

REGIONAL DISTRICT OF NANAIMO

BOARD MEETING
TUESDAY, JUNE 27, 2006
(immediately following the Hospital meeting)

(RDN Board Chambers)

A G E N D A

PAGES

1. CALL TO ORDER
2. DELEGATIONS
11 Ceri Peacey, re Hamilton Marsh Project.
3. BOARD MINUTES
12-25 Minutes of the Board meeting held May 23, 2006 and the Special Board meeting held June 13, 2006.
4. BUSINESS ARISING FROM THE MINUTES
5. COMMUNICATIONS/CORRESPONDENCE
6. UNFINISHED BUSINESS
BYLAWS
For Adoption.
Bylaws No. 1021.07 & 889.40. (All Directors – One Vote)
26 *That "Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.07, 2006", be adopted.*
27 *That "Regional District of Nanaimo Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.40, 2006", be adopted.*
These are bylaws to include the property located at 1556 Terrien Road (Area E) into the local service areas.
Bylaw No. 1370.01. (All Directors -- Weighted Vote)
28 *That "Regional District of Nanaimo (Coombs-Hilliers Fire Protection) Loan Authorization Amendment Bylaw No. 1370.01, 2006", be adopted.*
This is a bylaw to amend the amounts to be expended on vehicles, equipment and building improvements for Coombs-Hilliers Fire Department to reflect their updated capital plan.

Bylaw No. 500.306 (Electoral Area Directors except EA 'B' – One Vote)

29-33

That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.306, 2004", be adopted.

This is a bylaw to rezone property located adjacent to Spider Lake Road (Area H) to a Rural 1 zone Subdivision District 'D' to facilitate a 3-lot subdivision.

Public Hearing and Third Reading.

Bylaw No. 500.333 (Electoral Area Directors except EA 'B' – One Vote)

34-42

Report of the Public Hearing held June 7, 2006 with respect to "*Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.333, 2006*" - Amendment Application ZA0524 – Ainsley Foster on behalf of Laverne Kilner – Schoolhouse Road – Area A.

Bylaw No. 500.336. (Electoral Area Directors except EA 'B' – One Vote)

43-52

Report of the Public Hearing held June 15, 2006 with respect to "*Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.336, 2006*" -- Dave Scott on behalf of BCIMC Realty Corporation Inc., No. A41891 & 3536696 Canada Inc., No. A48904 (Fairwinds) – off Fairwinds Drive – Area E.

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

7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

53-56

Minutes of the Electoral Area Planning Committee meeting held June 13, 2006. (for information)

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. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to Development Permit Application No. 60622.

1. *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.*

2. *That the request for relaxation of the minimum 10% frontage requirement for proposed Lot A be approved.*

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. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Variance Permit Application No. 90612.

1. *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.*
2. *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.*
3. *That the request for relaxation of the minimum 10% frontage requirement for proposed Lot 12 be approved.*

OTHER

Request for Relaxation of the Minimum 10% Frontage Requirement – JF Anderson on behalf of J. Kantor – Fowler Road – Area H. (Electoral Area Directors except EA ‘B’ - One Vote)

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.

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60627 – Watson & Forster – 861 Miller Road – Area G. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Permit Application No. 60627.

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.

Development Permit Application No. 60628 – Newcastle Engineering Ltd., on behalf of L. Michaels – 1400 Dorcas Point Road – Area E. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Permit Application No. 60628.

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.

Development Permit Application No. 60629 – Trout – 2671 Seablush Drive – Area E. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Permit Application No. 60629.

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.

DEVELOPMENT VARIANCE PERMIT

Development Variance Permit Application No. 90610 – McGillivray and Hopwood – 3039 Hillview Road – Area E. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Variance Permit Application No. 90610.

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.

Development Variance Permit Application No. 90611 – Colclough on behalf of Island Timberlands – 1420 & 1430 Island Highway East – Area E. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Variance Permit Application No. 90611.

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.

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. (Electoral Area Directors except EA 'B' – One Vote)

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.

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

57-63 Minutes of the Committee of the Whole meeting held June 13, 2006. (for information)

COMMUNICATIONS/CORRESPONDENCE

Harold and Marianne Robinson, re Building Permit for 2991 Northwest Bay Road – Area E. (All Directors – One Vote)

That the correspondence from Harold and Marianne Robinson regarding a building permit for 2991 Northwest Bay Road be received.

Ross Peterson, re Building Permit for 2991 Northwest Bay Road – Area E. (All Directors – One Vote)

That the correspondence from Ross Peterson regarding the building permit for 2991 Northwest Bay Road be received.

CORPORATE SERVICES

FINANCE

Nanaimo River Fire Protection Security Issuing Bylaw No. 1488.

(All Directors – Weighted Vote)

That "Regional District of Nanaimo (Nanaimo River Fire Protection) Security Issuing Bylaw No. 1488, 2006" be introduced for three readings.

(All Directors – 2/3)

That "Regional District of Nanaimo (Nanaimo River Fire Protection) Security Issuing Bylaw No. 1488, 2006" having received three readings be adopted.

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

(All Directors – Weighted Vote)

That "Regional District of Nanaimo Security Issuing (City of Nanaimo New Nanaimo Center) Bylaw No. 1489, 2006" be introduced for three readings.

(All Directors – 2/3)

That “Regional District of Nanaimo Security Issuing (City of Nanaimo New Nanaimo Center) Bylaw No. 1489, 2006” having received three readings be adopted.

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

(All Directors – Weighted Vote)

That “Regional District of Nanaimo (Barclay Crescent Sewer) Security Issuing Bylaw No. 1486, 2006” be introduced for three readings.

(All Directors – 2/3)

That “Regional District of Nanaimo (Barclay Crescent Sewer) Security Issuing Bylaw No. 1486, 2006” having received three readings be adopted.

(All Directors – Weighted Vote)

That “Regional District of Nanaimo Interim Financing (Barclay Crescent Sewer) Bylaw No. 1487, 2006” be introduced for three readings.

(All Directors – 2/3)

That “Regional District of Nanaimo Interim Financing (Barclay Crescent Sewer) Bylaw No. 1487, 2006” having received three readings be adopted.

DEVELOPMENT SERVICES

BUILDING INSPECTION

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

Property owners wishing to speak to their proposed filing.

That a notice be filed against the titles of the properties listed, pursuant to Section 57 of the Community Charter.

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

Marijuana Grow Op Remediation – 909 Esslinger Road – Area G. (All Directors – One Vote)

That a notice be placed on the title of the 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.

SUBDIVISIONS AND ENGINEERING STANDARDS

Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.14 – Northwest Bay Road – Area E. (All Directors – One Vote)

- 1. 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.*
- 2. 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.*

ENVIRONMENTAL SERVICES

LIQUID WASTE

Pump and Haul Local Service Area Amendment Bylaw No. 975.43 – 7357 Industrial Road – District of Lantzville. (All Directors – One Vote)

- 1. 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).*
- 2. 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.*

Wastewater Engineering Servicing Contract Extension. (All Directors – Weighted Vote)

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.

SOLID WASTE

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

(All Directors - One Vote)

That "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.09, 2006" be introduced and read three times.

(All Directors – 2/3)

That “Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.09, 2006” having received three readings be adopted.

Church Road Transfer Station Solid Waste Hauling Services Contract – Regional Landfill. (All Directors – Weighted Vote)

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.

UTILITIES

Planning Services Fees and Charges Amendment Bylaw No. 1259.04. (All Directors – Weighted Vote)

That “Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.04, 2006” be introduced for three readings.

(All Directors – 2/3)

That “Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.04, 2006” having received three readings be adopted.

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

- 1. 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.*
- 2. That staff be directed to proceed with an engineering review of the Lantzville West Water System.*

RECREATION AND PARKS SERVICES

Lighthouse Community Centre Society Funding Agreement. (All Directors – Weighted Vote)

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.

COMMISSION, ADVISORY & SELECT COMMITTEE

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 April 3, 2006 be received for information.

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

That the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held May 17 and May 31, 2006 be received for information.

District 69 Recreation Commission.

(All Directors – One Vote)

That the minutes of the District 69 Recreation Commission meeting held May 18, 2006 be received for information.

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

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

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

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

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

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.

NEW BUSINESS

Environmental Officer Position. (All Directors – One Vote)

That staff investigate the possibility of hiring an Environmental Officer position within the Regional District budget or in conjunction with member municipalities.

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.5 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

8. ADMINISTRATOR'S REPORTS

64-74 Development Variance Permit Application No. 90613 – Barber – 1794 Oak Leaf Drive – Area E. (Electoral Area Directors except EA 'B' – One Vote)

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

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

Burgoyne, Linda

From: Ceri Peacey [ceridwen@bcsupernet.com]
Sent: Tuesday, June 13, 2006 11:10 AM
To: Burgoyne, Linda
Cc: Robin & Sandy
Subject: Delegation Request for June 27th

My name is Ceri Peacey, Director of Friends of French Creek Conservation Society in charge of the Hamilton Marsh Project. I am also founder of Friends of Hamilton Marsh.

We would like to present a 10 minute delegation with regards to Hamilton Marsh Acquisition on June 27th. We would plan to present a multi-media component.

Ceri Peacey
661 Gilbert Rd.,
Qualicum Beach, BC
V9K 1V2

250-752-4720

6/13/2006

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, MAY 23, 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
Director B. Johnston	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director G. Korpan	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director D. Brennan	City of Nanaimo
Director J. Manhas	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

C. Mason	Chief Administrative Officer
J. Finnie	Gen. Mgr. of Environmental Services
T. Osborne	Gen. Mgr. of Recreation & Parks
N. Avery	Manager of Financial Services
J. Llewellyn	Manager of Community Planning
W. Moorman	Mgr. of Engineering Standards & Subdivision
D. Trudeau	Manager of Transportation Services
N. Tonn	Recording Secretary

SPECIAL PRESENTATION

Norma Stumborg, re Intermediate Certificate in Local Government Administration.

The Chairperson presented Norma Stumborg with her Intermediate Certificate in Local Government Administration which was awarded by the Provincial Board of Examiners for her academic qualifications and work experience in Local Government.

DELEGATIONS

Violet Smith and S/Sgt. Randy Munro, re John Howard Society Funding.

Ms. Smith and S/Sgt. Munro provided an overview of the restorative justice program provided by the John Howard Society in partnership with the Nanaimo RCMP Detachment and requested annual funding from the Regional District for their program in the amount of \$5,000.

BOARD MINUTES

MOVED Director Westbroek, SECONDED Director Brennan, that the minutes of the regular Board meeting held April 25, 2006 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Blain Sepos, Oceanside Tourism Association, re Update on the Progress of the Oceanside Community Tourism Foundation.

MOVED Director Holme, SECONDED Director Bartram, that the correspondence from the Oceanside Tourism Association regarding an update on the progress of the Oceanside Community Tourism Foundation be received for information.

CARRIED

N. Kilpatrick & J. Rouse, re Development Permit Application No. 60620 – Helen Sims for Craig Finney and Lisa Marie Welker-Finney – Maple Guard Drive – Area H.

MOVED Director Holme, SECONDED Director Bartram, that the correspondence from N. Kilpatrick and J. Rouse regarding Development Permit Application No. 60620 be received for information.

CARRIED

UNFINISHED BUSINESS

BYLAWS

For Adoption.

Bylaw No. 500.330.

MOVED Director Young, SECONDED Director Holme, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.330, 2006” be adopted.

CARRIED

Bylaw No. 791.12.

MOVED Director Holme, SECONDED Director Bartram, that “Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.12, 2006” be adopted.

CARRIED

Bylaw No. 804.03.

MOVED Director Biggemann, SECONDED Director Brennan, that “Electoral Area ‘F’ Community Parks Local Service Amendment Bylaw No. 804.03, 2006” be adopted.

CARRIED

Bylaw No. 975.42.

MOVED Director Young, SECONDED Director Brennan, that “Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.42, 2006” be adopted.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

MOVED Director Holme, SECONDED Director Bartram, that the minutes of the Electoral Area Planning Committee meeting held May 9, 2006 be received for information.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0602 – Jane England Abbott – Island Highway West – Area G.

MOVED Director Holme, SECONDED Director Burnett, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.334, 2006”, to rezone the properties, on the Island Highway West in Electoral Area ‘G’, from Public 1 Subdivision District ‘M’ (PU1M) to Residential 2 Subdivision District ‘M’ (RS2M) be given 1st and 2nd reading.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.334, 2006, be approved to proceed to Public Hearing.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.334, 2006”, be delegated to Director Stanhope or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60611 – Surfwood Supply Ltd./Keith Brown Associates Ltd. – 2130 Schoolhouse Road - Area A.

MOVED Director Holme, SECONDED Director Burnett, that Development Permit No. 60611 with variances to allow for the construction of two industrial buildings be approved according to the terms outlined in Schedule No. 1 and subject to the Board’s consideration of the comments received as a result of public notification.

CARRIED

Development Permit Application No. 60614 – Don and Sharon Milburn – 5461 Deep Bay Road – Area H.

MOVED Director Holme, SECONDED Director Bartram, that Development Permit Application No. 60614, to allow the removal of an existing dwelling and the construction of a new dwelling at 5461 Deep Bay Road, be approved according to the terms outlined in Schedule No. 1.

CARRIED

Development Permit Application No. 60617 – Byran Witcomb on behalf of Western Cruiser Sales Ltd. – 1451 East Island Highway – Area E.

MOVED Director Holme, SECONDED Director Biggemann, that Development Permit Application No. 60617, to allow a sales and service building, four storage buildings, landscaping and parking improvements and a fascia sign at 1451 Island Highway East, be approved subject to the terms of Schedule No. 1.

CARRIED

Development Permit Application No. 60620 – Helen Sims for Craig Finney and Lisa Marie Welker-Finney – Maple Guard Drive – Area H.

MOVED Director Holme, SECONDED Director Bartram, that Development Permit Application No. 60620, with a variance to allow the construction of a dwelling, be approved according to the terms outlined in Schedule No. 1 and subject to consideration of the comments received as a result of public notification.

CARRIED

Development Permit Application No. 60621 – Fern Road Consulting Ltd., on behalf of Michael Eddy, Lorie Eddy, Patricia Greenham and Corinne Barker – Moors, Blackbeard and Maple Guard Drives – Area H.

MOVED Director Holme, SECONDED Director Bartram, that Development Permit Application No. 60621 submitted by Fern Road Consulting Ltd., on behalf of Fern Road Consulting Ltd., on behalf of Michael Eddy, Lorie Eddy, Patricia Greenham & Corinne Barker, in conjunction with the subdivision on the parcels legally described as Lots 8, 9 & 10, All of District Lot 40, Newcastle District, Plan 20505 and designated within the Environmentally Sensitive Areas Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

Director Holme noted that the second recommendation from the Electoral Area Planning Committee meeting held May 9, 2006 has been withdrawn.

Development Permit Application No. 60623 – Request for 10% Frontage Relaxation – Timberlake-Jones Engineering Ltd., on behalf of Timberstone Development Ltd. – Northwest Bay Road – Area E.

MOVED Director Holme, SECONDED Director Bartram, that Development Permit Application No. 60623 submitted by Timberlake-Jones Engineering Ltd., on behalf of Timberstone Developments Ltd., in conjunction with the subdivision on the parcel legally described as Lot 1, DL 68, Nanoose District, Plan 3940 Except For Part in Plan VIP80339 and designated within the Sensitive Ecosystem Protection and the Farm Land Protection Development Permit Areas be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 of the corresponding staff report.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that the request for relaxation of the minimum 10% frontage requirement for proposed Lots 11 and 12 be approved.

CARRIED

DEVELOPMENT VARIANCE PERMIT

Development Variance Permit Application No. 90609 – Kawerau and Butler – 1405 Reef Road – Area E.

MOVED Director Holme, SECONDED Director Bartram, that Development Variance Permit Application No. 90609, to relax the front lot line setback from 8.0 metres to 5.7 metres to facilitate the replacement and extension of an existing attached garage at 1405 Reef 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

OTHER

Request for RDN to Consider the Development of a Manufactured Home Park at 410 Martindale Road – Area G.

MOVED Director Holme, SECONDED Director Bartram, that this report be received for information and that the general issue of the need to revise the Urban Containment Boundary in the vicinity of the City of Parksville be considered as part of the Electoral Area 'G' Official Community Plan Review.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Building Permit for 2991 Northwest Bay Road – Area E.

MOVED Director Holme, SECONDED Director Bartram, that the issues raised by the delegation with respect to approval of a building permit for 2991 Northwest Bay Road, be referred to staff and a report prepared for consideration at the next Electoral Area Planning Committee meeting.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director Brennan, SECONDED Director Holdom, that the minutes of the Committee of the Whole meeting held May 9, 2006 be received for information.

CARRIED

CORPORATE SERVICES

ADMINISTRATION

Special Occasion License/Special Event Permit – Status Report.

MOVED Director Brennan, SECONDED Director Biggemann, that the Special Occasion License/Special Event Permit status report be received for information.

CARRIED

RDN Partnership with Sunyani, Ghana.

MOVED Director Westbrook, SECONDED Director Johnston, that the Board receive the update regarding the partnership project between the RDN and the Sunyani Municipal Assembly.

CARRIED

MOVED Director Westbrook, SECONDED Director Johnston, that the remaining two exchange missions for 2006 be approved.

CARRIED

MOVED Director Westbrook, SECONDED Director Holdom, that the partnership with the Sunyani Municipal Assembly be put on hold for one year during 2007.

CARRIED

Certified Population Figures – Town of Qualicum Beach.

MOVED Director Westbrook, SECONDED Director Bestwick, that the report regarding the certified population figures for the Town of Qualicum Beach be received for information.

CARRIED

Port Theatre Society Agreement.

MOVED Director Holdom, SECONDED Director McNabb, that the Board authorize entering into a three year agreement with the Port Theatre Society for a term ending December 31, 2008.

CARRIED

FINANCE

2005 Annual Financial Report.

MOVED Director Westbrook, SECONDED Director Brennan, that the 2005 Annual Financial Report be received.

CARRIED

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

MOVED Director Westbrook, SECONDED Director Brennan, that the 2005 report on remuneration and expenses for Board and Committee members be received.

CARRIED

2005 Financial Information Report.

MOVED Director Brennan, SECONDED Director Manhas, that the 2005 Financial Information Act report be received, approved and forwarded to the Ministry of Community Services.

CARRIED

2006 Revenue Anticipation Borrowing Bylaw No. 1485.

MOVED Director Holdom, SECONDED Director Brennan, that "Regional District of Nanaimo 2006 Revenue Anticipation Borrowing Bylaw No. 1485, 2006" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Korpan, that "Regional District of Nanaimo 2006 Revenue Anticipation Borrowing Bylaw No. 1485, 2006" having received three readings be adopted.

CARRIED

FIRE DEPARTMENTS

Renewal of the Fire Protection Service Agreement with the Coombs-Hilliers Volunteer Fire Department.

MOVED Director Biggemann, SECONDED Director Korpan, that the fire services agreement with the Coombs-Hilliers Volunteer Fire Department be renewed for an initial five year term from January 1, 2005 to December 31, 2009 and provide for three further five year renewal terms.

CARRIED

Coombs-Hilliers Fire Protection Loan Authorization Amendment Bylaw No. 1370.01 – to Amend Amounts to be Expended on Capital Improvements.

MOVED Director Biggemann, SECONDED Director Korpan, that “Regional District of Nanaimo (Coombs-Hilliers Fire Protection) Loan Authorization Amendment Bylaw No. 1370.01, 2006” be introduced for first three readings and be forwarded to the Ministry of Community Services for approval.

CARRIED

DEVELOPMENT SERVICES

PLANNING

2006 Local Government Infrastructure Planning Grant Program.

MOVED Director Holme, SECONDED Director McNabb, that the Board support the following applications (with priorities noted) to the Local Government Infrastructure Planning Grant Program for financial assistance for the Red Gap Village (priority #1), Arbutus Park (priority #2) and Cottam/Dorcas Point (priority #3) communities.

CARRIED

MOVED Director Holme, SECONDED Director Brennan, that the RDN share of study costs be recovered from Electoral Area ‘E’ in 2007.

CARRIED

SUBDIVISIONS AND ENGINEERING STANDARDS

Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.13 - Balsam Road – Area A.

MOVED Director Burnett, SECONDED Director Young, that the parcels legally described as Lot 1, Plan VIP76441; Lot B, Plan DD EX27351; Lot, Plan VIP67939; and Lot 13, Plan 27070; all within the Cranberry District, be included in the Rural Streetlighting Local Service Area.

CARRIED

MOVED Director Burnett, SECONDED Director McNabb, that “Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.13, 2006” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

ENVIRONMENTAL SERVICES

SOLID WASTE

Bobell Trucking Services Purchase Order Extension.

MOVED Director Brennan, SECONDED Director Young, that the Board authorize an extension of hauling services with Bobell Trucking Ltd. to June 30, 2006 for an additional cost of \$90,000, which represents a cumulative value of \$169,000.

CARRIED

Nanaimo Recycling Exchange Relocation Assistance.

MOVED Director Holdom, SECONDED Director Brennan, that the Board approve a \$75,000 contribution to the Nanaimo Recycling Exchange towards start-up costs of a dedicated recycling facility to deliver region-wide stewardship services.

MOVED Director Bartram, SECONDED Director Westbrook, that the motion be amended to add "and that staff be directed to review and report on current product stewardship programs and facilities available in the RDN and present options for expanding or enhancing product stewardship programs and opportunities for District 69".

CARRIED

The question was called on the main motion as amended.

The motion CARRIED.

UTILITIES

Arrowsmith Water Service Joint Venture Agreement Amendment.

MOVED Director Holme, SECONDED Director Stanhope, that the Board approve the Agreement to Amend the Joint Venture Agreement (Appendix A to the staff report) which extends the agreement to March 31, 2010 and direct staff to formally execute the Agreement on behalf of the RDN.

CARRIED

French Creek Water Service Area – Bolted Steel Tank Reservoir Reconditioning – Release of Reserve Funds.

MOVED Director Westbrook, SECONDED Director Young, that the Board approve the release, in accordance with the financial plan, of up to \$100,000 from the French Creek Water Service Area reserve fund for the reconditioning of the French Creek Water Service Area Bolted Steel Reservoir.

CARRIED

RECREATION AND PARKS SERVICES

Gabriola Island Parks and Open Space Advisory Committee – Terms of Reference.

MOVED Director Sperling, SECONDED Director Bartram, that the revised Terms of Reference for the Gabriola Island (Electoral Area 'B') Parks and Open Space Advisory Committee be approved.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

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

MOVED Director Bartram, SECONDED Director McNabb, that the minutes of the Electoral Area 'H' Parks and Open Space Advisory Committee meeting held February 22, 2006 be received for information.

CARRIED

Regional Parks and Trails Advisory Committee.

MOVED Director McNabb, SECONDED Director Young, that the minutes of the Regional Parks and Trails Advisory Committee meeting held April 4, 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 April 12, 2006 be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Johnston, that the minutes of the District 69 Recreation Commission meeting held April 20, 2006 be received for information.

CARRIED

Emergency Preparedness Standing Committee.

MOVED Director Biggemann, SECONDED Director Young, that the minutes of the Emergency Preparedness Standing Committee meeting held April 20, 2006 be received for information.

CARRIED

Transit Business Plan Update Select Committee.

MOVED Director McNabb, SECONDED Director Westbrook, that the minutes of the Transit Business Plan Update Select Committee meeting held April 27, 2006 be received for information.

CARRIED

MOVED Director McNabb, SECONDED Director Brennan, that a further analysis be completed on the provision of washroom facilities at the Fitzwilliam/Prideaux Exchange and temporary washroom facilities be provided while the review is taking place.

CARRIED

MOVED Director McNabb, SECONDED Director Westbrook, that the 2006/2007 Annual Operating Agreement (AOA) with BC Transit be approved and that staff be directed to prepare an amendment to the AOA that will allow an increase to the number of buses in the Transportation Services fleet for consideration by the Board.

CARRIED

MOVED Director McNabb, SECONDED Director Westbrook, that staff prepare a report on accommodating a Friday Night Movies service to Nanaimo for Parksville and Qualicum Beach.

CARRIED

Grants-in-Aid Committee.

MOVED Director Young, SECONDED Director Sperling, that the minutes of the Grants-in-Aid Committee meeting held May 1, 2006 be received for information.

CARRIED

School District 68

MOVED Director Young, SECONDED Director Korpan, that the following grants be approved:

Cedar Community Policing Office	\$	750
Cedar School & Community Enhancement Society	\$	900
Hope Centre	\$	900
Jonanco Hobby Workshop	\$	878

CARRIED

School District 69

MOVED Director Young, SECONDED Director Westbrook, that the following grants be approved:

Arrowsmith Search & Rescue Society	\$	920
District 69 Family Resource Association	\$	958
Friends of Nanoose Library Centre Society	\$	900
Friends of the Library/Parksville, Qualicum Beach	\$	600
Lighthouse Country Marine Rescue Society	\$	2,000
Parksville & District Historical Society (Craig)	\$	1,000
Parksville Garden & Parkland Society	\$	500
Qualicum Beach Historical and Museum Society	\$	1,000
Royal Canadian Legion Branch #211 (Bowser)	\$	3,106

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS**East Wellington – Pleasant Valley Parks and Open Space Advisory Committee.**

MOVED Director Young, SECONDED Director Bartram, that the minutes of the East Wellington – Pleasant Valley Parks and Open Space Advisory Committee meeting held April 24, 2006 be received for information.

CARRIED

Drinking Water – Watershed Protection Stewardship Committee.

MOVED Director Bartram, SECONDED Director Holdom, that Jennifer Ann MacLeod be appointed as the Electoral Area 'B' representative, Jack Little as the Electoral Area 'C' representative, Gordon Buckingham as the Electoral Area 'E' representative and Mary Thomson as the Electoral Area 'G' representative to the Drinking Water – Watershed Protection Stewardship Committee.

CARRIED

ADMINISTRATOR'S REPORTS**Greater Nanaimo Pollution Control Centre – Gravity Thickeners Award of Design Services.**

MOVED Director Holdom, SECONDED Director McNabb, that the Board direct staff to award the detailed design services for the GNPCC Gravity Thickeners project to Associated Engineering (BC) Ltd. for \$208,200.

CARRIED

French Creek Sewer Bylaw No. 813.37 and Northern Community Sewer Bylaw No. 889.42 – Bylaw to Remove Property from the Service Area – McDonald Property – 808 Wembley Road – Area G.

MOVED Director Holme, SECONDED Director Bartram, that the first three readings of "Regional District of Nanaimo French Creek Sewer Local Service Area Amendment Bylaw No. 813.34, 2005" be rescinded.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that the first three readings of "Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No. 889.34, 2005" be rescinded.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that "Regional District of Nanaimo French Creek Sewer Local Service Area Amendment Bylaw No. 813.37, 2006" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that "Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No. 889.42, 2006" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Nanaimo Fish and Game Club Fire Services Agreement.

MOVED Director Bartram, SECONDED Director Holdom, that correspondence be sent to the City of Nanaimo advising them that the Regional District consents to the City providing fire protection services to 1325 Nanaimo Lakes Road as outlined in an agreement between the City and the Nanaimo Fish and Game Club.

CARRIED

Proposed Zoning Amendment Application No. ZA0526 – Dave Scott on behalf of BCIMC Realty Corporation, Inc. No. A41891 & 3536696 Canada Inc., No. A48904 (Fairwinds) – off Fairwinds Drive – Area E.

MOVED Director Holme, SECONDED Director Bartram, that the minutes of the Public Information meetings held on January 26, 2006 and May 11, 2006 be received.

CARRIED

MOVED Director Holme, SECONDED Director Young, that Zoning Amendment Application No. ZA0526, as submitted by Dave Scott, on behalf of BCIMC Realty Corporation, Inc. No. A41891 & 3536696 Canada Inc., Inc. No. A48904 (Fairwinds) to rezone Part of the Remainder of District Lot 78, Part of the Remainder of District Lot 30, and Part of Lot A, District Lot 78, Plan VIP71781, All of Nanoose District from Residential 1, Subdivision District 'P' (RS1P) / Comprehensive Development 8, Subdivision District 'Z' (CD8Z) to Comprehensive Development Zones 34 (CD34) and 35 (CD35) be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Holme, SECONDED Director Young, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.336, 2006" be given 1st and 2nd reading.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.336, 2006" proceed to Public Hearing.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.336, 2006" be delegated to Director Holme or his alternate.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

John Howard Society Funding.

MOVED Director Holdom, SECONDED Director Young, that staff prepare a report for the Board's consideration on options for establishing a function in Electoral Areas 'A', 'B' and 'C' to provide annual funding to the John Howard Society in the amount of \$5,000 towards the D68 Restorative Justice Program.

CARRIED

Oceanside Community Tourism Foundation.

MOVED Director Holme, SECONDED Director Bartram, that staff prepare a report on the Oceanside Tourism Association's request to earmark RDN / UBCM tourism-related funding to help support the Oceanside Tourism Foundation's program.

CARRIED

NEW BUSINESS

Vancouver Island Biosphere Request for Study Funding.

MOVED Director Westbrook, SECONDED Director Biggemann, that staff be authorized to advance the previously approved grant-in-aid in the amount of \$8,350 for the preparation of a business plan for the Vancouver Island Biosphere Centre prior to approval of the Federal Government's contribution.

CARRIED

IN CAMERA

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

CARRIED

TIME: 7:57 PM

CHAIRPERSON

MANAGER, ADMINISTRATIVE SERVICES

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE SPECIAL BOARD MEETING
HELD ON TUESDAY, JUNE 13, 2006, AT 7:55 PM
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
Director B. Johnston	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Alternate	
Director B. Dempsey	District of Lantzville
Director B. Bestwick	City of Nanaimo
Director L. McNabb	City of Nanaimo
Alternate	
Director J. Cameron	City of Nanaimo
Director J. Manhas	City of Nanaimo
Director D. Brennan	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

C. Mason	Chief Administrative Officer
J. Finnie	General Manager of Environmental Services
T. Osborne	General Manager of Recreation & Parks
M. Pearse	Manager of Administrative Services
N. Avery	Manager of Financial Services
W. Moorman	Manager of Engineering Standards & Subdivision
H. Koolman	Manager of Building Inspection & Enforcement
J. Llewellyn	Manager of Community Planning
N. Tonn	Recording Secretary

COMMUNICATION/CORRESPONDENCE

Geoff Baltzer, re Resignation from the City of Nanaimo Parks, Recreation and Culture Commission.

MOVED Director McNabb, SECONDED Director Burnett, that the correspondence received from Geoff Baltzer with respect to his resignation from the City of Nanaimo Parks, Recreation and Culture Commission be received.

CARRIED

DEVELOPMENT SERVICES

ADMINISTRATION

Appointment of Deputy General Manager of Development Services.

MOVED Director McNabb, SECONDED Director Holdom, that the Manager of Engineering Standards and Subdivision and the Manager of Community Planning each be appointed as Deputy General Managers of Development Services for the purposes of "Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999" and "Regional District of Nanaimo Delegation of Authority Bylaw No. 1166, 1999", until the vacant General Manager of Development Services position is filled.

CARRIED

IN CAMERA

MOVED Director Holme, SECONDED Director Bartram, that pursuant to Section 90(1)(g) of the *Community Charter* the Board proceed to an In Camera Committee of the Whole meeting to consider items relating to legal matters.

CARRIED

ADJOURNMENT

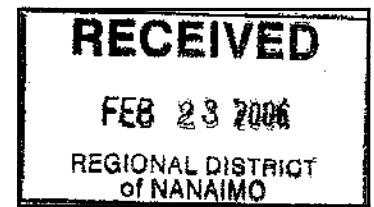
MOVED Director McNabb, SECONDED Director Holme, that this meeting terminate.

CARRIED

TIME: 7:57 PM

CHAIRPERSON

MANAGER, ADMINISTRATIVE SERVICES



February 20, 2006

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

Dear Robert Lapham:

**Re: Pacific Shores Sewer Local Service Area Amendment
Bylaw No. 1021.07, 2006**

Enclosed herewith is one copy of the above bylaw approved under the provisions of section 802 of the *Local Government Act*. The Regional Board may now adopt the bylaw.

Once the bylaw has been adopted by the Board, please forward one certified copy to this office as required under section 802(7) of the *Local Government Act*. Also, please forward 4 copies of a map outlining the boundaries of the service area, as amended, in order that we may commence procedures to have BC Assessment provide for the necessary coding for taxation purposes.

Yours truly,

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

Allen Taylor
Advisory Officer

Enclosure



February 16, 2006

Maureen Pearse
Manager of Administrative Services
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo BC V9T 6N2

Dear Maureen Pearse:

Re: Northern Community Sewer Service Boundary Amendment Bylaw No. 889.40

Enclosed herewith is one copy of the above bylaw approved under the provisions of section 802 of the *Local Government Act*. The Regional Board may now adopt the bylaw.

Once the bylaw has been adopted by the Board, please forward one certified copy to this office as required under section 802(7) of the *Local Government Act*. Also, please forward 4 copies of a map outlining the boundaries of service area attached as Schedule "D" in order that we may commence procedures to have BC Assessment provide for the necessary coding for taxation purposes. I will require two copies of Schedule "C" attached to the bylaw and two copies of Schedule "E" attached to Bylaw No. 889.38

Yours truly,

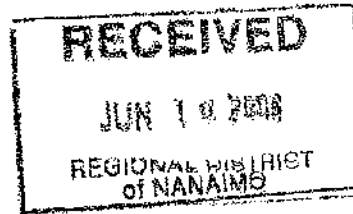
Allen Tayllor
Advisory Officer

Enclosure

File:RD19-23



June 14, 2006



Maureen Pearse
Manager of Administrative Service
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo BC V9T 6N2

Dear Maureen Pearse:

**Re: Regional District of Nanaimo (Coombs-Hilliers Fire Protection) Loan
Authorization Amendment Bylaw No. 1370.01, 2006**

Enclosed herewith is one copy of the above bylaw approved under the provisions of section 179 of the *Community Charter* and section 819 of the *Local Government Act*. The Regional Board may now adopt the bylaw.

Upon expiration of the statutory quashing period, which extends for one month commencing with the date of adoption, application may be made by way of the enclosed forms for a Certificate of Approval; only one completed copy of the bylaw and a copy of the notice is required.

Yours truly,

Linda Gilmore
Advisory Officer

Enclosures



RDN		
CAO	(TW)	GMFS
GMCS		GMR&P
GMOS		GMRT&P
JUN 16 2006		
CHAIR		BOARD
Board		

MEMORANDUM

TO: Wayne Moorman
 Manager, Engineering & Subdivisions

DATE: June 15, 2006

FROM: Susan Cormie
 Senior Planner

FILE: 3360 30 0406

SUBJECT: Bylaw Amendment Bylaw No. 500.306 – Fern Road Consulting Ltd., on behalf of Bartzan
 Electoral Area 'H' – Spider Lake Road, Spider Lake Area

PURPOSE

To consider Bylaw 500.306 for adoption.

BACKGROUND

Bylaw No. 500.306, 2004 was introduced and given 1st and 2nd reading on August 10, 2004. This was followed by a Public Hearing held on September 7, 2004. The Board granted 3rd reading for the bylaw on September 28, 2004.

The purpose of this amendment bylaw is to rezone the property legally described as Lot 18, Block 360, Newcastle District, Plan 36512 and located adjacent to Spider Lake Road in the Spider Lake area of Electoral Area 'H' to a Rural 1 (RU1) zone Subdivision District 'D' (2.0 ha minimum parcel size without community services) to facilitate the creation of a 3-lot subdivision of the parent parcel consisting of 1 parcel with a minimum parcel size of 4.0 ha and 2 parcels with a minimum parcel size of 2.0 ha.

At 3rd reading of this amendment application, the Conditions for Approval include the preparation of 3 covenants to be registered on title concurrently with the Plan of Subdivision and applying for a development permit. These conditions, to be completed or secured prior to consideration of 4th reading of the corresponding bylaw, are outlined in *Schedule No. 1*. The applicant has provided the necessary covenants along with a solicitor's letter of legal undertaking to register the documents at Land Title Office concurrently with the Plan of Subdivision. With respect to the requirement for a development permit, Development Permit No. 60444 was issued on October 26, 2004 for protection of the aquifer. It is noted that the applicant has made application to the Regional Approving Officer for subdivision.

ALTERNATIVES

1. To adopt Bylaw No. 500.306.
2. To not adopt Bylaw No. 500.306.

VOTING

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


SUMMARY

"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.306, 2004" was considered by the Board and given 1st and 2nd reading on August 10, 2004. Subsequent to that, a Public Hearing was held on September 7, 2004 and the Board granted 3rd reading on September 28, 2004. As the conditions of approval have been secured as outlined in *Schedule No. 1*, this bylaw may now be considered 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. 500.306, 2004", be adopted.



Report Writer

General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

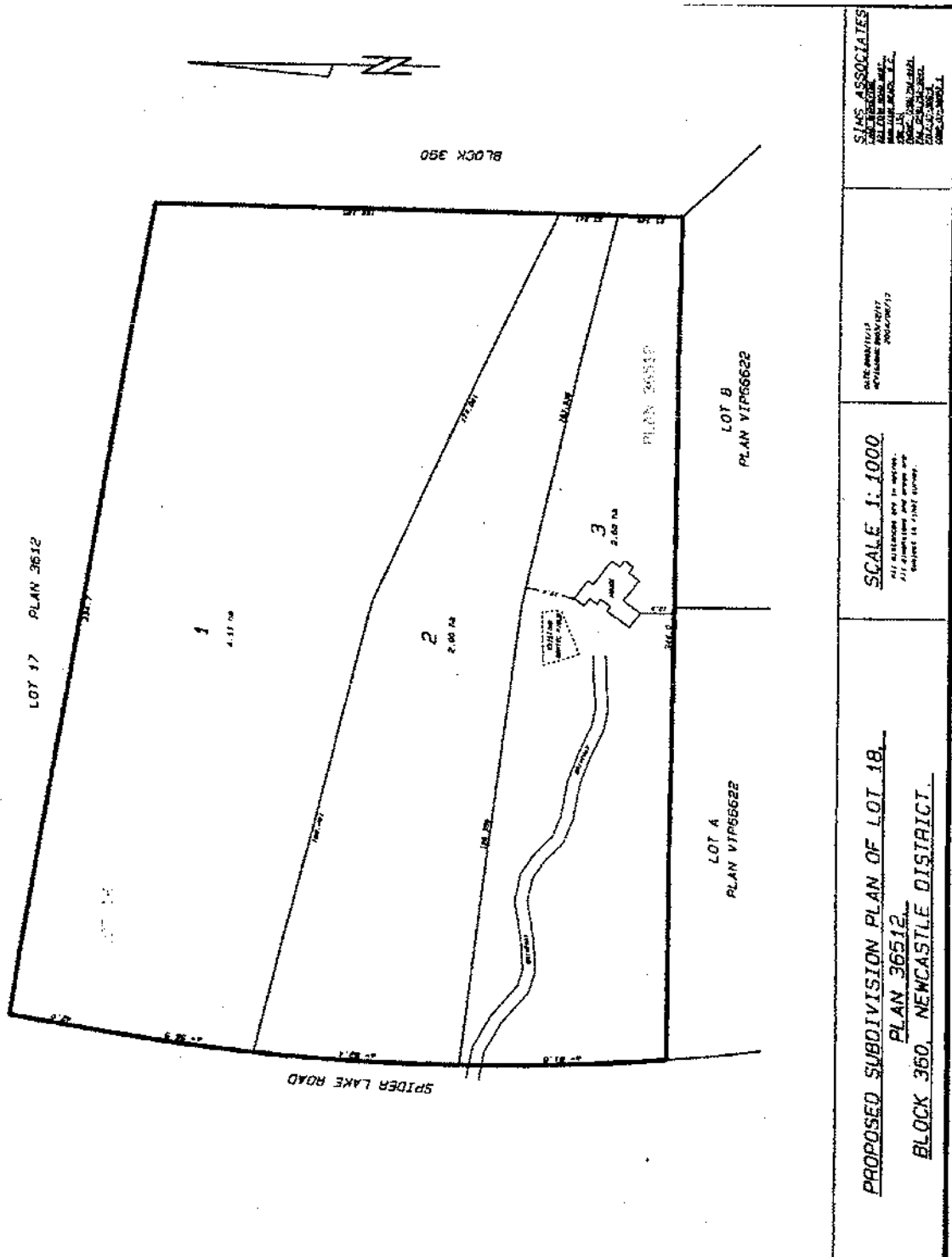
devsvs/reports/2006/ZA3360 30 0406 500.306 subd 25999 in brd Bartzan adopt

Schedule No. 1
Conditions for Approval for
Zoning Amendment Application No. ZA0406
Amendment Bylaw No. 500.306

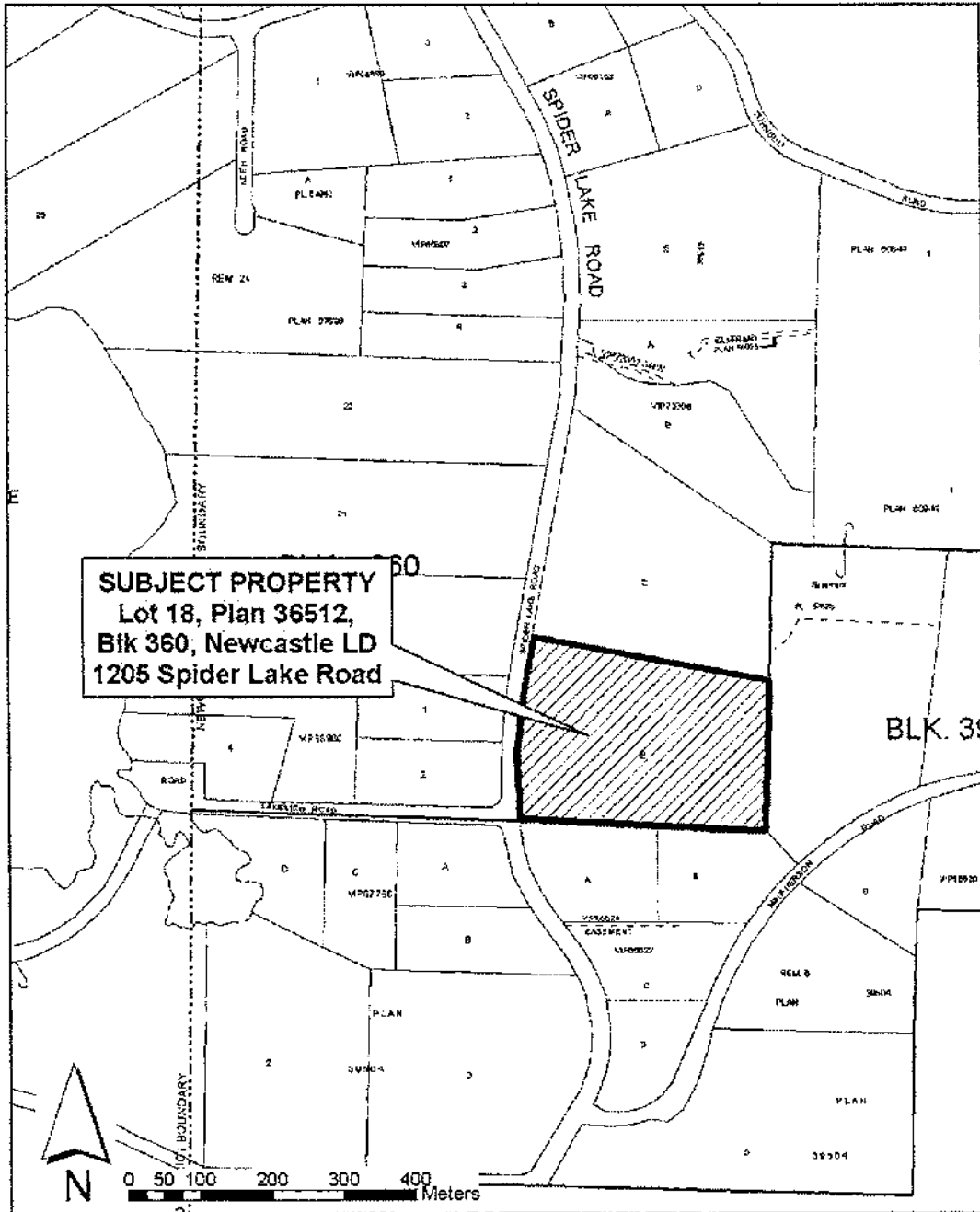
The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.306 for final reading:

1. The registration of the following section 219 covenants. All covenants are to be prepared and registered by the applicant to the satisfaction of the Regional District.
 - a. the two proposed 2 ha lots (A & B) the following section 219 covenant shall be registered:
 - i) One dwelling unit per parcel;
 - ii) No further subdivision of the land under the *Strata Property Act*;
 - iii) No frontage relaxation; and,
 - iv) No further road dedication to accommodate parcel frontage or additional parcels.
 - b. The geotechnical reports prepared by Bob Davey on March 3, 2004.
 - c. The hydrogeological assessment prepared by EBA Engineering Consultants Ltd. on August 31, 2004.
 - d. The issuance of a development permit pursuant to the Environmentally Sensitive Features Development Permit Area Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003.

Schedule No. 2
 Amendment Bylaw No. 500.306
 Proposed Plan of Subdivision
 (as submitted by applicant / (reduced for convenience))



Attachment No. 1
Location of Parent Property
Amendment Bylaw 500.306



BCGS Map Sheet No. 92F 037 2 4



R D N			
CAO	GMES		
GMCS	GMR&P		
GMDS	GMRT&P		
JUN 16 2006			
CHAIR	BOARD		
baud.			

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: June 16, 2006

FROM: Greg Keller
Planner

FILE: 3360 30 0524

SUBJECT: Amendment Bylaw No. 500.333, 2006
Ainsley Foster on Behalf of Laverne Kilner
Electoral Area 'A' – Schoolhouse Road

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 7, 2006, on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.333, 2006," and further, to consider Bylaw No. 500.333, 2006, for 3rd reading.

BACKGROUND

Bylaw No. 500.333, 2006 was introduced and given 1st and 2nd reading on March 28, 2006. This was followed by a Public Hearing held on June 7, 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 parcels legally described as Lot 1, Plan 19938 and Lot 1, Plan 22021 all of Section 13, Range 7, Cranberry District and located at the intersection of Schoolhouse and Harold Roads in Electoral Area 'A' (*see Attachment No. 1 for location of subject property*) from Residential 2 Subdivision District 'F' (RS2F) to Comprehensive Development Zone 33 (CD33) in order to facilitate the future development of light industrial uses.

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. 500.333, 2006."
2. To receive the Report of the Public Hearing and deny "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.333, 2006."

FUTURE LAND USE IMPLICATIONS

The proposed uses include Light Industry, Manufacturing Use, Residential Use, and Mini Storage. Staff are concerned with the visual impact of the proposed uses on Schoolhouse and Harold Roads. Therefore, the proposed zone requires a higher standard of landscaping along the perimeter of Schoolhouse and Harold Roads than what is currently required by "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500,1987."

The applicant, as a condition of approval prior to the public hearing, has submitted a biological assessment report investigating the watercourse and wetted area located on the subject properties. The report determined that the water features on the subject properties are not subject to the Riparian Areas Regulation because they do not contain fish nor are they connected by surface flow to a watercourse containing fish. However, the report found that the watercourse and wetted area provide important habitat for amphibians, breeding birds, and other wildlife.

The report found that the extent of the watercourse goes beyond that shown on our records. Therefore, future development will have to take the watercourse into account and would likely require a stream crossing (*Section 9 Approval/Notification*) to access the east side of the property. The watercourse and wetted area flow through the approximate centre of both subject properties. The report makes a number of recommendations including, in summary, the following:

- i) Minimum 15.0 metre no disturbance buffer adjacent to the watercourse to be protected by a Section 219 covenant that would only allow post-construction re-vegetation and removal of introduced invasive plant species and hazard trees.
- ii) All habitat loss due to stream crossings be compensated for with the conservation of the same amount of habitat elsewhere on the property.
- iii) An environmental management plan should be developed for the subject properties prior to development and that a Qualified Environmental Monitor be contracted to oversee environmental protection, sediment management, mitigation, and re-vegetation within the buffer area.
- iv) Minimization of impervious surfaces by using pervious paving or gravel where possible.
- v) Encourage groundwater recharge through the use of vegetated swales, engineered wetlands, and infiltration basins.
- vi) The use of native vegetation in landscaping.
- vii) Maintain trees and snags on the edges of the property that are not assessed as danger trees.
- viii) Land clearing activities undertaken during the period of April 15 to August 1 should be preceded by a bird nest survey.

Based on the Biologist's findings and the previous condition of approval, which required the applicant to implement all measures recommended in the Biologist's report, staff recommend that the applicant be required to register the biologist's report on title including the requirement to develop the subject properties in accordance with the recommendations contained in the report.

In staff's opinion, the applicant has adequately addressed the aesthetic and environmental concerns related to this application and the proposed uses are supported by the Official Community Plan and are compatible with the surrounding uses. Therefore, staff recommends that this application be approved to proceed to adoption subject to completion of the conditions as outlined in Schedule No. 1.

INTERGOVERNMENTAL IMPLICATIONS

Referrals were sent to the Ministry of Transportation, the Vancouver Island Health Authority, Ministry of Environment, and the Cranberry Volunteer Fire Department; and 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*).

Three letters were received prior to the Public Hearing. The letters spoke to a concern over the protection of the aquifer, the use of water for heating and cooling, and the impact of the proposed development on the quality and quantity of water. Therefore, staff are recommending that the applicant, prior to the Board's consideration of the corresponding bylaw for adoption, be required to submit a report from a professional engineer assessing the potential impact on wells within the surrounding area. The applicant is in concurrence with this request.

LEGAL IMPLICATIONS

The process to draft and adopt "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.333, 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 second 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 Residential 2 Subdivision District 'F' (RS2F) to Comprehensive Development Zone 33 (CD33) to facilitate the future development of light industrial uses.

The bylaw was introduced and given 1st and 2nd reading on March 28, 2006, and proceeded to a Public Hearing on June 7, 2006. As the subject property is within 800 metres of an intersect with a controlled access highway interchange, pursuant to the *Transportation 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. 500.333, 2006, be considered for 3rd reading.

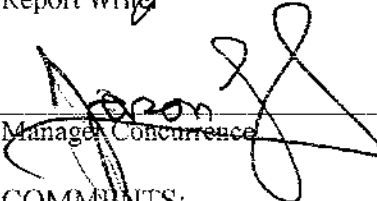
RECOMMENDATIONS

1. That the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on June 7, 2006, on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.333, 2006," be received.
2. 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*.
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. 500.333, 2006.



Report Writer

General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs\reports\2006\za.jn.3360.30.0524.Kilner - Foster 3rd Report

Schedule No. 1
Conditions of Approval
Zoning Amendment Application No. ZA0524
Lot 1, Plan 19938, and Lot 1, Plan 22021, Section 13, Range 7,
Cranberry District – Schoolhouse and Harold Roads

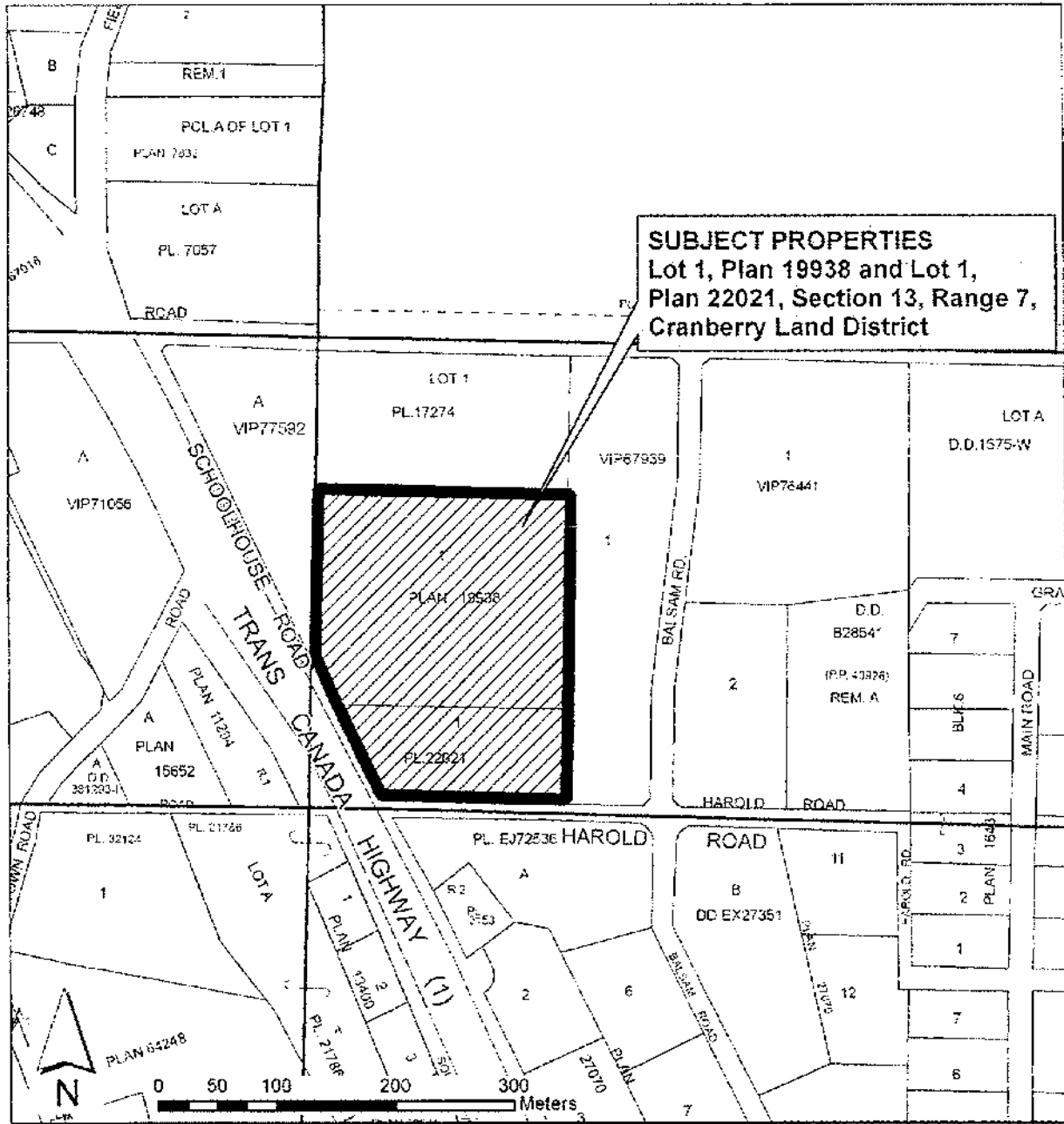
The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.333, 2006, for final reading:

1. The applicant shall, at their expense and to the satisfaction of the Regional District of Nanaimo (RDN), register on title a Section 219 covenant prohibiting the development of the subject property until a Development Permit has been issued to the satisfaction of the RDN, which includes the following:
 - i) The provision of landscaping in accordance with the landscaping plan submitted by the applicant (landscaping plan to be attached to the covenant).
 - ii) Development shall be conducted in accordance with all recommendations contained in the report dated March 28, 2006, prepared by Toth and Associates Environmental Services including, but not limited to, the following:
 1. A minimum 15.0 metre wide no disturbance buffer adjacent to the watercourse, with the exception of one access point, shall be maintained. Post-construction re-vegetation and removal of introduced invasive plant species and hazard trees is permitted in the buffer area.
 2. All habitat lost due to the stream crossing shall be compensated for by maintaining and protecting the same amount of habitat elsewhere on the property.
 3. An environmental management plan must be developed for the subject properties prior to development by a Qualified Environmental Monitor, at the expense of the property owner, to oversee environmental protection, sediment management, habitat mitigation, and re-vegetation within the buffer area.
 4. Impervious surfaces shall be minimized by using pervious paving or gravel where possible.
 5. Groundwater recharge is strongly encouraged through the use of vegetated swales, engineered wetlands, and infiltration basins.
 6. The use of native vegetation in landscaping is required.
 7. A bird nest survey must be conducted prior to land clearing activities undertaken during the period of April 15 to August 1.
2. The applicant shall submit written proof that all conditions imposed by the Ministry of Transportation in the letter dated February 17, 2006, and any subsequent requests have been satisfied.
3. The applicant shall consolidate the two subject properties under one title.

4. The applicant shall submit a report prepared by a professional Engineer assessing the ability to provide an on-site potable water supply to meet Canadian Drinking Water Standards and "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." This report must also assess the potential impact on wells within the surrounding area.

Attachment No. 1

Location of Subject Property



Attachment No. 2

REGIONAL DISTRICT OF NANAIMO

Report of the Public Hearing
Held at Cranberry Community Hall, 1555 Morden Road, South Wellington, BC
June 7, 2006, at 7:00 pm
To Consider

“Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.333, 2006”
Summary of Minutes and Submissions

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

PRESENT:

Joe Burnett	Chairperson, Director, Electoral Area 'A'
Paul Thompson	Senior Planner
Greg Keller	Planner

There were 4 persons in attendance.

The **Chairperson** called the Hearing to order at 7:01 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 500.333, 2006.

Kate Lowe, 1951 Richardson Road spoke to her concern with respect to industrial parks and development in the general area. Mrs. Lowe was concerned with the aesthetic impacts of development in general. Mrs. Lowe stated that we are starting to see strip mall development from Victoria to Qualicum. She indicated that the unattractive elements of developments should be minimized for tourists. Mrs. Lowe requested that the Regional District of Nanaimo consider maintaining existing trees with berming and using a sign to advertise the uses on the property. Mrs. Low requested that the Regional District of Nanaimo consider conserving the environment that we have.

Dave McNaught, 1922 Schoolhouse Road, spoke in support of the application and indicated that the Finning development was the start of improvement in the area and that the proposed development will be the next improvement in the area. Mr. McNaught stated that if the developer can utilize existing vegetation so be it.

The **Chairperson** called for further submissions and read three submissions received prior to the public hearing. One from Ron Lychak, who indicated he was concerned with the protection of the aquifer, one letter from Dawn Nickel of Nickel Brothers House Moving indicating that they are not opposed to the rezoning but do not support the use of water for heating and cooling or any business that will use large volumes of water, and one letter from Earl and Jeanne Guilbride indicating their concern with the use of water for heating and cooling.

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

Dave McNaught, 1922 Schoolhouse Road, in response to the letters received, indicated that their well produces 192 gallons per minute at 160 feet deep. Mr. McNaught indicated that the Gregson group has plenty of water and there is tons of water for everyone.

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

There being no further submissions, the Chairperson adjourned the Hearing at 7:17 p.m.

Certified true and accurate this 15th day of June 2006.

Greg Keller
Recording Secretary

Director Joe Burnett
Chairperson, Electoral Area 'A'



R/D N	
CAC	GMES
GMCS	GMRS&P
GMDS	GMRT&P
JUN 19 2006	
CHAIR	BOARD
Board	

MEMORANDUM

TO: Wayne Moorman
 Manager, Engineering & Subdivisions

DATE: June 16, 2006

FROM: Susan Cormie
 Senior Planner

FILE: 3360 30 0526

SUBJECT: Amendment Bylaw No. 500.336, 2006 / Dave Scott, on behalf of BCIMC Realty Corporation, Inc. No. A41891 & 3536696 Canada Inc., Inc. No. A48904 (Fairwinds) Electoral Area 'E' – off Fairwinds Drive

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held on Thursday, June 15, 2006, and further, to consider Bylaw No. 500.336, 2006 for 3rd reading.

BACKGROUND

Bylaw No. 500.336, 2006 was introduced and given 1st and 2nd reading on May 23, 2006. This was followed by a Public Hearing held on June 15, 2006. The summary of the minutes and submissions is attached for the Board's consideration (*see Attachment No. 2 on page 7*).

The purpose of this amendment bylaw is to rezone the parcels legally described as Part of the Remainder of District Lot 78; Part of the Remainder of District Lot 30, and Part of Lot A District Lot 78 Plan VIP71781, All of Nanoose District, which are located off Fairwinds Drive within Electoral Area 'E' (*see Attachment No. 1 for location of subject properties on page 6*) from Residential 1 Subdivision District 'P' (RS1P) / Comprehensive Development 8 Subdivision District 'Z' (CD8Z) to Comprehensive Development Zones 34 (CD34) and 35 (CD35) in order to facilitate the development of a 26 bare land strata lot development with parcel sizes varying from 504 m² to 810 m² with both community water and sewer service to each parcel and a phased 35-unit townhouse strata development consisting of 34 duplex units and 1 single dwelling with both community water and sewer services to each unit.

The applicant is in concurrence to meet a number of conditions of development, which are to be secured or completed prior to consideration of adoption of the bylaw. These conditions are outlined in *Schedule No. 1 on page 4* of this report.

ALTERNATIVES

1. To receive the Report of the Public Hearing, give 3rd reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.336, 2006."
2. To receive the Report of the Public Hearing and deny "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.336, 2006."

INTERGOVERNMENTAL IMPLICATIONS

Referrals were sent to the Ministry of Transportation, the Ministry of Environment, and the Nanoose Bay Volunteer Fire Department.

Comments received include:

Ministry of Transportation – Ministry staff has indicated that the Ministry has no objection with respect to the zoning amendment application subject to the applicant obtaining all approvals for access and engineering for road construction and storm water management works.

Ministry of Environment – Ministry staff raised concerns with possible loss of suitable nest trees for raptors and herons and recommended that best management practices are undertaken with respect to storm water management.

Local Fire Department – The Fire Chief has verbally indicated that the Fire Department has no issues with this proposal.

PUBLIC CONSULTATION IMPLICATIONS

The proceedings are outlined in the Summary of the Minutes and Submissions of the Public Hearing attached to this report (*see Attachment No. 2 on page 7*). There were no comments received at the Public Hearing.

VOTING

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


SUMMARY

The purpose of Bylaw No. 500.336, 2006 is to rezone a Part of the Remainder of District Lot 78; a Part of the Remainder of District Lot 30, and a Part of Lot A District Lot 78 Plan VIP71781, All of Nanoose District, located adjacent to Fairwinds Drive in Electoral Area 'E' to facilitate the development of a 26 bare land strata lot and a phased 35-unit townhouse strata development consisting of 34 duplex units and 1 single dwelling. The bylaw was introduced and given 1st and 2nd reading on May 23, 2006 and proceeded to Public Hearing on June 15, 2006. The requirements set out in the Conditions of Approval

(Schedule No. 1) 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. 500.336, 2006 be considered for 3rd reading.

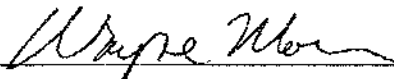
RECOMMENDATIONS

1. That the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on June 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.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.336, 2006" be given 3rd reading.
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, 336, 2006.

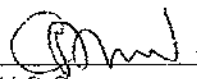


Report Writer

General Manager Concurrence



Manager



CAO Concurrence

COMMENTS:

dev.svs/reports/2006/ZA3360 30 0265 bylaw 500.336 P11 & 3rd in Fairwinds.doc

Schedule No. 1
Conditions of Approval for
Zoning Amendment Application No. ZA0526
Fairwinds

The applicant has agreed to enter into this agreement securing all conditions listed below and to register it against the title of the Land as a covenant and indemnity under section 219 of the *Land Title Act* prior to the consideration of the adoption of Bylaw No. 500.336, 2006.

Legal Descriptions:

- That Part of District Lot 78 Nanoose District, Except That Part Shown Outlined in Red on Plan deposited Under DD 19579I; Except Parcels A and B (DD 7528N); and Except Those Parts in Plans 813R, 1567 OS, 14212, 14250, 14275, 15075, 15193, 22836, 24012, 25366, 26219, 27129, 27206, 29869, 34675, 47638, 48548, 48585, 49669, 50872, 51142, VIP51603, VIP51706, VIP51707, VIP53134, VIP57407, VIP59180, VIP59494, VIP60049, VIP60602, VIP71781, VIP73214 and VIP78139
- That Part of District Lot 30, Nanoose District, Except Those Parts in Plans 15193, 26219, 48585, VIP51706, VIP51707, VIP52451, VIP53134, VIP57407, VIP60049, and VIP60602
- Part of Lot A District Lot 78 Nanoose District Plan VIP71781

as shown on *Attachment No. 1*.

Development Covenant

The applicant agrees that all requirements set out in these conditions must be fulfilled prior to final approval of subdivision of any portion of the land. The required covenant is to be prepared and registered by the applicant to the satisfaction of the Regional District. Draft covenant documents are to be forwarded to the RDN for review prior to consideration of 4th reading. Applicant's solicitor is to submit letters undertaking to register this covenant at Land Title Office prior to consideration of 4th reading of Bylaw No. 500.336, 2006.

Community Water

1. The applicant will provide a community water source to serve the development in a quality and quantity to the satisfaction of the RDN. Proof of the community water is to include source approval from the Vancouver Island Health Authority.
2. The applicant will construct a community water system including the water supply, the distribution system, and service connections to the proposed developments.
3. This system is to be built to Bylaw No. 500, 1987 standards and/or good engineering practices to the satisfaction of the RDN.

Storm Water Management

1. The applicant will provide an engineered storm water management system for the subject properties designed to be contained within the pond system areas and engineered and constructed to the satisfaction of the RDN subject to:

- a) ensuring that the management of storm water is integral in the water balance for maintaining adequate base flows in the Enos Lake system;
- b) taking maximum advantage of the ability of the granular soils exposed on site to infiltrate storm water and maintain the base flows in the Enos Lake system;
- c) ensuring through good engineering practice, no accumulated storm water drainage is to be directed to nor is it to negatively impact the stability of the Enos Lake drainage system as determined by a registered BC professional engineer experienced in storm water management engineering; and,
- d) the system being designed and constructed to the satisfaction of the RDN and the Ministry of Transportation.

Raptor Survey

Applicant to provide written confirmation from a qualified biologist that the proposed development will not adversely affect the local raptor population.

Covenant Running with the Land

The applicant agrees that all requirements set out in these conditions must be fulfilled prior to final approval of subdivision of any portion of the land. The required covenant is to be registered concurrently with the plan of subdivision. Covenant documents are to be prepared and registered by the applicant to the satisfaction of the Regional District. Draft covenant documents are to be forwarded to the RDN for review prior to consideration of 4th reading. Applicant's solicitor is to submit letters undertaking to register this covenant at Land Title Office concurrently with the plan of subdivision.

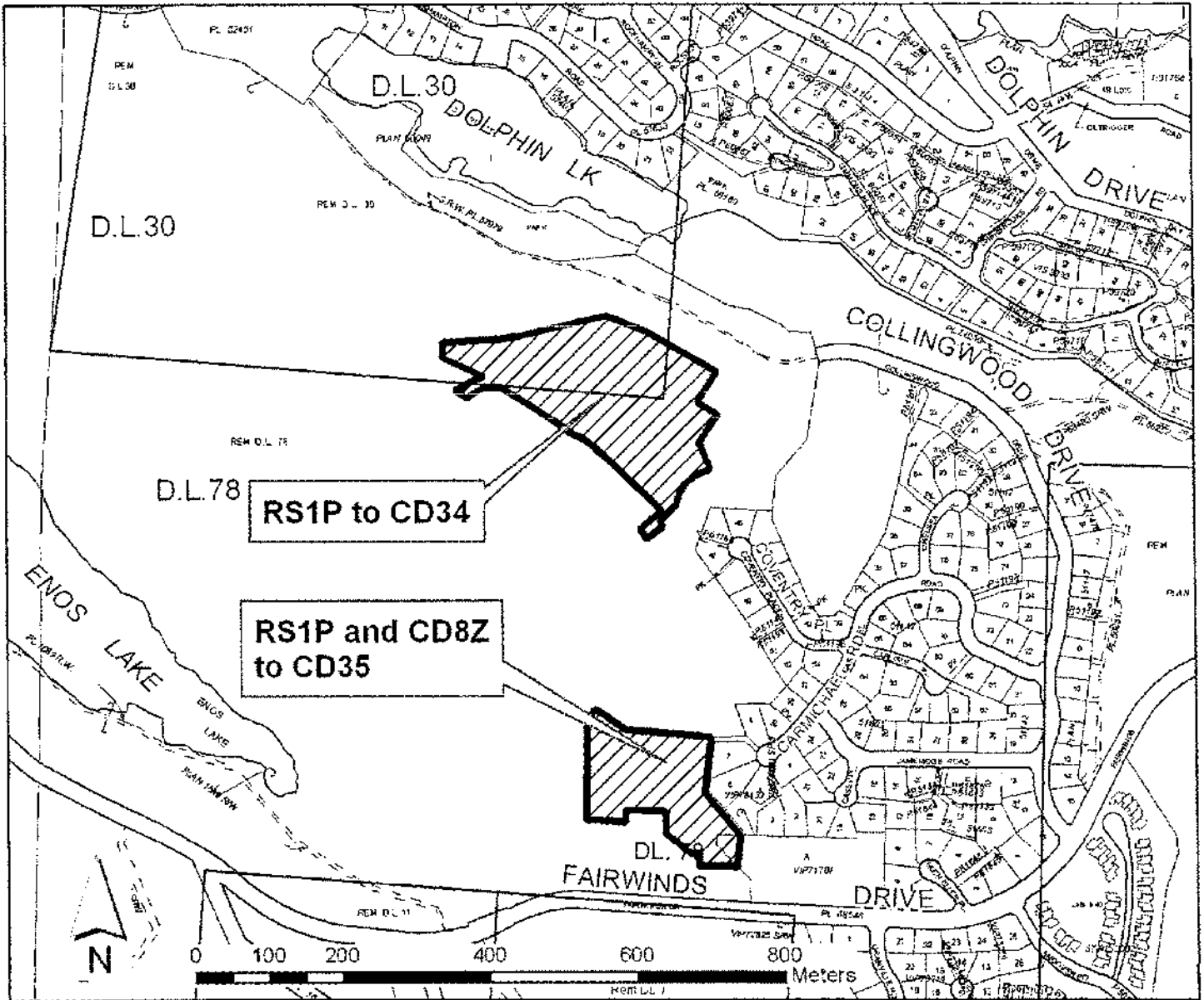
The applicant agrees that all requirements set out in these conditions must be fulfilled. All covenants are to be prepared and registered by the applicant to the satisfaction of the Regional District.

Geotechnical Requirements

The applicant will enter into a section 219 covenant registering the Geotechnical Terrain Assessment Report prepared by Trow Associates Inc. and dated June 2005 establishing minimum setback distances from slope crest for the proposed 35-unit townhouse development:

- a) restricting the placement of buildings and/or structures, including fences unless recommendation for a relaxation is based on detailed investigation for site specific parcels as determined by a registered BC professional engineer experienced in geotechnical engineering;
- b) restricting the removal of any vegetation or the alteration of land; and,
- c) indemnifying and saving harmless the Regional District from any and all claims, causes of action, suits, demands, expenses, costs and legal fees whatsoever that anyone might have as an owner, occupier or user of the Land, or by a person who has an interest in or comes onto the Land, or by anyone who suffers loss of life or injury to his person or property, that arises out of erosion, land slip, rock falls or subsidence for the proposed development.

Attachment No. 1
Location of The Subject Properties



Attachment No. 2

**Report of The Public Hearing
Held at Nanoose Place Main Gymnasium 2924 Northwest Bay Road, Nanoose Bay, BC
June 13, 2005 at 7:00 pm
To Consider Bylaw No. 500.336, 2006
Summary of the Minutes of the Public Hearing on Proposed Zoning Amendment
Application No. ZA0526**

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

There were 9 persons in attendance.

Present for the Regional District:

Chairperson George Holme, Director, Electoral Area 'E'
Frank Van Eynde, Alternate, Electoral Area 'E'
Carol Mason, Chief Administrative Officer
Wayne Moorman, Manager, Engineering & Subdivisions
Susan Cormie, Senior Planner

The Chairperson called the Hearing to order at 7:02 p.m., introduced those present at the head table, and outlined the procedures to be followed during the Hearing.

The Senior Planner provided an outline of the Bylaw including a summary of the proposal. The Senior Planner indicated that correspondence, concerning the amendment bylaw from the Ministry of Transportation and Ministry of Environment has been received and is attached to and forms part of these Minutes.

The Chairperson called for formal submissions with respect to Bylaw 500.336, 2006.

The Chair asked for the first time if there were any comments or submissions.

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

The Chair asked if there were any submission or comments a third time.

There being none, the Chair thanked those in attendance and closed the public information meeting.

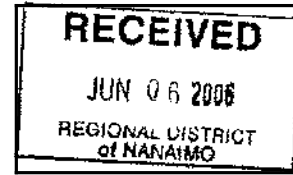
The meeting concluded at 7:11 pm.



Susan Cormie



FAXED



Our File: 01 002 26718
Your File: ZA0526

June 2nd, 2006

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

**RE: Remainder of District Lot 78, Nanoose District, Part of Remainder of District Lot 30
& Part of Lot A, District Lot 78, Plan VIP71781, Nanoose District**

Thank you for your recent referral. I have reviewed it and have no objection in principle to proposal, subject to the following:

- 1) Applicant apply for and obtain a valid access permit.
- 2) Applicant submit access road construction drawings for ministry review and approval.
- 3) Applicant submit overall engineer drainage plan for ministry review and approval.

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

Yours truly,

Nick Vandermolen
Deputy Approving Officer

NV/V/26718L

Please quote our file number when corresponding with this office.

Ministry of
Transportation

Vancouver Island District
South Coast Region

Mailing Address:
3rd Floor - 2100 Labeux Road
Nanaimo BC V9T 6E9

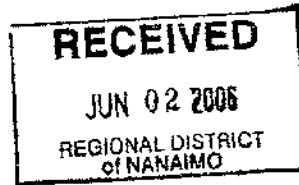
Site Address:
3rd Floor - 2100 Labeux Road
NANAIMO BC
Telephone: (250) 751-3259
Facsimile: (250) 751-3289

Web Address:
www.gov.bc.ca/tran



May 30, 2006

Your File: ZA0526
Our File: 72000-45/RDN-Nano
58000-35/08-RD19-E



Susan Cormie
Senior Planner
Regional District of Nanaimo
6300 Hammond Bay Rd
Nanaimo BC V9T 6N2

Dear Susan Cormie:

Re: Part of Remainder of District Lot 78, Nanoose District, part of the Remainder of District Lot 30 and Part of Lot A, District Lot 78, Plan VIP71781,
All of Nanoose District

Thank you for providing us with the opportunity to review the above proposal for Phases 9B and 11 of the Fairwinds development.

It appears that development of Phase 11 in particular could result in impacts to a small wetland complex, and drainage patterns that supply water to red listed Stickleback habitat in Enos Lake. Special care will be necessary to prevent the introduction of invasive species, sediment, or other contaminants and changes to the hydraulic regime of the wetlands and streams of the Enos Lake watershed. Note that the Federal *Fisheries Act* and *Species at Risk Acts* may apply to this development.

Other concerns in proximity to Enos Lake include the loss and degradation of suitable nest trees for raptors, Great Blue heron, especially for those species protected under the BC *Wildlife Act* as well as sensitive ecosystem polygons defined by the *Sensitive Ecosystem Inventory: East Coast Vancouver Island and Gulf Islands, 1993-1997 (SEI)*. It is recommended that measures to buffer and conserve these ecosystems, as described in the *SEI Conservation Manual*, be applied to the design and construction activities of this development.

.../2

Ministry of
Environment

Vancouver Island Region
Environmental Stewardship Division

Mailing Address:
2880A Lableux Rd
Nanaimo BC V9T 6J9

Telephone: 250 751-3100
Facsimile: 250 751-3208
Website: www.gov.bc.ca/env

Regional District of Nanaimo
Susan Cornie

- 2 -

May 30, 2006
72000-45/RDN-Nano / 58000-35/08-RD19E

We recommend that in assessing the subject proposal you reference our recently released *Environmental Best Management Practices for Urban and Rural Development in British Columbia* working draft, dated March 2006 and currently found at <ftp://ftp.env.gov.bc.ca/pub/outgoing/Develop%20With%20Care/>. In addition to outlining the ministry's objectives, legislation and recommended best management practices, this document includes comprehensive coverage of the environmental, social and economic benefits of considering environmental features and function in community and site planning.

The document, *Stormwater Planning: A Guidebook for British Columbia* also provides a proactive, innovative approach to stormwater management. As noted above, design elements will need to be incorporated in this development proposal that will avoid the continued movement of contaminants and changes to the natural drainage patterns affecting ecosystems on the Nanoose peninsula and red and blue-listed species at Enos Lake. We recommend that its concepts form the basis of future stormwater management plans, such as would be invoked for this project. It can be viewed at <http://wlapwww.gov.bc.ca/epd/epdpa/mpp/stormwater/stormwater.html>.

Should you have any questions regarding our response, please contact Maggie Henigman at 250 751-3214.

Yours truly,



M.E. Henigman, MA, CCEP
Ecosystems Biologist
Environmental Stewardship, Nanaimo

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, JUNE 13, 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
Director B. Johnston	City of Parksville

Also in Attendance:

J. Llewellyn	Manager of Community Planning
W. Moorman	Manager of Engineering Standards & Subdivisions
T. Osborne	General Manager of Recreation & Parks
N. Tomm	Recording Secretary

MINUTES

MOVED Director Holme, SECONDED Director Stanhope, that the minutes of the Electoral Area Planning Committee meeting held May 9, 2006 be adopted.

CARRIED

PLANNING

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

DEVELOPMENT PERMIT APPLICATIONS

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 Stanhope, SECONDED Director Biggemann,:

1. 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.
2. 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 Stanhope, SECONDED Director Biggemann,:

1. 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.
2. 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.
3. That the request for relaxation of the minimum 10% frontage requirement for proposed Lot 12 be approved.

CARRIED

OTHER

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

MOVED Director Stanhope, 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

Director Holme returned to the meeting.

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60624 – Fern Road Consulting Ltd. on behalf of A G Project Management Inc. – McColl Road – Area H.

The Chairperson noted that this item has been withdrawn.

CARRIED

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

MOVED Director Stanhope, SECONDED Director Holme, 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 Holme, SECONDED Director Biggemann, 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 VJP76564 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 Holme, SECONDED Director Young, 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 PERMIT

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

MOVED Director Holme, SECONDED Director Stanhope, 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 Holme, SECONDED Director Burnett, 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 Holme, SECONDED Director Young, 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

ADJOURNMENT

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

CARRIED

TIME: 6:42 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON TUESDAY, JUNE 13, 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 I. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director B. Johnston	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Alternate	
Director B. Dempsey	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
M. Pearse	Manager of Administrative Services
N. Avery	Manager of Financial Services
W. Moorman	Manager of Engineering Standards & Subdivision
H. Koolman	Manager of Building Inspection & Enforcement
J. Llewellyn	Manager of Community Planning
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Directors Cameron and Dempsey to the meeting.

DELEGATIONS

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

Mr. Robinson reviewed the submission presented to the Board at an earlier meeting by Poul Rosen and provided information with respect to his property at 2991 Northwest Bay Road.

Poul Rosen, re Building Permit for 2991 Northwest Bay Road – Area E.

Mr. Rosen provided a written information update and spoke on his concerns with approval of a building permit for 2991 Northwest Bay Road. Mr. Thomas McArthur also spoke in opposition to this permit approval.

Nick & Karen Shearer, re RDN Building Bylaw.

Mr. Shearer made himself available for questions regarding his property at 3697 Dolphin Drive.

MINUTES

MOVED Director McNabb, SECONDED Director Bartram, that the minutes of the Committee of the Whole meeting held May 9, 2006 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

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

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

CARRIED

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

CARRIED

HOSPITAL

Nanaimo Regional Hospital District Capital Projects (2005) Bylaw No. 139.

MOVED Director McNabb, SECONDED Director Johnston, that "Nanaimo Regional Hospital District Capital Projects (2005) Bylaw No. 139, 2006" be introduced for first three readings.

CARRIED

MOVED Director McNabb, SECONDED Director Johnston, that "Nanaimo Regional Hospital District Capital Projects (2005) Bylaw No. 139, 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 Holme, SECONDED Director Bartram, that a notice be placed on the title of the 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 Brennan SECONDED Director Holme,:

1. 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.

2. 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 Dempsey, SECONDED Director Brennan,;

1. 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).
2. 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

Flamingo Drive Sewer Servicing Request – Area G.

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

CARRIED

Wastewater Engineering Servicing Contract Extension.

MOVED Director McNabb, SECONDED Director Brennan, 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 Brennan, SECONDED Director Holdom, 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 Brennan, SECONDED Director Holdom, 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 McNabb, SECONDED Director Manhas, 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 Burnett, 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 Burnett, 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 Young,:

1. 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.
2. 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 Biggemann, 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 McNabb, that the minutes of the District 69 Recreation Commission meeting held May 18, 2006 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Johnston, 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 Westbrook, 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 Occanside Community Arts Councils’ late application for a Youth Recreation Grant in the amount of \$750.00.

CARRIED

NEW BUSINESS

Environmental Officer Position.

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

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:54 PM

CHAIRPERSON



CAC		GMES	
GMCS		GMR&P	
GMDS		GMRT&P	
JUN 22 2006			
CHAIR		BOARD	
Brad			

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: June 21, 2006

FROM: Greg Keller
Planner

FILE: 3090 30 90613

SUBJECT: Development Variance Permit Application No. 90613 - Barber
Electoral Area 'E' – 1794 Oak Leaf Drive, Nanoose

PURPOSE

To consider an application for a development variance permit to legalize the siting of a set of beach access stairs located at 1794 Oak Leaf Drive in Nanoose Bay.

BACKGROUND

The Community Planning department received a development variance permit application on May 29, 2006, to relax the minimum setback requirement for a structure from the natural boundary of the ocean to legalize the siting of a set of beach access stairs currently under construction on the property legally described as Lot 3, District Lot 78, Nanoose District, Plan 28203 (*see Attachment No. 1 for location of the subject property*). The subject property is an ocean front parcel separated from the ocean by a steeply sloping rocky bluff. The subject property is currently zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," located at 1794 Oak Leaf Drive in Electoral Area E.

The illegal structure includes seven runs of stairs, three viewing platforms/decks and four landings. One viewing platform/deck is situated on the top of the bank, and approximately half of the structure cantilevers over the top of the bank. Another viewing platform is located just above the existing titled boundary of the subject property. The other is perched above the bank located on crown land beyond the existing titled boundary of the subject property.

The stairs contravene a setback requirement of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." Bylaw No. 500 requires buildings or structures to be setback 15.0 metres horizontal distance from the natural boundary of a coastal watercourse or 8.0 metres inland from the top of a slope adjacent to the watercourse of 30 percent or greater, whichever is greater. This setback is in place for safety, geotechnical, environmental, and aesthetic reasons.

These stairs were built without a Building Permit as required by "Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001." As a result, on September 29, 2005, a *Stop Work Order* was posted on the subject property by the Chief Building Inspector. Photographs of the stairs are included with this report as Attachment No. 2.

Staff has met with the property owner a number of times over the last 12 months in an effort to resolve the situation. Staff has consistently informed the property owner of the following:

1. The stairs must be removed unless a development variance permit is obtained from the Board and a subsequent building permit is obtained from the Regional District of Nanaimo (RDN);
2. If the development variance permit application is supported by the Board, detailed engineering reports from a structural and geotechnical engineer would be required as part of the Building Permit process;
3. Staff require a structural and geotechnical engineer to confirm that it is feasible to make the existing stairs safe prior to processing a development variance permit application; and,
4. Staff cannot recommend the Board support the application given that the variance is for a structure with a size and scale that goes well beyond what has been considered acceptable along the waterfront.

In the past staff have consistently been informing property owners that the zoning bylaw does not support structures within the setback area adjacent to the ocean and that applications to vary the setbacks will be closely reviewed for safety and aesthetic impacts. Traditionally, property owners have been encouraged to minimize the size of structures along the waterfront and on steep slopes for safety and aesthetic reasons. Staff felt it was important to inform the property owner of the staff recommendation to the Board, as soon as possible, to allow the applicant to make an informed decision regarding whether to remove the stairs or risk the expense of proceeding with the cost of the preliminary engineering work and a development variance permit application. After a number of meetings encouraging the property owner to either remove the structures or make an application, an application was made on May 29, 2006.

The applicants have conducted preliminary geotechnical and structural engineering; and the applicant's engineers have confirmed that if the proposed variance is approved, the structures can be made both structurally and geotechnically sound. However, further detailed engineering will be required prior to the issuance of the building permit. The applicants have verbally indicated that they are prepared to undertake all actions necessary to make the stairway safe from a structural and geotechnical perspective should the Board approve the application.

Proposed Variances

The applicants are proposing to vary Section 3.3.9 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," to legalize the existing beach access stairs as shown on Schedule No. 2 to be located a minimum of 1.5 metres horizontal distance from the natural boundary of the ocean.

ALTERNATIVES

1. That Development Variance Permit No. 90613 to legalize the existing beach access stairs as shown on Schedule No. 2 to be located a minimum of 1.5 metres horizontal distance from the natural boundary of the ocean for a property located at 1794 Oak Leaf Drive be approved subject to the terms outlined on Schedule No. 1 and subject to the Board's consideration of the comments received as a result of public notification and direct staff to do the following:

- a. Develop a policy for the Board's consideration regarding the appropriate development of beach access stairs and review of development variance permit applications.
 - b. If the applicants do not meet the terms of Schedule No. 1 within 90 days from the date of the issuance of Development Variance Permit 90613 that staff proceed with seeking a Court Order to have the stairs removed to comply with Bylaw No. 500 and Bylaw No. 1250
2. That the Board deny the requested Development Variance Permit; and if the structure is not voluntarily removed within 90 days, direct staff to seek a Court Order to have the structure removed to comply with Bylaw No. 500 and Bylaw No. 1250.

LAND USE AND DEVELOPMENT IMPLICATIONS

Safety Issues

Staff is concerned with the safety issues associated with stairs that traverse a steep rock bluff adjacent to the ocean. Such stairs are subject to the full force of wind, salt air, and possibly tidal action; and staff are concerned with the long-term viability and maintenance of the structures and the liability that the RDN may occur if someone is injured on such a structure. If approved, the applicant's will be required to obtain detailed geotechnical and structural engineering, and it is quite likely that the applicants will be required to undertake extensive remedial actions including drilling into the rock bluff to make the structure safe.

Crown Land Encroachment

As mentioned above, a portion of the proposed stairway encroaches onto crown land to a point 1.5 metres from the natural boundary of the ocean. The encroachment includes four runs of stairs, one viewing platform/deck, and two landings that encroach onto crown lands. If the Board approves this application, staff recommends that prior to the issuance of a building permit it be confirmed that the Integrated Land Management Bureau confirm they have no objection to the encroachment.

Aesthetic Impact

Large structures like the proposed beach access stairs have an impact on the appearance of the marine foreshore as seen by recreational users such as walkers and boaters. Variances to allow such large scale structures along the waterfront and along steep banks have traditionally not been supported in order to avoid this impact. The proposed stairway also encroaches onto crown land. Variances to allow the placement of structures on crown land where those structures can impede public access along the waterfront have traditionally not been supported by staff. Staff's non support of this application also maintains a consistent approach with the community on these issues.

Board Policy B1.5

The Board approved Policy B1.5 provides staff with guidelines for reviewing and evaluating development variance permit applications. The applicants have justified a need for the variance, as required. The variance is required to obtain access to the waterfront. The policy also requires that the potential impacts of the variance are warranted by the need for the variance. In staff's opinion, the need for access to the beach over a large rock bluff does not warrant the aesthetic, access, and liability impacts

associated with the structures necessary to provide that access. It is noted that the proposed structure includes viewing platforms and decks that further increase the aesthetic and access impacts of this structure.

FUTURE DEVELOPMENT IMPLICATIONS

There may be other sets of beach access stairs in the general area of which staff are not aware of because of the limited visibility of such structures from the road. Should the Board approve this application, it can be expected that other property owners with similar illegal stairs may apply to legalize them. Also, property owners contemplating such stairs will be encouraged to make application to allow their construction.

If the Board approves this application and indicates a willingness to consider such structures on steep slopes along the waterfront, staff recommends that the Board direct staff to develop a policy for the development and approval of such structures. Such a policy would be helpful for staff and property owners when considering variances to legalize or construct beach access stairs in the area. This policy would identify criteria for beach access stairs, which could include the requirement for a survey, maximum stair width, engineering requirements, environmental requirements, stair height, crown land encroachments, etc. This policy would be brought before the Board for approval.

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 have received 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

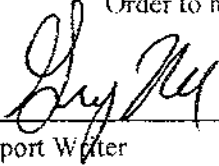
This is an application for a Development Variance Permit to legalize the siting of one set of beach access stairs currently under construction at 1794 Oak Leaf Drive in Nanoose Bay.

In staff's assessment, this large structure has an impact on the appearance of the marine foreshore environment as seen by persons on the beach, boaters, and surrounding property owners. The proposed stairway also encroaches onto public lands and is in very close proximity to the present natural boundary of the ocean. Staff are also concerned with the long-term viability and maintenance of the structure and the associated liability should it fail and a person become injured.

As a result of the above-noted concerns, staff recommends that this application be denied and that the structure be removed.

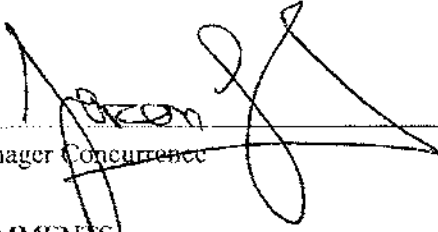
RECOMMENDATION

1. 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 denied; and if the structure is not voluntarily removed by August 28, 2006, seek a Court Order to have the structure removed to comply with Bylaw No. 500 and Bylaw No. 1250.



Report Writer

General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devevs/reports/2006/dvp_jn_3090_30_90613_Barber_Report

Schedule No. 1
Terms of
Development Variance Permit Application No. 90613
for Lot 3, District Lot 78, Nanoose Land District, Plan 28203

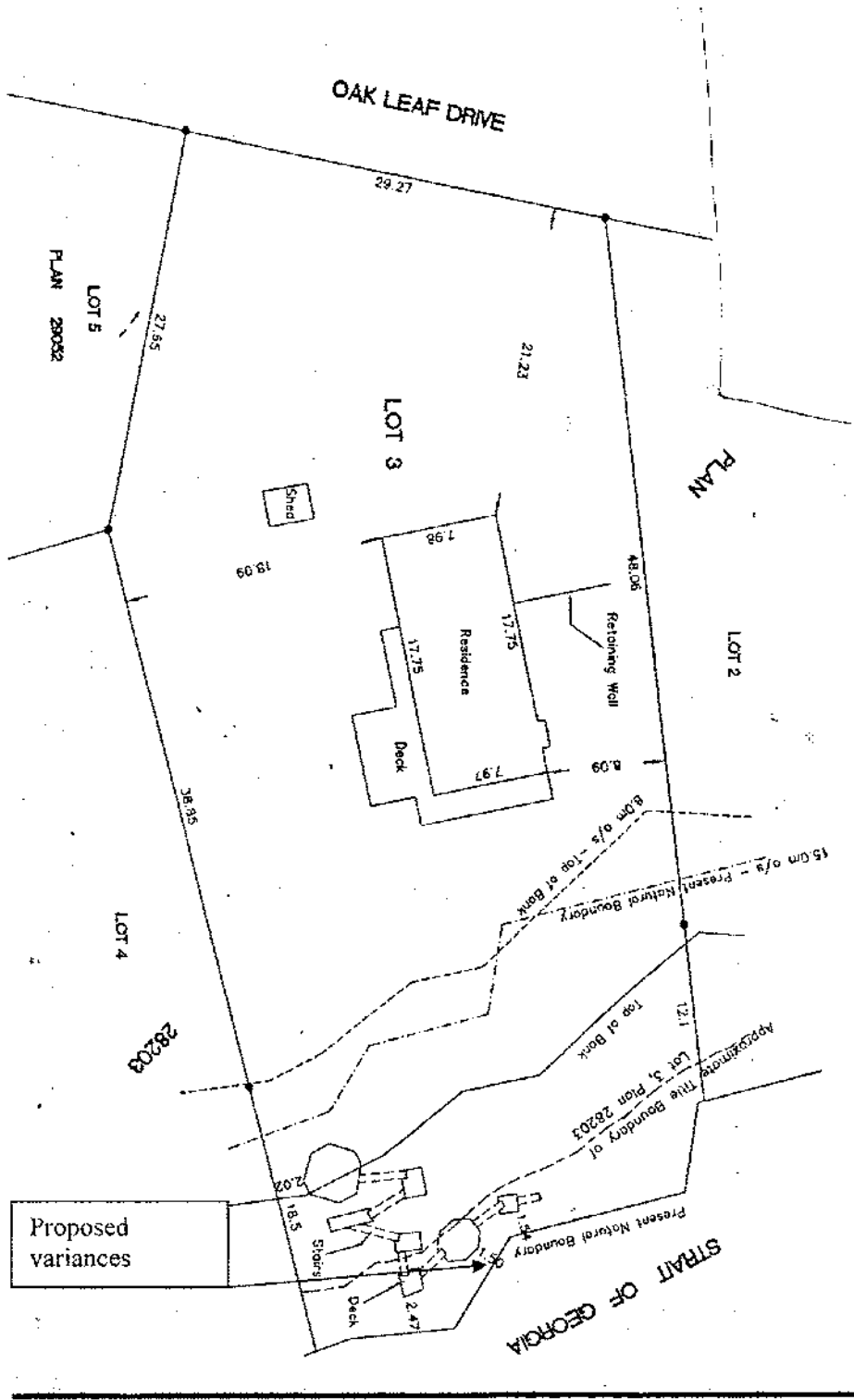
Variance:

1. **Section 3.3.9** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is varied to legalize the existing beach access stairs to be located a minimum of 1.5 metres horizontal distance from the natural boundary of the ocean as shown on Schedule No. 2 and generally as constructed as shown on Schedule No. 3.
2. This variance applies only to the structure located as shown on Schedules No. 2 and 3.

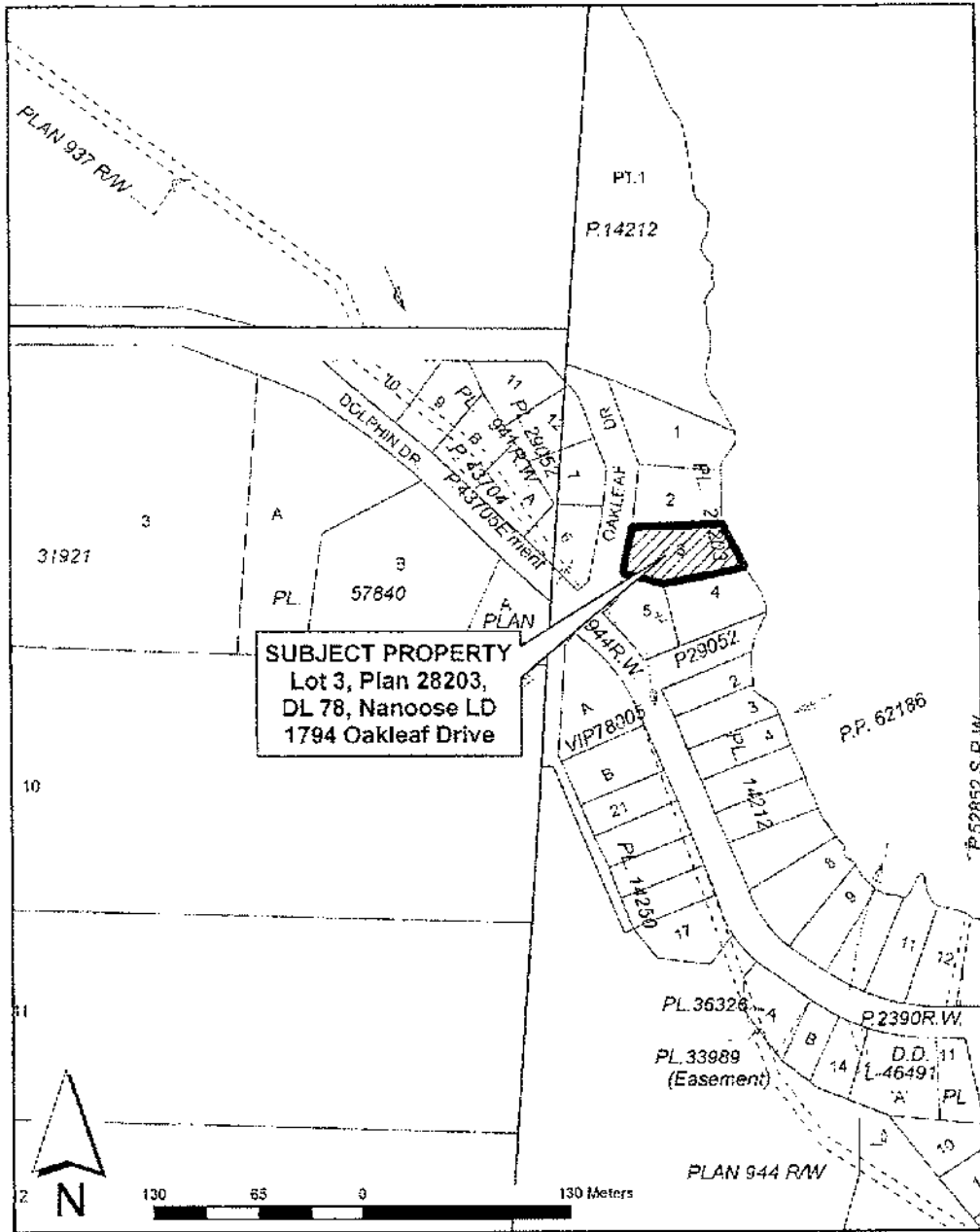
Building Permit Implications

3. Prior to the issuance of a building permit, the applicants shall provide proof to the satisfaction of the Chief Building Inspector that all necessary approvals have been obtained to occupy crown land adjacent to the marine foreshore.
4. The applicants shall obtain a valid building permit within 90 days from the date of issuance of this permit.
5. If the applicants do not obtain a building permit to the satisfaction of the Chief Building Inspector within 90 days from the date of the issuance of this Development Variance Permit, staff may proceed with seeking a Court Order to have the structure removed at the applicant's expense and to the satisfaction of the Regional District of Nanaimo to comply with Bylaw No. 500 and Bylaw No. 1250.
6. The applicants shall comply with and implement all conditions and recommendations contained in any and all engineering reports required by the Chief Building Inspector.

Schedule No. 2
Building Location Certificate (Submitted by applicant reduced for convenience)
Development Variance Permit Application No. 90613



Attachment No. 1
Subject Property Map
Development Variance Permit Application No. 90613



Attachment No. 2
Photographs of proposed stairway
Development Variance Permit Application No. 90613

