

**REGIONAL DISTRICT OF NANAIMO**

**BOARD MEETING  
TUESDAY, OCTOBER 31, 2006  
7:00 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

- 1. CALL TO ORDER**
- 2. DELEGATIONS**
  - 8 **Brian Steane**, re Development Variance Permit No. 90616 – Meyer – 3512 Bluebill Place – Area E.
  - 9 **Wendy Burns**, re Budget Steel.
- 3. BOARD MINUTES**
  - 10-23 Minutes of the Board meeting held September 26, 2006.
- 4. BUSINESS ARISING FROM THE MINUTES**
- 5. COMMUNICATIONS/CORRESPONDENCE**
  - 24-25 **Brian & Chriss Steane**, re Development Variance Permit No. 90616 – Meyer – 3512 Bluebill Place – Area E.
- 6. UNFINISHED BUSINESS**
  - BYLAWS**
    - For Adoption.**
      - Bylaw No. 500.335.** (Electoral Area Directors except EA ‘B’ – One Vote)
        - 26-29 That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.335, 2006,” be adopted.

*This is a bylaw to rezone the subject property located at the corner of Jinglepot Road and Meadow Drive from Rural 1 to Public 4, to allow the use of the site for a firehall – Area C.*
- 7. STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS**

## 7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

30-32 Minutes of the Electoral Area Planning Committee meeting held October 10, 2006. (for information)

### PLANNING

#### DEVELOPMENT PERMIT APPLICATIONS

**Development Permit Application No. 60624 – Fern Road Consulting Ltd. on behalf of A G Project Management Inc. – McColl Road – Area H.** (Electoral Area Directors except EA ‘B’ – One Vote)

**Delegations wishing to speak to Development Permit Application No. 60624.**

*That Development Permit Application No. 60624, with variances to allow the construction of a dwelling on McColl Road, 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.*

**Development Permit Application No. 60651 – Anderson/Sims – 5151 Island Highway West – Area H.** (Electoral Area Directors except EA ‘B’ – One Vote)

**Delegations wishing to speak to Development Permit Application No. 60651.**

*That Development Permit Application No. 60651 for a parcel located at 5151 Island Highway, including variances to legalize two existing accessory buildings and one existing deck, and allow the construction of an over height dwelling unit, be approved according to the terms outlined in Schedule No. 1 as amended, subject to the Board’s consideration of the comments received as a result of public notification.*

#### DEVELOPMENT VARIANCE PERMIT

**Development Variance Permit Application No. 90608 – Zajes/Sims – 2260 Alberni Highway – Area F.** (Electoral Area Directors except EA ‘B’ – One Vote)

**Delegations wishing to speak to Development Variance Permit Application No. 90608.**

- 1. That Development Variance Permit Application No. 90608, to vary “Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002”, for property located at 2260 Alberni Highway, as outlined on Schedule No. 1, be approved subject to the Board’s consideration of the comments received as a result of public notification.*

2. *That if terms number 1 to 5 contained in Schedule No. 1 are not complete to the satisfaction of the Regional District of Nanaimo by January 5, 2007, that the Board approval of this permit be withdrawn, and the Board direct staff to withhold the issuance of this permit and proceed with the removal of the illegal addition in accordance with the Court Order issued in November 2005.*

**Development Variance Permit Application No. 90620 – Dave Scott for 3536696 Canada Inc – 2360 Bonnington Drive – Area E.** (Electoral Area Directors except EA ‘B’ – One Vote)

**Delegations wishing to speak to Development Variance Permit Application No. 90620.**

*That Development Variance Permit Application No. 90620, to vary the permitted height of an existing dwelling at 2360 Bonnington Drive from 9.83 metres to 10.04 metres, 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 Arthur Coben & Peter Swann – 510 & 530 Grovehill Road – Area H.** (Electoral Area Directors except EA ‘B’ – One Vote)

*That the request from Fern Road Consulting Ltd., on behalf of Arthur Coben & Peter Swann, to relax the minimum 10% frontage requirement for the proposed Remainder of Lot 42, as shown on the submitted plan of the subdivision of Lot 42, District Lot 81, Newcastle District, Plan 1967, Except Part in Red on Plan 513RW, be approved.*

**Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement – Timberlake-Jones Engineering Ltd., on behalf of 699399 BC Ltd. – off Northwest Bay Road – Area E.** (Electoral Area Directors except EA ‘B’ – One Vote)

*That the request for relaxation of the minimum 10% frontage requirement for proposed Strata Lot 9 in conjunction with the subdivision of the property legally described as District Lot 68, Nanoose District, Except Amended Parcel A Thereof and Except Those Parts in Plans 3940, 26680, 27026, 27376, 30341 and VIP80336 be approved subject to Schedule Nos. 1 and 2 of the staff report.*

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

33-37

Minutes of the Committee of the Whole meeting held October 10, 2006. (for information)

## **CORPORATE ADMINISTRATION SERVICES**

### **RDN Officers Appointment and Delegation Bylaw No. 1507 and RDN Officers and Management Employees Terms and Conditions of Employment Amendment Bylaw No. 1417.02. (All Directors – One Vote)**

- 1. That the “Regional District of Nanaimo Officers Appointment and Delegation Bylaw No. 1507, 2006” be introduced and read three times.*
- 2. That the “Regional District of Nanaimo Officers Appointment and Delegation Bylaw No. 1507, 2006” be adopted.*
- 3. That “RDN Officers and Management Employees Terms and Conditions of Employment Amendment Bylaw No. 1417.02, 2006” be introduced and read three times.*
- 4. That “RDN Officers and Management Employees Terms and Conditions of Employment Amendment Bylaw No. 1417, 2006” be adopted.*

## **FINANCE AND INFORMATION SERVICES**

### **FINANCE**

#### **Service Area Amendment Bylaws – 2399 Higginson Road – Area E – Driftwood Water Supply Service Area Amendment Bylaw No. 1255.03, Nanoose Bay Peninsula Water Service Area Amendment Bylaw No. 867.03 and Nanoose Bay Bulk Water Local Service Area Amendment Bylaw No. 1049.05. (All Directors – One Vote)**

- 1. That “Driftwood Water Supply Service Area Amendment Bylaw No. 1255.03, 2006” be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.*
- 2. That “Nanoose Bay Peninsula Water Service Area Amendment Bylaw No. 867.03, 2006” be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.*
- 3. That “Nanoose Bay Bulk Water Local Service Area Amendment Bylaw No. 1049.05, 2006” be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.*

### **FIRE DEPARTMENTS**

#### **Fire Department Amendment Bylaws – 1925 Matterson Road – Area F – Coombs-Hilliers Fire Protection Local Service Area Amendment Bylaw No. 1022.06 and Errington Fire Protection Local Service Area Amendment Bylaw No. 821.06. (All Directors – One Vote)**

- 1. That “Coombs-Hilliers Fire Protection Local Service Area Amendment Bylaw No. 1022.06, 2006” be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.*

2. *That "Errington Fire Protection Local Service Area Amendment Bylaw No. 821.06, 2006" be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.*

#### **DEVELOPMENT SERVICES**

##### **Sustainable Community Builder Checklist.** (All Directors – One Vote)

*That the Board approve the Sustainable Community Builder Checklist Policy as amended, attached to the corresponding staff report as Attachment No. 1.*

#### **ENVIRONMENTAL SERVICES**

##### **SOLID WASTE**

##### **Terms of Reference for Regional Solid Waste Advisory Committee.** (All Directors – One Vote)

*That the terms of reference dated October 2006 for the Regional Solid Waste Advisory Committee be approved.*

#### **RECREATION AND PARKS SERVICES**

##### **Gabriola Island Recreation Services Agreement.** (All Directors – Weighted Vote)

*That the service agreement with the Gabriola Recreation Society be approved as amended in Appendix 1 to provide for an increased role by the Society in the maintenance and operation of Rollo McClay Community Park.*

#### **COMMISSION, ADVISORY & SELECT COMMITTEE**

##### **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 September 6, 2006 be received for information.*

##### **Transit Business Plan Select Committee.**

(All Directors – One Vote)

*That the minutes of the Transit Business Plan Select Committee meeting held September 21, 2006 be received for information.*

(Parksville, Qualicum Beach, EA's E, G, H)

*That in the beginning of 2007, a 3 month trial of the District 69 Friday Night Movie Service as otherwise outlined in the September 12<sup>th</sup> report, be approved.*

(All Directors – One Vote)

*That the ProPass Initiative be received for information.*

(All Directors – One Vote)

*That staff prepare a report outlining costs involved in providing a New Year's Eve service with a revised fee for passengers.*

(All Directors – One Vote)

*That staff prepare an analysis on changing Sunday's service to a Saturday level of service and introducing a service on statutory holidays.*

**Drinking Water Watershed Protection Stewardship Committee.** (All Directors – One Vote)

*That the minutes of the Drinking Water Watershed Protection Stewardship Committee meeting held September 6, 2006 be received for information.*

**Grants-in-Aid Committee.**

(All Directors – One Vote)

*That the minutes of the Grants-in-Aid Committee meeting held October 2, 2006 be received for information.*

*That the following grants-in-aid be approved:*

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

***District 68:***

<i>Cedar School &amp; Community Enhancement Society</i>	\$	800
<i>Nanaimo Search &amp; Rescue</i>	\$	1,486

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

***District 69:***

<i>District 69 Family Resource Association</i>	\$	950
<i>Errington Preschool Parents Society</i>	\$	500
<i>Mount Arrowsmith Pipe Band Association</i>	\$	1,950
<i>Nanoose Bay Catspan</i>	\$	1,000
<i>Oceanside Community Arts Council</i>	\$	654
<i>Oceanside Volunteer Association</i>	\$	1,385
<i>Qualicum Beach Historical &amp; Museum Society</i>	\$	2,500

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

**8. ADMINISTRATOR'S REPORTS**

38-50 Development Variance Permit Application No. 90616 – Meyer – Area E – 3512 Bluebill Place. (Electoral Area Directors except EA 'B' – One Vote)

**Delegations wishing to speak to Development Variance Permit Application No. 90616.**

51-52 Southern Community Restorative Justice Program Service Bylaw No. 1490. (All Directors – One Vote)

53-56 Fuel Treatment Pilot Projects – Communities at Risk to Wildfire Program Grant. (All Directors – One Vote)

57-58 Spider Lake Community Association Application for Community Wildfire Protection Plan Provincial Funding. (All Directors – One Vote)

**9. ADDENDUM**

**10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**11. NEW BUSINESS**

**12. BOARD INFORMATION** (Separate enclosure on blue paper)

**13. ADJOURNMENT**

**14. IN CAMERA**

*That pursuant to Section 90(1) (e) and (g) of the Community Charter the Board proceed to an In Camera meeting to consider items related to land acquisition and legal issues.*

**Burgoyne, Linda**

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**From:** Keller, Greg  
**Sent:** Monday, October 16, 2006 11:46 AM  
**To:** Burgoyne, Linda  
**Subject:** DVP90616 - Meyer  
**Importance:** High  
**Attachments:** Scanned Letter 2.jpg; Meyer Scanned Letter 1.jpg

Brian Steane (Mr. Meyers Neighbour) has requested to make a Board Delegation on October 31, 2006 and has submitted the attached correspondence. I have also included a scanned version in my updated report for the Board's consideration.

Regards,

Greg B. Keller  
Planner  
Regional District of Nanaimo

Tel: (250) 390 - 6510  
Toll Free: 1-877-607-4111

The foregoing information is given for your convenience only and it should be understood that you must satisfy yourself as to whether the parcel and the proposed or existing land uses thereof are, or would be, in compliance with all applicable bylaws and regulations of the Regional District of Nanaimo, federal legislation and provincial legislation including, but not limited to, the *Agricultural Land Commission Act*.

10/16/2006



## Burgoyne, Linda

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**From:** Doug and Wendy Burns [mailto:burns@nanaimo.ca]  
**Sent:** Tuesday, October 24, 2006 9:45 PM  
**To:** Burgoyne, Linda  
**Subject:** Re meeting Oct.31

Linda,  
My name is Wendy Burns and I live at 2033 Main Rd. Nanaimo. I would like to be added to the agenda as a deligate to voice my concerns re Budget Steel. Could you please e-mail me with the time of the meeting.

Thank you  
Wendy Burns

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10/25/2006

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE REGULAR MEETING OF THE BOARD  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, SEPTEMBER 26, 2006, AT 7:00 PM IN THE  
RDN BOARD CHAMBERS**

**Present:**

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

**Also in Attendance:**

C. Mason	Chief Administrative Officer
T. Osborne	Gen. Mgr. of Recreation & Parks
J. Finnie	Gen. Mgr. of Environmental Services
M. Pearse	Manager of Administrative Services
N. Avery	Manager of Financial Services
W. Moorman	Mgr. of Engineering Standards & Subdivision
P. Thompson	Manager of Long Range Planning
N. Tonn	Recording Secretary

**DELEGATIONS**

**Sandra Thomson, Bruce Halliday & Jim Whiteaker, re Port Theatre Annual Update.**

Mr. Whiteaker introduced Mr. Halliday, Port Theatre General Manager, who provided a visual and verbal annual update to the Board.

**Peter Avis & Hugh Fletcher, re Englishman River Canyon.**

A video presentation on the Englishman River Canyon was provided and Board members were urged to recognize the importance of preserving this area.

**Gary Tennant, re Proposed Building Inspection Bylaw for Area H.**

Mr. Tennant, representing the Spider Lake Resident's Association and concerned Area H residents, spoke in opposition of the proposed Building Inspection bylaw and asked the Board to consider amending the motion brought forward from the Committee of the Whole to table this bylaw until the next review of the Electoral Area 'H' Official Community Plan.

**Murray Hamilton, re Proposed Building Inspection Bylaw for Area H.**

Mr. Hamilton provided an overview of regulations presently in effect within the Horne Lake strata development and urged the Board to either amend or table the proposed bylaw until the next review of the Electoral Area 'H' Official Community Plan.

**LATE DELEGATIONS**

MOVED Director Holme, SECONDED Director Bartram, that the following late delegations be permitted to address the Board.

CARRIED

**Helen Sims, re Proposed Board Policy for Registration of Covenants.**

Ms. Sims raised her concerns regarding the proposed Board policy for the registration of covenants during the rezoning process, and requested that the Board refer this policy back to staff for further consultation.

**Twyla Schon, re Budget Steel – 2073 Main Road – Area A.**

Ms. Schon noted the increase in noise and traffic and residents' safety concerns with the present Budget Steel site located on Main Road.

**Mary Evans, re Barclay Crescent Sewer – Area G.**

Mrs. Evans raised her concerns as well as those of neighbouring residents with the increased costs associated with the Barclay Crescent sewer project.

**Nick Bosma, re Barclay Crescent Sewer – Area G.**

Mr. Bosma noted the substantial increase in costs for residents within the Barclay Crescent Sewer service area since the proposal was first presented to homeowners, and the non-existence of the infrastructure grant which was to alleviate this cost to residents.

**Peter and Margaret Spruit, re Barclay Crescent Sewer – Area G.**

Mrs. Spruit reiterated the concerns raised by previous speakers and asked that the Board explain in full detail the increased costs to each resident within the Barclay Crescent sewer service area.

**Carol Ransom, re Barclay Crescent Sewer – Area G.**

Ms. Ransom raised her concerns with the impression given to residents when presented with the Barclay Crescent sewer proposal that the infrastructure grant would alleviate a large percentage of the costs to individual residents, and the lack of communication between the RDN and residents during the process.

**BOARD MINUTES**

MOVED Director McNabb, SECONDED Director Westbroek, that the minutes of the regular Board meeting held August 29, 2006 be adopted.

CARRIED

Director McNabb requested that the Barclay Crescent Sewer Project Financing item be brought forward at this time.

**Barclay Crescent Sewer Project Financing.**

The Chairperson requested that the Deputy Chairperson chair the meeting to allow him to participate in discussion/debate on this item.

MOVED Director Stanhope, SECONDED Director Holme, that the capital charge rate in the "Northern Community Sewer Local Service Area Capital Charge Bylaw No. 1331" be amended to an amount of \$1,743 per lot and that staff proceed to amend the bylaw accordingly.

A recorded vote was requested.

The motion CARRIED UNANIMOUSLY with Directors Stanhope, Holme, Biggemann, Bartram, Herle and Westbrook voting in the affirmative.

MOVED Director Stanhope, SECONDED Director Holme, that the capital charge for properties in the Barclay Crescent project area be reduced by an assist factor of 5%, resulting in a rate of \$1,656 per property.

A recorded vote was requested.

The motion CARRIED with Directors Stanhope, Holme, Biggemann and Bartram voting in the affirmative and Directors Herle and Westbrook voting in the negative.

MOVED Director Stanhope, SECONDED Director Holme, that property owners be offered the option of paying the additional capital cost by way of a parcel tax as generally outlined in the table shown in the corresponding staff report.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that staff be directed to correspond with the Province requesting that the capital charges calculated as part of the Barclay Crescent project budget be considered as eligible costs under the approved infrastructure grant commitment.

CARRIED

Director Stanhope resumed the Chair.

**COMMUNICATIONS/CORRESPONDENCE**

**Bill & Ruth McBratney, re Development Variance Permit Application No. 90616 – Meyer – 3512 Bluebill Place – Area E.**

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from Bill and Ruth McBratney regarding Development Variance Permit Application No. 90616 be received.

CARRIED

**Brian & Chriss Steane, re Development Variance Permit Application No. 90616 – Meyer – 3512 Bluebill Place – Area E.**

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from Brian and Chriss Steane regarding Development Variance Permit Application No. 90616 be received.

CARRIED

**Michael Wilby, re Development Variance Permit Application No. 90616 – Meyer – 3512 Bluebill Place – Area E.**

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from Michael Wilby regarding Development Variance Permit Application No. 90616 be received.

CARRIED

**Jan Wilby, re Development Variance Permit Application No. 90616 – Meyer – 3512 Bluebill Place – Area E.**

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from Jan Wilby regarding Development Variance Permit Application No. 90616 be received.

CARRIED

**Gordon & Christine Plensky, re Surfside Sanitary Sewer Service Area – Area G.**

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from Gordon and Christine Plensky regarding the Surfside sanitary sewer service area, be received.

CARRIED

**Douglas Einarson, re Flamingo Avenue, Surfside Drive Sewer – Area G.**

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from Douglas Einarson regarding Flamingo Avenue, Surfside Drive sewer, be received.

CARRIED

**Doreen Dey, re Budget Steel – 2073 Main Road – Area A.**

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from Doreen Dey regarding Budget Steel, be received.

CARRIED

**UNFINISHED BUSINESS**

**BYLAWS**

**For Adoption.**

**Bylaw No. 813.37.**

MOVED Director McNabb, SECONDED Director Brennan, that “French Creek Sewerage Facilities Local Service Area Boundary Amendment Bylaw No. 813.37, 2006”, be adopted.

CARRIED

**Bylaw No. 791.14.**

MOVED Director Holme, SECONDED Director Bartram, that “Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.14, 2006” be adopted.

CARRIED

**Bylaw No. 889.42.**

MOVED Director Holme, SECONDED Director Manhas, that “Regional District of Nanaimo Northern Community Sewer Local Service Area Boundary Amendment Bylaw No. 889.42, 2006”, be adopted.

CARRIED

**Third Reading.**

**Bylaw No. 500.335.**

MOVED Director Young, SECONDED Director Bartram, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.335, 2006”, to rezone the subject property from Rural 1 to Public 4, to allow the use of the site for a fire hall, be given 3<sup>rd</sup> reading and referred to the Ministry of Transportation for approval, prior to consideration of adoption.

CARRIED

**Public Hearing and Third Reading.**

**Bylaw Nos. 1240.03, 1152.03, 1148.04, 814.09, 1055.03, 1115.04, 1335.02, 1007.05 and 1400.01.**

MOVED Director Bartram, SECONDED Director Holme, that the reports of the Public Information meetings and Public Hearing containing the Summary of the Minutes of RDN Riparian Areas Regulation Implementation OCP Amendment Bylaw Nos. 1240.03, 2006; 1152.03, 2006; 1184.04, 2006; 814.09, 2006; 1055.03, 2006; 1115.04, 2006; 1335.02, 2006; 1007.05, 2006 and 1400.01, 2006 be received.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw Amendment Bylaw No. 1240.03, 2006” be given 3<sup>rd</sup> reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that “Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.04, 2006” be given 3<sup>rd</sup> reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw Amendment Bylaw No. 1055.03, 2006” be given 3<sup>rd</sup> reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that “Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.04, 2006” be given 3<sup>rd</sup> reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that “Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.05, 2006” be given 3<sup>rd</sup> reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that “Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.09, 2006” be given 3<sup>rd</sup> reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw Amendment Bylaw No. 1335.02, 2006” be given 3<sup>rd</sup> reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan Bylaw Amendment Bylaw No. 1152.03, 2006” be given 3<sup>rd</sup> reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that “Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw Amendment Bylaw No. 1400.01, 2006” be given 3<sup>rd</sup> reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that should the Board grant 3<sup>rd</sup> reading to Bylaw Nos. 1240.03, 2006; 1152.03, 2006; 1148.04, 2006; 814.09, 2006; 1055.03, 2006; 1115.04, 2006; 1335.02, 2006; 1007.05, 2006; and 1400.01, 2006, that the Board direct staff to refer the bylaws to the Ministry of Community Services for consideration of approval.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that staff develop a policy for working with community groups to facilitate the removal of noxious weeds and invasive plant species in accordance with the riparian area regulations.

CARRIED

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

### **ELECTORAL AREA PLANNING STANDING COMMITTEE**

MOVED Director Bartram, SECONDED Director Young, that the minutes of the Electoral Area Planning Committee meeting held September 12, 2006 be received for information.

CARRIED

### **PLANNING**

#### **DEVELOPMENT PERMIT APPLICATIONS**

##### **Development Permit Application No. 60644 – D & B McKee – 5061 Island Highway West – Area H.**

MOVED Director Bartram, SECONDED Director Young, that Development Permit Application No. 60644, to allow the construction of a dwelling, be approved according to the terms outlined in Schedule No. 1.

CARRIED

##### **Development Permit Application No. 60645 – Cloarec – 2615 Noble Road – Area E.**

MOVED Director Bartram, SECONDED Director Holme, that Development Permit Application No. 60645, to allow for the construction of a dwelling unit at 2615 Noble Road, be approved according to the terms outlined in Schedule No. 1.

CARRIED

##### **Development Permit Application No. 60648 – Fern Road Consulting Ltd., on behalf of R. & L. Wells – 677/669 Barclay Crescent North – Area G.**

MOVED Director Bartram, SECONDED Director Holme, that Development Permit Application No. 60648 submitted by Fern Road Consulting Ltd., on behalf of R. & L. Wells in conjunction with the subdivision on the parcels legally described as Lots 2 & 3, District Lot 28, Nanoose District, Plan 23031 and designated within the Sensitive Lands Development Permit Area pursuant to the “French Creek Official Community Plan Bylaw No. 1115, 1998”, be approved, subject to the conditions outlined in Schedule Nos. 1 and 2 of the corresponding staff report.

CARRIED

## **DEVELOPMENT VARIANCE PERMIT**

### **Development Variance Permit Application No. 90616 – Meyer – 3512 Bluebill Place – Area E.**

Mr. Alan Meyer provided a chronology of events with respect to his development variance permit application.

Ms. Jan Wilby spoke in opposition to the application noting the visibility of the stairs and the possible negative environmental impact.

Mr. Brian Steane raised his concerns with the placement of the platform and entrance to the stairway citing a loss of privacy and an obscured view from his home.

MOVED Director Holme, SECONDED Director Burnett, that this item be referred back to staff in order that some resolve may be achieved between neighbours.

CARRIED

### **Development Variance Permit Application No. 90618 – Allen and Parker – 448 Manse Road – Area G.**

MOVED Director Bartram, SECONDED Director Holme, that Development Variance Permit Application No. 90618, to relax the front lot line setback from 8.0 metres to 4.6 metres, to legalize an existing garage at 448 Manse 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. 90619 – JE Anderson, BCLS on behalf of M. Porter – Spring Place – Area F.**

MOVED Director Bartram, SECONDED Director Biggemann, that Development Variance Permit Application No. 90619, submitted by JE Anderson, BCLS, on behalf of M. Porter, to vary the minimum lot frontage requirement as shown on Schedule No. 3 in conjunction with a 2-lot subdivision proposal of Lot B, Block 544, Nanoose District, Plan VIP60806, be approved subject to the conditions set out in Schedule Nos. 1 and 2 and to the notification procedure pursuant to the Local Government Act.

CARRIED

## **OTHER**

### **Request for Relaxation of the Minimum 10% Frontage Requirement – L. & C. Addison, on behalf of Wessex Enterprises Ltd. – Midora & Extension Roads – Area C.**

MOVED Director Bartram, SECONDED Director Young, that the request for relaxation of the minimum 10% frontage requirement for proposed Lots 7 and 8 in conjunction with the subdivision application for Parcel Z (DD K83923), Section 13, Range 1 and Sections 12 and 13, Range 2, Cranberry District, be approved subject to the conditions set out in Schedule Nos. 1 and 2 of the staff report.

CARRIED

### **Riparian Areas Regulation Stream Declaration Policy.**

MOVED Director Bartram, SECONDED Director Biggemann, that the Riparian Areas Regulation Stream Declaration Policy, attached to the staff report, be approved.

CARRIED



**Incorporating Green Shores Project Principles into RDN Bylaws.**

MOVED Director Holme, SECONDED Director Bartram, that the Board direct staff to consider policies and development permit area guidelines regarding Green Shores' principles for inclusion in all future official community plan reviews.

A recorded vote was requested.

The motion was DEFEATED UNANIMOUSLY with Directors Stanhope, Holme, Biggemann, Burnett, Bartram and Young voting in the negative.

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Budget Steel – Development Permit Application.**

MOVED Director Burnett, SECONDED Director Bartram, that the following recommendation from the Electoral Area Planning Committee meeting be received:

“That staff review the Budget Steel file with the RDN lawyer to obtain a legal opinion as to whether or not the conditions as set out in the existing Development Permit can be enforced and other matters related to Budget Steel's operation; and that staff report back to the next Board meeting.”

CARRIED

**COMMITTEE OF THE WHOLE STANDING COMMITTEE**

MOVED Director McNabb, SECONDED Director Bestwick, that the minutes of the Committee of the Whole meeting held September 12, 2006 be received for information.

CARRIED

***CORPORATE SERVICES***

**ADMINISTRATION**

**Islands Trust Protocol Agreement.**

MOVED Director Bartram, SECONDED Director Brennan, that the Board approve the Protocol Agreement (dated July 27, 2006) between the Regional District of Nanaimo and the Gabriola Island Local Trust Committee.

CARRIED

**Airport Service Bylaws.**

MOVED Director Manhas, SECONDED Director Bestwick, that elector assent for the participating areas be obtained by using the alternative approval process for the entire service area.

CARRIED

MOVED Director Manhas, SECONDED Director Holdom, that the “Nanaimo Airport Service Establishment Bylaw No. 1505, 2006” be given three readings, be forwarded to the Ministry of Community Services for approval and proceed to the Alternative Approval Process to receive elector assent.

CARRIED

MOVED Director Manhas, SECONDED Director Haime, that the “Nanaimo Airport Service Borrowing Bylaw No. 1506, 2006” be given three readings, be forwarded to the Ministry of Community Services for approval and proceed to the Alternative Approval Process to receive elector assent.

CARRIED

MOVED Director Manhas, SECONDED Director Holdom, that the attached Nanaimo Airport Service Elector Response Form be approved for use with Bylaws 1505 and 1506.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that should the Nanaimo Airport request any further financial assistance from the Regional District with respect to airport operations, that a new bylaw be required for Board consideration and that Bylaw No. 1505 not be amended for that purpose.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that any additional funding request from the Nanaimo Airport be considered through referendum, with participating areas within the Regional District to be determined on the basis of usage statistics.

CARRIED

## **FINANCE**

### **UBCM Resolution Regarding Home Owner Grant Program.**

MOVED Director Holme, SECONDED Director Manhas, that the following resolution be submitted for consideration to the next meeting of the AVICC and/or the UBCM:

WHEREAS property values continue to increase at a rapid rate in the Province of BC;

AND WHEREAS many long term property owners continue to suffer a loss of the Home Owner Grant due to market forces beyond their control;

AND WHEREAS there is a general societal benefit to assisting all property owners to be able to afford to live on the properties they have chosen;

THEREFORE BE IT RESOLVED THAT the Province be requested to reinstate a Home Owner Grant for properties in excess of the current limit of \$894,000.

CARRIED

### **Reserve Fund Bylaw Approvals.**

#### ***Bylaw No. 1501.***

MOVED Director Bartram, SECONDED Director Burnett, that "Electoral Area Local Government Elections Reserve Fund Establishment Bylaw No. 1501, 2006" be introduced for first three readings.

CARRIED

MOVED Director Bartram, SECONDED Director Burnett, that "Electoral Area Local Government Elections Reserve Fund Establishment Bylaw No. 1501, 2006" having received three readings be adopted.

CARRIED

#### ***Bylaw No. 1502.***

MOVED Director McNabb, SECONDED Director Bestwick, that "Decourcey Water Reserve Fund Establishment Bylaw No. 1502, 2006" be introduced for first three readings.

CARRIED

MOVED Director McNabb, SECONDED Director Bestwick, that "Decourcey Water Reserve Fund Establishment Bylaw No. 1502, 2006" having received three readings be adopted.

CARRIED

***Bylaw No. 1503.***

MOVED Director Holme, SECONDED Director Herle, that "NanOOSE Bay Peninsula Water Reserve Fund Establishment Bylaw No. 1503, 2006" be introduced for first three readings.

CARRIED

MOVED Director Holme, SECONDED Director Westbrook, that "NanOOSE Bay Peninsula Water Reserve Fund Establishment Bylaw No. 1503, 2006" having received three readings be adopted.

CARRIED

***Bylaw No. 1504.***

MOVED Director Westbrook, SECONDED Director Herle, that "District 69 Arena Reserve Fund Establishment Bylaw No. 1504, 2006" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Herle, that "District 69 Arena Reserve Fund Establishment Bylaw No. 1504, 2006" having received three readings be adopted.

CARRIED

**2006 Expenditure of Reserve Funds.**

MOVED Director Sperling, SECONDED Director Burnett, that \$5,346 to upgrade the Gabriola Island base radio be approved as an expenditure from the "School District 68 E911 Reserve Fund Establishment Bylaw No. 1069, 1996".

CARRIED

MOVED Director Brennan, SECONDED Director Biggemann, that \$49,310 for the acquisition of SCBA breathing apparatus equipment be approved as an expenditure from the "Coombs-Hilliers Fire Protection Reserve Fund Establishment Bylaw No. 833, 1991".

CARRIED

MOVED Director McNabb, SECONDED Director Bestwick, that \$83,125 to upgrade the Sandpiper reservoir be approved as an expenditure from the "French Creek Water Local Service Area Reserve Fund Establishment Bylaw No. 1167, 1999".

CARRIED

MOVED Director Brennan, SECONDED Director Herle, that \$218,400 for the Regional District's portion of the cost for the Craig Bay reservoir be approved as an expenditure from the "NanOOSE Bay Bulk Water Local Service Area Development Cost Charge Bylaw No. 1088, 1997".

CARRIED

***DEVELOPMENT SERVICES***

**ENGINEERING STANDARDS AND SUBDIVISION**

**Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.15 – Area E.**

MOVED Director Holme, SECONDED Director Bartram, that the parcel legally described as Lot A, Plan VIP58653, District Lot 6, NanOOSE Land District, PID 018700136 be included in the Rural Streetlighting Local Service Area.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.15, 2006" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

**Proposed Board Policy for Registration of Covenants.**

MOVED Director McNabb, SECONDED Director Holdom, that the Board policy entitled Registration of Land Title Office Documents in Conjunction with the Amendment Application Process, be adopted as outlined in Schedule No. 1.

CARRIED

**REGIONAL PLANNING**

**RDN Strategic Plan 2006 – 2009.**

MOVED Director Holdom, SECONDED Director Herle, that the RDN Strategic Plan for the years 2006 – 2009 be approved.

CARRIED

MOVED Director Westbroek, SECONDED Director Herle, that staff be directed to refer the 2006 – 2009 RDN Strategic Plan to the member municipalities for information.

CARRIED

MOVED Director Brennan, SECONDED Director Westbroek, that staff be requested to include in the 2007 workplan, the investigation of an affordable housing strategy for the region in conjunction with the review of the Regional Growth Strategy; and that consulting services be included to facilitate the review.

CARRIED

***ENVIRONMENTAL SERVICES***

**LIQUID WASTE**

**Pump and Haul Local Service Area Amendment Bylaw No. 975.45 – 626 South Road – Area B and 306 Kinkade Road – Area G.**

MOVED Director Sperling, SECONDED Director Holdom, that the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include Lot 108, Section 13, Plan 21531, Nanaimo Land District, Gabriola Island, 626 South Road.

CARRIED

MOVED Director Sperling, SECONDED Director Holdom, that the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to remove Lot 2, District Lot 9, Plan 21610, Newcastle Land District, Kinkade Road.

CARRIED

MOVED Director Sperling, SECONDED Director Holdom, that “Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.45, 2006” be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

**Flamingo Drive/McFeely Drive/Surfside Drive – Sanitary Sewer Servicing Options.**

MOVED Director Westbroek, SECONDED Director Holme, that this item be referred back to the Committee of the Whole and staff, to include additional properties.

CARRIED

**SOLID WASTE**

**Cedar Road LFG – Amending Agreement, Waiver and Licence of Occupation.**

MOVED Director McNabb, SECONDED Director Brennan, that the Board approve the Amending Agreement with Cedar Road LFG Inc. to change the project completion date from July 21, 2006 to November 30, 2007.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the Board grant a Licence of Occupation to Cedar Road LFG Inc. for use of the area at the Regional Landfill occupied by their electricity generating facility.

CARRIED

MOVED Director Burnett, SECONDED Director Herle, that the Board approve the Waiver of Emission Rights with Cedar Road LFG Inc. associated with any reduction in greenhouse gases that result from the operation of their electricity generating facility.

CARRIED

**COMMISSION, ADVISORY & SELECT COMMITTEE**

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

MOVED Director Korpan, SECONDED Director McNabb, that the minutes of the Electoral Area ‘A’ Parks and Green Spaces Advisory Committee meeting held July 20, 2006 be received for information.

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

MOVED Director Korpan, SECONDED Director McNabb, that the minutes of the East Wellington – Pleasant Valley Parks and Open Space Advisory Committee meeting held June 15, 2006 be received for information.

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

MOVED Director Korpan, SECONDED Director Holdom, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held July 5, 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 September 5, 2006 be received for information.

CARRIED

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

**Selection Committee.**

**Drinking Water – Watershed Protection Stewardship Committee.**

MOVED Director Bartram, SECONDED Director Burnett, that David Vincent be appointed as the Electoral Area ‘A’ representative to the Drinking Water – Watershed Protection Stewardship Committee.

CARRIED

MOVED Director Bartram, SECONDED Director Herle, that Grace Gundersen be appointed as the Electoral Area 'C' representative to the Drinking Water – Watershed Protection Stewardship Committee.

CARRIED

**Electoral Area 'A' Recreation and Culture Services Master Plan Advisory Committee.**

MOVED Director Burnett, SECONDED Director Young, that Brenda Arthur and Barbara Ehmig be appointed as South Wellington representatives, and Shannon Wilson as a Cedar representative to the Electoral Area 'A' Recreation and Culture Services Master Plan Advisory Committee.

CARRIED

**ADMINISTRATOR'S REPORTS**

**Development Variance Permit Application No. 90615 – Middleton – 4595 Berbers Drive – Area H.**

MOVED Director Bartram, SECONDED Director Holme, that Development Variance Permit Application No. 90615, submitted by Frank and Margaret Middleton to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", as outlined on Schedule No. 1 to legalize an existing accessory building, be denied and that staff be directed to take enforcement action to have the building removed or relocated.

CARRIED

**Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.44 – 7357 Industrial Road – District of Lantzville.**

MOVED Director Haime, SECONDED Director Holdom, that the first three readings of "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.43, 2006" be rescinded.

CARRIED

MOVED Director Haime, SECONDED Director Holdom, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.44, 2006" be rescinded at third reading.

CARRIED

MOVED Director Haime, SECONDED Director Holdom, that Schedule 'A' of Bylaw No. 975.44 be amended and replaced with a new Schedule 'A' that excludes Lot 15, District Lot 44, Wellington District, Plan 15245.

CARRIED

MOVED Director Haime, SECONDED Director Holdom, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.44, 2006" as amended be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Englishman River Canyon Recreation Area.**

MOVED Director Holdom, SECONDED Director Brennan, that staff be directed to send a letter to the Provincial Government supporting the concept of making the Englishman River Canyon recreation area a reserve for present recreational activities and other public uses other than logging.

CARRIED

**NEW BUSINESS**

**Meeting Order of Business.**

MOVED Director Holdom, SECONDED Director Manhas, that staff prepare a report for the Board's consideration to revisit the current order of business for RDN meetings to consider business effecting all Directors preceding any business effecting only a portion of the Board.

CARRIED

**IN CAMERA**

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

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 9:15 PM

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CHAIRPERSON

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MANAGER, ADMINISTRATIVE SERVICES

The Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC

October 13, 2006

Members of the Board

Subject: Development Variance Permit application No. 90616  
Beach Access Platform and Stairs  
3512 Bluebill Place, Nanoose Bay, BC. V9P 9H8

This letter will formally remove my objection to the construction of the proposed beach access stairs.

I appeared before you on September 26, 2006 to register my opposition to this development and provided the reasons why. The board referred this matter back to staff.

Several meetings have subsequently occurred with my neighbour Mr. Alan Meyer about the location of the access platform including my offer to assist with any additional costs that he incurs with their relocation.

I have been left with two options:

- Agree with the proposed stairs and platform in their present location, or
- Relocate the platform and he will construct a fence.

Mr Meyer is willing to move the proposed stairs only with the construction of a 2 meter fence to the edge of the bluff and a row of fir trees that will be allowed to grow as high as they naturally can, or I agree to the proposed location of the existing platform. While neither option is a good result for me the construction of a fence out to the edge of the bluff complete with fir trees will permanently remove any remaining view from my house looking north up the Strait of Georgia.

Conversation with Mr Greg Keller of the RDN planning department has confirmed that Mr Meyer has the right to construct such a fence, if it is marginally lower than 2 meters and plant fir trees if he wants to.

Mr and Mrs Meyer have voluntarily provided me with a letter (attached) that states that if I support the proposed variance and it is approved by the board, they will not build a fence and plant fir trees.

Given the two options available to me I withdraw my opposition to the proposed variance and request the board give their approval.

Sincerely



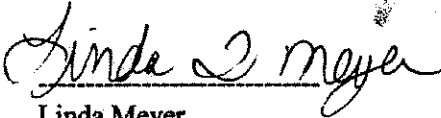
Brian and Chriss Steane  
Property owners 3521 Grilse Road, Nanoose Bay, BC



This note dated October 03, 2006 is to confirm for Brian Steane that I Allen Meyer along with my wife Linda Meyer will after the successful granting of our application for a variance #90616 for Beach Access Stairs will refrain from placing a fence on our property between his house and the oceanfront or place any additional plantings larger than small shrubs on the basis that Brian Steane will provide the necessary written documentation of his support to the Regional District of Nanaimo as well as voice his approval at the final RDN Board as we discussed and shook hands in the presence of Mr. Ron Stockton.



Allen Meyer



Linda Meyer



RDN			
CAO	GMF&IS		
GMDS	GMR&PS		
GMES	GMTS		
OCT 23 2006			
SMCA			
CHAIR	BOARD		
OCT BOARD			

**MEMORANDUM**

**TO:** Susan Cormie  
Acting Manager, Current Planning

**DATE:** October 20, 2006

**FROM:** Norma Stumborg  
Planner

**FILE:** 3360 30 0603

**SUBJECT:** Zoning Amendment Bylaw No. 500.335, 2006, – Mountain Fire Protection District Electoral Area 'C' – Jingle Pot Road and Meadow Drive

**PURPOSE**

To consider “Regional District of Nanaimo (RDN) Bylaw Amendment Bylaw No. 500.335, 2006,” for adoption.

**BACKGROUND**

Bylaw No. 500.335, 2006, was introduced and given 1<sup>st</sup> and 2<sup>nd</sup> reading on July 25, 2006. The Public Hearing was waived and the Bylaw was given 3<sup>rd</sup> reading on September 26, 2006. The Bylaw was referred to the Ministry of Transportation for consideration of approval.

The purpose of the amendment bylaw is to rezone the subject property legally described as Lot 12, Section 14, Range 4, Mountain District Plan VIP80079 from Rural 1 to Public 4 to facilitate the use of the site for a fire hall. The applicant has met all the conditions of approval to the satisfaction of staff (*See Schedule No. 1 for list of conditions*).

**ALTERNATIVES**

1. To adopt Amendment Bylaw No. 500.335.
2. To not adopt Amendment Bylaw No. 500.335.

**VOTING**

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

**INTERGOVERNMENTAL REFERRAL**

The Ministry of Transportation approved RDN Bylaw No. 500.335, pursuant to Section 52 of the *Transportation Act* on October 13, 2006.


**SUMMARY**

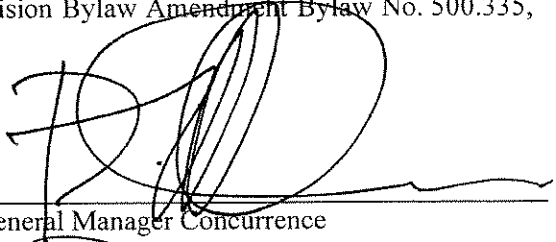
RDN Bylaw No. 500.335, 2006, was considered by the Board and given 1<sup>st</sup> and 2<sup>nd</sup> reading on July 25, 2006. The Public Hearing was waived by the Board and the Bylaw was given 3<sup>rd</sup> reading on September 26, 2006. The purpose of Bylaw No. 500.335, 2006, is to rezone the subject property from Rural 1 to Public 4 to allow the use of the site for a fire hall. RDN Bylaw 500.335 was approved by the Ministry of Transportation on October 13, 2006. The applicant completed the conditions of approval as outlined in Schedule No. 1 to the satisfaction of RDN staff, and the Ministry of Transportation has granted approval. Therefore, this Bylaw may now be considered for adoption.


The following recommendation is provided for consideration by the Board:

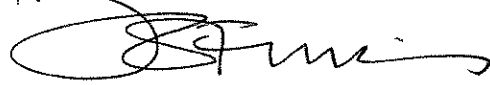
**RECOMMENDATION**

That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.335, 2006," be adopted.

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

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

*A/*   
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**COMMENTS:**

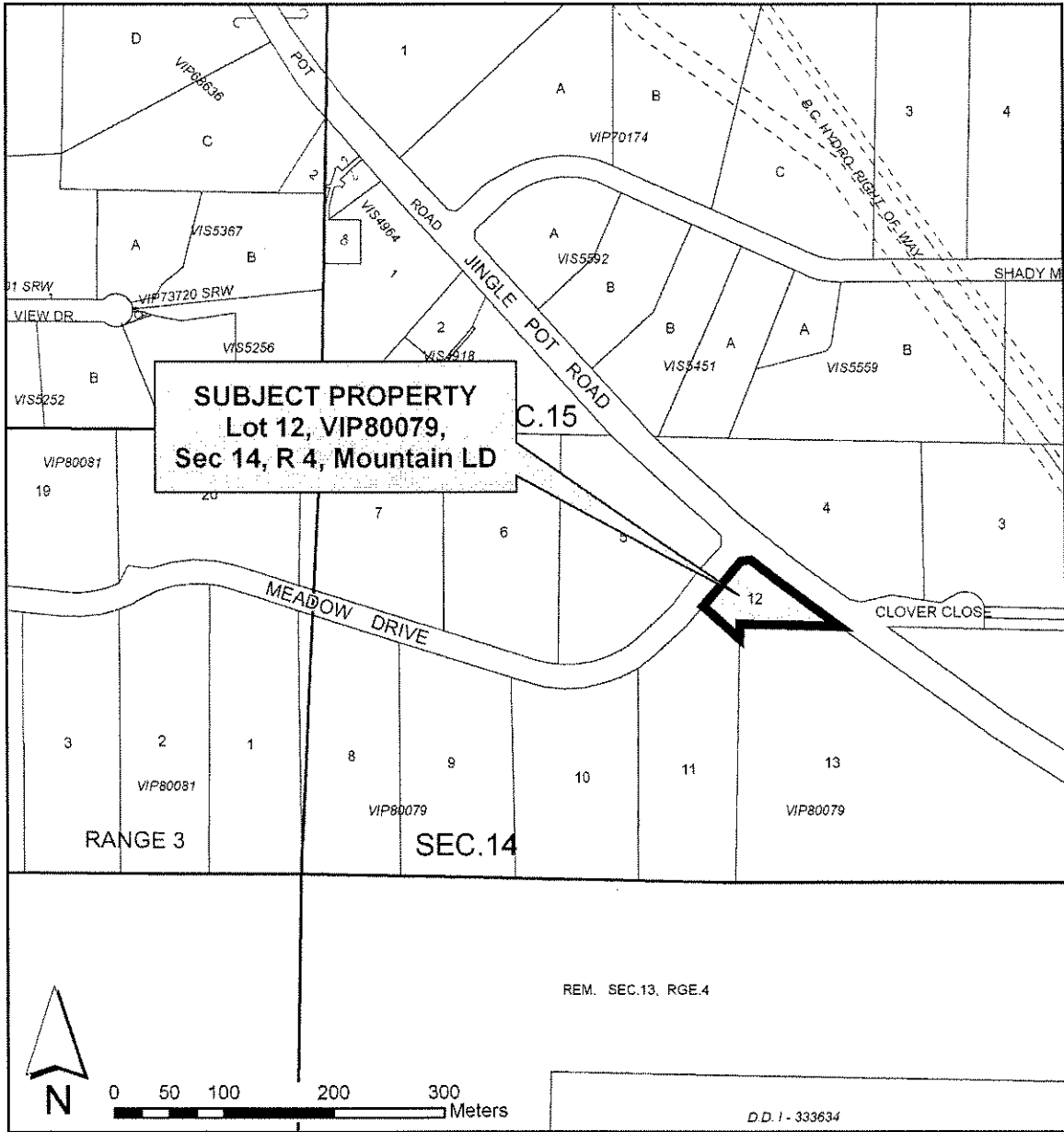
*devsvs/2006/reports/za 3360 30 0603 Mountain Fire Protection District Adoption Report*

**Schedule No. 1**  
**Conditions of Approval for Zoning Amendment Application No. ZA0603**  
**Mountain Fire Protection District**

The following conditions are to be completed prior to Amendment Bylaw No. 500.335 proceeding to final reading:

1. The applicant shall submit a site plan that shows the access and egress points.
2. The applicant shall submit a landscaping plan that details:
  - The location, type, number, height, and size of plants to be retained and planted;
  - Short and long-term maintenance considerations;
  - Wind firm measures; and,
  - The location, type, and size of any fence.
3. The applicant shall submit a design drawing of the fascia sign.
4. The applicant shall become familiar with the *Ministry of Environment's, Develop with Care: Environmental Guidelines for Urban and Rural Developments in British Columbia*.
5. The applicant shall provide a copy of the engineered structural drawings and a survey prepared by a British Columbia Land Surveyor to show that the proposed site of the fire hall meets setback and height requirements of Bylaw No. 500.
6. The applicant shall provide a copy of the access permit from the Ministry of Transportation.
7. The applicant shall provide a copy of the approved waste disposal permit from the Ministry of Health.

**Attachment No. 1**  
**Location of Subject Property**



BCGS MAP SHEET NO 92F.020.4.4

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, OCTOBER 10, 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
Alternate	
Director F. Van Eynde	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Alternate	
Director M. Lefebvre	City of Parksville

**Also in Attendance:**

P. Thorkelsson	General Manager, Development Services
W. Moorman	Manager of Engineering
N. Tonn	Recording Secretary

**CALL TO ORDER**

The Chairperson welcomed Alternate Directors Van Eynde and Lefebvre, to the meeting.

**DELEGATIONS**

**Allen Meyer, re Development Variance Permit Application No. 90616 – Meyer – 3512 Bluebill Place – Area E.**

Mr. Meyer has withdrawn his request to speak.

**LATE DELEGATIONS**

MOVED Director Van Eynde, SECONDED Director Burnett, that two late delegations be permitted to address the Committee.

CARRIED

**Barbara Ehmig, Budget Steel, re Budget Steel – 2073 Main Road – Area A.**

Ms. Ehmig provided a verbal update on Budget Steel's current business standards, providing written material for the Committee's information, and requested that the Budget Steel's application be denied at its present location.

**Hazel Dunaway, re Budget Steel – 2073 Main Road – Area A.**

Ms. Dunaway raised her concerns regarding the increased noise and traffic associated with Budget Steel's business.

**MINUTES**

MOVED Director Stanhope, SECONDED Director Biggemann, that the minutes of the Electoral Area Planning Committee meeting held September 12, 2006 be adopted.

CARRIED

## PLANNING

### 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 the floor elevation of 1.5 metres above the present natural boundary of the ocean in the staff report, should be 1.9 metres.

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Permit Application No. 60624, with variances to allow the construction of a dwelling on McColl Road, 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. 60651 – Anderson/Sims – 5151 Island Highway West – Area H.**

The Chairperson requested that Schedule 1 to Development Permit Application No. 60651 be amended to include the following:

- 1) The receipt by RDN staff of written confirmation of the Ministry of Transportation's acceptance of the encroachment on to Driftwood Road is required prior to final approval of the application.
- 2) The existing dwelling unit is to be removed and the area reclaimed as per the recommendations of the Geotechnical Engineer upon completion of the new dwelling unit.

MOVED Director Stanhope, SECONDED Director Young, that Development Permit Application No. 60651 for a parcel located at 5151 Island Highway, including variances to legalize two existing accessory buildings and one existing deck, and allow the construction of an over height dwelling unit, be approved according to the terms outlined in Schedule No. 1 as amended, subject to the Board's consideration of the comments received as a result of public notification.

CARRIED

### DEVELOPMENT VARIANCE PERMIT

#### **Development Variance Permit Application No. 90608 – Zajes/Sims – 2260 Alberni Highway – Area F.**

MOVED Director Biggemann, SECONDED Director Van Eynde,:

1. That Development Variance Permit Application No. 90608, to vary "Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002", for property located at 2260 Alberni Highway, as outlined on Schedule No. 1, be approved subject to the Board's consideration of the comments received as a result of public notification.
2. That if terms number 1 to 5 contained in Schedule No. 1 are not complete to the satisfaction of the Regional District of Nanaimo by January 5, 2007, that the Board approval of this permit be withdrawn, and the Board direct staff to withhold the issuance of this permit and proceed with the removal of the illegal addition in accordance with the Court Order issued in November 2005.

CARRIED

**Development Variance Permit Application No. 90620 – Dave Scott for 3536696 Canada Inc – 2360 Bonnington Drive – Area E.**

MOVED Director Van Eynde, SECONDED Director Biggemann, that Development Variance Permit Application No. 90620, to vary the permitted height of an existing dwelling at 2360 Bonnington Drive from 9.83 metres to 10.04 metres, 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 Arthur Coben & Peter Swann – 510 & 530 Grovehill Road – Area H.**

MOVED Director Stanhope, SECONDED Director Burnett, that the request from Fern Road Consulting Ltd., on behalf of Arthur Coben & Peter Swann, to relax the minimum 10% frontage requirement for the proposed Remainder of Lot 42, as shown on the submitted plan of the subdivision of Lot 42, District Lot 81, Newcastle District, Plan 1967, Except Part in Red on Plan 513RW, be approved.

CARRIED

**Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement – Timberlake-Jones Engineering Ltd., on behalf of 699399 BC Ltd. – off Northwest Bay Road – Area E.**

MOVED Director Van Eynde, SECONDED Director Stanhope, that the request for relaxation of the minimum 10% frontage requirement for proposed Strata Lot 9 in conjunction with the subdivision of the property legally described as District Lot 68, Nanoose District, Except Amended Parcel A Thereof and Except Those Parts in Plans 3940, 26680, 27026, 27376, 30341 and VIP80336 be approved subject to Schedule Nos. 1 and 2 of the staff report.

CARRIED

**ADJOURNMENT**

MOVED Director Van Eynde, SECONDED Director Young, that this meeting terminate.

CARRIED

**TIME: 6:50 PM**

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CHAIRPERSON



**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE COMMITTEE OF THE WHOLE  
MEETING HELD ON TUESDAY, OCTOBER 10 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
Alternate	
Director F. Van Eynde	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Alternate	
Director M. Lefebvre	City of Parksville
Alternate	
Director J. Wilson	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Alternate	
Director M. Unger	City of Nanaimo
Director B. Holdom	City of Nanaimo
Alternate	
Director J. Cameron	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director D. Brennan	City of Nanaimo
Director J. Manhas	City of Nanaimo

**Also in Attendance:**

C. Mason	Chief Administrative Officer
M. Pearse	Senior Manager, Corporate Administration
J. Finnie	General Manager of Environmental Services
D. Trudeau	General Manager of Transportation Services
N. Avery	General Manager of Finance & Information Services
P. Thorkelsson	General Manager of Development Services
W. Moorman	Manager of Engineering
D. Porteous	Manager of Recreation
N. Tonn	Recording Secretary

**CALL TO ORDER**

The Chairperson welcomed Alternate Directors Van Eynde, Lefebvre, Wilson, Cameron and Unger to the meeting.

**MINUTES**

MOVED Director McNabb, SECONDED Director Van Eynde, that the minutes of the Committee of the Whole meeting held September 12, 2006 be adopted.

CARRIED

***CORPORATE ADMINISTRATION SERVICES***

**RDN Officers Appointment and Delegation Bylaw No. 1507 and RDN Officers and Management Employees Terms and Conditions of Employment Amendment Bylaw No. 1417.02**

MOVED Director Bartram, SECONDED Director McNabb, that the “Regional District of Nanaimo Officers Appointment and Delegation Bylaw No. 1507, 2006” be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director McNabb, that the “Regional District of Nanaimo Officers Appointment and Delegation Bylaw No. 1507, 2006” be adopted.

CARRIED

MOVED Director Bartram, SECONDED Director McNabb, that “RDN Officers and Management Employees Terms and Conditions of Employment Amendment Bylaw No. 1417.02, 2006” be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director McNabb, that “RDN Officers and Management Employees Terms and Conditions of Employment Amendment Bylaw No. 1417, 2006” be adopted.

CARRIED

***FINANCE AND INFORMATION SERVICES***

**FINANCE**

**Service Area Amendment Bylaws – 2399 Higginson Road – Area E – Driftwood Water Supply Service Area Amendment Bylaw No. 1255.03, Nanoose Bay Peninsula Water Service Area Amendment Bylaw No. 867.03 and Nanoose Bay Bulk Water Local Service Area Amendment Bylaw No. 1049.05.**

MOVED Director Van Eynde, SECONDED Director Bartram, that “Driftwood Water Supply Service Area Amendment Bylaw No. 1255.03, 2006” be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Van Eynde, SECONDED Director Bartram, that “Nanoose Bay Peninsula Water Service Area Amendment Bylaw No. 867.03, 2006” be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Van Eynde, SECONDED Director Bartram, that “Nanoose Bay Bulk Water Local Service Area Amendment Bylaw No. 1049.05, 2006” be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

**FIRE DEPARTMENTS**

**Fire Department Amendment Bylaws – 1925 Matterson Road – Area F – Coombs-Hilliers Fire Protection Local Service Area Amendment Bylaw No. 1022.06 and Errington Fire Protection Local Service Area Amendment Bylaw No. 821.06.**

MOVED Director Biggemann, SECONDED Director Young, that “Coombs-Hilliers Fire Protection Local Service Area Amendment Bylaw No. 1022.06, 2006” be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Biggemann, SECONDED Director Young, that “Errington Fire Protection Local Service Area Amendment Bylaw No. 821.06, 2006” be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

***DEVELOPMENT SERVICES***

**Sustainable Community Builder Checklist.**

Staff were requested to review the financial implications involved in the preparation of a builder’s checklist and the inclusion of building waste disposal requirements as well as multi-dwelling construction onsite recycling opportunities within the Builder Checklist Policy and present a revised checklist to the next Board meeting.

MOVED Director Bartram, SECONDED Director Holdom, that the Board approve the Sustainable Community Builder Checklist Policy as amended, attached to the corresponding staff report as Attachment No. 1.

CARRIED

***ENVIRONMENTAL SERVICES***

**SOLID WASTE**

**Terms of Reference for Regional Solid Waste Advisory Committee.**

MOVED Director McNabb, SECONDED Director Manhas, that the terms of reference dated October 2006 for the Regional Solid Waste Advisory Committee be approved.

CARRIED

***RECREATION AND PARKS SERVICES***

**Gabriola Island Recreation Services Agreement.**

MOVED Director Sperling, SECONDED Director Young, that the service agreement with the Gabriola Recreation Society be approved as amended in Appendix 1 to provide for an increased role by the Society in the maintenance and operation of Rollo McClay Community Park.

CARRIED

**COMMISSION, ADVISORY & SELECT COMMITTEE**

**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 September 6, 2006 be received for information.

CARRIED

**Transit Business Plan Select Committee.**

MOVED Director McNabb, SECONDED Director Brennan, that the minutes of the Transit Business Plan Select Committee meeting held September 21, 2006 be received for information.

CARRIED

MOVED Director McNabb, SECONDED Director Holdom, that in the beginning of 2007, a 3 month trial of the District 69 Friday Night Movie Service as otherwise outlined in the September 12<sup>th</sup> report, be approved.

CARRIED

MOVED Director McNabb, SECONDED Director Holdom, that the ProPass Initiative be received for information.

CARRIED

MOVED Director McNabb, SECONDED Director Holdom, that staff prepare a report outlining costs involved in providing a New Year's Eve service with a revised fee for passengers.

CARRIED

MOVED Director McNabb, SECONDED Director Holdom, that staff prepare an analysis on changing Sunday's service to a Saturday level of service and introducing a service on statutory holidays.

CARRIED

**Drinking Water Watershed Protection Stewardship Committee.**

MOVED Director Bartram, SECONDED Director Brennan, that the minutes of the Drinking Water Watershed Protection Stewardship Committee meeting held September 6, 2006 be received for information.

CARRIED

**Grants-in-Aid Committee.**

Director Van Eynde left the meeting citing a possible conflict of interest, as he is involved with the Nanoose Bay Catspan program.

MOVED Director Young, SECONDED Director Cameron, that the minutes of the Grants-in-Aid Committee meeting held October 2, 2006 be received for information.

CARRIED

Director Bartram requested that the Lighthouse Country Business Association's application be reconsidered in the spring of 2007.

MOVED Director Young, SECONDED Director Brennan, that the following grants-in-aid be approved:

***District 68:***

Cedar School & Community Enhancement Society	\$	800
Nanaimo Search & Rescue	\$	1,486

**District 69:**

District 69 Family Resource Association	\$	950
Errington Preschool Parents Society	\$	500
Mount Arrowsmith Pipe Band Association	\$	1,950
Nanoose Bay Catspan	\$	1,000
Oceanside Community Arts Council	\$	654
Oceanside Volunteer Association	\$	1,385
Qualicum Beach Historical & Museum Society	\$	2,500
		CARRIED

**NEW BUSINESS**

The Chairperson congratulated the City of Nanaimo, and in particular, Director McNabb, on their initiative to dedicate a City of Nanaimo park in honour of Elaine Hamilton for her many years of involvement in various municipal and rural activities.

**IN CAMERA**

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

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 7:13 PM

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CHAIRPERSON



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GMDS	GMR&PS		
GMES	GMTS		
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SMCA			
CHAIR	BOARD		
OCT. Bumped			

MEMORANDUM

**TO:** Susan Cormie  
Acting Manager, Current Planning

**DATE:** October 20, 2006

**FROM:** Greg Keller  
Planner

**FILE:** 3090 30 90616

**SUBJECT:** Development Variance Permit Application No. 90616 - Meyer  
Electoral Area 'E' – 3512 Bluebill Place

PURPOSE

To reconsider an application for a Development Variance Permit to legalize the siting of a set of beach access stairs located at 3512 Bluebill Place.

BACKGROUND

The Regional Board of Directors, at its regular meeting held on September 26, 2006, passed the following resolution with respect to the development variance permit application in conjunction with the property legally known as described as Lot 57, District Lot 78, Nanoose District, Plan 15983, and located at 3512 Bluebill Place in Electoral Area 'E' (see Attachment No. 1 for location of the subject property):

*That this item be referred back to staff in order that some resolve may be achieved between neighbours.*

CARRIED

As a result of the Board resolution, staff encouraged the property owners to get together to identify a solution that is acceptable for both property owners.

As outlined in the staff report dated September 12, 2006, this is a Development Variance Permit application to relax the minimum setback requirement for a structure, from the natural boundary of the ocean and the top of a bank of 30 % or greater, to legalize the siting of a set of beach access stairs currently under construction. The subject property borders the Strait of Georgia and is 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."

The existing illegal structure includes three sets of stairs and three landings. There is a landing at the top of the bank, one halfway down, and another at the base of the bank. The structure is located on the subject property as shown on the survey attached as Schedule No. 2.

The stairs contravene the minimum setback requirements of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." Bylaw No. 500 requires buildings or structures to be a minimum of 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 %, whichever is greater. These minimum setback requirements are 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, a *Stop Work Order* was posted on the subject property by the Chief Building Inspector. The applicant has ceased work on the structure and has subsequently applied for a building permit.

The applicants have conducted geotechnical and structural engineering studies that confirm the structure can be made both structurally and geotechnically sound.

#### ***Proposed Variances***

The applicants are proposing to vary Section 3.3.9(b) of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows to allow the siting of the stairs:

1. The minimum setback from the top of a slope of 30 % or greater adjacent to the ocean is proposed to be relaxed from 8.0 metres horizontal distance inland from the top of the slope to 0.0 metres, as shown on the survey submitted by the applicant.
2. The minimum setback from the natural boundary is proposed to be relaxed from 15.0 metres horizontal distance to 1.1 metres horizontal distance from the natural boundary, as shown on the survey submitted by the applicant.

#### **ALTERNATIVES**

1. That Development Variance Permit No. 90616, to legalize the existing beach access stairs as shown on Schedule No. 2, located at 3512 Bluebill Place, be approved subject to the terms outlined in Schedule No. 1 and that staff undertake the following:
  - a. Develop a policy for the Board's consideration with respect to the development of beach access stairs and the associated technical review of such applications.
  - b. Proceed with seeking a Court Order to have the existing stairs removed to comply with Bylaw No. 500 and Bylaw No. 1250 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 90616.
2. That the Development Variance Permit be denied; and if the structure is not voluntarily removed within 90 days, staff be instructed to seek a Court Order to have the structure removed to comply with Bylaw No. 500 and Bylaw No. 1250.

#### **PUBLIC / NEIGHBOUR IMPLICATIONS**

As requested, the applicant and the adjacent property owner met and have agreed to the proposed stairway as originally submitted (*see the attached letter from Mr. & Mrs. Steane regarding the agreement*). This agreement is outlined in the letters attached as *Attachment No. 2*.

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 additional opportunity to comment on the proposed variance prior to the Board's reconsideration of the permit.

## 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. In addition, staff is concerned with the long-term viability and maintenance of the structures and the liability that the Regional District of Nanaimo (RDN) may incur if someone is injured on such a structure. Therefore, staff recommends that the applicant be required to register a section 219 covenant that registers the Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd. dated August 4, 2006, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages resulting from the use of the stairs, erosion, and/or landslide. The applicant is in concurrence with this condition (*see Schedule No. 1 for Terms of Development Variance Permit No. 90616*).

The applicant had a geotechnical engineer assess the building location, and it was found that the building site is stable and safe for the intended use. The applicant also had the stair design engineered to ensure that the structure is structurally sound.

### *Aesthetic Impact*

Large structures like the beach access stairs have the potential to impact the appearance of the marine foreshore, as seen by recreational users of the beach area and boaters. Variances to allow such large scale structures along the waterfront and along steep banks have traditionally been discouraged in order to avoid this impact. The Board may recall that similar variance applications have been granted for large beach access stairs when no other beach access is viable on the property.

The uppermost landing of the proposed structure is visible from the adjacent property to the south, which also enjoys panoramic views of the Strait of Georgia. This structure, which was originally proposed to have railings constructed with cedar pickets on six inch centres, somewhat impedes the view from the adjacent property to the south. As result, the applicant is proposing to reduce the aesthetic impact of the structure by using clear glass railings instead of cedar picket railings. The property to the north is located at a higher elevation; and although the proposed structure is visible, it is not anticipated that this structure will have a significant impact on their view.

Staff note that there is a natural rock ravine located north of the existing stairway that may be feasible as an alternate building location. If the stairs were built within the ravine, there would potentially be less visual impact on the neighbouring properties. Staff suggested the applicant consider relocating the stairs within the ravine, but the applicant is committed to constructing the stairs in their current location and requested staff to proceed with this application as submitted. Given the limited extent of the visual impact, staff is satisfied with the current location of the existing structure.

### *Board Policy B1.5 – Development Variance Permit Applications*

RDN Policy B1.5 provides staff with guidelines for reviewing and evaluating development variance permit applications. The applicants have provided justification for the variance, as the topography dictates that stairs are required to access the beach. In staff's opinion, the impacts are reasonable and within the community standard being established for beach access stairs.

## DEVELOPMENT IMPLICATIONS

On October 18, 2006, staff was contacted by the Ministry of Environment who had received a complaint concerning these stairs from a concerned citizen. Upon request from the Ministry, RDN staff sent a number of photographs for their review. Based on the pictures provided, the Ministry was concerned that the lowest landing of the existing stairway was located below the natural boundary.



Staff provided the Ministry with a copy of the BCLS survey, as submitted by the applicant, that indicates the structure at its closest point is 1.1 metres above the natural boundary of the ocean. The Ministry referred the pictures to the Surveyor General's Office who indicated that additional information will need to be submitted to make a final determination as to the location of the natural boundary. As of the date of this report, this issue has not yet been resolved.

In order to ensure that there is no encroachment on to the foreshore, staff recommends that the terms and conditions of the corresponding Development Variance Permit include BCLS / Surveyor General confirmation that the existing structure is located at least 1.1 metres horizontal distance inland from the natural boundary. In addition, staff recommends that a condition be included that no development encroach into the natural boundary and that if it is found that there is encroachment into the natural boundary, the encroachment is to be removed to a minimum of 1.1 metres above the natural boundary. This will ensure that public beach access is not negatively impeded.

### **FUTURE DEVELOPMENT IMPLICATIONS**

There may be other beach access structures (stairs) in the general area, which staff is not aware of given the limited visibility of such structures from the road. During the past month, staff has received an increasing number of reports of illegal beach access stairs; and it is anticipated that as public awareness increases, staff will continue to receive reports of both existing illegal stairways and requests to construct new beach access stairs.

In order to address the anticipated increased number of applications involving beach access stairs, 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 / property owners when considering / applying for variances to legalize or construct beach access stairs in the area. This policy would propose to identify criteria for beach access stairs, which could include guidelines and / or requirements for a survey information, maximum stair widths, engineering requirements, environmental requirements, stair height, crown land encroachments, etc. This policy would be brought before the Board for consideration.

### **VOTING**

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

### **SUMMARY**

This is an application for the reconsideration of a Development Variance Permit to legalize the siting of a set of beach access stairs currently under construction without a permit and in contravention of Bylaw 500 setback requirements at 3512 Bluebill Place in Electoral Area 'E'. The Board, at its regular meeting held on September 26, 2006, referred this application back to staff in order that some issues could be resolved between neighbours. The neighbours subsequently met and reached a negotiated agreement (*see attached letter from Mr. & Mrs. Steane*).

Although there is an alternate location for the proposed structure, this structure has a minimal impact on the views from the adjacent properties and the appearance of the marine foreshore as seen by persons on the beach, boaters, and surrounding property owners. In addition, the applicant has attempted to reduce the impact of the proposed structure by using glass railings instead of wood in order to lessen the impact of the views from adjacent properties.

With respect to the geotechnical aspect of the stairs, the applicant is in concurrence to register the corresponding engineer's report on title as a section 219 and include a save harmless clause. It is noted

that staff recommends that the issuance of the permit be withheld pending the registration of this document.

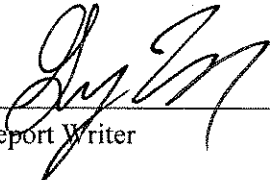
In addition, in order to address the anticipated increased number of applications involving beach access stairs, staff recommends that the Board direct staff to develop a policy for the development and approval of such structures. Such a policy would be helpful for staff / property owners when considering / applying for variances to legalize or construct beach access stairs in the area.

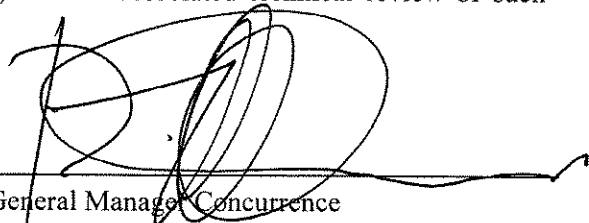
Notification of the reconsideration of this development variance permit application has been completed pursuant to the procedures of the *Local Government Act*.


Given that the neighbours have reached a consensus; and the applicant is in concurrence to register the geotechnical report with a save harmless clause on title of the subject property, staff recommends that this application be approved subject to the terms and conditions set out in Schedules No. 1, 2, and 3.

**RECOMMENDATIONS**

1. That Development Variance Permit No. 90616, to legalize the existing beach access stairs as shown on Schedule No. 2 in conjunction with the parcel legally described as Lot 57, District Lot 78, Nanoose District, Plan 15983, be approved subject to the terms and conditions outlined on Schedules No.1, 2, and 3 of the corresponding staff report and to the notification procedure subject to the *Local Government Act* with respect to the proposed variances to Bylaw No. 500, 1987, outlined in Schedule No. 4.
2. That staff be instructed to proceed with seeking a Court Order to have the stairs removed to comply with applicable bylaws if the applicants have not met the requirements of Conditions No. 1 and 3 of Schedule No. 1 within 90 days from the date of the Board resolution.
3. That staff be instructed to draft a policy for the Board's consideration with respect to the development of beach accesses, including stairs, and the associated technical review of such applications.

  
Report Writer

  
General Manager Concurrence

  
A/ Manager Concurrence

  
A/ CAO Concurrence

**COMMENTS:**

*devsvs/reports/2006/dvp oc 3090 30 90616 Meyer Report 2*

**Schedule No. 1**  
**Development Variance Permit Application No. 90616**  
**Terms and Conditions**  
**Lot 57, District Lot 78, Nanoose District, Plan 15983**

**1. Issuance of Permit**

The Board directs staff to withhold the issuance of this development variance permit until the applicant has completed the following:

- a. prepares and registers a section 219 covenant, at the applicant's expense and to the satisfaction of the RDN, the Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd. and dated August 4, 2006. This covenant is to include a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or landslide.
- b. forwards the draft covenant document for review to the RDN.
- c. provides proof of registration of covenant document on title.

**2. Stairway Construction and Location**

- a. The stairs are to be located as shown on Schedule No. 2 (to be attached to and forming part of this Development Variance Permit).
- b. The stairs are to be constructed as shown on Schedules No. 2 and 3 (to be attached to and forming part of this Development Variance Permit).
- c. To reduce the aesthetic impact of the structure, clear glass railings shall be used in place of cedar picket railings or other similar railings at a minimum for those railings visual from neighbouring properties.

**3. Building Permit Requirements**

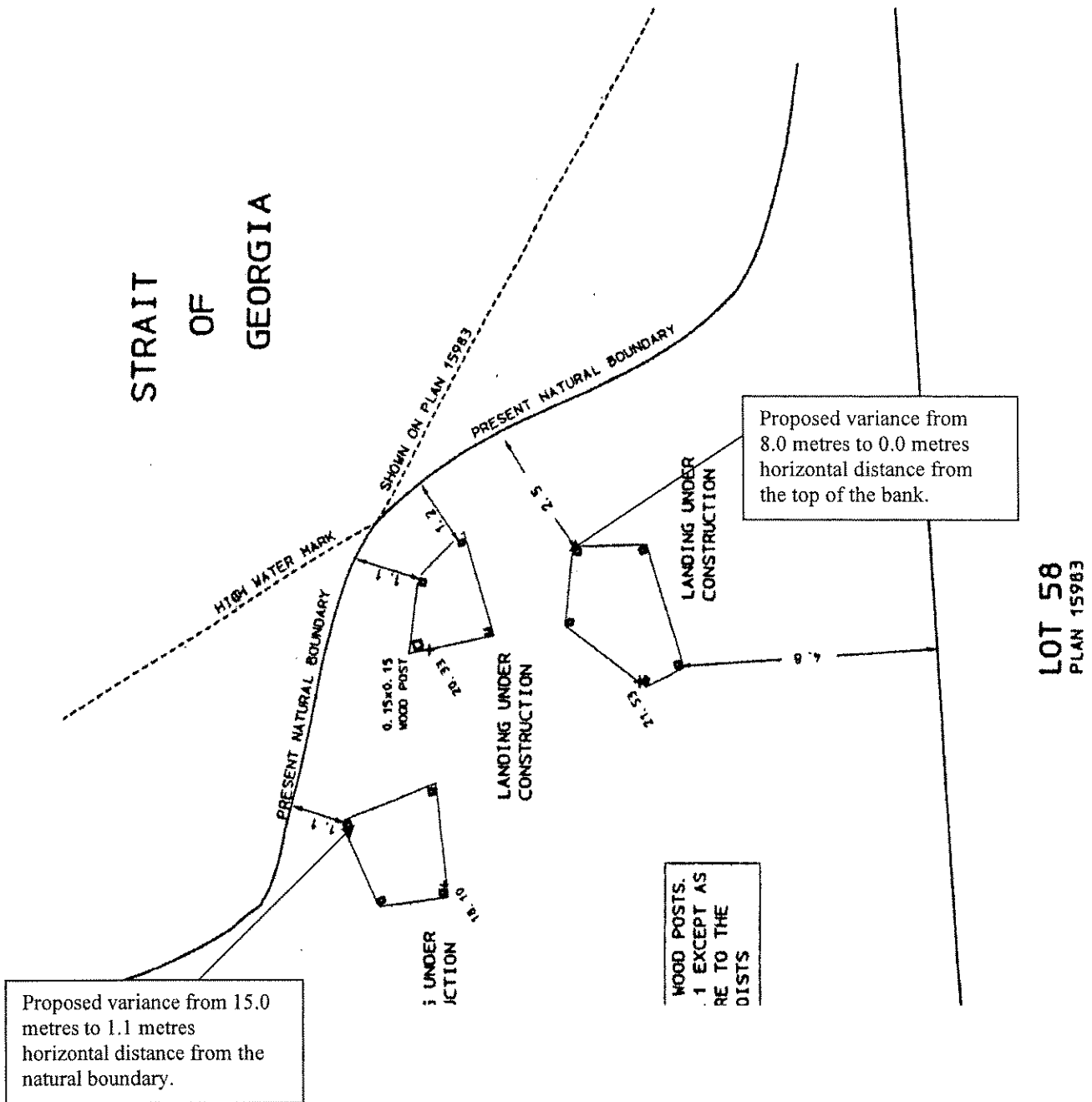
- a. The applicants shall obtain a valid building permit within 90 days from the date of issuance of this permit.
- b. If the applicants do not obtain a building permit to the satisfaction of the Chief Building Inspector within 90 days from the date of the issuance of this Development Variance Permit, 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.
- c. The applicants shall comply with, and implement, all conditions and recommendations contained in any and all engineering reports required by the Chief Building Inspector.

**4. BCLC / Surveyor General Confirmation of Natural Boundary**

- a. This permit does not legalize any part of the existing structure that is found to be less than 1.1 metres horizontal distance inland from the natural boundary of the ocean.
- b. If it is found that any part of the existing structure is less than 1.1 metres horizontal distance inland from the natural boundary of the ocean, the affected section must be reconstructed or removed to a point at least 1.1 metres horizontal distance from the natural boundary subject to issuance of a building permit.



Schedule No. 2 (Page 2 of 2)  
Development Variance Permit Application No. 90616  
Structure Location Certificate - Enlargement  
(as submitted by applicant, enlarged for convenience)





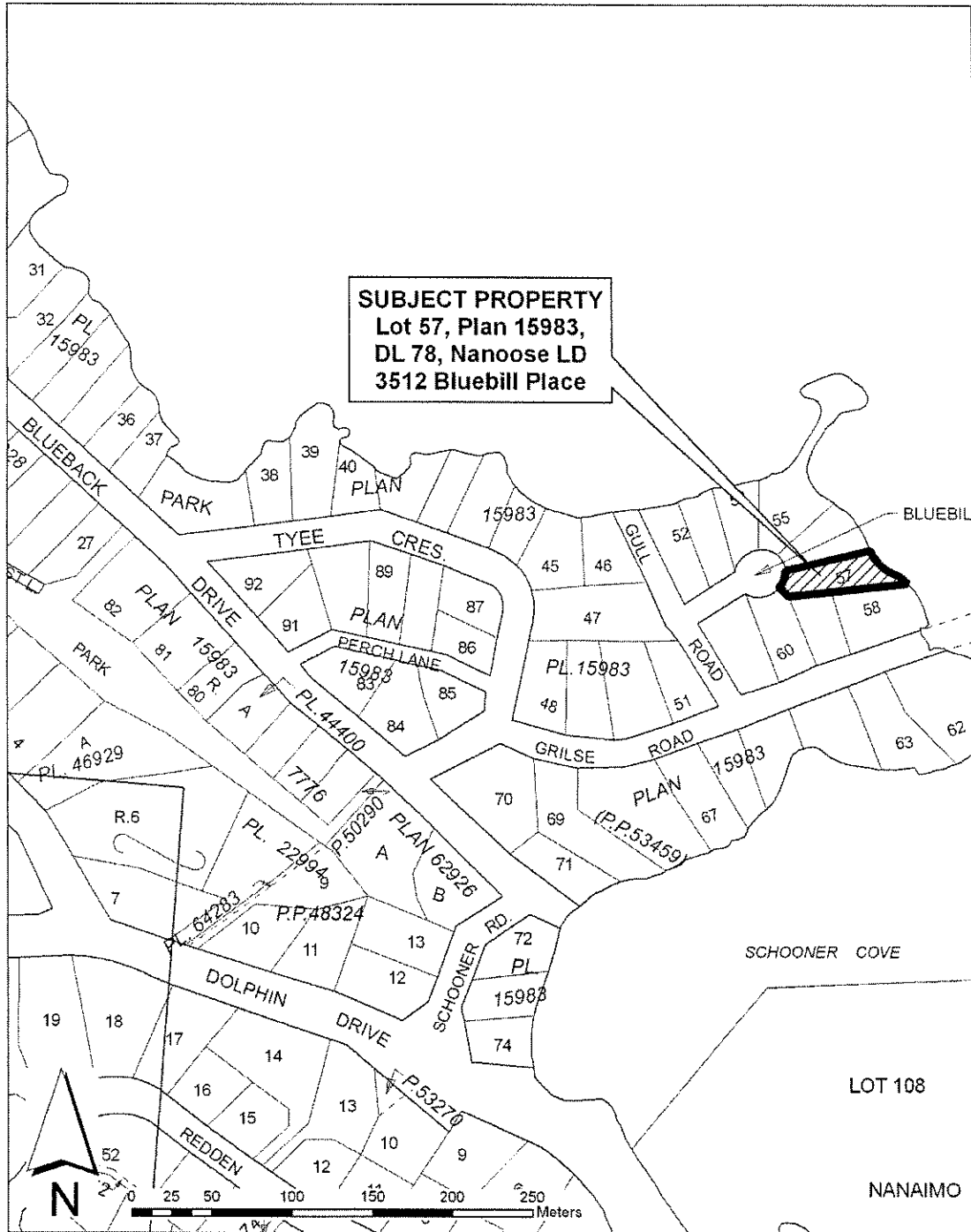
**Schedule No. 4**  
**Proposed Variances**  
**Development Permit No. 90616**

With respect to the lands, the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," the following variances are proposed:

Section 3.3.9(b) of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is proposed to be varied to accommodate the location of the beach access stairs shown on Schedules No. 2 and 3 as follows:

- a. The minimum setback from the top of a slope of 30 % or greater adjacent to the ocean be relaxed from 8.0 metres horizontal distance inland from the top of the slope to 0.0 metres; and,
- b. The minimum setback from the natural boundary be relaxed from 15.0 metres horizontal distance to 1.1 metres horizontal distance from the natural boundary.

**Attachment No. 1**  
**Development Variance Permit Application No. 90616**  
**Location of Subject Property**



Mapsheet 92F.030.3.4



**Attachment No. 2 (page 1 of 2)**  
**Letters Submitted by Applicant and Adjacent Property Owner**  
**Development Variance Permit Application No. 90616**

The Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC

October 13, 2006

Members of the Board

Subject: Development Variance Permit application No. 90616  
Beach Access Platform and Stairs  
3512 Bluebill Place, Nanoose Bay, BC. V9P 9H8

This letter will formally remove my objection to the construction of the proposed beach access stairs.

I appeared before you on September 26, 2006 to register my opposition to this development and provided the reasons why. The board referred this matter back to staff.

Several meetings have subsequently occurred with my neighbour Mr. Alan Meyer about the location of the access platform including my offer to assist with any additional costs that he incurs with their relocation.

I have been left with two options:

- Agree with the proposed stairs and platform in their present location, or
- Relocate the platform and he will construct a fence.

Mr Meyer is willing to move the proposed stairs only with the construction of a 2 meter fence to the edge of the bluff and a row of fir trees that will be allowed to grow as high as they naturally can, or I agree to the proposed location of the existing platform. While neither option is a good result for me the construction of a fence out to the edge of the bluff complete with fir trees will permanently remove any remaining view from my house looking north up the Straight of Georgia.

Conversation with Mr Greg Keller of the RDN planning department has confirmed that Mr Meyer has the right to construct such a fence, if it is marginally lower than 2 meters and plant fir trees if he wants to.

Mr and Mrs Meyer have voluntarily provided me with a letter (attached) that states that if I support the proposed variance and it is approved by the board, they will not build a fence and plant fir trees.

Given the two options available to me I withdraw my opposition to the proposed variance and request the board give their approval.

Sincerely



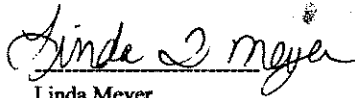
Brian and Chriss Steane  
Property owners 3521 Grilse Road, Nanoose Bay, BC

**Attachment No. 2 (page 2 of 2)**  
**Letters Submitted by Applicant and Adjacent Property Owner**  
**Development Variance Permit Application No. 90616**

This note dated October 03, 2006 is to confirm for Brian Steane that I Allen Meyer along with my wife Linda Meyer will after the successful granting of our application for a variance #90616 for Beach Access Stairs will refrain from placing a fence on our property between his house and the oceanfront or place any additional plantings larger than small shrubs on the basis that Brian Steane will provide the necessary written documentation of his support to the Regional District of Nanaimo as well as voice his approval at the final RDN Board as we discussed and shook hands in the presence of Mr. Ron Stockton.



Allen Meyer



Linda Meyer



RDN			
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OCT 24 2006			
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CHAIR		BOARD	
OCT. Board			

**MEMORANDUM**

**TO:** Carol Mason  
Chief Administrative Officer

**DATE:** October 23, 2006

**FROM:** Maureen Pearse  
Senior Manager, Corporate Administration

**FILE:**

**SUBJECT:** Southern Community Restorative Justice Program Service Bylaw No. 1490

**PURPOSE**

To report the results of the alternative approval process for “Regional District of Nanaimo Southern Community Restorative Justice Program Service Bylaw No. 1490, 2006”.

**BACKGROUND**

At its regular meeting held August 29, 2006 the Board introduced “RDN Southern Community Restorative Justice Program Service Bylaw No. 1490, 2006” for first three readings. In accordance with the *Community Charter* the Board chose to seek the assent of the electors through the alternative approval process.

Bylaw No. 1490 is proposing to establish a service to provide funds to the Nanaimo Restorative Justice Program to raise approximately \$5,000 annually to provide financial support for the restorative justice program to be administered by the John Howard Society in partnership with the Nanaimo RCMP. The boundaries of the service area will include Electoral Areas A, B & C.

In order to receive the assent of the electoral area electors, the number of elector response forms received could not exceed 10% of the electors for the proposed participating area. Section 86 of the *Community Charter* states:

*“that approval of the electors by alternative approval process is obtained if at the end of the time for receiving elector responses, the number of elector responses received is less than 10% of the number of electors of the area to which the approval process applies.”*

For the purpose of conducting the alternative approval process, the number of eligible electors in the service area was determined to be 9,400 electors. In order for the bylaw to receive the assent of the electors less than 10% or 940 elector response forms must have been received by the deadline of October 16, 2006. The total number of elector response forms received by October 16, 2006 was 5 (0.05% of electors). As the total number of elector response forms received was less than 10% of the electors, the bylaw is deemed to have received the assent of the electors.

## ALTERNATIVES

1. That "Regional District of Nanaimo Southern Community Restorative Justice Program Service Bylaw No. 1490, 2006" be adopted.
2. That the Board not proceed with the adoption of this bylaw.

## FINANCIAL IMPLICATIONS


This bylaw provides that the maximum amount the Board may raise is approximately \$5,000 to provide on going funding to the John Howard Society for the restorative justice program. Based on a residential property assessed at \$100,000, the cost to the individual homeowner would be 20 cents (\$0.002 per \$1,000 of assessed value).


## SUMMARY/CONCLUSIONS

At the August 29, 2006 Board meeting, "RDN Southern Community Restorative Justice Program Service Bylaw No. 1490, 2006 received first three readings. The Board sought the assent of the electors through the alternative approval process. In order to receive the assent of the electors, the number of elector response forms received could not exceed 10% (940) of the electors for the proposed participating area. The total number of responses received by the deadline of October 16, 2006 was 5, therefore the bylaw is deemed to have received the assent of the electors. Staff are recommending adoption of the bylaw.

## RECOMMENDATION

That "Regional District of Nanaimo Southern Community Restorative Justice Program Service Bylaw No. 1490, 2006" be adopted.

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

  
\_\_\_\_\_  
A/CAO Concurrence



RDN			
CAO	<i>[Signature]</i>	GMF&IS	
EMDS		GMR&PS	
EMES		GMTS	
OCT 23 2006			
SMCA			
CHAIR		BOARD	
<i>OCT Board</i>			

**MEMORANDUM**

**TO:** Paul Thompson  
 Manager, Long Range Planning

**DATE:** October 10, 2006

**FROM:** Jani M. Thomas  
 Emergency Coordinator

**FILE:** 1855-03

**SUBJECT:** Fuel Treatment Pilot Projects - Communities at Risk to Wildfire Program Grant

**PURPOSE**

To provide information on provincial grant funding for Fuel Treatment Pilot Projects, under the Communities at Risk of Wildfire Program; and, to seek Board approval for Regional District of Nanaimo (RDN) Electoral Area fire departments to apply for grant funding.

**BACKGROUND**

In May 2006, the BC Government announced that funds would be available for fuel treatment initiatives within communities at high risk from wildfire in interface areas. The program assists communities in conducting pilot projects, exploring fuel management treatment alternatives and in demonstrations to mitigate the potential impacts of wildfire as identified by the Provincial Fire Threat Assessment mapping data or local Community Wildfire Protection Plans (CWPP). Fuel management treatment includes such actions as thinning and pruning to reduce crown fire danger, on site chipping of vegetative debris and ongoing public awareness. The objective is to improve community safety and reduce the risk of wildfire to public safety and property damage. The program is funded by the Ministry of Forests and Range and is administered by the Union of BC Municipalities.

Since the commencement of the Province’s Strategic Wildfire Prevention Program in 2004, sixty (60) Community Wildfire Protection Plans (CWPP) have been prepared. Within the RDN, the Errington and Extension Fire Departments (completed), Bowhorn Bay Fire Department (Society executive approval pending), the Horne Lake Strata Corporation (in final *draft*), Cranberry Fire Improvement District (in process) and the Gabriola Island Fire Department (in process) have taken steps to prepare CWPP’s under the program. The CWPP process identified high priority areas for fuel management activities and facilitated public education around wildfire protection. It is the goal of the RDN Emergency Program to have a CWPP for all fire departments within our electoral areas and to enhance emergency preparedness and response efforts.

The next phase of funding provides assistance to implement some of the recommendations outlined within a specific CWPP. As noted above, examples include reducing fuel loading such as pruning and thinning within vulnerable areas. Proposed fuel reduction treatments must be appropriate for the ecosystem at hand and the project site must be within an interface area. All projects are conducted in cooperation with Ministry of Forests and Range. BC Parks, The Nature Trust, Department of Fisheries and Oceans (DFO) and the Ministry of Environment have been involved in project assessment and are supportive. The Riparian Area Regulation does not apply to this project, as confirmed by Ministry of

Environment staff. The DFO will conduct several site visits throughout the project stages. As part of the grant application process the Board must give their support by resolution. A single resolution is sufficient to cover all applications, which may be made under the Fuel Treatment Pilot Projects Program.

## **ALTERNATIVES**

1. To approve the resolution supporting applications for funding under the Fuel Treatment Pilot Projects Program.
2. To not approve the resolution supporting applications for funding under the Fuel Treatment Pilot Projects Program.
3. To provide alternative direction to staff.

## **FINANCIAL IMPLICATIONS**

### Alternative 1

The grant program requires matching funds from the local government up to a maximum of \$25,000 (a project total of \$50,000). The local government's share can include in-kind costs, such as staff time. Any out of pocket costs would be charged against the fire department, which is approved for a pilot project. Based on prior experience, staff estimates that out of pocket costs would not exceed \$2,000. Under the initial CWPP study program, the Errington and Extension Fire Departments provided significant volunteer time to assist the consultant in completing the project. There was also some limited direct RDN staff time. Staff expects that an individual fire department will provide volunteer time as an in-kind financial contribution to the Fuel Treatment Pilot Project.

### Alternative 2

As noted above, the financial impact to a fire department's operating budget is expected to be minor. However, without this funding, either much less will be accomplished or the effort could stall altogether. There does not appear to be any compelling reason not to support forthcoming grant applications given the grant funds available and the willingness of fire departments, as well as volunteers to manage and act on the results of their CWPP plans.

### Alternative 3

There are few other resources available to staff to manage projects of this nature. The application deadlines are time sensitive and should a project not proceed as intended, there are very limited financial implications to the RDN. Staff recommends approving the resolution as presented.

## **CITIZEN IMPLICATIONS**

At this time, the Errington Volunteer Fire Department has expressed interest and willingness to proceed with implementation activities. The targeted area is located on Plan 33535, Blk 544, a combination of Crown land and private land owned by The Nature Trust, located in the Englishman River Wildlife Corridor (*see Attachment No. 1 on page 4*). An initial information meeting was held by the fire department earlier this year. To date, some correspondence has been exchanged with the RDN Parks Department and a resident of the area. The Parks Department expressed concern regarding overall


planning activities for the regional park and the resident also expressed concern that the project might entail removing useful and ecologically beneficial plant material. In order to answer questions more fully and provide assurances to residents and staff, a second information meeting will be conducted. As noted above, any implementation activities must be taken in cooperation with the Ministry of Forests and Range while respecting the natural environment. However, as noted under Alternative 3, the application deadlines are time sensitive. Staff recommends that the resolution supporting a grant application be approved. It is also recommended that staff work in conjunction with both the Errington Volunteer Fire Department and the Electoral Area Director to ensure that the local public be kept informed of the extent and benefits of any actions to be taken.

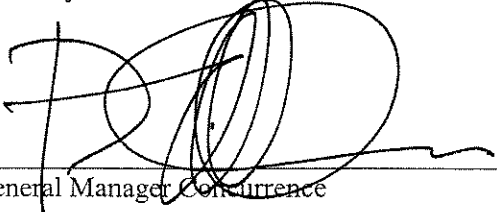
**SUMMARY/CONCLUSIONS**

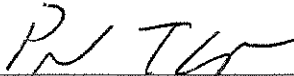
The Fuel Treatment Pilot Project - Communities at Risk to Wildfire Program Grant is a follow up to CWPPs, which identified high risk interface areas within the RDN. The Province, through this grant opportunity, seeks to assist local governments with fuel treatment project funding for these identified areas. A Hazard Vulnerability Risk Analysis, completed and presented to Electoral Area Directors in June 2006, indicated that wildland urban interface fire has a very real potential to become a regional event that may exceed established mutual aid protocols. The program provides matching funds to a maximum of \$25,000 (total project costs \$50,000) and applications require a resolution of support from the RDN Board. To date, the Errington Fire Department has prepared a proposal and conducted an initial meeting describing their project details. Some community and internal feedback has been received and a second information meeting will be scheduled. However, the application deadline is time sensitive and staff is recommending that the application be supported and submitted. Staff would then continue to work with the Errington Volunteer Fire Department (or any subsequent fire department) to ensure that as much as possible, the local public is aware of the extent and benefits of any actions to be taken.


**RECOMMENDATIONS**

1. That the Board support applications from its volunteer fire departments for funding assistance under the Fuel Treatment Pilot Projects program.
2. That the local government costs not exceed \$2,000.
3. That staff work with the volunteer fire department and the Electoral Area Director to ensure that the local public be kept informed of the extent and benefits of any actions to be taken.

  
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 Report Writer

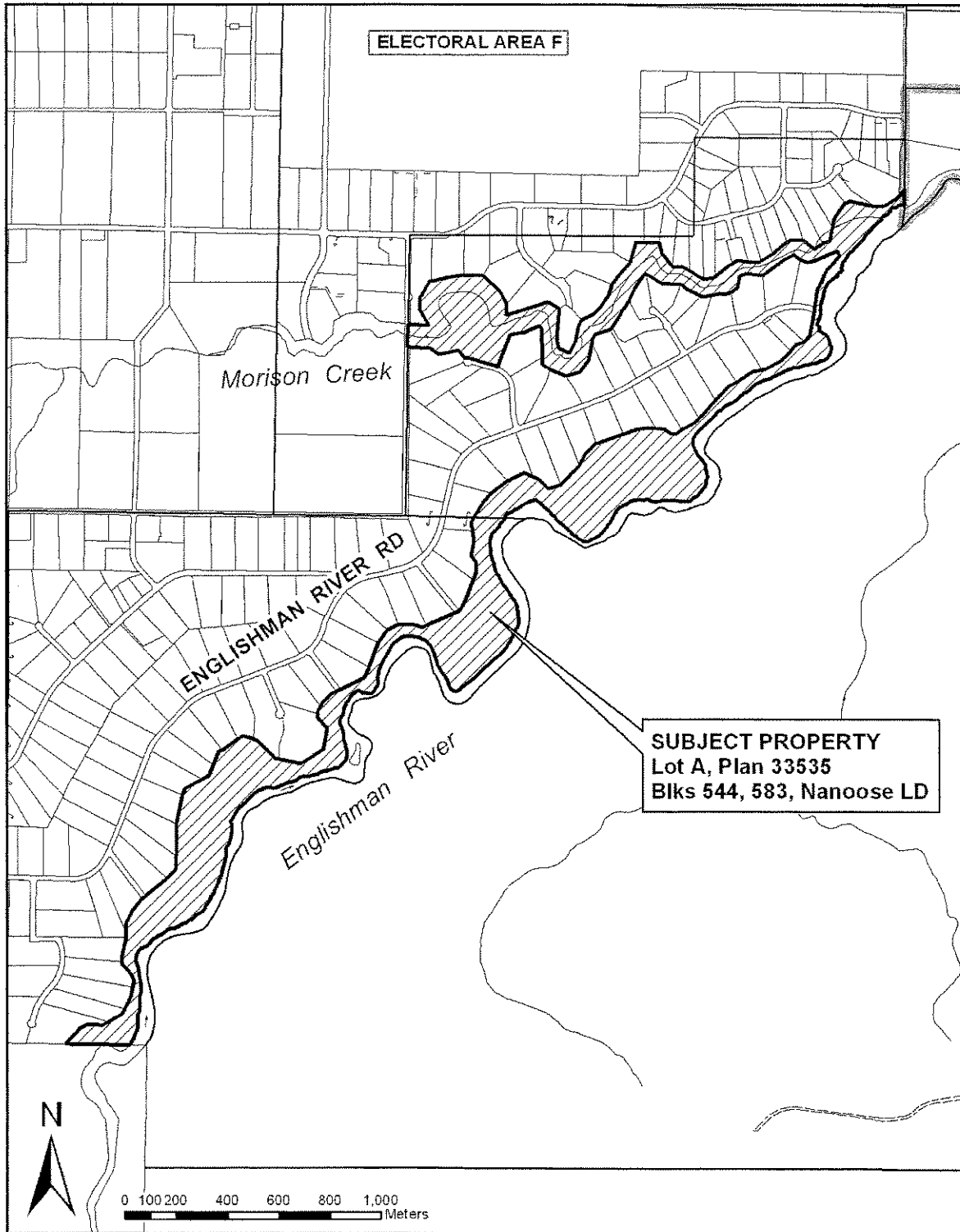
  
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 General Manager Concurrence

  
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 Manager Concurrence

  
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 A/C.A.O. Concurrence

COMMENTS:  
 1855 03 no 2006 Operational Fuel Treatment Grant

Attachment No. 1



BCGS Map Sheet No. 92F.029.3.2, 92F.029.3.4





RDN			
CAO	<input checked="" type="checkbox"/>	GMF&IS	
GMDS		GMR&PS	
GMES		GMTS	
OCT 23 2006			
SMCA			
CHAIR		BOARD	
Ct. Board			

**MEMORANDUM**

**TO:** Paul Thompson  
 Manager, Long Range Planning

**DATE:** October 10, 2006

**FROM:** Jani M. Thomas  
 Emergency Coordinator

**FILE:** 7200-01

**SUBJECT:** Spider Lake Community Association Application for Community Wildfire Protection Plan Provincial Funding

**PURPOSE**

To provide for the Board’s consideration and approval an application by the Spider Lake Community Association (SLCA) to the *Community Wildfire Protection Plans for High Risk Interface Fire Hazard Communities*, a provincial funding program administered by the Union of British Columbia Municipalities.

**BACKGROUND**

The *Firestorm 2003 Provincial Review* recommended that the province take a lead role in the development of strategic plans in cooperation with local government to improve fire prevention in the interface zones. This funding program is a follow up to that recommendation. The *purpose* of the program is to assist communities in the development of plans that will assist in the improvement of fire prevention and protection in Wildland Urban Interface (WUI) areas. The *objective* of the program is to improve community safety and reduce the risk of property damage. On April 26, 2005, the Board approved the recommendation that Regional District of Nanaimo (RDN) Fire Departments would be supported if they chose to apply to the Community Wildfire Protection Plan (CWPP) funding program.

Six RDN Fire Departments have applied for the funding, as well as the Home Lake Strata Corporation. Several projects have been completed, with the remainder in process. The individual Fire Departments assumed the role of Project Manager and were responsible for ensuring that their 50% of the funding initiative was either fulfilled via ‘in kind’ costs of Fire Department staff and volunteers and/or funds from their operating budget. The RDN remains the local authority responsible for the financial reporting. The SLCA submitted an application for a CWPP to the Emergency Coordinator for review, to be considered in the provincial program’s third phase of funding. The SLCA falls within the boundaries of the RDN, however, it lies outside of a fire service area. A Hazard Vulnerability Risk Analysis conducted and presented to Electoral Area Directors in June 2006 indicated high WUI fire risk to properties near Spider Lake and surrounding areas.

The RDN would benefit from the development of this CWPP as the Spider Lake area lies within an identified 'Red' or 'Extreme' WUI hazard area, as determined by the Ministry of Forests and Range. While it is of benefit to the community to have this application move forward, the RDN does not currently have in place a process to access, approve and facilitate grant applications and project management for private corporations or individuals. However, should the application be approved by the Board, the RDN will arrange that an Agreement be signed with the SLCA to ensure that they undertake all fiscal responsibility for the project. The SLCA indicated they have resources and commitment to work with a consultant to successfully complete a Plan that will improve fire prevention planning for their area.

**ALTERNATIVES**

1. That the Board approves the SLCA application for the CWPP and enters in to an Agreement with the SLCA covering responsibility for their share of the project.
2. That the Board does not approve the SLCA application for the CWPP.

**FINANCIAL IMPLICATIONS**

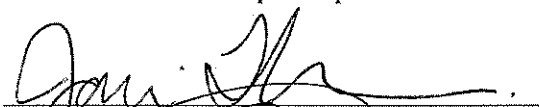
There are no financial implications to the Regional District as the SLCA has advised that they will provide their share of funding. This share is comprised of Fire Department and RDN staff time.


**SUMMARY/CONCLUSIONS**


The SLCA wishes to apply for funding from the province to complete a CWPP for their area. Staff believe that the project directly benefits community safety and an agreement between the RDN and the SLCA ensures responsibility for the 50% funding share.

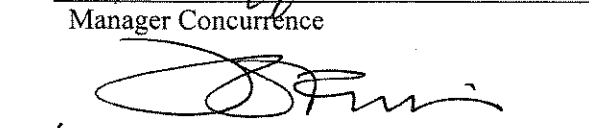
**RECOMMENDATION**

That the Spider Lake Community Association application for provincial funding under the *Community Wildfire Protection Plan* be approved and that an agreement with the Spider Lake Community Association be developed to provide assurance of payment for their project share.

  
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Report Writer

  
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General Manager Concurrence

  
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Manager Concurrence

  
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A/ C.A.O. Concurrence

COMMENTS:  
SLCA CWPP appl rpt oc 06