variance Permit application. Staff has now received confirmation that a dwelling unit is under construction and are now prepared to proceed with the applicant's Development Variance Permit application.

Proposed Variances

The applicants have applied to vary **Section 3.4.62 – Minimum Setback Requirements** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

1. The front lot line setback is proposed to be relaxed from 8.0 metres to 3.4 metres for the existing accessory building labelled 'SHED' on the survey submitted by the applicant.
2. The interior lot line setback is proposed to be relaxed from 2.0 metres to 1.5 metres for the existing accessory building labelled 'SHED' on the survey submitted by the applicant.

ALTERNATIVES

1. To approve Development Variance Permit No. 90615 subject to the Board's consideration of the comments received as a result of public notification.
2. To deny the requested permit and direct staff to take legal action to have the building removed or relocated.

LAND USE AND DEVELOPMENT IMPLICATIONS

The subject property is primarily flat with a slight change in elevation between the accessory building and the dwelling unit. The adjacent parcels are developed with residential uses. There is a stand of mature evergreen and deciduous vegetation separating the accessory building from the closest parcel to the east. There are no notable views present from the subject property or from the neighbouring properties. The proposed accessory building includes a single storey and is approximately 57.04 m² in floor area. In staff's opinion, the accessory building does not impact on the neighbouring properties.

The applicant cites the following reasons why the accessory building was constructed in its current location:

1. The building was built on the rear of the lot.
2. The front of the lot borders on lots 8 & 9.
3. The septic field is already installed at the rear of the lot parallel to the building.
4. There is a three foot drop between the shed and the next level.
5. The shed has a metal roof and would buckle if moved.
6. Went by old setback variance based on rear of property.

Based on the above information, the applicant has assumed that the rear property line was adjacent to Berbers Drive and required a 2.0 metre setback. This may have been because the applicant is proposing to access the subject property from Privatier Drive. However, the lot frontage adjacent to Berbers Drive is considered the front lot line and requires an 8.0 metre setback.

The accessory building is constructed on a concrete foundation, does not have a negative impact on the adjacent properties, and has a relatively small footprint. In addition, staff is of the opinion that the benefits of requiring the applicant to remove or relocate the structure to comply with Bylaw No. 500 do not justify the costs of removal or relocation. In addition, the location of the septic field and driveway restricts the

potential building envelope to the southeast corner of the subject property, where the accessory building is located. Therefore, staff recommends that the Board approve the requested variances subject to the Board's consideration of the comments received as a result of public notification.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process, pursuant to the *Local Government Act*, property owners located within a 50.0 metre radius will receive notice of the proposal and will have an opportunity to comment on the proposed variances prior to the Board's consideration of the permit.

VOTING

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

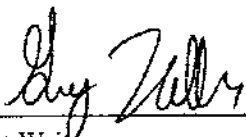
SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to relax the minimum front and side lot line setbacks in order to legalize the siting of an existing accessory building. The proposed variances, if approved, would vary Section 3.4.62 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," (Minimum Setback Requirements) as shown on attached Schedules No. 2 and 3.

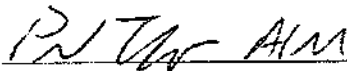
As the subject accessory building does not have a negative impact on the adjacent properties, has a relatively small footprint, and the building envelope is restricted by the location of the septic field and driveway, staff recommends this application be approved subject to the notification procedures pursuant to the *Local Government Act*.

RECOMMENDATION

1. That Development Variance Permit Application No. 90615, submitted by Frank and Margaret Middleton to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as outlined on Schedule No. 1 to legalize an existing accessory building, be approved subject to the Board's consideration of the comments received as a result of public notification.

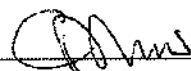


Report Writer



Manager Concurrence

General Manager Concurrence



CAO Concurrence

COMMENTS:

devs/reports/2006/dvp ju 3060 30 90615 Middleton Report

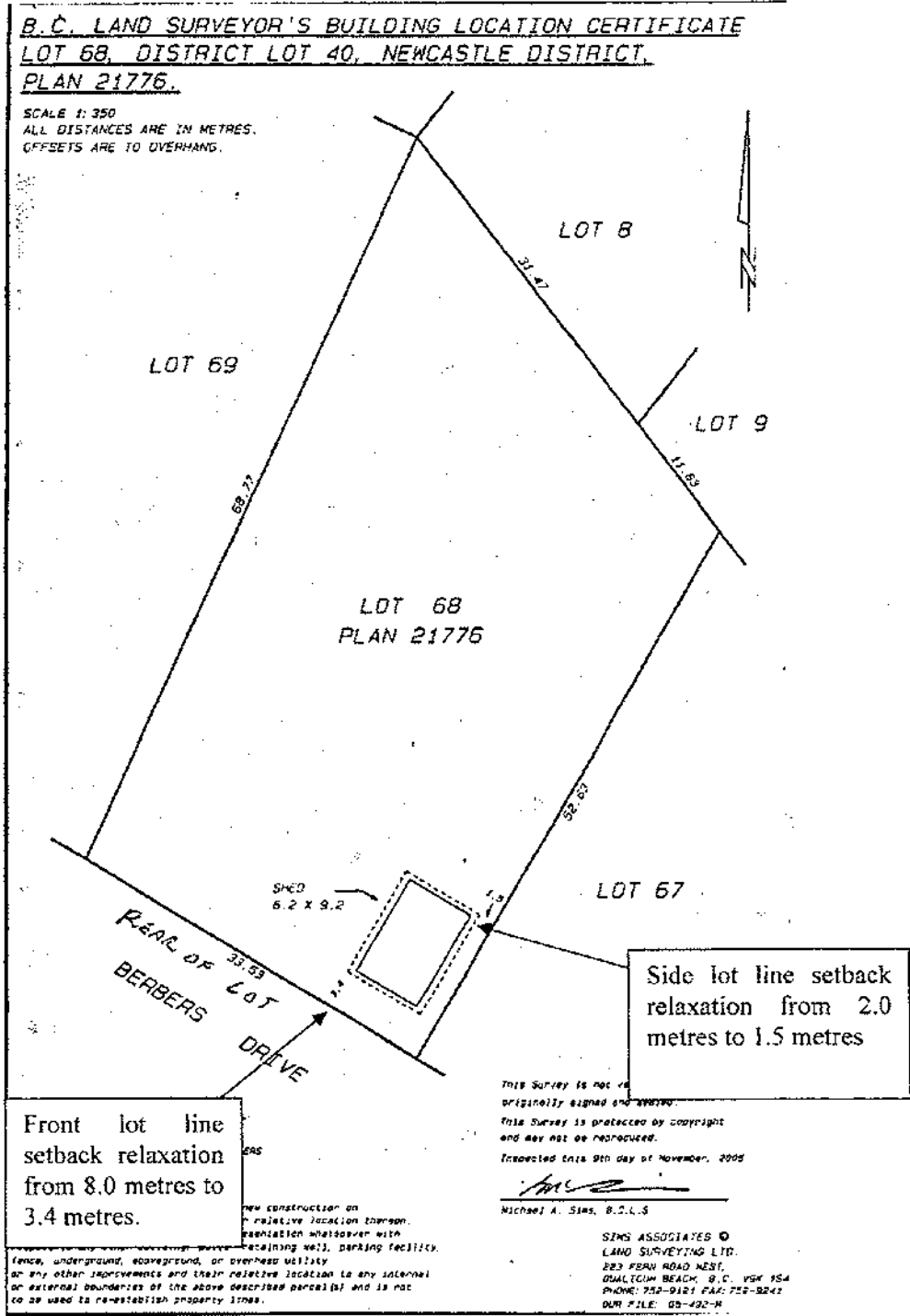
Schedule No. 1
Requested Variances
Development Variance Permit Application No. 90615
Lot 68, District Lot 40, Newcastle District, Plan 21776
4595 Berbers Drive

Variances

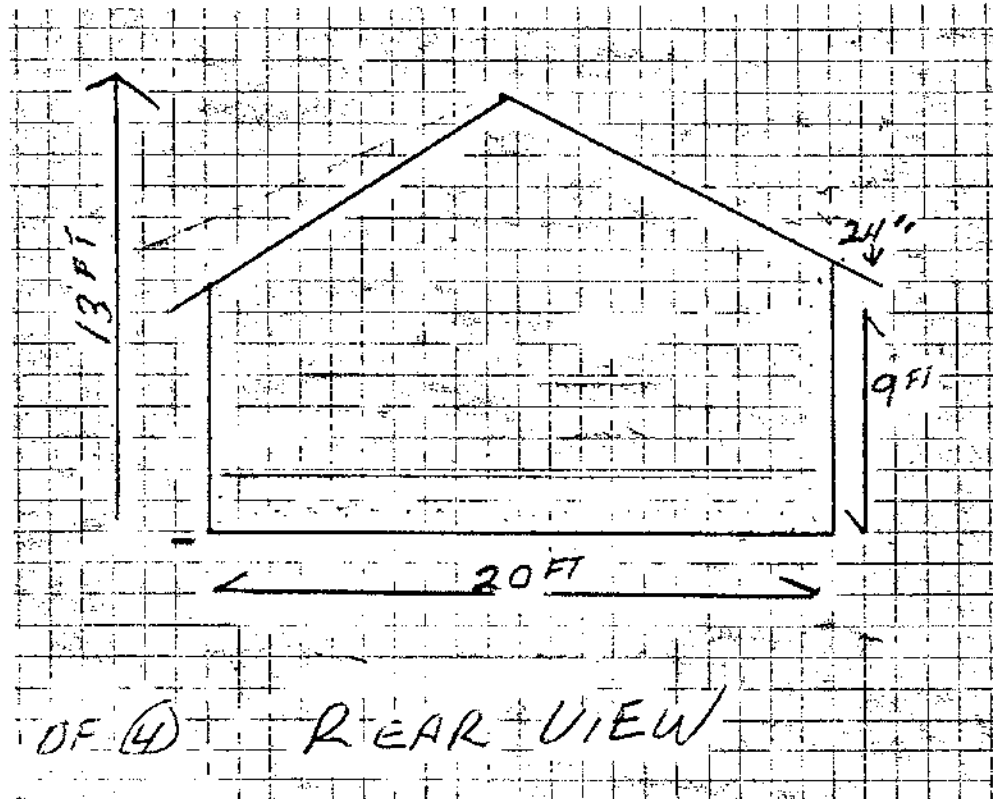
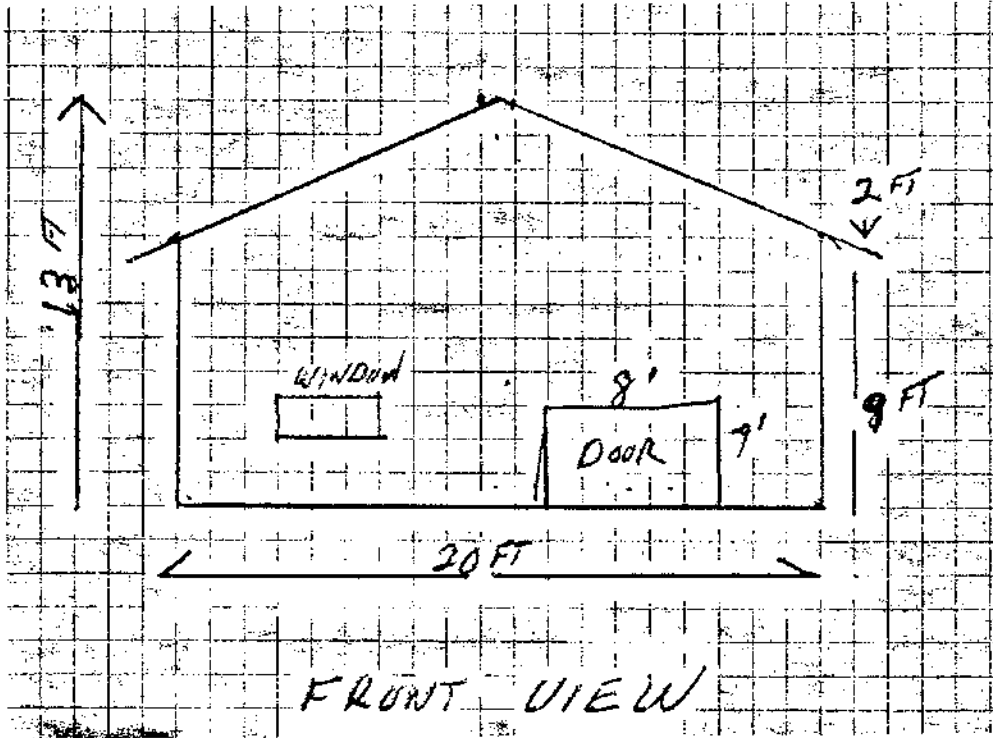
Development Variance Permit No. 90615 varies **Section 3.4.62 – Minimum Setback Requirements** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

1. The front lot line is varied to relax the setback from 8.0 metres to 3.4 metres for the existing accessory building labelled 'SHED' on Schedule No. 2.
2. The interior lot line is varied to relax the setback from 2.0 metres to 1.5 metres for the existing accessory building labelled 'SHED' on Schedule No. 2.

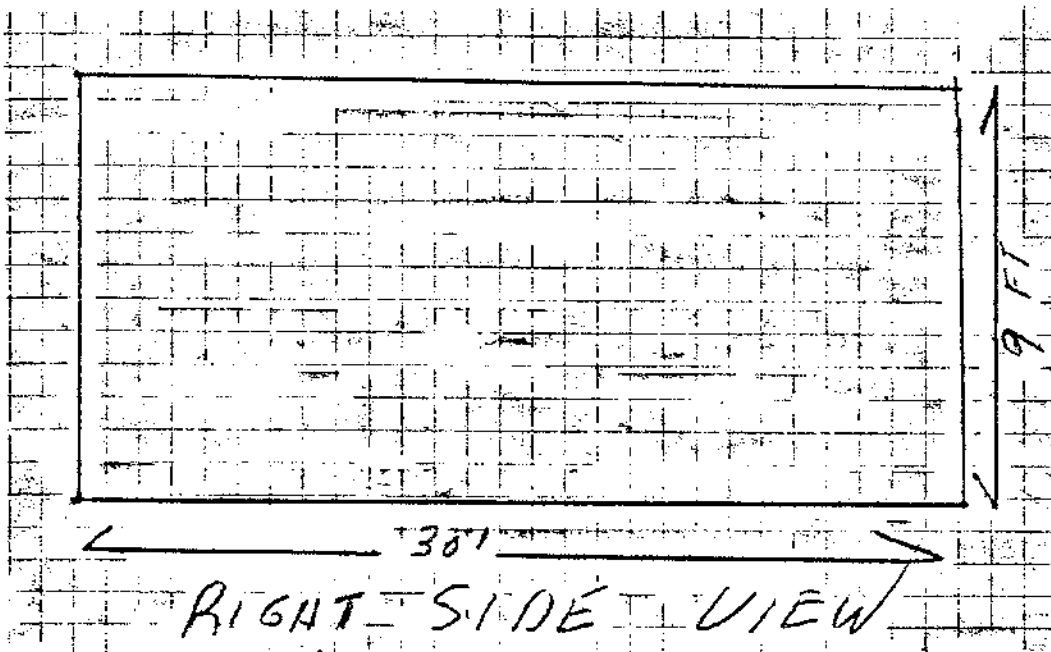
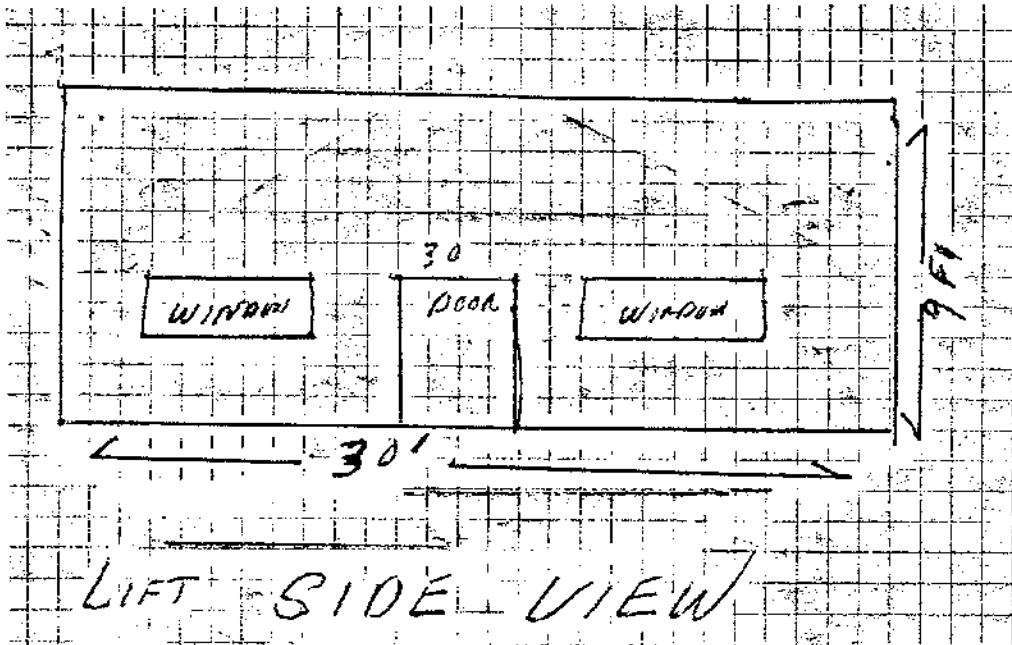
Schedule No. 2
Development Variance Permit Application No. 90615
Building Location Certificate (Reduced for Convenience)
Lot 68, District Lot 40, Newcastle District, Plan 21776
4595 Berbers Drive



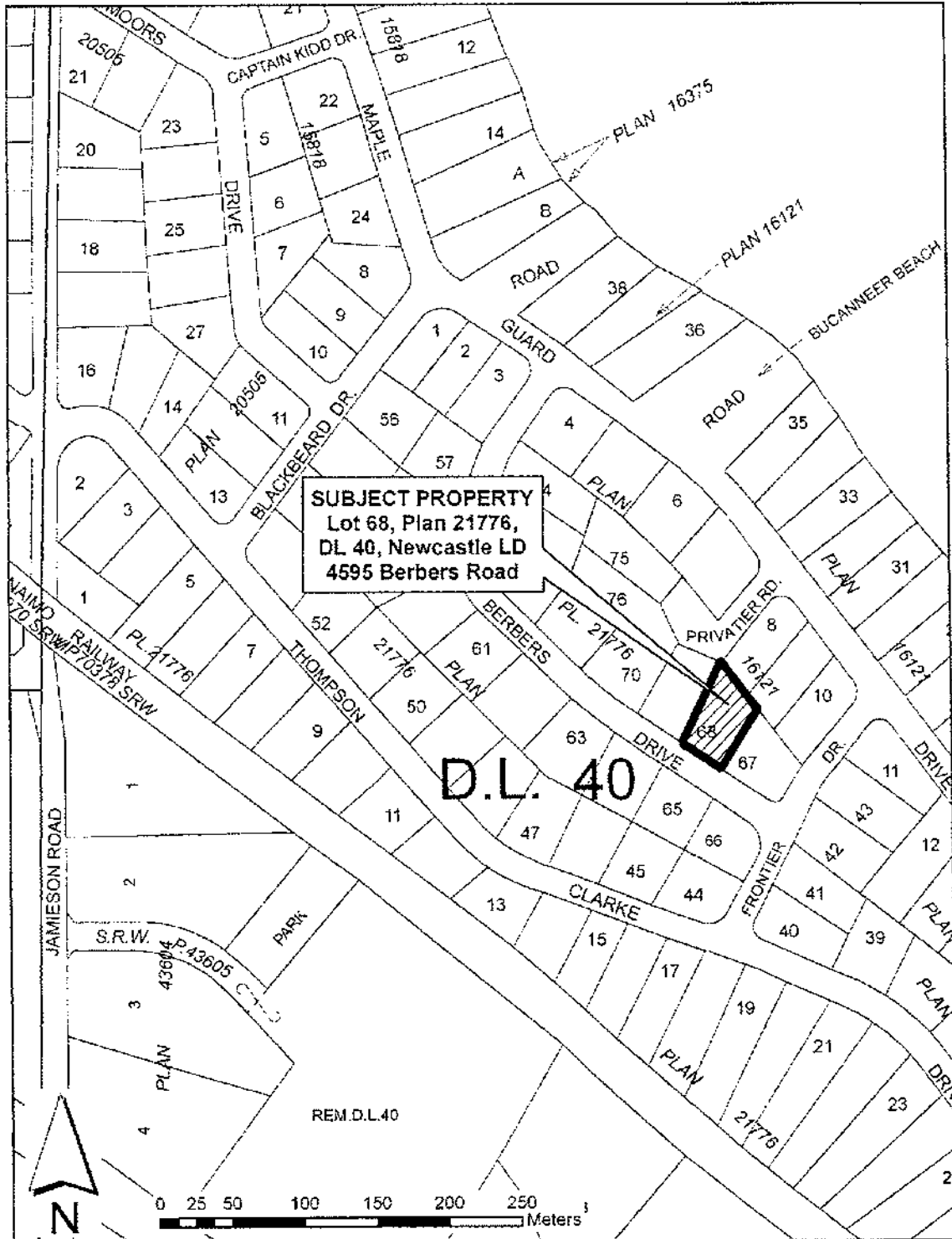
Schedule No. 3 (Page 1 of 2)
Accessory Building Elevations (Submitted by applicant reduced for convenience)
Development Variance Permit Application No. 90615
4595 Berbers Drive



Schedule No. 3 (Page 2 of 2)
Accessory Building Elevations (Submitted by applicant reduced for convenience)
Development Variance Permit Application No. 90615
4595 Berbers Drive



Attachment No. 1
Subject Property Map
Development Variance Permit Application No. 90615



Requirements for Adoption

The Board directed that the following conditions be completed prior to their consideration of Amendment Bylaw No. 500.323, 2005, for adoption. The applicant has generally met the intent of the conditions to the satisfaction of staff. The applicant requests that the Board consider approval of the Bylaw based on the following:

Requirement No.1

Applicants, at their expense and to the satisfaction of the Regional District, to register a Section 219 covenant on the title of the subject properties that limits the use of the five accessory dwelling units on proposed lots 29-33 to relatives of the persons owning, and living in, the principle dwelling and restricts any building or construction on the lands until the following has occurred:

- *Applicants shall construct the sidewalks and street lighting system to the satisfaction of the Regional District of Nanaimo (RDN) or provide an agreement and letter of credit or cash in the amount of 125 percent of the cost to construct the works.*
- *Applicants shall construct the improvements to Cedar and Hemer Roads to the satisfaction of the RDN or provide an agreement and a letter of credit or cash in the amount of 125 percent of the cost to construct the works.*
- *Applicants shall construct the signage, landscaping, structures, trails, and other facilities within the Mordon Colliery Trail and other lands intended for public use to the satisfaction of the RDN or provide a letter of credit or cash in the amount of 125 percent of the cost to construct the works.*

The covenant requiring that the use of the five accessory dwelling units on proposed lots 29-33 be limited to relatives of the persons owning, and living in, the principle unit has been signed by the owner of Lot A and the Regional District of Nanaimo. However, the applicant is asking that registration of the covenant not occur prior to adoption of the Bylaw and be withheld until the time of subdivision so that it may be registered only on title of lots 29-33. If registered at this time, the covenant would unnecessarily end up on title of all of the proposed lots. The applicant's lawyer has undertaken to register the covenants at the time of subdivision. Staff finds this variance acceptable.

The covenant that restricts building on the proposed new lots until the works are provided or secured has been signed by the owner of Lot A and the Regional District of Nanaimo and has been sent to the Land Title Office for registration prior to adoption. Staff shall confirm for the Board that the registration of this covenant on Lot A has occurred prior to the Board meeting.

The applicants have indicated that they are not able to secure the registration of the covenants on title of Lot 6 and are asking the Board to adopt the Bylaw with the covenants registered on title of Lot A only. The majority of the proposed subdivision (all but approximately four of the single-family lots) are on Lot A land. Therefore, the off-site works are adequately secured by the registration of the covenant on Lot A. The on-site works associated with the proposed lots on Lot 6 can be secured at the subdivision stage. Staff find this variance acceptable.

Requirement No. 2

Applicants shall provide a right-of-way, to the satisfaction of the RDN, securing the use of lands intended for public use. Applicants may provide a letter of undertaking from their solicitor that the covenant document will be registered within 14 days of the Board adopting Bylaw No. 500.323, 2005, and acknowledging that the Board may downzone the lands should the covenant not be registered.

At the time of the writing of this report, the right-of-way document giving public access to lands intended for public use has been approved by the owner of Lot A and the Regional District of Nanaimo and is being registered at the Land Title Office. Staff shall confirm that this registration has occurred prior to the Board Meeting where the bylaw is to be considered for adoption. In staff's opinion, this condition has been met.

Requirement No. 3

Applicants to meet all of the requirements of the RDN regarding road upgrades, servicing of the property including the design and installation of the storm water drainage system, design and installation of the sanitary sewer system and connection to that system, design and installation of the sidewalks and streetlights, and connection to the North Cedar Improvement District community water system, including the provision of security in a form and amount acceptable to the RDN if required.

The owner of Lot A has entered into a servicing agreement with the Regional District of Nanaimo. This agreement secures the extent and nature of the road upgrades, the servicing of the property including the design and installation of the storm water drainage system, design and installation of the sanitary sewer system and connection to that system, design and installation of the sidewalks and streetlights, and the improvements to the Mordon Colliery Trail. This agreement is attached to, and is part of, the no-build covenant registered on title under requirement No. 1.

The agreement also puts in place maintenance, insurance, and other requirements related to the provision of the works. In staff's opinion, this condition has been adequately met.

ALTERNATIVES

1. To adopt "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005."
2. To not adopt "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005."

SUBDIVISION IMPLICATIONS

A subdivision application shall be made to the Ministry of Transportation. At the time of subdivision, the Regional District of Nanaimo (RDN) will be required to review the proposed subdivision to ensure the requirements of the CD29 zone are met and issue a Development Permit. The Approving Officer shall ensure that all RDN bylaw requirements and covenant requirements are met to the satisfaction of the RDN. The applicant has some flexibility to make minor amendments to the plan shown in Schedule 2; however, the general layout must be maintained. Park land requirements pursuant to section 941 of the *Local Government Act* have been met during previous subdivision applications.

VOTING

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

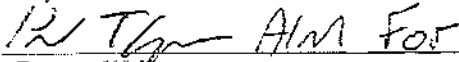
SUMMARY

This is an application to amend the zoning for two parcels of land located within the Cedar Village Centre and Urban Containment Boundary from CM2M to Comprehensive Development Zone 29 in order to facilitate the development of 55 single-family lots and a 75 unit personal care facility for seniors. In

staff's opinion the applicants have adequately satisfied all of the requirements for adoption of the bylaw. Therefore, staff recommend that the Bylaw be adopted.

RECOMMENDATIONS

That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005," to rezone the lands from Commercial 2 Subdivision District M (CM2M) to Comprehensive Development 29 (CD29) to facilitate the development of residential housing and personal care use be adopted.


Report Writer

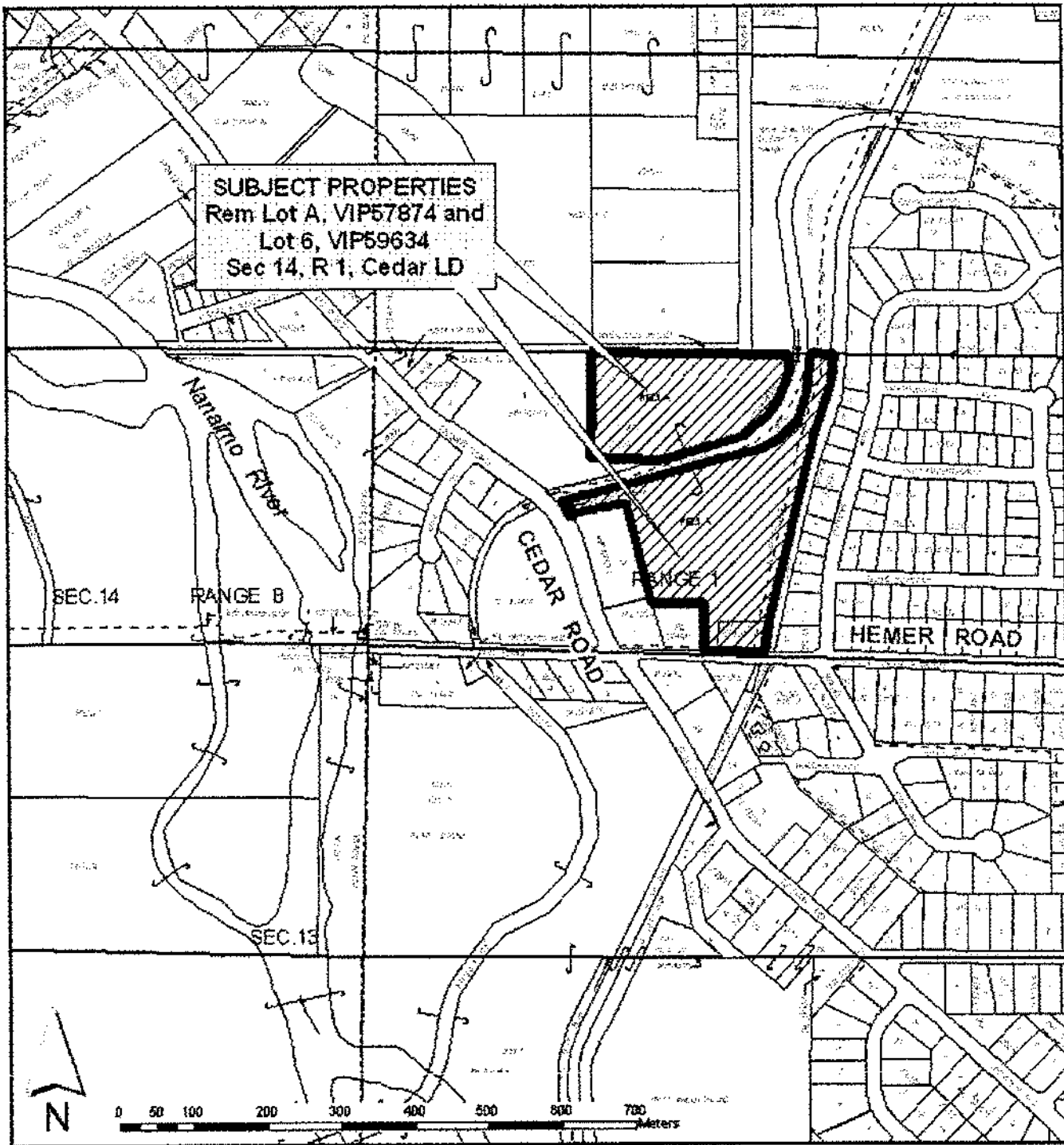
General Manager Concurrence


CAO Concurrence

COMMENTS:

devsvs:reports:2006:za 3360 30 0510 Cedar Estates Adoption Report

Attachment No. 1
of Subject Property for Zoning Amendment Application No. ZA0510
Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634,
VIP67432 and VIP76260 & Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634



BOGS Map Sheet No. 92G 001 4.3

Attachment No. 2
Zoning Amendment Application No. ZA0510
Conditions of Approval for Zoning Amendment Application No. ZA0510
Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634,
VIP67432, and VIP76260 & Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.323, 2005, for adoption:

1. Applicants, at their expense and to the satisfaction of the Regional District, to register a Section 219 covenant on the title of the subject properties that limits the use of the five accessory dwelling units on proposed lots 29-33 to relatives of the persons owning, and living in, the principle dwelling and restricts any building or construction on the lands until the following has occurred:
 - Applicants shall construct the sidewalks and street lighting system to the satisfaction of the Regional District of Nanaimo (RDN) or provide an agreement and letter of credit or cash in the amount of 125 percent of the cost to construct the works.
 - Applicants shall construct the improvements to Cedar and Hemer Roads to the satisfaction of the RDN or provide an agreement and a letter of credit or cash in the amount of 125 percent of the cost to construct the works.
 - Applicants shall construct the signage, landscaping, structures, trails, and other facilities within the Mordon Colliery Trail and other lands intended for public use to the satisfaction of the RDN or provide a letter of credit or cash in the amount of 125 percent of the cost to construct the works.
2. Applicants shall provide a right-of-way, to the satisfaction of the RDN, securing the use of lands intended for public use to the satisfaction of the RDN. Applicants may provide a letter of undertaking from their solicitor that the covenant document will be registered within 14 days of the Board adopting Bylaw No. 500.323, 2005, and acknowledging that the Board may downzone the lands should the covenant not be registered.
3. Applicants to meet all of the requirements of the RDN regarding road upgrades, servicing of the property, including the design and installation of the storm water drainage system, design and installation of the sanitary sewer system and connection to that system, design and installation of the sidewalks and streetlights, and connection to the North Cedar Improvement District community water system, including the provision of security in a form and amount acceptable to the RDN if required.



RDN		
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GMDS	GMPT&P	
JUL 20 2006		
CHAIR	BOARD	
<i>Board</i>		

MEMORANDUM

TO: Carol Mason
Chief Administrative Officer

DATE: July 14, 2006

FROM: Herman Koolman
Manager of Inspection and Enforcement

FILE: 3900 20 78705

SUBJECT: Expansion of Building Inspection Service Areas

PURPOSE

To discuss and seek Board support for the introduction of Building Inspection services in Electoral Areas F and H.

BACKGROUND

Building Inspection services are currently provided to portions of Electoral Area A (Cedar village core area), Electoral Area B (Gabriola Island), Electoral Area C (Extension village core, East Wellington/Pleasant Valley), Electoral Area E (Nanoose Bay) and Electoral Area G (French Creek).

The building inspection service assists in several roles related to building siting and construction. These include zoning compliance, plan review, site inspection, Building Code education, Riparian Areas Regulation oversight, advice and follow up on other health and safety regulatory requirements (health, electrical, gas) and owner/builder obligations under the Home Owner Protection Act. Building inspection services provide assurance to property owners and developers that buildings are safe, healthy and built in a manner which improves the overall quality of the neighbourhood.

Building inspection services operate hand in hand with the Regional District's responsibilities, obligations and desires to establish sustainable and environmentally sound communities. The Regional Growth Strategy was intended to help manage the location of future significant neighbourhood developments in the Regional District and the Board is aware that certainly over the last two to three years, the strategy has indeed focussed considerable attention on the "urban" and "village core" areas. Construction activity is however widespread and staff have been approached on a number of occasions by owners in Electoral Area H and to a lesser extent in Electoral Area F, seeking assistance with building construction. In response to these developments, staff, in consultation with the Electoral Area Directors, are recommending expanding building inspection services to portions of Electoral Areas F and H.

Within Area H inspection services would cover all properties except those zoned Resource Management. Inspections would be conducted on residential, commercial, industrial, and assembly zoned properties.

Within Area F inspection services would cover properties zoned for commercial, industrial, and assembly use. Additionally properties located in the Little Qualicum River Estates and Meadowood subdivisions would be included in the boundary expansion for building inspection services.

ALTERNATIVES

1. Approve the expansion of Building Inspection Services to portions of Electoral Areas H and F as outlined in this report.
2. Expand the Building Inspection Service Area to include all properties within the Regional District.
3. Make no changes at this time.

FINANCIAL IMPLICATIONS

Alternative 1

Staff estimate that an additional staff position and vehicle will be required and a remote office should be established to support services in the expanded areas. These ongoing annual costs would be largely met through new permit revenues. Staff have reviewed the department's current financial plan and believe that there would be no significant change to the tax revenue projections to 2010. However, once the service area is expanded the annual tax requisition will be supported by a broader tax base and one could expect that the cost to existing taxpayers will be lower (currently \$8.70 for a property assessed at \$300,000). A copy of the current financial plan summary is attached as Appendix 1.

Certain one time costs will be required, including the purchase of a vehicle, aerial photographs and public consultation costs. Staff estimate those in the range of \$40,000 and believe there is room in the current budget to proceed with the initiative.

Alternative No. 2

Staff estimate that the financial implications for expanding inspection services to cover all properties within the Regional District will be the same as outlined under Alternative 1. Start up costs may be somewhat higher should additional aerial photographs be deemed useful.

Alternative No 3

There are no direct budget implications associated with not proceeding to introduce inspection services in Electoral Areas F and H. The broader implications will only be observed in the future in terms of potential quality, siting and safety of constructed buildings.

CITIZEN IMPLICATIONS:

Building inspection services are viewed by many as an additional administrative burden, believing that there is sufficient protection through the Home Owner Protection Act and regulations regarding owner/builders. It is generally true that owner/builders and developers take pride in the buildings they construct and that this new service will add costs and some additional time to the construction process. From a health and safety point of view the prime advantage of applying inspection services is that there is a consistency of the end product, which has a broad and significant benefit to every person entering a building.

Staff expect considerable interest in the evolution of inspection services to Electoral Areas F and H and propose a consultation process involving at a minimum three information/public meetings. Public information sessions would be held in each Electoral Area and a further meeting would be held at this location. Additionally a separate newsletter or special edition of the Regional Perspectives will be distributed. It is our intention to obtain the largest cross section of feedback as possible.

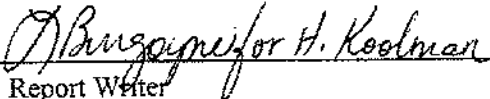
SUMMARY

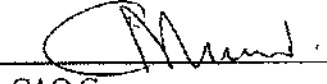
The building permit and inspection process ensures that new development and construction meets basic standards and is consistent with local zoning and Official Community Plans. In addition, this service assists other regulatory agencies in the protection of ground water and the environment and most importantly plays a key role in the execution of the Board's desire for sustainable communities both in terms of its general vision for the future as well as the Regional Growth Strategy.

In response to the significant growth of communities in Electoral Areas F and H and evidence that builders want assistance during the building process, staff are recommending the expansion of building inspection services to portions of Electoral Areas F and H. Staff estimate that permit revenue will largely offset higher operating costs (one additional staff position, vehicle operating costs and a remote office location) with no impact on the current financial plan. Key to the success of the initiative will be a robust public consultation process. At a minimum three meetings and a special newsletter are proposed. Should additional efforts be deemed beneficial, staff would consult with the Electoral Area Directors for additional direction in that regard.

RECOMMENDATIONS:

1. That the board support the expansion of Building Inspection services to portions of Electoral Areas F and H as outlined in Alternative 1 of this report.
2. That "Regional District of Nanaimo Building Inspection Service Amendment Bylaw No. 787.05, 2006" be introduced for the first three readings and be forwarded to the Ministry of Community Services for approval.
3. That staff be directed to proceed in accordance with the proposed public consultation process.


Report Writer


CAO Concurrence

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 787.05

A BYLAW TO AMEND THE PARTICIPANTS AND BOUNDARIES OF
REGIONAL DISTRICT OF NANAIMO
BUILDING INSPECTION SERVICE AREA

WHEREAS the Board has enacted "Regional District of Nanaimo Building Inspection Extended Service Establishment Bylaw No. 787, 1989";

AND WHEREAS the Board wishes to amend the boundaries of the Service Area to include additional properties within Electoral Areas 'F' and 'H';

AND WHEREAS the Board has obtained the consent of the Directors for Electoral Areas 'F' and 'H';

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

- 1. "Regional District of Nanaimo Building Inspection Extended Service Establishment Bylaw No. 787, 1989" is amended as follows:

Section 2 is hereby deleted and replaced by the following:

"2. **Service Area.**

The participating areas shall be Electoral Areas 'A', 'B', 'C', 'E', 'F', 'G' and 'H'.

The service area boundaries shall consist of all of Electoral Area G and those portions of Electoral Areas 'A', 'B', 'C', 'E', 'F', and 'H' as outlined on Schedule 'A' attached hereto and forming part of this bylaw."

- 2. Bylaw No. 787.04 is hereby repealed.
- 3. This bylaw may be cited as "Regional District of Nanaimo Building Inspection Service Amendment Bylaw No. 787.05, 2006".

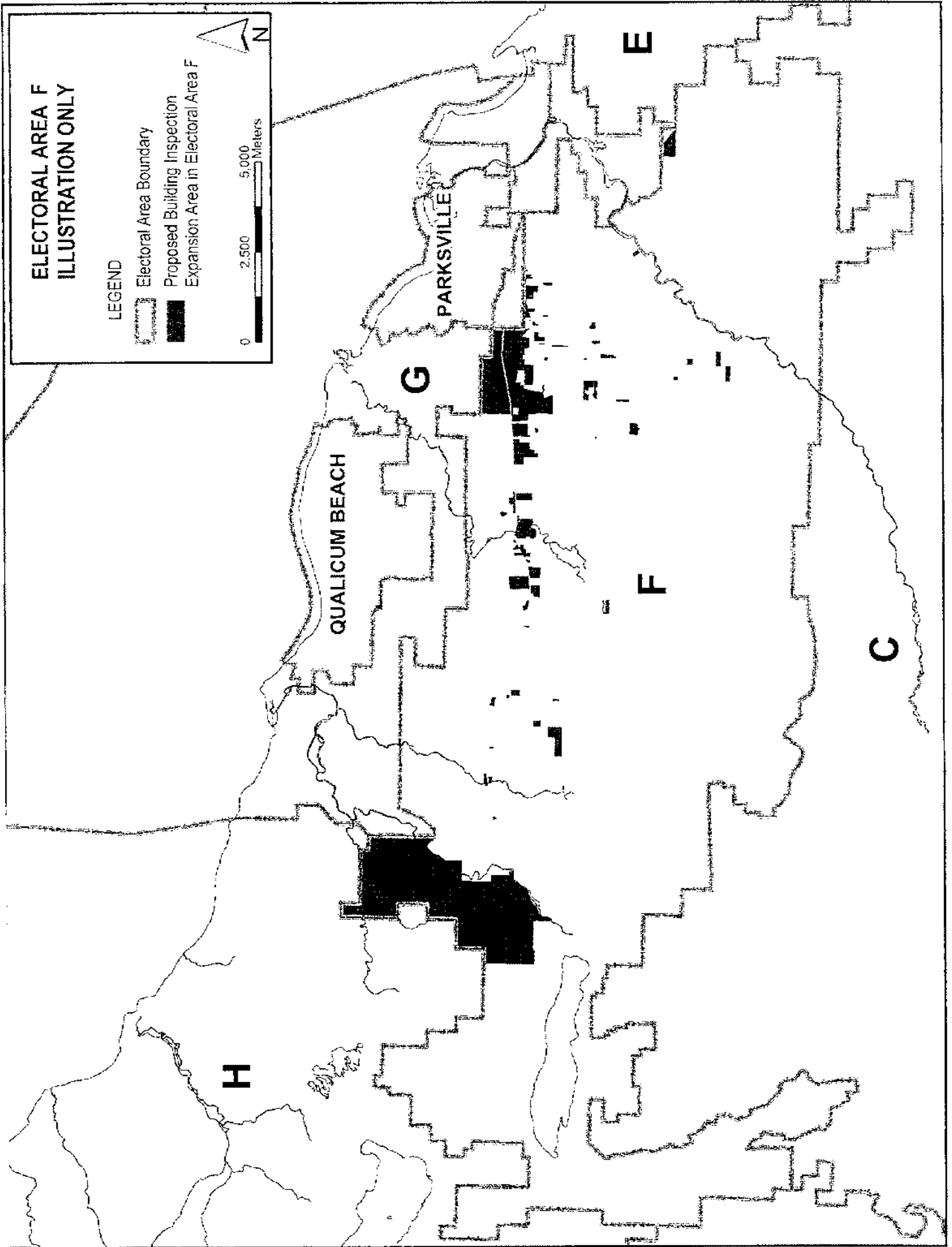
Introduced and read three times this 25th day of July , 2006.

Received the approval of the Inspector of Municipalities this _____ day of _____, 20__.

Adopted this _____ day of _____, 20__.

CHAIRPERSON

MANAGER, ADMINISTRATIVE SERVICES



**ELECTORAL AREA F
ILLUSTRATION ONLY**

LEGEND

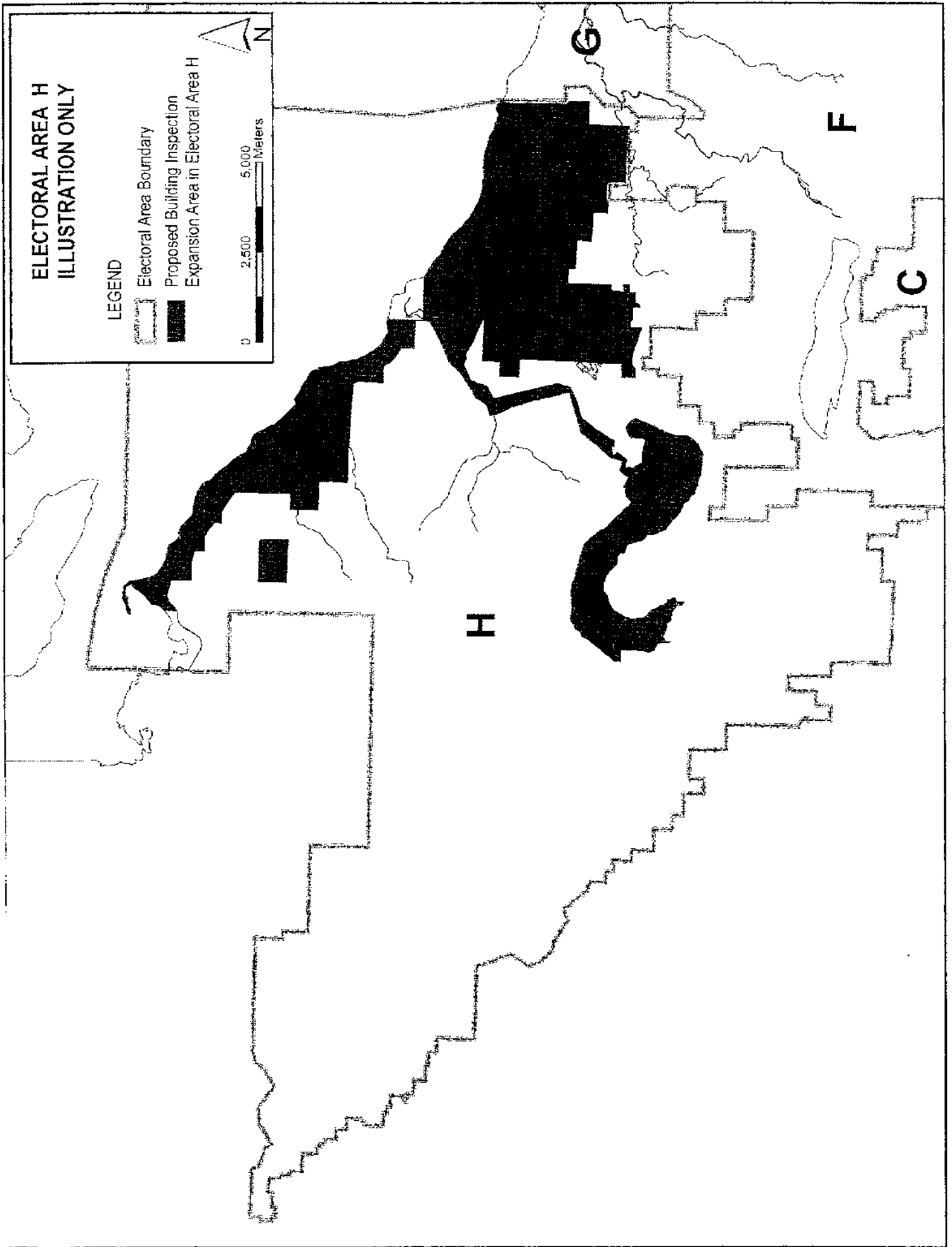
Electoral Area Boundary

Proposed Building Inspection

Expansion Area in Electoral Area F

0 2,500 5,000 Meters





REGIONAL DISTRICT OF NANAIMO
FINANCIAL PLAN 2006 TO 2011

Building Inspection
Revenues

	2005	2006	2007	2008	2009	2010	2011	SubTotal
Property taxes	(70,000)	0	3.8%	3.8%	3.7%	3.7%	3.7%	(470,630)
Operating revenues	(853,130)	(71,000)	(74,078)	(76,856)	(79,738)	(82,726)	(85,830)	(5,335,506)
Prior year (surplus)/deficit	(1,099,215)	(1,222,545)	(850,785)	(609,344)	(437,845)	(307,935)	(201,976)	(3,640,430)
Total Revenues	(2,022,345)	(2,072,325)	(1,783,911)	(1,577,229)	(1,456,433)	(1,327,890)	(1,243,778)	(9,445,566)
Expenditures								
Instruction	79,470	80,285	80,285	80,285	80,285	80,285	80,285	481,710
Professional fees	67,500	37,500	37,500	27,500	27,500	27,500	27,500	185,000
Building Ops	13,100	16,700	16,700	16,700	16,700	16,700	16,700	100,200
Plant & Equip Ops	28,430	55,245	55,245	55,245	55,245	55,245	55,245	331,470
Operating Costs	142,255	211,975	211,975	171,975	171,975	171,975	171,975	1,111,850
Wages & Benefits	719,626	726,335	740,862	755,679	745,793	735,709	750,423	4,454,801
Contributions to reserve funds	2,408	1,000	1,000	1,000	1,000	1,000	1,000	8,000
Capital	48,000	87,500	31,000	31,000	30,000	37,500	32,500	249,500
SubTotal	1,098,989	1,216,540	1,174,567	1,139,284	1,128,488	1,125,914	1,135,628	6,920,531
Total expenditures	1,098,989	1,216,540	1,174,567	1,139,284	1,128,488	1,125,914	1,135,628	6,920,531
(Surplus)/deficit	(923,356)	(860,785)	(609,344)	(437,845)	(307,935)	(201,976)	(108,150)	(2,525,035)



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CHAIR		BOARD	
Board Mtg.			

MEMORANDUM

TO: Board of Directors

DATE:

July 18, 2006

FROM: Carol Mason
Chief Administrative Officer

FILE:

SUBJECT: BOARD STRATEGIC PLAN 2006-2009

PURPOSE

The purpose of this report is to consider approval of the 2006-2009 Strategic Plan for the Board of Directors of the Regional District of Nanaimo.

BACKGROUND

The 2006-2009 Strategic Plan for the Board of Directors of the RDN is provided for consideration (*see separate enclosure*).

The Strategic Plan sets out the RDN Board's priorities for the provision of services to residents in the region for the current term (2006 to 2009) as well as the longer term (2009 and beyond), to help ensure the region continues to be a place where people enjoy living, playing, visiting and doing business.

The six strategic priorities for Board action established in the Strategic Plan are:

1. the regional federation;
2. sustainable communities;
3. transportation;
4. energy and climate change;
5. regional utility systems; and
6. recreation and parks.

The Strategic Plan identifies specific actions and goals for each of these priority areas.

The Strategic Plan was developed based on discussion with the Board facilitated by consultant Mark Holland at the strategic planning retreat on March 31st and April 1st. Additional information to support the development of the Strategic Plan was obtained from RDN management staff at a June 14th discussion session with Mark Holland.

Given that some of the actions and goals established for the strategic priorities involve the RDN's member municipality partners it is recommended that the Strategic Plan be provided to the municipalities for information and future discussion.

ALTERNATIVES

1. To approve the Strategic Plan, and circulate it to the RDN member municipalities.
2. To provide alternative direction.

FINANCIAL IMPLICATIONS

The Strategic Plan includes a wide range of initiatives that will require human and financial resources. Many of the initiatives can be accommodated within existing resource allocations. Some of the initiatives might require either the consideration of additional allocations, or a shifting of resources from other initiatives. Staff will bring forward these initiatives for the Board's consideration and decision as a part of the annual business planning and budget development process, and the Board will be able to make decisions about the timing and allocation of resources to the initiatives.

SUMMARY

The 2006-2009 Strategic Plan for the Board of Directors of the RDN is provided (*see separate enclosure*). The Strategic Plan establishes six priorities for Board attention between 2006 and 2009: [1] the regional federation; [2] sustainable communities; [3] transportation; [4] energy and climate change; [5] regional utility systems; and [6] and recreation and parks. Specific actions and goals are identified for each of the six priority areas. The Strategic Plan is based on Board discussion at the March 31st and April 1st strategic planning retreat.

RECOMMENDATIONS

1. That the 2006-2009 Strategic Plan for the Board of Directors of the Regional District of Nanaimo be approved.
2. That staff be directed to refer the Strategic Plan to the member municipalities for information.



Chief Administrative Officer