

REGIONAL DISTRICT OF NANAIMO

REGULAR BOARD MEETING

TUESDAY, JULY 22, 2008

7:00 PM

(RDN Board Chambers)

A G E N D A

PAGES

1. **CALL TO ORDER**
2. **DELEGATIONS**

8-9 **Jim Ramsay, Gabriola Transportation Association**, re Transportation Issues on Gabriola Island.
3. **BOARD MINUTES**

10-24 Minutes of the regular Board meeting held June 24, 2008.
4. **BUSINESS ARISING FROM THE MINUTES**
5. **COMMUNICATIONS/CORRESPONDENCE**
6. **UNFINISHED BUSINESS**

BYLAWS

For Adoption.

Bylaw No. 975.47 - Pump and Haul Local Service Area Boundary Amendment.
(All Directors – One Vote)

That Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.47, 2008 be adopted.

This bylaw is to amend the boundaries to exclude Lot 22, District Lot 74, Plan 29012, Cameron District and located at 910 Popular Way in Electoral Area 'F'.

Bylaw No. 799.08 – Electoral Area 'B' Community Parks Local Service Amendment. (All Directors – One Vote)

That Electoral Area 'B' Community Parks Local Service Amendment Bylaw No. 799.08, 2008 be adopted.

This bylaw is to permit financial support to operations and improvements to facilities owned and operated by incorporated non-profit organizations in Electoral Area 'B'.

Bylaw No. 1385.03 - Bow Horn Bay Fire Protection Local Service Area Boundary Amendment. (All Directors – One Vote)

That Bow Horn Bay Fire Protection Local Service Amendment Bylaw No. 1385.03, 2008 be adopted.

This bylaw is to amend the boundaries to include three properties located on Whistler Road in Electoral Area 'H'.

Bylaw No. 1439.02 – Extension Fire Service Area Boundary Amendment. (All Directors – One Vote)

That “Extension Fire Protection Service Area Boundary Amendment Bylaw No. 1439.02, 2008” be adopted.

This bylaw is to amend the boundaries to include six properties located on Kelsie Road and one property located on Richardson Road in Electoral Area 'C'.

25-26 **Bylaw No. 1540 – Electoral Area 'G' Official Community Plan.** (Electoral Area Directors except EA 'B' – One Vote)

That “Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008” be adopted.

This bylaw is to provide an official community plan for the unincorporated area surrounding Parksville and Qualicum Beach including the neighbourhoods of Dashwood, French Creek, San Pareil, and Englishman River.

Public Hearing & Third Reading.

27-211 **Bylaw No. 500.346 - Nanaimo Land Use and Subdivision Amendment Bylaw -** (Electoral Area Directors except EA 'B' – One Vote)

- 1. That the Report of the Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held Wednesday, July 9, 2008, together with all written submissions to the Public Hearing and Open House on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.346” be received.*
- 2. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.346, be granted third reading.*
- 3. That the “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.346” be forwarded to the Ministry of Transportation and Infrastructure for consideration of approval.*

This is a bylaw that recommends changes to the land use and subdivision bylaw to ensure that zoning regulations are consistent with the Electoral Area 'G' Official Community Plan implementation.

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

7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

212-213 Minutes of the Electoral Area Planning Committee meeting held July 8, 2008. (for information)

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60630D & Consideration of Park Land – Dave Scott on behalf of BCIMC Realty Corporation & 3536696 Canada Inc. No. A48904 (Fairwinds) – Rockcliffe & Bonnington Drive – Area E. (Electoral Area Directors except EA ‘B’ – One Vote)

- 1. That Development Permit No. 60630D submitted by Dave Scott, on behalf of BCIMC Realty Corporation, Inc. No. A41891 & 3536696 Canada Inc., Inc. No. A48904 (Fairwinds) for the property legally described as Lot 1, District Lot 78, Nanoose District, Plan VIP83117 and designated within the Sensitive Ecosystem Protection Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1 to 7 of the corresponding staff report, and the notification procedures pursuant to the Local Government Act.*
- 2. That the park land requirement pursuant to section 941 of the Local Government Act be calculated from the existing Fairwinds park land surplus.*

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

214-217 Minutes of the Committee of the Whole meeting held July 8, 2008. (for information)

COMMUNICATIONS/CORRESPONDENCE

Sheila Malcolmson, Gabriola Island Local Trustee, re Affordable Housing Needs Assessment Initiative, RDN Support. (All Directors – One Vote)

That the correspondence from Sheila Malcolmson regarding the Gabriola Local Trust Committee’s grant application for a community housing/affordable housing needs assessment, be received.

Alvin Hui, Alvin Hui Law Corporation, re Boat Harbour Proposal. (All Directors – One Vote)

That the correspondence from Alvin Hui Law Corporation regarding the proposed Boat Harbour development, be received.

DEVELOPMENT SERVICES

BUILDING & BYLAW

Notice of Bylaw Contravention – 1310 Wilson Road – Area ‘B’. (All Directors – One Vote)

Delegations wishing to speak to Bylaw Contravention at 1310 Wilson Road – Area ‘B’.

That staff be directed to register a Notice of Bylaw Contravention on title pursuant to Section 57 of the Community Charter and that legal action be taken to ensure Lot 7, Section 9, Gabriola Island, Nanaimo District, Plan 30347, is in compliance with the “Regional District of Nanaimo Building Regulation and Fees Bylaw No. 1250, 2000”.

ENVIRONMENTAL SERVICES

LIQUID WASTE

Pump and Haul Local Service Area Amendment Bylaw No. 975.48 – 1846 Ballenas Road – Area ‘E’. (All Directors – One Vote)

- 1. That the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to exclude Lot 24, DL 68, Plan 30341, Nanoose District. (1846 Ballenas Road, Electoral Area ‘E’)*
- 2. That “Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.48, 2008” be introduced and read three times.*

UTILITIES

Fairwinds Sewerage Facilities Local Service Area Amendment Bylaw No. 947.04 – Inclusion of Strata Lots 1 to 49, DL 78, Nanoose District, Plan VIS745 into the Fairwinds Sewerage Facilities Local Service Area – Area ‘E’. (All Directors – One Vote)

That “Fairwinds Sewerage Facilities Local Service Area Amendment Bylaw No. 947.04, 2008” be introduced and read three times.

Electoral Area ‘E’ Water Source Assessment Study – Information Report. (All Directors – One Vote)

That the Board receive the “Water Source Assessment Study for Electoral Area ‘E’ in the Regional District of Nanaimo” report for information.

COMMISSION, ADVISORY & SELECT COMMITTEE

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

- 1. That the minutes of the Electoral Area 'A' Parks and Green Space Advisory Committee meeting held May 15, 2008 be received for information.*
- 2. That the Ministry of Transportation be advised that the Electoral Area 'A' Parks and Green Space Advisory Committee has no objection to the proposed road closure of 2347 South Wellington Road.*

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

That the minutes of the Electoral Area 'E' Parks and Open Space Advisory Committee meeting held June 2, 2008 be received for information.

District 69 Recreation Commission.

(All Directors – One Vote)

- 1. That the minutes of the District 69 Recreation Commission meeting held June 19, 2008 be received for information.*

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

- 2. That the program, admission and rental fees for Oceanside Place in 2008/09 be approved as outlined in Appendix A.*
- 3. That the program, admission and rental fees for Ravensong Aquatic Centre in 2009 be approved as outlined in Appendix B.*
- 4. That Recreation Coordinating program fees and recovery rates, administration, fee and revenue-sharing percentage ratio for Term Instructor (Companies) agreements in 2009 be approved as outlined in Appendix C.*

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Natural Area Protection Tax Exemption Program (NAPTEP). (All Directors – One Vote)

That the Natural Area Protection Tax Exemption Program proposal be referred to staff for a report on the implications and staff recommendations.

Islands Trust Affordable Housing Needs Assessment Initiative. (All Directors – One Vote)

1. *That the Board forward a letter of support to the Islands Trust for their affordable housing needs assessment initiative.*
2. *That the request from Islands Trust for a funding commitment from the Regional District of Nanaimo as a "Project Partner" be referred to staff for a report.*

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

Electoral Area 'A' Recreation & Culture Commission.

218-224 Minutes of the Electoral Area 'A' Recreation & Culture Commission meeting held July 9, 2008. (for information)

(All Directors – One Vote)

1. *That the Electoral Area 'A' Recreation and Culture Service Delivery Options Update report be received as information.*

(All Directors – Weighted Vote)

2. *That the Grant-In-Aid request in the amount of \$598 from the South Wellington and Area Community Association to provide badminton and yoga programs be approved.*
3. *That the Grant-In-Aid request in the amount of \$1,500 from the Yellow Point Drama Group to purchase a portable storage trailer be approved.*
4. *That the Grant-In-Aid request in the amount of \$876 from Cedar Family of Community Schools and the Cedar School & Community Enhancement Society to provide the Run, Jump, Throw program be approved.*

7.5 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

8. ADMINISTRATOR'S REPORTS

225-230 Application to the Union of British Columbia Municipalities (UBCM) Emergency Planning Grant. (All Directors – One Vote)

Pacific Coach Lines Agreement – Duke Point Ferry Service. (Report to be circulated)
(All Directors – Weighted Vote)

231-232 Coombs Hilliers Volunteer Fire Department – Release of Reserve Funds Equipment Truck. (All Directors – Weighted Vote)

233-241 Gabriola Island Community Hall Association – Funding Agreement. (All Directors – Weighted Vote)

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

That pursuant to Section 90(1) (c) and (e) of the Community Charter the Board proceed to an In Camera meeting to consider items related to labour relations & land issues.

Burgoyne, Linda

From: Jim Ramsay [jgramsay@telus.net]
Sent: Thursday, July 03, 2008 2:24 PM
To: Burgoyne, Linda
Subject: Delegation Appearance to RDN Board
Attachments: GTApresrelease1.doc

Linda: Further to our conversation, this will confirm my request that the Board of Directors of the Gabriola Transportation Association make a delegation appearance to the RDN Board, hopefully on July 22, 2008.

Attached is a Press Release which outlines the particulars of this new society. In our delegation appearance, we plan to review the current transportation issues on Gabriola and how they relate to the RDN.

Please confirm that you will be able to fit us on the agenda for the July 22 RDN Board meeting.

Thanks, Jim

Jim Ramsay
2445 Spring Beach Drive, Gabriola, BC V0R 1X7
Phone/Fax: (250) 247-9374

7/10/2008

PRESS RELEASE

The Gabriola Transportation Association (GTA) has just been incorporated under the Society Act of British Columbia.

The purposes of GTA are as follows:

- (a) To co-ordinate local and inter-regional transportation by land, sea and air on behalf of the residents of Gabriola Island, British Columbia;
- (b) To assist all Gabriola Island residents in dealing with governments and governmental agencies in respect of land, sea and air transportation issues, and related infrastructure including roads;
- (c) To develop and promote transportation alternatives which reduce costs and environmental impacts.

All Island voters are nominally members of GTA, as are young people aged 14 to 18 who would be qualified to vote if aged 19 or over.

There are many ongoing transportation issues related to Island roads and Ferry services, in particular, and it is hoped that a registered Society will be more successful than individuals and ad hoc groups in dealing with the various levels of government and governmental agencies that provide transportation services to Gabriola.

The founding directors of GTA are Jim Ramsay, André Lemieux, Erik Andersen John Woods and Randy Young. As President of the Ratepayers' Association, Erik is coordinating the ongoing issues with road conditions, while André is Chair of our Ferry Advisory Committee.

Considerable interest has been expressed by many Gabriolans for a bus service as well as a ride share program. GTA plans to establish committees to deal with these initiatives.

The first Annual General Meeting of GTA will be held in the fall, probably October. In the meantime, the founding directors will be speaking to various community groups and organizations about transportation issues in our community.

The GTA website is www.GabriolaTransportation.org. For more information contact info@gabriolatransportation.org or Jim Ramsay at 250-247-9374.

-- END --

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, JUNE 24, 2008, AT 7:03 PM IN THE
RDN BOARD CHAMBERS**

Present:

Director J. Stanhope	Chairperson
Director J. Burnett	Electoral Area A
Director B. Sperling	Electoral Area B
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director 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 B. Bestwick	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director J. Manhas	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director M. Unger	City of Nanaimo

Also in Attendance:

C. Mason	Chief Administrative Officer
M. Pearse	Sr. Mgr. of Corporate Administration
N. Avery	Gen. Mgr., Finance & Information Services
T. Osborne	Gen. Mgr. of Recreation & Parks
J. Finnie	Gen. Mgr. of Environmental Services
P. Thorkelsson	Gen. Mgr. of Development Services
D. Trudeau	Gen. Mgr. of Transportation & Solid Waste Services
N. Tonn	Recording Secretary

DELEGATIONS

Lee-Anne Dore, MCSEEDS Society, re Agriculture Therapeutic Community.

Ms. Dore was not in attendance.

LATE DELEGATIONS

MOVED Director Holme, SECONDED Director Burnett, that the following delegation be permitted to address the Board.

CARRIED

Randy O'Donnell, re Tax Rates.

Mr. O'Donnell raised his concerns with respect to the continual increases in taxation within the Regional District and requested that the Board curtail excessive spending wherever possible.

BOARD MINUTES

MOVED Director Korpan, SECONDED Director McNabb, that the minutes of the regular Board meeting held May 27, 2008 be adopted.

CARRIED

BUSINESS ARISING FROM THE MINUTES

Board Minutes dated May 27, 2008.

MOVED Director Bartram, SECONDED Director Holdom, that the motion regarding the award of tender for a tractor loader at the Regional Landfill, from the Regular Board meeting held May 27, 2008, be rescinded.

CARRIED

Award of Tender – Tractor Loader at Regional Landfill.

MOVED Director Bartram, SECONDED Director Burnett, that Finning (Canada) Ltd. be awarded the supply of a Caterpillar 963D track loader including a guaranteed sale back and that the General Manager, Finance and Information Services, be authorized to execute a four year lease financing agreement with the Municipal Finance Authority at an approximate net value of \$232,105.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

G. Campbell, Premier, & I. Chong, Minister, re Comments on LocalMotion and Towns for Tomorrow Initiatives.

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from Premier Campbell and Minister Ida Chong regarding the LocalMotion and Towns for Tomorrow initiatives be received.

CARRIED

S. Clark, UBCM, re Community Tourism Program (Phase 2) E & N Rail Feasibility Study.

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from UBCM regarding the approval of the RDN's application for funding through Phase 2 of the Community Tourism granting program be received.

CARRIED

D. Derby, Cowichan Valley Regional District, re Temporary Use of Firefighting Vehicles.

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from the Cowichan Valley Regional District regarding temporary use of firefighting vehicles be received.

CARRIED

W.J. Peake, Cowichan Valley Regional District, re North Oyster Fire Protection Services Membership Amendment.

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from the Chairperson of the Cowichan Valley Regional District Board of Directors regarding changes to the North Oyster Fire Protection Service Commission membership be received.

CARRIED

R. Kusel, re Development Variance Permit Application No. 90806 – Mardaga – 3790 Mallard Place – Area ‘E’.

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from R. Kusel regarding Development Variance Permit Application No. 90806 be received.

CARRIED

T. & L. Bates, re Development Variance Permit Application No. 90806 – Mardaga – 3790 Mallard Place – Area ‘E’.

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from T. and L. Bates regarding Development Variance Permit Application No. 90806 be received.

CARRIED

R. & R. Brandt, re Development Variance Permit Application No. 90809 – Lylyk – 3980 Bovanis Road – Area ‘H’.

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from R. and R. Brandt regarding Development Variance Permit Application No. 90809 be received.

CARRIED

NALT (Nanaimo & Area Land Trust), re Ban on Cosmetic Pesticides.

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from the Nanaimo and Area Land Trust regarding the Canadian Cancer Society’s request for a ban on the use of cosmetic pesticides, be received.

CARRIED

SWACA (South Wellington & Area Community Association), re Ban on Cosmetic Pesticides.

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from the South Wellington and Area Community Association in favour of the Canadian Cancer Society’s request for a ban on cosmetic pesticides be received.

CARRIED

J. Moore, re Electoral Area ‘G’ OCP & Associated Amending Zoning Bylaw.

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from J. Moore regarding the Electoral Area ‘G’ Official Community Plan and the associated amending zoning bylaw, be received.

CARRIED

R.A. McQueen, re Electoral Area ‘G’ OCP & Associated Amending Zoning Bylaw.

MOVED Director Holme, SECONDED Director Manhas, that the correspondence from R.A. McQueen in support of the Electoral Area ‘G’ Official Community Plan and the associated amending zoning bylaw, be received.

CARRIED

UNFINISHED BUSINESS

BYLAWS

For Adoption.

Bylaw No. 813.43.

MOVED Director Westbrook, SECONDED Director Bartram, that "French Creek Sewer Local Service Area Amendment Bylaw No. 813.43, 2008" be adopted.

CARRIED

Bylaw No. 889.49.

MOVED Director Holme, SECONDED Director Westbrook, that "Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.49, 2008" be adopted.

CARRIED

Bylaw No. 964.04.

MOVED Director Westbrook, SECONDED Director Biggemann, that "Dashwood Fire Protection Local Service Area Amendment Bylaw No. 964.04, 2008" be adopted.

CARRIED

Bylaw No. 1543.

MOVED Director Burnett, SECONDED Director Holme, that "Liquid Waste Management Planning Service Establishment Bylaw No. 1543, 2008" be adopted.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

MOVED Director Bartram, SECONDED Director Manhas, that the minutes of the Electoral Area Planning Committee meeting held June 10, 2008 be received for information.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Bylaw No. 500.346 – Electoral Area 'G' Official Community Plan Implementation.

MOVED Director Bartram, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.346, 2008" be given 1st and 2nd reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that staff hold an Open House prior to the Public Hearing.

CARRIED

MOVED Director Bartram, SECONDED Director Burnett, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.346, 2008” proceed to a Public Hearing.

CARRIED

MOVED Director Bartram, SECONDED Director Burnett, that the Public Hearing on the amended “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.346, 2008” be delegated to Director Stanhope or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60820 & Request for Relaxation – Fern Road Consulting Ltd., on behalf of Deas – Leon Road – Area ‘H’.

MOVED Director Bartram, SECONDED Director Holme, that Development Permit Application No. 60820, submitted by Fern Road Consulting Ltd., on behalf of J. Deas, in conjunction with the subdivision of the parcels legally described as Lots C and D, Both of District Lot 19, Newcastle District, Plan VIP77157 and designated within the Environmentally Sensitive Features Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that the request for relaxation of the minimum 10% frontage requirement for the proposed Lot 2, as shown on the plan of subdivision of Lots C and D, Both of District Lot 19, Newcastle District, Plan VIP77157, be approved subject to the conditions set out in Schedule No. 1 of the corresponding staff report.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90809 – Lylyk – 3980 Bovanis Road – Area ‘H’.

MOVED Director Bartram, SECONDED Director Burnett, that Development Variance Permit Application No. 90809 to construct a single family dwelling located at Lot 12, District Lot 85, Newcastle District, Plan 23173, be approved subject to the conditions outlined in Schedules No. 1 to 5.

CARRIED

Development Variance Permit Application No. 90806 – Mardaga – 3790 Mallard Place – Area ‘E’.

Mr. Bill Lineham spoke in favour of the application.

Mr. Tom Bates noted that the bulk of the proposed dwelling is closest to the water, and that an alternate positioning of the dwelling would result in less impact to surrounding properties.

MOVED Director Holme, SECONDED Director Bartram, that Development Variance Permit Application No. 90806, to permit the construction of a residential dwelling and accessory building with a minimum setback from the natural boundary of the sea of 9.6 m on the property legally described as Lot 22, District Lot 78, Nanoose District, Plan 28595, be approved subject to the conditions outlined in Schedules No. 1 to 3.

CARRIED

OTHER

Request for Relaxation – JE Anderson, BCLS on behalf of Arthur & Diablo Arthur – Caledonia, Sontera & Bratt Roads – Area ‘A’.

MOVED Director Burnett, SECONDED Director Bartram, that the request to relax the minimum 10% frontage requirement for Proposed Lot 2, submitted by JE Anderson, BCLS on behalf of J. Arthur and B. Diablo Arthur, in conjunction with the proposed subdivision of Lot 1, Sections 11 & 12, Ranges 6 & 7, Cranberry District, Plan VIP72470, be approved.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director Westbroek, SECONDED Director Manhas, that the minutes of the Committee of the Whole meeting held June 10, 2008 be received for information.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

T. Scott, Boat Harbour & Area Residents Committee, re Boat Harbour Proposal.

MOVED Director Burnett, SECONDED Director Manhas, that the correspondence from the Boat Harbour & Area Residents Committee regarding the proposed Boat Harbour project, be received.

CARRIED

CORPORATE ADMINISTRATION SERVICES

COMMUNICATIONS

Public Consultation/Communication Framework.

MOVED Director Brennan, SECONDED Director Herle, that the amended Public Consultation/Communication Framework be approved.

CARRIED

FINANCE AND INFORMATION SERVICES

FINANCE

Quarterly Financial Statements.

MOVED Director Westbroek, SECONDED Director Manhas, that the summary report of financial results from operations to April 30, 2008 be received for information.

CARRIED

Bow Horn Bay Fire Protection Local Service Area Amendment Bylaw No. 1385.03.

MOVED Director Bartram, SECONDED Director Herle, that “Bow Horn Bay Fire Protection Local Service Area Amendment Bylaw No. 1385.03, 2008” be introduced and read three times.

CARRIED

Temporary Storage of Firefighting Vehicles (Meadowood).

MOVED Director Biggemann, SECONDED Director Burnett, that the Chairperson and the Senior Manager, Corporate Administration, execute a lease for the purpose of storing firefighting vehicles and equipment, between the Regional District of Nanaimo and Pat and Janis McPhalen, with respect to a building located at 1897 Galvin Place, at a monthly cost of \$375 as outlined in this report.

CARRIED

DEVELOPMENT SERVICES**BUILDING & BYLAW****Notice of Bylaw Contravention – 2835 Shady Mile Way – Area ‘C’.**

MOVED Director Young, SECONDED Director Korpan, that staff be directed to register a Notice on title pursuant to Section 57 of the Community Charter and take the necessary legal action to ensure Strata Lot B, Section 15, Range 4, Plan VIS5559, Mountain District Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, is in compliance with “Regional District of Nanaimo Building Regulations & Fees Bylaw No. 1250, 2001”.

CARRIED

Notice of Bylaw Contravention – 1995 Walsh Road – Area ‘A’.

MOVED Director Burnett, SECONDED Director Young, that staff be directed to register a Notice on title pursuant to Section 57 of the Community Charter and take the necessary legal action to ensure Lot 3, Section 16, Range 8, Plan 25384, Cranberry District, is in compliance with “Regional District of Nanaimo Building Regulations & Fees Bylaw No. 1250, 2001”.

CARRIED

Notice of Bylaw Contravention – 2161 Walsh Road – Area ‘A’.

MOVED Director Burnett, SECONDED Director McNabb, that staff be directed to register a Notice on title pursuant to Section 57 of the Community Charter and should the outstanding bylaw contraventions not be resolved within ninety (90) days, that legal action be pursued to ensure Lot 1, Section 16, Range 1, Plan 47095, Cedar Land District, is in compliance with “Regional District of Nanaimo Building Regulations & Fees Bylaw No. 1250, 2001”.

CARRIED

Notice of Bylaw Contravention – 3470 Juriet Road – Area ‘A’.

MOVED Director Burnett, SECONDED Director Young, that if a Professional Engineer’s certification is not received within three (3) weeks, staff be directed to register a Notice on title pursuant to Section 57 of the Community Charter and take the necessary legal action to ensure Lot A, Section 4, Range 6, Plan VIP81417, Cedar Land District, is in compliance with “Regional District of Nanaimo Building Regulations & Fees Bylaw No. 1250, 2001” and “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”.

CARRIED

EMERGENCY PLANNING**Search & Rescue Establishing Bylaw No. 1552.**

MOVED Director Holdom, SECONDED Director McNabb, that elector assent for the participating areas be obtained by using the alternative approval process for the entire District 68 service area.

CARRIED

MOVED Director Holdom, SECONDED Director McNabb, that "Southern Community Search and Rescue Contribution Service Bylaw No. 1552, 2008" be introduced for first three readings, forwarded to the Ministry of Community Services for approval and proceed through the alternative approval process to obtain assent of the electors in the Municipalities of Nanaimo and Lantzville and Electoral Areas 'A', 'B' and 'C'.

CARRIED

MOVED Director Holdom, SECONDED Director McNabb, that the attached Search and Rescue Contribution Service Electoral Response Form be approved for use with Bylaw No. 1552.

CARRIED

MOVED Director Holdom, SECONDED Director McNabb, that staff be directed to begin discussions with the Arrowsmith Search and Rescue and the northern communities for the establishment of a similar contribution service for District 69.

CARRIED

Emergency Management Agreement Renewal.

MOVED Director Korpan, SECONDED Director McNabb, that the Emergency Management Agreement with the City of Nanaimo, the District of Lantzville, the City of Parksville, the Town of Qualicum Beach and the Qualicum, Nanoose and Snuneymuxw First Nations be renewed, as presented, for a five year term from May 1, 2008 to May 1, 2013.

CARRIED

PLANNING

Agricultural Advisory Committee.

MOVED Director Bartram, SECONDED Director Biggemann, that this item be referred back to staff for further discussion at a Board seminar.

CARRIED

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

Boat Harbour Resort – Compliance with Policy 6C of the Regional Growth Strategy.

MOVED Director Burnett, SECONDED Director Manhas, that the proposed tourist resort at Boat Harbour meets the conditions for a destination resort as outlined in Policy 6C of the RGS.

CARRIED

Director Brennan returned to the meeting.

Built Environment & Active Transportation Community Planning Grant.

MOVED Director McNabb, SECONDED Director Manhas, that the Regional District of Nanaimo Board support the submission of a full application package for a community planning grant to the Union of British Columbia Municipalities to develop an Active Transportation Plan for Electoral Area 'A'.

CARRIED

MOVED Director McNabb, SECONDED Director Manhas, that the Board authorize staff to provide overall grant and financial management.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

Pump and Haul Local Service Area Amendment Bylaw No. 975.47 – Exclusion of 910 Poplar Way – Area ‘F’.

MOVED Director Biggemann, SECONDED Director McNabb, that the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to exclude Lot 22, DL 74, Plan 29012, Cameron District, (910 Poplar Way, Electoral Area ‘F’).

CARRIED

MOVED Director Biggemann, SECONDED Director McNabb, that “Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.47, 2008” be introduced and read three times.

CARRIED

French Creek Pollution Control Centre – Stage 3 Upgrade (Phase 1B) – Bylaw No. 1554.

MOVED Director Manhas, SECONDED Director Burnett, that D. Robinson Contracting Ltd. be awarded the construction phase of FCPCC Stage 3 (Phase 1B) Upgrade project – Grit Channel/Skimming Upgrade for the tendered amount of \$567,000.

CARRIED

MOVED Director Westbroek, SECONDED Director Herle, that Northern Community Development Cost Charge funds in the amount of \$645,105 be approved as a source of funds for this project.

CARRIED

MOVED Director Manhas, SECONDED Director Holme, that “Northern Community Sewer Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1554, 2008” be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Holdom, that “Northern Community Sewer Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1554, 2008” be adopted.

CARRIED

UTILITIES

Nanoose Bay Peninsula Water Service Area – Well Sequencing Approach.

MOVED Director Holme, SECONDED Director McNabb, that the Board approve the Well Sequencing approach to reduction of iron and manganese in the Nanoose Bay Peninsula Water Service Area.

CARRIED

San Pareil Water Service – Installation of Well Head Works – Bylaw No. 1395.

MOVED Director Westbroek, SECONDED Director Herle, that the Board authorize a drawdown of \$110,000 from the “San Pareil Water Service Security Issuing Bylaw No. 1395, 2004” for the installation of the San Pareil #3 well head works.

CARRIED

TRANSPORTATION AND SOLID WASTE SERVICES

SOLID WASTE

Residential Food Waste Field Test Survey.

MOVED Director Holme, SECONDED Director Sperling, that the Board receive the Residential Food Waste Collection Field Test summary and analysis of survey responses and focus group report for information.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

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

MOVED Director Holme, SECONDED Director Manhas, that the minutes as amended, of the Electoral Area 'E' Parks and Open Space Advisory Committee meeting held April 7, 2008 be received for information.

CARRIED

MOVED Director Holme, SECONDED Director Manhas, that the Nanoose Bay Parents Advisory Committee playground project at Nanoose Bay Elementary School be referred to Parks staff for review, which would include liability insurance, the overall cost of the project and ownership of the equipment once installed, and in addition should the project be deemed feasible, the Committee will revisit the issue prior to the 2009 budget process to consider funding.

CARRIED

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

MOVED Director Biggemann, SECONDED Director Burnett, that the minutes of the Electoral Area 'F' Parks and Open Space Advisory Committee meeting held April 21, 2008 be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Manhas, that the minutes of the District 69 Recreation Commission meeting held May 22, 2008 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Westbroek, that the District 69 Recreation Commission review in the fall 2008 and winter 2009 the Ravensong Aquatic Centre expansion project and prepare a recommendation on the future of the project.

CARRIED

MOVED Director Bartram, SECONDED Director Westbroek, that the Regional District continue to use the Recreation and Parks Department's 15-passenger van with changes to procedures, and limitations and restrictions, as outlined in Appendix I to be written in a formal policy and procedure, and that staff continue to explore alternative modes of transportation.

CARRIED

MOVED Director Bartram, SECONDED Director Herle, that the following District 69 Youth and Community Recreation Grants be approved:

Youth Recreation Grants:

<i>Community Group</i>	<i>Recommended</i>
Bard to Broadway (Teen Musical Theatre)	\$ 1,650
District 69 Family Resource Association (Youth bus supplies)	\$ 1,500
Kidfest – youth events	\$ 1,000
One Five One – arts materials	\$ 1,500
Qualicum First Nation – youth event	\$ 1,300

Community Recreation Grants:

<i>Community Group</i>	<i>Recommended</i>
Bard to Broadway (Pacific Vocal Institute)	\$ 1,650
Building Learning Together (WOW Bus Supplies)	\$ 800
Coombs Candy Walk	\$ 1,500
Family Resource Association – Family Days	\$ 1,500
District 69 Mixed Orthodox League (Team equipment/uniforms)	\$ 1,000
Oceanside Ebbitide Slo-Pitch (Equipment)	\$ 1,000
Parksville Curling Club (Equipment for Special Olympics & Beginner Clinics)	\$ 1,145
Parksville Seniors Athletic Group – Equipment	\$ 1,000
Qualicum Beach Museum (Harvest Festival/Children’s Museum Day)	\$ 950
Qualicum Beach Seedy Saturday (Cloth grocery bags)	\$ 1,000

CARRIED

MOVED Director Bartram, SECONDED Director Herle, that the Community Grant in Aid request received from The Nature Trust of BC, Brant Wildlife Festival in the amount of \$1,500, be deferred to the 2009 Grant in Aid program.

CARRIED

MOVED Director Bartram, SECONDED Director Herle, that the Building Learning Together Community Grant in Aid request in the amount of \$2,500 be received, and that a Transportation Plan be submitted to the District 69 Recreation Commission prior to final approval of the grant request.

CARRIED

MOVED Director Bartram, SECONDED Director Herle, that the Community Grant in Aid request Building Learning Together for Goosetrax in the amount of \$1,500 to purchase swim/skate program passes be denied, as the swim/skate passes have already been donated to the organization through a separate request.

CARRIED

MOVED Director Bartram, SECONDED Director Herle, that staff prepare a Memorandum of Understanding with the Lighthouse Recreation Commission on the provision of Recreation Services in Electoral Area 'H'.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Proposed Memorandum of Understanding for Evacuation and/or Civil Emergency.

MOVED Director Holdom, SECONDED Director Manhas, that the proposal from the Nanaimo Correctional Centre for a memorandum of understanding for evacuation and/or civil emergency at the Correctional Centre be referred back to staff for further information.

CARRIED

RISE AND REPORT

Wind Farm Proposal – 707 Acre Community Park – Area 'B'.

MOVED Director Sperling, SECONDED Director Unger, that the request from Zero Emission Energy Development to investigate and develop a wind farm on the 707 acre Electoral Area 'B' Community Parkland on Gabriola Island be denied.

CARRIED

K. Zakreski, Gabriola Radio Society, re Tower at 707 Acre Community Park – Area 'B'.

MOVED Director Sperling, SECONDED Director Herle, that the request from the Gabriola Radio Society to erect a tower in the 707 community park on Gabriola Island, be denied.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Selection Committee Appointments.

Electoral Area 'A' Parks & Green Space Advisory Committee.

MOVED Director Bartram, SECONDED Director Holme, that J. David Flynn be appointed to the Electoral Area 'A' Parks and Green Space Advisory Committee for a term ending December 31, 2009.

CARRIED

Nanoose Bay Parks & Open Space Advisory Committee.

MOVED Director Bartram, SECONDED Director Holme, that Bonnie Whipple be appointed to the Nanoose Bay Parks and Open Space Advisory Committee for a term ending December 31, 2009.

CARRIED

Sustainable Future Awards Advisory Committee.

MOVED Director Bartram, SECONDED Director Holme, that Margaret Healey be appointed to the Sustainable Future Awards Advisory Committee as a School District 69 representative for a term ending December 31, 2009.

CARRIED

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

MOVED Director Bartram, SECONDED Director Herle, that the minutes of the Electoral Area 'H' Parks and Open Space Advisory Committee meeting held May 22, 2008 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Herle, that the Regional District request that the Ministry of Transportation retain a minimum six metre wide Easement/Right of Way for potential pedestrian and public use, on the portion of Fowler Road adjacent to Lot 23, District Lot 81, Newcastle Land District, Plan 1967 when considering the Road Closure request.

CARRIED

ADMINISTRATOR'S REPORTS

Extension Fire Protection Service Area Boundary Amendment Bylaw No. 1439.02 – Inclusion of Properties on Kelsie & Richardson Roads – Area 'C'.

MOVED Director Young, SECONDED Director Burnett, that "Extension Fire Protection Service Area Boundary Amendment Bylaw No. 1439.02, 2008" be introduced and read three times.

CARRIED

Meadowood Fire Protection Service Loan Authorization Amendment Bylaw No. 1510.01.

MOVED Director Biggemann, SECONDED Director Bartram, that "Meadowood Fire Protection Service Loan Authorization Amendment Bylaw No. 1510.01, 2008" be introduced for three readings and be forwarded to the Ministry of Community Development for approval.

CARRIED

MOVED Director Biggemann, SECONDED Director Bartram, that "Meadowood Fire Protection Service Loan Authorization Amendment Bylaw No. 1510.01, 2008" be presented for approval of the electors when approval is received from the Inspector of Municipalities, by way of an alternative approval process.

CARRIED

MOVED Director Biggemann, SECONDED Director Bartram, that the Elector Response Form as attached to the staff report be approved.

CARRIED

Yellowpoint Waterloo Fire Protection Service Area Amendment Bylaw No. 1388.01 & Loan Authorization Bylaw No. 1549.

MOVED Director Burnett, SECONDED Director Young, that "Yellowpoint Waterloo Fire Protection Service Area Amendment Bylaw No. 1388.01, 2008" be introduced for first three readings.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that "Yellowpoint Waterloo Fire Protection Service Area Loan Authorization Bylaw No. 1549, 2008" be introduced for first three readings and be forwarded to the Ministry of Community Development for approval.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that "Yellowpoint Waterloo Fire Protection Service Area Loan Authorization Bylaw No. 1549, 2008" when approval is received from the Inspector of Municipalities, be presented for approval of the electors by way of an alternative approval process.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the Elector Response Form as attached to the staff report be approved.

CARRIED

Cranberry Fire Protection Lease & Transfer Agreement.

MOVED Director Burnett, SECONDED Director Young, that the agreement between the Cranberry Fire Protection District and the Regional District of Nanaimo covering the use of land, buildings and equipment at 3500 Hallberg Road, including the final transfer of ownership of the land, buildings and equipment to the Cranberry Fire Protection District for a term covering January 1, 2009 to December 29, 2023 be approved as presented.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that this agreement be presented for approval of the electors by way of an alternative approval process.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the Elector Response Form previously approved for Bylaw No. 1549, which includes an outline of the lease and transfer agreement be used for this alternative approval process.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Comments on LocalMotion and Towns for Tomorrow Initiatives.

MOVED Director Burnett, SECONDED Director Young, that a letter be sent to the Minister of Community Development and the Premier recommending:

That the "Towns for Tomorrow" program be amended to include both municipalities and electoral areas with populations less than 10,000 as eligible for the program to provide the same opportunities as those offered to municipalities with populations below 5,000; and further,

That the "LocalMotion" program be amended to include finding assistance for the planning of capital projects to make communities greener, healthier and more active and accessible places in which to live.

CARRIED

North Oyster Fire Protection Services Membership Amendment.

MOVED Director Burnett, SECONDED Director Young, that the Board respond to the CVRD expressing our disappointment in the CVRD Board's decision to amend the Commission Membership Bylaw No. 3080 to remove RDN participation from the Commission prior to the termination of the service contract which does not expire until December 31, 2008.

CARRIED

BOARD INFORMATION

Municipal Pension Retirees' Association -- Group Health Benefits.

MOVED Director Brennan, SECONDED Director Korpan, that staff prepare a report clarifying the intent of the City of Langford's resolution to the Provincial Government and UBCM regarding an increase in funding designated for Group Health Benefits to assist Municipal Pension retirees and further, if this increase is to be applied to municipal payrolls, what the cost would be to the local governments.

CARRIED

IN CAMERA

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

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:22 PM

CHAIRPERSON

SR. MGR., CORPORATE ADMINISTRATION



RDN REPORT		
CAO APPROVAL <i>(Signature)</i>		
EAP		
COW		
JUL - 9 2008		
RHD		
BOARD	✓	July 22/08

MEMORANDUM

TO: Paul Thompson
Manager of Long Range Planning

DATE: July 8, 2008

FROM: Greg Keller
Senior Planner

FILE: 6480 01 EA G

SUBJECT: Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008
Electoral Area 'G'

PURPOSE

To consider "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" for adoption.

BACKGROUND

Following an extensive public consultation process including a Public Hearing held on March 18, 2008, the Board granted 3rd reading to the bylaw on April 22, 2008 and referred it to the Minister of Community Development (formally known as the Ministry of Community Services) for consideration of approval. The Minister provided the required Statutory Approval on July 4, 2008.

ALTERNATIVES

1. To adopt "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008."
2. To not adopt "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" and provide staff with further direction.

MINISTER OF COMMUNITY SERVICES APPROVAL

The bylaw is subject to approval by the Minister of Community Development. The Minister provided the required Statutory Approval on July 4, 2008; therefore, the Board may consider adoption of Bylaw No. 1540, 2008.

VOTING

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

SUMMARY

"Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" was considered by the Board and given 1st and 2nd reading on January 22, 2008. Subsequent to that, an Open House was held on March 3, 2008 followed by a Public Hearing on March 18, 2008. The Board granted 3rd reading on April 22, 2008. Approval pursuant to the *Local Government Act* was received from the Minister of Community Development on July 4, 2008. Therefore, this bylaw may now be considered for adoption.

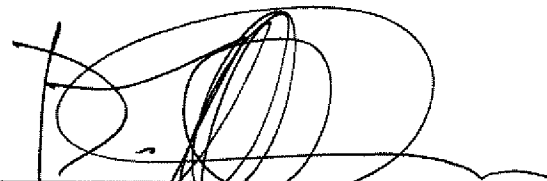
The following recommendation is provided for consideration by the Board.

RECOMMENDATION

That "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008", be adopted.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence



RDN REPORT		
CAO APPROVAL		
EAP		
CGW		
JUL 14 2008		
RHD		
BOARD		DATE:
Planning		

MEMORANDUM

TO: Paul Thompson
Manager of Long Range Planning

DATE: July 11, 2008

FROM: Greg Keller
Senior Planner

FILE: 3360 30 0803

SUBJECT: Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.346, 2008 (Electoral Area 'G' Official Community Plan Implementation)

PURPOSE

To receive the comments from the Open House held June 17, 2008 and the report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held July 9, 2008 both on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500, 346", and further, to consider Bylaw No. 500.346 for 3rd reading.

BACKGROUND

The Electoral Area 'G' Official Community Plan (OCP) review process has been underway since April 2006. The Official Community Plan received approval from the Minister of Community Development on July 4, 2008 and it is anticipated that the Board will consider 4th reading (adoption) on July 22, 2008.

Proposed Bylaw No. 500.346 is intended to implement some of the policies contained in the new Electoral Area 'G'; Official Community Plan by making a number of changes to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". Activities related to Bylaw No. 500.346 include the following:

Open House

An open house was held from 2:00 – 8:00 pm on June 17, 2008 at the St. Columba Presbyterian Church Hall located at 921 Wembley Road to provide an opportunity for the community to view, discuss, and ask questions about the proposed bylaw. Approximately 30 people attended the Open House. Overall discussions were of a positive nature. Comments received at the Open House were available at the Public Hearing. (see Attachment No. 4 for copies of all comments received at the Open House.)

1st and 2nd Reading

The Regional Board granted 1st and 2nd reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500, 346" at its regular meeting held on June 24, 2008.

Bylaw Referrals

The Bylaw was referred to the Town of Qualicum Beach, City of Parksville, Ministry of Transportation and Infrastructure, Ministry of Environment, Integrated Land Management Bureau, Agriculture Land Commission, Fisheries and Oceans Canada, Vancouver Island Health Authority, School District No. 69, Qualicum First Nation, Nanoose First Nation, Ministry of Forests & Range, Ministry of Energy, Mines,

and Petroleum Resources, Canadian Wildlife Service, Ministry of Agriculture, EPCOR, and the Little Qualicum Waterworks District. A summary of the agency referral comments was available at the Public Hearing and is included in Attachment No. 3.

Public Hearing

A public hearing was held pursuant to the *Local Government Act* on July 9, 2008 with approximately 33 persons in attendance (see Attachment No. 1 for the Report of the Public Hearing and Attachment No. 2 for the written submissions to the Public Hearing).

ALTERNATIVES

1. To receive the Report of the Public Hearing, grant 3rd reading to Bylaw No. 500.346, 2008 and to refer the Bylaw to the Ministry of Transportation and Infrastructure for consideration of approval.
2. To receive the Report of the Public Hearing on Bylaw No. 500.346, 2008 and not grant 3rd reading and provide staff with further direction.

PUBLIC CONSULTATION IMPLICATIONS

A new OCP for Electoral Area 'G' will be adopted soon. The new OCP is the result of a two-year-long planning process involving extensive public consultation with residents, property owners, stakeholders, municipal, provincial, and federal agencies. Proposed Bylaw No. 500.346 is the next logical step following the OCP review process and is required to implement the policies contained in the new OCP. If the proposed bylaw is not approved, a number of implementation actions recommended by the new OCP will remain outstanding.

INTERGOVERNMENTAL IMPLICATIONS

Should the Regional Board grant 3rd reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500, 346", the Bylaw will be referred to the Ministry of Transportation and Infrastructure for consideration of approval.

Following 3rd reading and the Ministry of Transportation and Infrastructure's approval, the Board may consider the Bylaw for adoption.

SUSTAINABILITY IMPLICATIONS

The proposed bylaw is consistent with the direction provided by the Regional District of Nanaimo Board Strategic Plan, the Regional Growth Strategy, the new OCP, and the recently signed Climate Change Action Charter. In addition, the proposed zoning changes are consistent with the Regional District of Nanaimo's efforts to become a more sustainable region such as protecting rural integrity, greenhouse gas reduction, and aquifer protection.

VOTING

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

SUMMARY

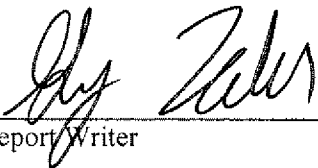
An open House was held on June 17, 2008. The Regional Board gave 1st and 2nd reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500, 346" during its regular Board meeting held on June 24, 2008. Referrals were sent to various agencies requesting comments on the proposed bylaw.

In accordance with the *Local Government Act*, a Public Hearing was held on July 9, 2008 with approximately 33 residents in attendance. The Report of the Public Hearing and written submissions to this public hearing are attached for the Board's consideration.

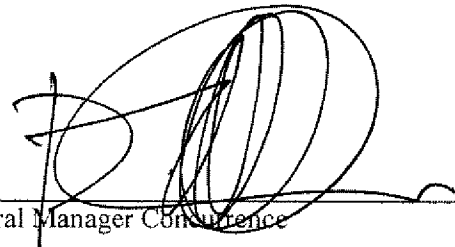
"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500, 346, 2008" has fulfilled all requirements of the *Local Government Act* and may now be considered for 3rd reading.

RECOMMENDATIONS

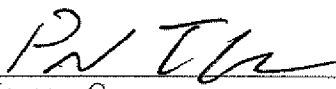
1. That the Report of the Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held Wednesday, July 9, 2008, together with all written submissions to the Public Hearing and Open House on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500, 346" be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500, 346" be granted 3rd reading.
3. That the "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500, 346" be forwarded to the Ministry of Transportation and Infrastructure for consideration of approval.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

Attachment No. 1
REPORT OF THE PUBLIC HEARING HELD WEDNESDAY, July 9, 2008 AT 7:00 PM AT ST. COLUMBIA PRESBYTERIAN CHURCH HALL, 921 WEMBLEY ROAD, PARKSVILLE, BC TO CONSIDER "REGIONAL DISTRICT OF NANAIMO LAND USE AND SUBDIVISION BYLAW AMENDMENT BYLAW NO. 500, 346, 2008"

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

Present for the Regional District of Nanaimo:

Joe Stanhope	Chair, Director, Electoral Area 'G'
Maureen Young	Director, Electoral Area 'C'
Lou Biggemann	Director, Electoral Area 'F'
Paul Thompson	Manager of Long Range Planning
Greg Keller	Senior Planner
Elaine Leung	Planner

There were approximately 33 people in attendance at the Public Hearing.

Written submissions were received prior to and/or during the Public Hearing from:

Jim Allard, Coquitlam (Fairdowne Road and Inland Island Highway)

Don Cameron, 711 Mariner Way

Volkhard Fritsche, 1410 Hodges Road

Michael Jessen, 1266 Jukes Place (2 separate submissions)

The Chair, Director Stanhope opened the meeting at 7:05 pm and introduced those attending the meeting from the RDN.

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

Greg Keller, Senior Planner provided a description of the Bylaw.

The Chair outlined the Public Hearing procedures. The Chair then stated that all comments and submissions must be received prior to the close of the Public Hearing as the Regional Board can not consider any comments or submissions received after the close of the Public Hearing on its decision on Bylaw No. 500.346, 2008. The Chair then invited the audience to make comments and submissions with respect to the proposed bylaw.

Jim Allard, Coquitlam, indicated that he has owned the gravel pit located on Fairdowne Road since 1992, but it has not been operational since 2003. Mr. Allard made a written submission and continued to indicate that there has been jurisdictional changes with respect to the role that the Regional District of Nanaimo and other Local Governments play in land use and mining. Mr. Allard stated that he has a gravel pit and can not process, stockpile, or manufacture. Mr. Allard indicated that the correspondence he previously submitted was never provided to the Board and Mr. Allard requested that the Board review the correspondence. Mr. Allard indicated that he was concerned with the proposed 50 hectare minimum parcel size on his property and that he would like to be able to rezone his property for commercial uses. Mr. Allard spoke to his concern over the current taxation classification that British Columbia Assessment Authority has imposed on his property. Mr. Allard also indicated that he was concerned with the Official Community Plan process and the Official Community Plan implementation process.

Brian Irwin, 771 Mariner Way, Mr. Irwin spoke in support of the Official Community Plan and the proposed bylaw. He indicated that the proposed minimum parcel sizes are appropriate. Mr. Irwin encouraged the Board to adopt the proposed bylaw.

Don Cameron, 711 Mariner Way, read his written submission.

Steve Vogel, 993 View Road, Mr. Vogel indicated that he purchased the property two years ago. He described the development in his neighbourhood as being fully developed and surrounded by other residential development. Mr. Vogel indicated that he supports the proposed bylaw for new applications, but he indicated that the Regional District of Nanaimo should not downzone existing properties as the value of the affected properties will be negatively affected. Mr. Vogel explained that he became aware of the proposed bylaw by reading the notice and by calling Regional District of Nanaimo Planning Staff. Mr. Vogel indicated that the notice did not have enough information and that he was displeased with the process. Mr. Vogel stated that the proposed bylaw is unclear and that the information available on the bylaw and the bylaw itself are incomprehensible. Mr. Vogel stated that all existing zoning should be grandfathered and that devaluing property is indefensible.

Volkhard Fritsche, 1410 Hodge's Road, indicated that he is a full time farmer. Mr. Fritsche explained his frustrations with respect to the regulations which apply to his property and the barriers to agriculture. Mr. Fritsche made a written submission, which he also summarized at the Public Hearing. Mr. Fritsche indicated that it is too hard to farm because there are too many regulations.

Janet Moore, 733 Mariner Way, stated that she has been a resident since 1969. Ms. Moore objected to the proposed subdivision of Don Cameron's property at the end of the Englishman River Spit. She explained that the subject property is in an environmentally sensitive estuary on a migratory bird flight path and that homes should not be built on the estuary. Ms. Moore also explained that the Englishman River is one of BC's most endangered rivers. Ms. Moore stated that subdivision of the property is unacceptable. Ms. Moore stated that the Regional District of Nanaimo has a responsibility to ensure that development is protected from hazardous conditions and that the Regional District of Nanaimo has an opportunity to preserve the area. Ms. Moore then spoke to her concern over increased traffic from the existing home based business. Ms. Moore then stated that she was concerned that there may not be enough water to supply additional development.

Kris Chand, 1480 Hodges Road, indicated that he has been an organic farmer for the past 10 years. He also indicated that he was the president of the Qualicum Beach Farmers Market. Mr. Chand stated that there is a lack of understanding about agriculture at the Local Government Level. He indicated that there has been a steep decline in local food production since the 1950's. Mr. Chand indicated that there are too many barriers to agriculture. Mr. Chand suggested that the Regional District of Nanaimo should acquire more knowledge about agriculture and build internal expertise.

Roy Gallop 899 McFeely Drive, indicated that his family bought half a motel in 1958. Mr. Gallop asked about the implications of the proposed zoning Change.

Greg Keller, Senior Planner, explained that the existing structures would become legal non-conforming and would be protected by section 911 of the *Local Government Act*.

Richard Dean, 530 Meadow Drive, spoke to his concern over policy 3 to rezone the lands subject to Development Permit 77. Mr. Dean asked why are we dealing with policies in the Official Community Plan when the Official Community Plan has not been adopted. Mr. Dean explained that the lots were created under Development Permit 77 in 1994. He indicated that he was concerned with the small size of the lots and that they are too small for single detached development. Mr. Dean indicated that in October of 2003 that he requested that the Regional District of Nanaimo change the zoning to Residential 1 to develop the lots with single detached residential units. Mr. Dean indicated that he has told the Regional District of Nanaimo on many occasions that the public does not understand how the single family lots were created in multi family zoning. Mr. Dean suggested that there was a misinterpretation of the Residential 5 zone. Mr. Dean stated that the proposed zone would permit home based business and would

have greater lot coverage. Mr. Dean stated that the existing home owners have had the advantage of multi-family zoning. Mr. Dean stated that he does not understand why the Regional District of Nanaimo would rezone the properties when the lots have been developed. Mr. Dean provided a general history of the development including a summary of the previous Development Permits and Development Variance Permits issued. Mr. Dean spoke to his concern that if the properties are rezoned that secondary suites would be permitted. Mr. Dean stated that this subdivision has had a checkered history and that there is no need to change the zoning now.

Steve Vogel, 993 View Road, asked about the implications of legal non-conforming buildings burning down.

Greg Keller, Senior Planner, provided an overview of the provisions of Section 911 of the *Local Government Act*.

Steve Vogel, 993 View Road, stated that he did not know that the Public Hearing was his last opportunity to provide comments to the Board on the proposed bylaw. Mr. Vogel stated that the entire Board is not at the meeting and that he was planning to be a delegation at the July 22 Board meeting.

The Chair, indicated that there are three Board Members present at the meeting and that all comments go before the full Board.

Jim Allard, Coquitlam, stated that he sits on the Tourism Whistler Board. Mr. Allard explained that he is trying to understand this process and that it is much too convoluted and complex to understand. He stated that the process is too hard to follow. Mr. Allard requested the Regional District of Nanaimo revisit the policies and try to understand the implications on the tax payers. Mr. Allard stated that the gravel pit is 60% exhausted and that he is looking for another use. Mr. Allard questioned whether we want to exhaust the gravel because of the potential impacts on the aquifer. Mr. Allard requested that the Regional District of Nanaimo not downzone the land and let him have something rather than just paying taxes. Mr. Allard requested that the Regional District of Nanaimo rezone his property to commercial. Mr. Allard indicated that 2 years ago he tried to subdivide his property and was unable to do so. Mr. Allard stated that his property is sterilized and suggested that the Regional District of Nanaimo consider including his property in Electoral Area 'F'.

Dave Davis, 1594 Admiral Tryon Boulevard, stated that he attended the Official Community Plan meeting where the node in French Creek was discussed. Mr. Davis spoke to his displeasure with that meeting. Mr. Davis stated that the Regional District of Nanaimo is not listening to what people are saying. Mr. Davis indicated that the Board has a hard decision because people are speaking on both sides.

Roy Gallop 899 McFeely Drive, asked why change the zoning from Commercial to Residential 1.

Greg Keller, Senior Planner, explained that we are not here to debate the merits of the proposed bylaw.

The Chair, stated that Mr. Gallop's comments have been recorded.

Jim Allard, Coquitlam, explained that Rural Resource allows for gravel extraction not processing. Mr. Allard indicated that the Official Community Plan allows him to apply for a Temporary Use Permit first and then a rezoning. Mr. Allard stated that the timeframe given under a Temporary Use Permit is not long enough and that there would be too much risk involved with developing under a Temporary Use Permit. Mr. Allard requested that the Regional District of Nanaimo review the Official Community Plan policies and process so that there is no requirement for a Temporary Use Permit prior to a rezoning.

Richard Dean, 530 Meadow Drive, spoke for a second time about policy 3. Mr. Dean spoke to his concern with the proposed 10 m maximum height requirement in the proposed zone.

Switz Dewitt, 760 Berwick Road, indicated that this is a rezoning and that people do not understand and need to be better informed. Mr. Dewitt indicated that rezoning is serious not like an Official Community Plan. Mr. Dewitt stated that staff should be able to help people understand. Mr. Dewitt suggested that the process needs to be more open and that it is only fair that people know.

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

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

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

Hearing none, the Chair thanked those in attendance and announced that the Public Hearing was closed. The Chair indicated that the Board of the Regional District would consider Bylaw No. 500.346, 2008 at its meeting scheduled for Tuesday, July 22, 2008 in the Board Chambers located at 6300 Hammond Bay Road in Nanaimo.

The meeting concluded at 8:25 pm.

Greg Keller
Recording Secretary

Director Joe Stanhope
Electoral Area 'G'

Attachment No. 2
Written Submissions Received at the Public
Hearing

ca G OCP Implementation Bylaw 500.346

Subject: Area G OCP Implementation Bylaw 500.346
From: M Jessen <mjessen@telus.net>
Date: Wed, 09 Jul 2008 15:52:34 -0700
To: Greg Keller <gkeller@rdn.bc.ca>
CC: "Joë Stanhope, Dir." <jstanhope@shaw.ca>

Mr. Keller:

The board of directors of French Creek Residents' Assn. met on July 3, 2008

The Association does not support creating a new residential zone for dwellings constructed under Dev. Permit 77 and 0249 on Admiral Tryon and Viking Way.

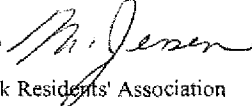
The current RS-5 zoning should remain in place to recognize and anticipate future development or redevelopment in sympathy with the planning that was laid out in the 1980's and 1990's for this portion of Columbia Beach community.

To be specific with respect to the proposal we do not agree:

- that Home Based Business, including B&B's, be permitted in an area planned and zoned RS-5 multifamily.
- the max. building height be increased from 8 to 10m. High buildings in RS-1 can be a problem never mind in this more compact area.
- that a blanket 5 m front setback is acceptable. Over the past four years reduced front setbacks have been accepted by the community and provided primarily to those parcels in the "eagle tree" buffer area, and one other sub-optimal parcel. Directors of FCRA and members of the community advised RDN staff and delegates at public hearings many years ago that the parcels were too small for the homes that were anticipated. This issue should have been handled at that time.

Creating new RS-1.1 zoning opens the door for applications to change zoning in other areas of Area G to take advantage of the smaller parcel sizes that were permitted in DP 77 and further varied by DP 0249. This was a mistake during the processing of the two permits and should not be formalized to essentially create design guidelines for potential rezoning applications.

Although permissive language was ultimately written into the new Area G OCP the Association was never in support of this initiative.

Respectfully submitted, 
Michael Jessen, P.Eng.
Secretary, French Creek Residents' Association

cc. FCRA Directors under separate cover

Area G OCP Implementation Bylaw 500.346

Subject: Area G OCP Implementation Bylaw 500.346
From: M Jessen <mjessen@telus.net>
Date: Wed, 09 Jul 2008 18:34:44 -0700
To: Greg Keller <gkeller@rdn.bc.ca>
CC: "Joe Stanhope, Dir." <jstanhope@shaw.ca>

Mr. Keller:

I do not support creating a new residential zone for dwellings constructed under Dev. Permit 77 and 0249 on Admiral Tryon and Viking Way
The current RS-5 zoning should remain in place to recognize and anticipate future development or redevelopment in sympathy with the planning that was laid out in the 1980's and 1990's for this portion of Columbia Beach community.

To be specific with respect to the proposal I do not agree:

- that Home Based Business, including B&B's, be permitted in an area planned and zoned RS-5 multifamily.
- the max. building height be increased from 8 to 10m. High buildings in RS-1 can be a problem never mind in this more compact area.
- that a blanket 5 m front setback is acceptable. Over the past four years reduced front setbacks have been accepted by the community and provided primarily to those parcels in the "eagle tree" buffer area, and one other sub-optimal parcel. Members of the community advised RDN staff and delegates at public hearings many years ago that the parcels were too small for the homes that were anticipated. This issue should have been handled at that time.

Creating new RS-1.1 zoning opens the door for applications to change zoning in other areas to take advantage of the smaller parcel sizes that were permitted in DP 77 and further varied by DP 0249. This was a mistake during the processing of the two permits and should not be formalized to essentially create design guidelines for potential rezoning applications.

Although permissive language was ultimately written into the new Area G OCP I was never in support of this initiative during its review..

With respect to OCP Section 9.5, I recognize that formalizing a 15 m setback from Highway 19 is a good first step. However, preserving the aesthetic quality of the corridor requires more than just a setback. Has the removal of vegetation or at least its replacement in this setback been addressed elsewhere in the regulations? See comments about landscaping requirements below.

Regarding CD 39. Do these zoning restrictions apply to any other parcels along the Englishman River? It would seem that the safety requirements in CD 39 would be appropriate for all land near the river.

Regarding the landscape requirements mentioned in Section 10 of the Area G OCP, I do not agree that the OCP implied the drastic step of waiving Sched. 3F in its entirety. The OCP states:

The landscaping and screening requirements of this Plan may not be consistent with RDN Land Use and Subdivision Bylaw No. 500, 1987. Therefore, the RDN should consider amending Bylaw No. 500 to bring it in to conformity with this Plan. Where there is inconsistency between Bylaw 500 and the Development Permit Areas Guidelines of this Plan with respect to landscaping and screening, this Plan shall prevail and a variance to Bylaw No. 500 may be required.

It would be my view that Sched. 3F should endure with respect to Area G and that the OCP is permissive

a G OCP Implementation Bylaw 500.346

for development permit applicants to seek a variance from Bylaw 500 using the requirements of the OCP. I don't think it is proper to leave us without the guidance of Sched. 3F - it may after all contain requirements that are not addressed by the OCP. Possibly, the amendment to Bylaw 500 should state that there are requirements in the Area G OCP that must be considered and which may supercede by way of variance.

I am in full support of the changes for the identified rural zones.

Respectfully submitted,
Michael Jessen, P.Eng.
1266 Jukes Place
Parksville, B.C.
V9P 1W5



Don Cameron

Please bear with me; we have 20 years of work at issue.

March 1985	Property purchase
Jan. 1986	Erosion on the long shore bar
1986	Permission from the Department of Fisheries and the Department of Environment to protect property with Armour rock
1990	500 dump truck loads of armour rock place on the perimeter
1991-1993	1,000 dump truck loads of fill raised the elevation of the property
1994-2005	Continual upgrading
Jan. 2006	After 20 years of improvement we were convinced that The property was stabilized so we approached Sims Associates, surveyors and Tom Oxland, Lewkowich Engineering to assess the possibility of sub-dividing
June 2006	OCP Technical Background Review "Based on the estimated growth for the EROCP Area, the existing Community water system is capable of handling all new development and major improvements and/or expansion to the existing system is <u>not</u> required."
Aug. 2006	Letter sent to the RDN expressing our interest in sub-dividing.
Sept. 2006	Reply from Department of Environment, that VIIIA will release the new third well water for testing over the 2007 summer and water might be available in the fall of 2007.
April 3, 2008	Application submitted for a sub-division of six lots Split the duplex into two lots and add four new ocean front lots
May 2008	3 rd reading Area "G" OCP (change minimum lot size in San Pareil from 1600 sq metres to one hectare)
June 10, 2008	First and Second Readings of By-law 500-346- to Implement the new requirements of the Area "G" OCP.
June 17, 2008	Public Information Session
July 9, 2008	Public Hearing
?????	Fourth Reading of the Area "G" OCP

Our application to sub-divide our property could be affected by the adoption of By-Law 500-346. We will have a 12-month grace period to complete plans after the fourth reading of the By-law is passed. The time frame of the grace period is critical because we are awaiting the release of

water from the San Pareil third well. This well was brought on stream in 2005, but sustainability and pressure testing is not expected to begin till the week of July 15th, next week! The latest information indicates two summers of testing may be necessary for the water to be released for any expansion. If this is the case, water may not be available till after Oct 2009.

We have the feeling that the RDN is expediting By-law 500-346. First and second readings were passed even before the provincial approval for the OCP was received. Our concern is that the By-law will receive its final reading in August or September of this year. Without water from the new well (Oct 2009 or later) our application for sub-division is VOIDED AT THAT TIME.

San Pareil is 97% surveyed with lots. Our 3% (the only property that can be further sub-divided) would add four lots of a conforming size. We are a small "fill in" application.

We understand that the changes of the Area "G" OCP really are directives from the Provincial government, directing minimum size for a lot with a septic system to be one hectare. The government does not want new sub-divisions outside of the Urban Containment Boundary that will seek grants for sewer systems.

San Pareil is a desirable place to live. Without a sewer system, under the new regulations, it would have to be 1/5 th of the present housing.

We are caught between 2 RDN Departments

First & second reading of By-law 500, one public information session and this public hearing, all in 30 days, before the OCP has even been received back from the Provincial Government.

Our Question – WHY THE RUSH?

Volkhard Fritzsche
1410 Hodge's Road
Parksville, BC
V9P 2B5

Parksville the 4 July 2008

Mr. Joe Stanhope
Chair RDN
Nanaimo, BC.

Re: Building of a shed on ALR land

Hi Joe.

Still shell shocked from my last encounter with the RDN, I went to talk to a "Planning Technician" to find out, what I have to do to build a shed- barn – storage building on a spot that makes sense as far as the farm is concerned.

This is what I found out:

I was given three maps of our place- each of them detailing how the RDN has catalogued the various buildings and uses of the land that make up Hof Waldeck Farm. After studying those pages, I believe I know the reason why we constantly are talking past each other. It may be, that a larger scale of those various buildings may reveal why they are working together to make this place a farm. On one hand they all have to be in reasonable distance to water, to electric power and to us the farmers. They have to be located, so they are not in the prevailing wind direction – so we don't bring the farm's smells into our living space. There has to be a reasonable security for our livestock, equipment and families- we have to be able to see who is coming into the yard. All buildings are located on class 4 and 5 soils unsuitable for farming purposes or on land that we filled in to create storage space behind the barn. The pictures don't show what actually is on the farm and how the various systems work together.

For example:

1424 is a barn 96x125 feet and it has the capacity to house 120 head of cattle.

A. North of this barn is a concrete composting bin, where we process wood chips and manure into an organic material suitable to be spread on top of our grass- lands.

B. is a sump. The area east of the barns were filled so any runoff from the barn, yard or composting bin would end up in that sump. That sump is pumped with a gasoline pump into the liquid manure lagoon.

C. This lagoon collects the runoff from the concrete yard and all former dairy buildings marked D on the picture. This dirty water is used for irrigation purposes of the 6 paddocks, marked 1-6. Those paddocks are used for rotational grazing for livestock.

North of the lagoon is an area we created by filling in a 6 m deep depression and it is used to store 200 foot long plastic silage bags- that white spot shows some of those silage bags.

E. North of the original farmhouse build in 1971 are some equipment storage sheds and a salvaged building, moved from our previous farm site, what now is the Wembley Mall. It serves as chicken coop and for equipment storage.

F. The area marked in pink should be used for under cover storage of equipment. We can't afford to build something for that purpose that would meet the requirements of the RDN rules. We have recycled roofing, could use home grown lumber and labour to build it, but with those rules in place we can't. The result is, that some of our equipment is sitting outside year round, because all the barns will house livestock in the winter months.

G. Is a building, according to folklore, was build by the Ministry of Transportation to store blasting supplies. It is the only building not build by us. It is constructed with odd sized bridge timbers stuck in a trench. Some 30 years ago it was re-roofed with home grown cedar shingles. Over time it served as horse barn, chicken coop and it now houses, in season, our game birds.

E. Or 1410 Hodge's Road is my home and west of it we had to construct a high pressure sewage disposal field. This area is fenced to keep off livestock. The problem now is, that the fence along this odd shaped field and the fence from the septic field are only 15 m apart. The logical spot for that proposed horse barn and storage shed just will not fit anywhere without major changes to drive ways and the forage producing paddocks. Or put an other way - if I would build the barn with the prescribed setback it could only be 5 m wide. It would leave us with no lane to move stock from the barn to the paddocks and beyond. It would also create an unwanted dead space in front of the barn. Water is already in place on two separate locations to that field. But the main purpose of that strip of land is move livestock from the barn (1424) to the paddocks and to train the new crop of animals to respect electric fences. Sometimes it will take a week or longer and we have to use wood chips to stop that area from becoming a mud hole. Those chips are removed again and composted on site and used for leveling off the holes the cows dig into the loam areas to powder their faces. The pan handle access to Lot B is a purely theoretical to provide legal access from Fritzsche Road. Lot B is accessed through the farm with a registered easement.- the black line is that access. I own Lots A,B,C and D. The plan is to sell Lot A to my daughter and family and that they rent the forage producing areas from me. Mine and my late wife's hope are, that the land will stay in the family.

I have tried to fill in the forms provided by RDN planning staff and I am more confused than ever. They simply don't apply to what the farm needs. I don't have any neighbours that could be impacted by a storage shed, barn etc. They couldn't even see the structure- so why should they care. I fully expect to supply the RDN office with more legal documents since I just made it known, that my wife died last year and my legal papers, the rural property tax notices, still mention her as partner and co-owner. Why does the RDN require a copy of Indefeasible Title when Ministry of Agriculture finds it sufficient

to see my paid Property Tax receipts from a few days ago, to prove ownership. I don't understand the fear why a simple pole barn would need all those signatures and fees from professional people. What possible contribution could a plan certified by a BC Land Surveyor, a topographical plan, engineers report and receipt for an appeal fee, make to a barn that will keep a couple horses out of the weather and some equipment from rotting away before becoming obsolete.

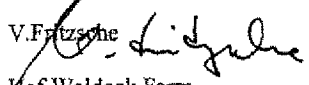
Last winter I provided a cheap tarp structure for the horses to use during extreme weather. I would think that was against your rules too. This year I will be busy for months on end filling in useless papers- the help that I have until the 14. of August will be useless, because it may take years again to get this thing sorted out. Does anybody believe, that any of those agricultural structures would remain in the event this place gets subdivided into wall to wall houses? So what is the fuss all about- why can't I build a barn to keep my equipment and or animals under cover where ever it makes most sense.

What is the fine if I simply go ahead and build the shed and worry about the consequences after the fact. I have a barn with a house number why could I not have an invisible barn as far as your maps are concerned. I have two useless upright silos, that I can't afford to operate or take down and I am paying Improvement Taxes on those.

I suggest for the elected members of the RDN and relevant staff to visit a working farm to find out, how all those rules are affecting our way of trying to make a living producing your and our food.

All I know for sure is, that I have no appetite to get involved in another drawn out battle with the RDN, but who else, at any level of government gives a tinkers dam what their regulations are doing to us -your neighbourhood livestock farmer.

V. Fritzsche


Hof Waldeck Farm



DEVELOPMENT SERVICES DEPARTMENT

6300 Hammond Bay Road, Nanaimo, BC V9T 6N2
 (250) 390-6530 (Nanaimo) (250) 954-3809 (District 69)
 1-877-607-4111 (within BC)
 FAX: (250) 390-6513

BOARD OF VARIANCE NOTICE OF APPEAL

Names of Appellant: VOLKHARD FRITZSCHE
 Mailing Address: 1410 HODGE'S RD PARKSVILLE Postal Code: V9P 2B5
 Telephone Number: 250 248 3307 Fax: 250 248 -3342 Cell:
 Name of Agent:
 Mailing Address: Postal Code:
 Telephone Number: Fax: Cell:

Legal Description of Property of Notice of Appeal: LOTS A, B, C, D OF
VIP 80 909 DISTRICT LOTS 26, 27 AND 116

Civic Address: 1410 HODGE'S RD PARKSVILLE

- I/WE ENCLOSE THE FOLLOWING:**
- A copy of Certificate of Indefeasible Title (dated within past 30 days)
 - A site plan or survey plan, drawn to scale, showing the location of buildings and structures and parts thereof
 - Building elevation plan certified by a BC Land Surveyor
 - A topographical survey plan certified by a BC Land Surveyor
 - Professional Engineer's Report
 - Notice of Appeal Fee Receipt No:

- I/WE, THE REGISTERED OWNERS(S) OF THE ABOVE NOTED PROPERTY, HEREBY APPEAL TO THE BOARD OF VARIANCE FOR THE FOLLOWING:**
- To review a decision made by the Regional District of Nanaimo Manager of Building Inspection and Enforcement pursuant to Section 911(8) of the *Local Government Act*.

- To determine that compliance with the following will cause undue hardship:
- Relating to siting, size and dimensions of a building or structure of the siting of a manufactured home in a manufactured mobile home park. (Note: use and density, including varying maximum building size provisions, will not be considered for variance)
 - The prohibition of structural alteration or addition pursuant to Section 911(5) of the *Local Government Act*.
 - A subdivision servicing requirement pursuant to Section 938 (1 c) of the *Local Government Act* in an area zoned for agricultural or industrial uses.

[Signature] 2. July 2008
 SIGNATURE OF REGISTERED OWNER(S) DATE

 SIGNATURE OF REGISTERED OWNER(S) DATE

To be completed by Board of Variance Secretary or appointee:

Appeal No: _____	Zoning: _____	Request: _____
RDN Map No: _____	DP Area: _____	Received By: _____
Folio No: _____	Covenants: _____	Date: _____



Development Services Department

6300 Hammond Bay Road Nanaimo, BC V9T 8H2
(250) 390-8510 (Nanaimo) (250) 954-3738 (Duncan) (250) 954-3738
1-877-807-4111 (toll-free BC) Fax (250) 390-7511

Guide to the Board of Variance (BOV) Process

What is a Board of Variance?

Section 899 of the British Columbia *Local Government Act* stipulates that any local government that has adopted a zoning bylaw or rural land use bylaw must establish a board of variance. The Board of Variance functions separately from the local government that established it and has its own authority under the Act.

A person may apply to the Board of Variance for an order to vary certain zoning or rural land use bylaw provisions where an applicant can adequately demonstrate, to the satisfaction of the Board, that compliance with certain bylaw provisions would cause the applicant undue hardship. A person may apply for relief of certain restrictions imposed under Section 911 of the *Local Government Act* with regards to legal non-conforming buildings.

The Board of Variance **cannot**, however, vary:

- Bylaw requirements involving land use or density (for example the number of buildings per hectare);
- Floodplain specifications;
- A registered covenant;
- Any requirements under Part 27 *Local Government Act*, (Heritage Conservation);
- Bylaw requirements concerning designated heritage conservation areas; or,
- Any requirements of a heritage revitalization agreement under Section 966 of the *Local Government Act*.

Before you apply.....

The Board of Variance application for an appeal can be acquired from Planning Department at the Regional District of Nanaimo office. It is recommended that the property owner gather as much information regarding their property and proposal as possible (e.g. legal description, drawings, and surveys). You are recommended to obtain further details and advice from the planning staff when making an application.

Step 4 – Board of Variance Hearing

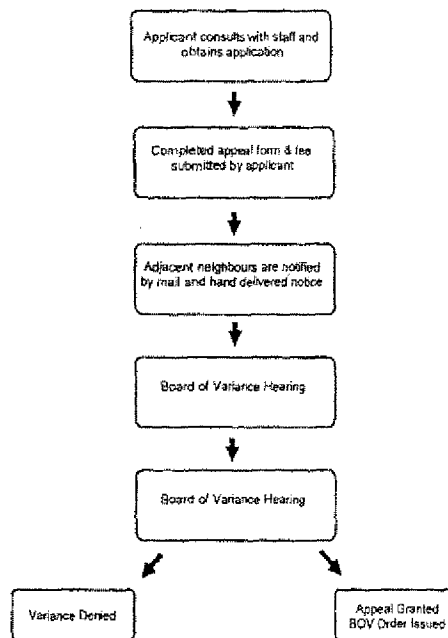
The Board of Variance meets on the second Wednesday of each month at 4:00 p.m. in the Committee Room of the Regional District of Nanaimo located at 6300 Hammond Bay Road, Nanaimo, B.C. You should attend the hearing to present your proposal. Prior to that hearing the Board of Variance may contact you in order to carry out a site inspection of your property.

At the Board of Variance hearing, the Secretary for the Board introduces the application and states the facts that pertain to the application. The applicant is then given opportunity to describe the nature

The board of variance may order that a minor variance be permitted from the requirements of a bylaw, or that an applicant be exempted from the restrictions placed on alterations or additions to buildings and structures which are non-conforming following the hearing if:

- Undue hardship would be caused to the applicant through compliance;
- It would not result in inappropriate development of the site;
- It does not adversely affect the use and enjoyment of adjacent land;
- If it does not substantially affect the use and enjoyment of adjacent land;
- If it does not vary permitted uses and densities of the applicable bylaw, and,
- If it does not defeat the intent of the bylaw

A decision from the Board of Variance is final.





DEVELOPMENT VARIANCE PERMIT APPLICATION REQUIREMENTS

An owner of land, or agent, wanting to vary a requirement of Bylaw No. 500 and Bylaw No. 1285 (other than a requirement involving use or density) may apply to the Regional Board of Directors for a development variance permit.

For proposed construction where relaxation from a setback or height provision is requested, a building permit may only be issued, or construction started, once the development variance permit is in place.

Upon submission of a Development Variance Permit application, including all supporting material, planning staff will review the information and prepare comments for the Electoral Area Planning Committee, which is a committee of the Regional Board. *Please note that Planning staff or the Committee may require additional information in support of your application.* If the Electoral Area Planning Committee supports the application, the owners of property located within 50 metres will be notified of the proposal and given the opportunity to address the Regional Board, with respect to the requested variance, at the same time the Board considers the request.

A resolution by the Board must be passed authorizing issuance of the development variance permit. *Please note that some development variance permits may also require the approval of the Ministry of Transportation prior to issuance of the permit.* Once the permit is in place, the required building permits may be issued, or where there is no building inspection, construction may be started.

Board Policy

The Regional Board of Directors adopted Board policy in 1994 setting out evaluation criteria to be used in the consideration of development variance permit applications. This policy is attached for information.

Submission Requirements

An application for a development variance permit must be submitted with the following information in order to be accepted by the Regional District.


Application Form

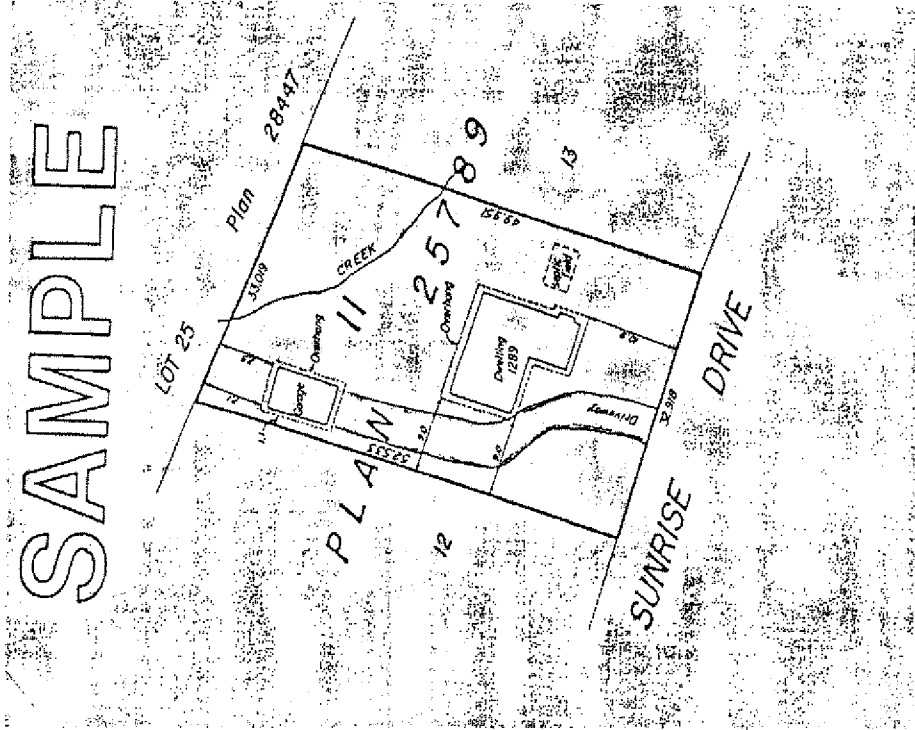
An application form must be completed and signed by the registered owner(s) as specified in Schedule '6' of the RDN Development Procedures and Notification Bylaw No. 1261, 2002 (*sample application attached*). A letter of authorization from the property owner(s) is required if an agent is handling the application as well as a current (within 30 days) copy of the Certificate of Title.

Application Fee

An application fee as set out in the RDN Planning Services Fees and Charges Bylaw No. 1259, 2002, is required to be submitted with the application.

1. a minimum of two (2) copies of detailed site plans drawn to a scale not larger than 1:500 showing all applicable information including:
 - boundaries and dimensions of the parcel(s),
 - existing and proposed easements and covenants,
 - existing and proposed accesses,
 - existing and proposed locations of wells and/or septic disposal systems,
 - size and location of all existing and proposed buildings, structures, and uses specifying variance requested,
 - proposed subdivision of parcel(s) specifying variance requested,
 - location of streams and other environmentally sensitive features and natural hazardous areas, specifying variance requested, and
 - existing and proposed signage specifying variance requested.

 <p>REGIONAL DISTRICT OF NANAIMO</p>	<p align="center">Development Services Department 5300 Hammond Bay Road, Nanaimo, BC V9T 6N2 (250) 390-6510 or (250) 954-3798 (District 69) 1-877-607-4111 (within BC)</p> <p align="right">FAX: (250) 390-7511</p> <p align="center">Development Variance Permit Application</p>
<p>Name (s) of Registered Property Owner(s): <u>VOLKHARD FRITZSCHE</u></p> <p>Mailing Address: <u>1410 HODGE'S RD</u></p> <p>Postal Code: <u>V9P 2B5</u> Fax: <u>250-248-3342</u></p> <p>Telephone Number: <u>250-248-3302</u> Cell: _____ email: _____</p> <p>Authorized Agent: <u>I HOPE I</u> email: <u>H.WALDECK@BCSUPERNET.COM</u></p> <p>Mailing Address: <u>DON'T NEED</u></p> <p>Postal Code: <u>ONE AGAIN</u> Fax: _____</p> <p>Telephone Number: _____ Cell: _____ email: _____</p>	
<p>I/We, the registered owner(s) of the property legally described as: <u>LOT A P2 VIP 80 909 D.226, 27 + 116, LOT B, LOT C AND LOT D</u></p>	
<p>and presently zoned as: _____</p> <p>hereby make application under Section 922 of the Local Government Act to:</p>	
<p><u>TO BUILD A POLE TYPE SHED CLOSER THAN ALLOWED TO THE PROPERTY LINE</u></p>	
<p>I/We attach the following information in support of this application:</p> <ul style="list-style-type: none"> 1 Letter of authorization from all registered property owner(s) if agent is acting on behalf of owner(s) 1 Application fee as required by Bylaw No. 1259, 2002 1 Copy of the Certificate of Infeasible Title (dated within past 30 days) 1 2 copies of detailed site plan to a maximum scale of 1:500 1 Building elevation plan to a maximum scale of 1:1000 1 Other (specify) 	
<p>I/We hereby declare that all the above statements and information contained in the material submitted in support of this application is correct in all respects.</p>	
<p><u>[Signature]</u> Signature of Registered Owner <u>MONIKA</u></p>	<p><u>2. July 2008</u> Date</p>
<p><u>DECEASED FRITZSCHE</u> Signature of Registered Owner</p>	<p><u>20 DEC 2007</u> Date</p>
<p>_____ Signature of Agent</p>	<p>_____ Date</p>



REGIONAL DISTRICT OF NANAIMO POLICY

SUBJECT:	<i>Development Variance Permit, Development Permit with Variance & Floodplain Exemption Application Evaluation Policy</i>	POLICY NO:	B1.5
EFFECTIVE DATE:	March 8, 1994	CROSS REF.:	
REVISION DATE:	February 28, 2006	APPROVED BY:	Board
		PAGE	1 of 5

PURPOSE

This policy is to provide staff with guidelines for reviewing and evaluating development variance permit applications, development permit applications that include bylaw variances, and site-specific exemptions to the Floodplain Bylaw.

PART A – DEVELOPMENT VARIANCE PERMIT AND DEVELOPMENT PERMIT WITH VARIANCE APPLICATION EVALUATION POLICY

1. DEMONSTRATION OF LAND USE JUSTIFICATION

- a. An application should demonstrate that the proposed variance is necessary and is supported by an acceptable land use justification; such as:
 - i. the ability to use or develop the property is unreasonably constrained or hindered by having to comply with the bylaw requirement; or,
 - ii. there is a net benefit to the community or immediate area that would be achieved through the variance approval.
 - iii. the proposed variance would allow for more efficient and effective use and development of the subject property.
- b. Failure to provide an acceptable land use justification as outlined in PART A Section 1(a) may be grounds for staff to recommend that the application be denied by the Board.
- c. If an acceptable land use justification is identified the applicant should demonstrate that a reasonable effort has been made to avoid the need for, or reduce the extent of, the requested variance. If such efforts are not made this may be grounds for staff to recommend that the application be denied by the Board.

- d. Examples of acceptable land use justifications are as follows:
- i. A physical constraint such as a steep slope, watercourse, or rock outcrop results in an unreasonably small building site when setbacks are applied. In such a case a setback variance may be recommended where the impact of the variance is considered acceptable by planning staff.
 - ii. A man-made constraint such as an archaeological site, odd shaped lot, restrictive or conservation covenants, easement, or right-of-way results in an unreasonably small building site when setbacks are applied. In such a case a setback variance may be recommended where the impact of the variance is considered acceptable by planning staff.
 - iii. A hazardous condition exists that requires that the underside of the floor joists be raised to meet floodplain elevations. This may result in an average designed building or structure exceeding the maximum height restrictions. In such a case a height variance may be recommended where the impact of the variance is considered acceptable by planning staff.
 - iv. A topographical constraint such as a depression or sloped area results in an average designed building or structure exceeding maximum height restrictions. In such a case a height variance may be recommended where the impact of the variance is considered acceptable by planning staff.
 - v. An environmentally significant feature such as a stand of Garry Oak trees, a watercourse, or sensitive ecosystem exists on site that the applicant is proposing to avoid, preserve, and/or enhance, which restricts potential building sites on a lot. In such a case a setback variance may be considered where the proposed variance will reduce the impact to the Environmentally Sensitive Area and any other impact considered acceptable by the reviewing planning staff member.
 - vi. The only building site on a lot will block a significant view for area residents. In such a case a setback variance may be considered to allow the relocation of the building to allow the preservation of that view, where the impact of the variance is acceptable.
 - vii. Where a longstanding existing building or structure does not conform to siting or height requirements a variance may be considered to legalize that structure where the impact of the variance is acceptable and the use of the building or structure conforms to the current zoning regulations.
- c. PART A Section 2.d. is not intended to be an exhaustive or definitive list of acceptable land use justifications for a variance application. Staff are to use their judgment in evaluating the specific circumstances involved in each application.

2. IMPACT EVALUATION

- a. Where a land use justification for a proposed variance has been demonstrated, the application shall then be evaluated based upon the impact(s) (positive or negative) of the variance. Impact(s) may be classified into the following three general categories:

Policy B1.5
Page 3

- i. Aesthetic impact. This includes the impact of the proposed variance on the streetscape, the views from adjacent properties, compatibility with neighbourhood design standards, etc.
 - ii. Functional impact. This includes the impact of the proposed variance on the function of the property for the permitted uses and the potential impact of the variance on the function of adjacent properties, or road right-of-ways.
 - iii. Environmental impact. This includes the impact of the proposed variance on the long term sustainability of the natural environment or the direct impact on a specific feature of the natural environment.
- b. An unacceptable impact, as evaluated by planning staff, is grounds for staff to recommend that the application be denied by the Board.
 - c. An applicant should demonstrate that a reasonable effort has been made to minimize any and all potential negative impacts associated with a variance. If such efforts are not made this would be grounds for staff to recommend that the application be denied by the Board.
 - d. Part A, Section 2.a. is not intended to be an exhaustive or definitive list of potential impacts. Staff are to use their judgment in identifying and evaluating all potential impacts associated with the specific circumstances involved in each application.

3. SPECIFIC IMPACT EVALUATION BY APPLICATION TYPE

- a. Height variance requests for a residential use may not be supported where; in the opinion of planning staff:
 - i. the applicant is requesting a height variance to accommodate a third storey;
 - ii. the applicant has not made a reasonable effort to reduce the height of the proposed building or structure by reducing the roof pitch, reducing ceiling height, minimizing the crawl space, etc.;
 - iii. the appearance of the proposed structure from the street will appear out of character with the height of buildings in the immediate neighbourhood;
 - iv. the proposed height variance will result in a notable reduction in a neighbouring properties view of a significant viewscape; or
 - v. the proposed height variance will result in a notable shading of, or lack of privacy for, a neighbouring property.
- b. Lot line relaxation, ocean setback relaxation, and watercourse setback relaxation requests may not be supported where; in the opinion of Planning Staff:
 - i. the applicant has not made a reasonable effort to reduce the need for a setback variance by amending the house design or finding an alternative building site;
 - ii. the proposed setback variance will result in an unreasonable reduction in a neighbouring properties view of a notable viewscape;

Policy B1.5
Page 4

- iii. the proposed setback variance will result in the building or structure appearing to extend closer to the ocean or other watercourse than other houses in the immediate vicinity;
 - iv. the proposed setback variance may result in a geotechnical or flooding hazard;
 - v. the proposed setback variance may result in a negative impact on the natural environment;
 - vi. the proposed setback variance may have a negative impact on an archaeological site; or
 - vii. the proposed setback variance is contrary to senior government legislation (e.g. *Transportation Act, Fish Protection Act, Water Act, Land Title Act*, etc.).
- c. Parking Variance requests for Commercial, Industrial, or Institutional uses may not be supported where:
- i. the proposed variance would interfere with internal traffic flow, loading and unloading, access and egress, pedestrian safety, etc.;
 - ii. the applicant is not proposing to provide adequate parking spaces constructed to Regional District of Nanaimo standards on a hard durable dust free surface; or
 - iii. the proposed variance, in staff's opinion, does not provide an adequate number of parking stalls for the intended use.
- d. Signage variance requests may not be supported where:
- i. the proposed variance would result in an increased appearance of "sign clutter" on the subject property (sign consolidation should be encouraged);
 - ii. the proposed variance creates a visual obstruction which interferes with the safe movement of pedestrians and/or traffic on and off site; or
 - iii. the illumination of a proposed sign is not compatible with the surrounding neighbourhood or would create an unreasonable aesthetic impact on the adjacent properties.

PART B – FLOODPLAIN EXEMPTION APPLICATIONS

I. DEMONSTRATION OF LAND USE JUSTIFICATION

- a. An applicant must demonstrate that the proposed exemption is necessary and is supported by an acceptable land use justification; such as:
 - i. there are no other practical building sites located on the subject property;
 - ii. the applicant has exhausted all other options including amendments to zoning setback and height requirements; or

- iii. it is not practical to develop the subject property without a site specific exemption.
- 2. DEMONSTRATION THAT THE EXEMPTION IS ADVISABLE**
- a. Where an acceptable land use justification has been demonstrated, the applicant must demonstrate that the proposal is in compliance with provincial guidelines and / or provide a report prepared by a professional engineer or geoscientist experienced in geotechnical engineering that the land may be used safely for the use as proposed. Where the report contains restrictions, conditions, or warnings related to the safe use of the site that covenant shall be required to be registered on title.
 - a. All reports identified in Part B, Section 2.a. must also discuss the land use justifications in identified in Part B, Section 1 of this policy.
 - b. An application must be processed and evaluated in a manner consistent with the provincial Flood Hazard Area Land Use Management Guidelines, May 2004, as amended, and Floodplain Management Bylaw No. 1469, 2006.
 - c. Failure to meet any of the above conditions is grounds for staff to recommend the Board deny a floodplain exemption application.

PART C - TERMS OF USE OF THIS POLICY

- 1. This policy is intended to apply to staff evaluation of development variance permits, development permit applications that include bylaw variances, and site specific exemptions to the Floodplain Bylaw.
- 2. The Board of the Regional District of Nanaimo is not in any way bound by this policy and is free to apply, or not apply, any evaluation criterion it deems appropriate in its consideration of applications.



The Sustainable Community Builder Checklist

	Yes	No	Explanation
Environmental Protection and Enhancement			
<p>Please explain how the development protects and/or enhances the natural environment. For example does your development:</p> <ul style="list-style-type: none"> • conserve, restore, or improve native habitat? • remove invasive species? • involve innovative ways to reduce waste, and protect the air quality? • use innovative ways to reduce construction waste directed to the landfill? • include an ecological inventory? 	✓		<p>THE PROPOSED BUILDING IS A SHED ALLOWING ANIMALS TO SEEK COVER AT THEIR OWN WILL. CONCRETE WILL BE USED UNDER LIFESTOCK ALL OTHER PARTS OF THE SHED WILL HAVE A GRAVEL FLOOR. THE ROOF WILL BE TIN AND IT WILL BE BUILT WITH HOME GROWN LUMBER.</p>
<p>Please explain how the development contributes to the more efficient use of energy. For example does your development:</p> <ul style="list-style-type: none"> • use climate sensitive design features (passive solar, minimize the impact of wind, and rain, etc)? • provide onsite renewable energy generation such as solar energy or geothermal heating? • propose buildings constructed in accordance with LEED, and the accepted green building standards? 	✓		<p>THERE WILL BE ONLY MINIMAL LIGHTING BECAUSE THE ANIMALS DON'T NEED IT AND THE HUMAN CARETAKERS ARE ABLE TO DO THAT CARE IN A SAFE ENVIRONMENT.</p>
<p>Please explain how the development facilitates good environmentally friendly practices. For example does your development:</p> <ul style="list-style-type: none"> • provide onsite composting facilities? • provide an area for a community garden? • include a car free zone? • include a car share program? 	✓		<p>THE BUILDING WILL HOUSE MY 2 DRAFT HORSES 2 CARRIAGES AND OTHER EQUIPMENT. MANURE WILL BE COMPOSTED IN AN APPROVED FACILITY BEHIND BARN MARKED "A"</p>

	Yes	No	Explanation
<p>Please explain how the development contributes to the more efficient use of water. For example does your development:</p> <ul style="list-style-type: none"> • use drought tolerant plants? • use rocks and other materials in the landscaping design that are not water dependant? • recycle water and wastewater? • provide for zero stormwater run-off? • utilize natural systems for sewage disposal and storm water? • use low flush toilets? 	✓		<p>THE BUILDING WILL PROVIDE DRINKING WATER FOR THE TEAM AND FREE WILL ACCESS TO PASTURES MARKED PADDOCKS 1-6</p> <p>THE REST OF THE QUESTIONS ARE NOT APPLICABLE</p>
<p>Please explain how the development protects, enhances, or minimizes its impact on the local natural environment. For example does your development:</p> <ul style="list-style-type: none"> • provide conservation measures for sensitive lands beyond those mandated by legislation? • cluster the housing to save remaining land from development and disturbance? • protect groundwater from contamination? 	✓		<p>THE BUILDING IS DESIGNED TO GIVE PROTECTION TO MY HORSES AND EQUIPMENT. ANY TIME THE PADDOCKS ARE TOO WET I WILL BE LOOKING THE TEAM INTO THAT CORRIDOR SO THEY HAVE AT LEAST ROOM TO ROAM.</p>
Community Character and Design			
<p>Does the development proposal provide for a more "complete community" within a designated Village Centre? For example does your development:</p> <ul style="list-style-type: none"> • improve the mix of compatible uses within an area? • provide services, or an amenity in close proximity to a residential area? • provide a variety of housing in close proximity to a public amenity, transit, or commercial area? 	✓		<p>I WILL "STORE" IN THE BUILDING ALSO HARNESSES AND OTHER GEAR NEEDED FOR THE CARRIAGES. BECAUSE THAT EQUIPMENT IS EXPENSIVE IT HAS TO BE ACCESSABLE AND OUT OF SIGHT AT THE SAME TIME.</p>
<p>Please explain how the development increases the mix of housing types and options in the community. For example does your development:</p> <ul style="list-style-type: none"> • provide a housing type other than single family dwellings? • include rental housing? • include seniors housing? • include cooperative housing? 	✓		<p>N/A</p> <p>IT WILL PUT THE HORSES ON EQUAL TERMS WITH THE CHICKENS - THEY ARE ALSO UNDER COVER IN EXTREME WEATHER.</p>

	Yes	No	Explanation
<p>Please explain how the development makes for a safe place to live. For example does your development:</p> <ul style="list-style-type: none"> • have fire protection, or include fire prevention measures such as removal of dead fall, onsite pumps, etc? • help prevent crime through the site design? • slow traffic through the design of the road? 	✓		<p>N/A THE BUILDING IS ON AN EXISTING GRAVEL PATCH THAT DOESN'T GROW ANYTHING. FIRE PROTECTION IS BY ASSOCIATION TO THE REST OF THE FARMS BUILDINGS.</p>
<p>Please explain how the development facilitates and promotes pedestrian movement. For example does your development:</p> <ul style="list-style-type: none"> • create greenspaces, or strong connections to adjacent natural features, parks, and open spaces? • promote, or improve trails and pedestrian amenities? • link to amenities such as school, beach & trails, grocery store, public transit, etc? (provide distance & type) 	✓		<p>THE "DEVELOPMENT" HAS TO BE CLOSE ENOUGH TO MY HOME FOR MY ACCESS TO THE TEAM BE ON THE UNPRODUCTIVE PORTION OF THE FARM AND STILL ALLOW FOR ANIMAL TRAFFIC BETWEEN THE BUILDING, SEPTIC FIELD AND FARM ROAD</p>
<p>Please explain how the development facilitates community social interaction and promotes community values. For example does your development:</p> <ul style="list-style-type: none"> • incorporate community social gathering places? (village square, halls, youth and senior facilities, bulletin board, wharf, or pier) • use colour and public art to add vibrancy and promote community values? • preserve heritage features? 	✓		<p>I HAVE NO INTENTION TO DECORATE THE BUILDING WITH ANYTHING. MY NEIGHBOURS STORE THEIR BELONGINGS UNDER COVER SO DO I. IT PROTECTS THE TEAM FROM WEATHER THEY DON'T LIKE - BE IT SUNSHINE, RAIN OR SNOW.</p>
<p>Economic Development</p>			
<p>Does the development proposal infill an existing developed area, as opposed to opening up a new area to development? For example does your development:</p> <ul style="list-style-type: none"> • fill in pre-existing vacant parcels of land? • utilize pre-existing roads and services? • revitalize a previously contaminated area? 	✓		<p>IT MAKES SENSE TO BUILD A BARN AT A SPOT WHERE THE ANIMAL CAN CHOOSE WHERE IT WANTS TO BE. ALL AROUND THIS BARN WILL BE OTHERS SHEDS AND BARNYARDS</p>

TWO HOUSES - MINE AND MY DAUGHTERS

	Yes	No	Explanation
<p>Please explain how the development strengthens the local economy. For example does your development:</p> <ul style="list-style-type: none"> • create permanent employment opportunities? • promote diversification of the local economy via business type and size appropriate for the area? • increase community opportunities for training, education, entertainment, or recreation? • use local materials and labour? • improve opportunities for new and existing businesses? 	✓		<p>AGE WALDECK FARM IS A NATURALLY BEAUTIFUL SPOT AND WITH THE TETH AND THE CARRIAGES I AND MY DAUGHTER WILL BE ABLE TO INCREASE THE NON-QUALIFYING FARM SALES TO PUT THE FARM ON A BETTER FINANCIAL FOOTING. CHRISTMAS TREE SALES AND HAY RIDES ARE NOT ENOUGH</p>
<p>Please explain if there is something unique or innovative about your project that has not been addressed?</p>	✓		<p>I BLEW MY CARBON TAX CREDIT ON YESTER YEARS TECHNOLOGY SO MY GRAND-CHILDREN MAY STILL BE ABLE TO RIDE A FOSSIL FUEL SCOOTER</p>
<p>Total Number of "Yes"</p>	145		
<p>TRIPLE BOTTOM LINE SCORE</p>		%	

Disclaimer: Please note that staff is relying on the information provided by the applicant to complete the sustainability checklist analysis. The Regional District of Nanaimo does not guarantee that development will occur in this manner.

NEED MORE INFORMATION?

Come visit the Development Services Department! We are located at the RDN Main Office at 6300 Hammond Bay Road, Nanaimo, BC. Call us at: (250) 390-6510 or 954-3798 (Area 69) or toll free in BC: 1-877-607-4111 / Fax: (250) 390 7511 Visit our website at: www.rdn.bc.ca

Attachment No. 1

REGIONAL DISTRICT OF NANAIMO
P O L I C Y

SUBJECT:	<i>Sustainable Community Builder Checklist Policy</i>	POLICY NO:	CROSS REF.:
EFFECTIVE DATE:	August 14, 2006	APPROVED BY:	
REVISION DATE:		PAGE	

PURPOSE:

To establish the process, guidelines, and criteria for the Sustainable Community Builder Checklist (See Schedule No. 1).

POLICY:

1. Purpose of the Sustainable Community Builder Checklist

The purpose of the Sustainable Community Builder Checklist (Checklist) is to get people thinking about how to develop in a more sustainable manner. The Checklist includes a series of questions designed to encourage applicants to think about new design options and concepts that may not be commonly known to the development community. It is hoped that requiring applicants to consider these design issues and options during the initial design stage of their development(s), and while seeking RDN approvals, will result in a greater incorporation of sustainable design elements into the project. This will also facilitate staff working with the applicants to encourage new ideas and to incorporate sustainable design features into their development proposal.

It is important to note that the questions in the Sustainable Community Builder Checklist are designed primarily to educate the community about sustainable development practices, and to initiate the incorporation of those practices into the development proposal. The Checklist is not designed to be used to evaluate the appropriateness of the land use for the property; the compliance of the land use to the applicable Official Community Plan and the Regional Growth Strategy; or, whether the proposed development complies with the applicable development permit area guidelines. Evaluation of this nature forms part of the standard planning review process.

Process

Development applications including: subdivision, land use bylaw amendment, land use contract, and development permit applications shall be required to complete the Sustainable Community Builder Checklist, as follows:

- a) **Self-Scoring** – Please read and answer each question in the Checklist “Yes” or “No”. To achieve the score at the end of the Checklist:

Total the number of “Yes” responses;

Divide by 45 (the total number of questions); and

Multiply by 100 to achieve a percentage.

Example:

Total Number of “Yes” Responses

$$\frac{\quad}{45} \times 100 = \text{Score \%}$$

- b) **Supplementary Information** - Provide any additional description, or information regarding how the proposed development incorporates sustainable development practices.

Please read the information provided that explain the Triple Bottom Line approach and Leadership in Energy and Environment Design (LEED) certification.

- c) **Submit Application** – Submit the completed Sustainable Community Builder Checklist, and any supplementary information along with the development application.

- d) **Cooperative Consultation** – Staff will review the submission, and may consult with the applicant to discuss ways to include sustainable practices into the development.

There is no pass or fail score associated with the checklist.

2. Fees

There shall be no fees associated with this service.

3. The Sustainable Community Builder Checklist

Please see the following pages to review the Sustainable Community Builder Checklist guidelines and criteria.



Riparian Areas Regulation
Property Declaration Form

Property Subject Legal Description: LOTS A, B, C, D OF PLAN VIP 80909

Subject Property Address: _____

I (we) acknowledge that the province of British Columbia enacted the *Riparian Areas Regulation* to protect the critical features, functions, and conditions required to sustain fish habitat. Furthermore, this legislation prohibits the Regional District of Nanaimo from approving or allowing a development to proceed adjacent to a watercourse until it has received notice that a report prepared by a Qualified Environmental Professional has been received by the Ministry of Environment.

I (we) understand that a water feature includes any of the following:

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

I (we) declare that (*please check the one that applies*):

- A. there are no water features located on the subject property, or
- B. there are water features located on the subject property.

I (we) declare that all proposed development including land alteration, vegetation removal, construction and / or building (*please check the one that applies*):

- A. is greater than 30.0 metres from a water feature, or
- B. is less than 30.0 metres from that water feature.

I (we) acknowledge that I (we) are familiar with the property and area, and have inspected the property and immediate area for the existence of any water features prior to signing this form.

Property owner agent signature(s): 1 _____ 2 _____

Print Name(s): 1 _____ 2 _____

Mailing Address: _____ Postal Code: _____ Phone: _____

Witnessed By: _____ Date: _____

EXCERPT
ONLY

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

Section 3.4.81

RURAL 1

RU1

Permitted uses and Minimum Site Area

Permitted Uses	Required Site Area with:		
	Community Water & Sewer System	Community Water System	No Community Services
a) Agriculture	n/a	n/a	n/a
b) Aquaculture	5000 m ²	5000 m ²	5000 m ²
c) Home Based Business ¹	n/a	n/a	n/a
d) Produce Stand	n/a	n/a	n/a
e) Residential Use	n/a	n/a	n/a
f) Silviculture	n/a	n/a	n/a

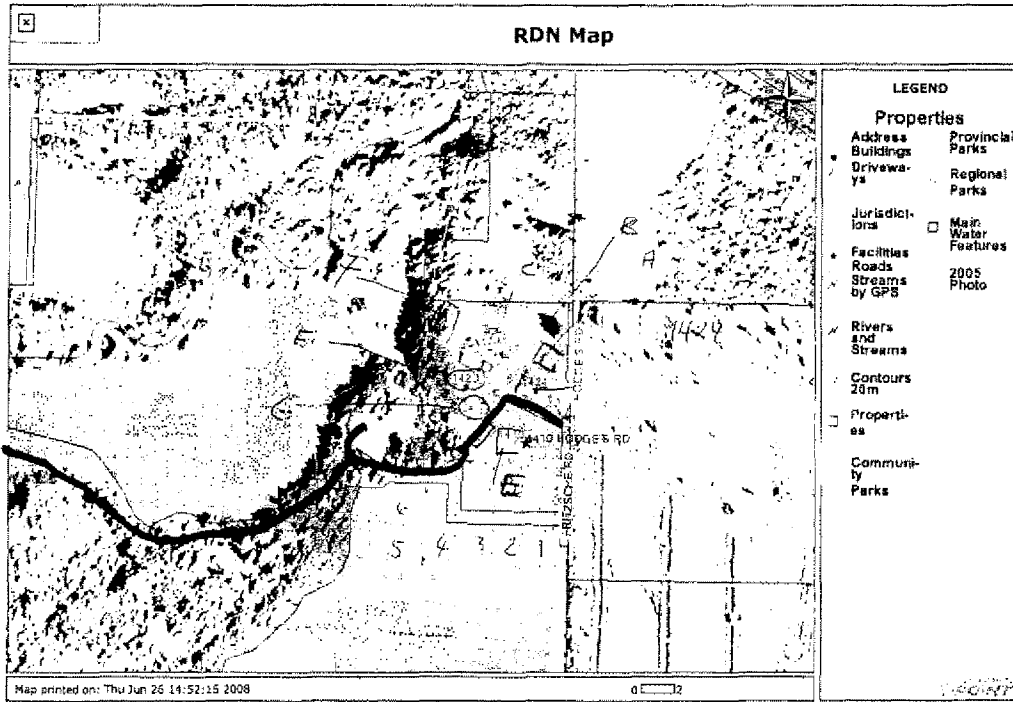
Maximum Number and Size of Buildings and Structures

Accessory buildings	- combined floor area of 400 m ² ²
Dwelling units/parcel:	
a) on a parcel having an area of 2.0 ha or less	- 1
b) on a parcel having an area greater than 2.0 ha	- 2
Height	9.0 m ³
Parcel coverage	25%

Minimum Setback Requirements

1. Buildings and structures for housing livestock or for storing manure:
 - All lot lines - 30.0 m;
2. All other buildings and structures
 - All lot lines - 8.0 m;
 except where:
 - a) the parcel is less than 4000 m² in area then the setback from lot lines may be reduced to 2.0 m from an interior side lot line and to 5.0 m from other lot lines, excluding the front lot line;⁴
 - b) any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.3.8 shall apply.⁵

¹ Bylaw No.500.270, adopted November 13, 2001
² Bylaw No.500.272, adopted November 13, 2001
³ Bylaw No.500.246, adopted December 8, 1998
⁴ Bylaw No.500.13, adopted October 13, 1987
⁵ Bylaw No.500.13, adopted October 13, 1987

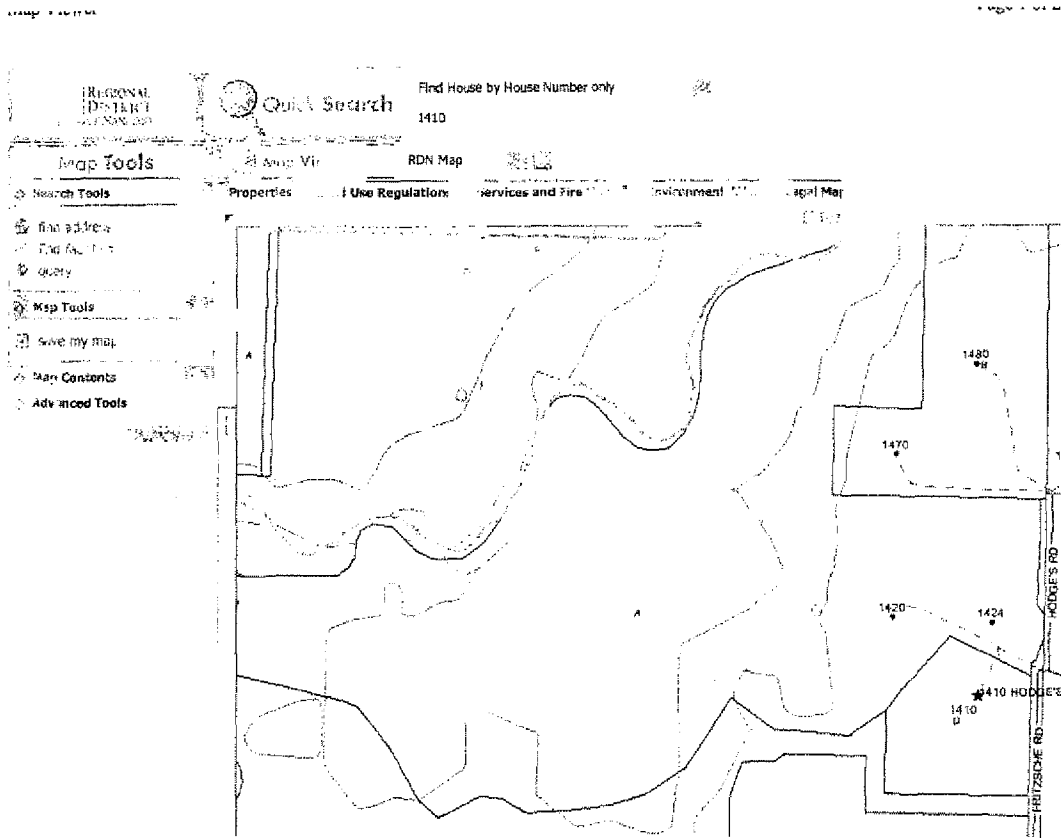


Disclaimer: The information on this map is provided for convenience purposes only. Please contact RDN staff for authenticated information.

Comments: 1424 IS NOT A DWELLING PLACE IT IS A BARN HOUSING 120 HEAD OF BEEF CATTLE IN THE WINTER MONTHS.

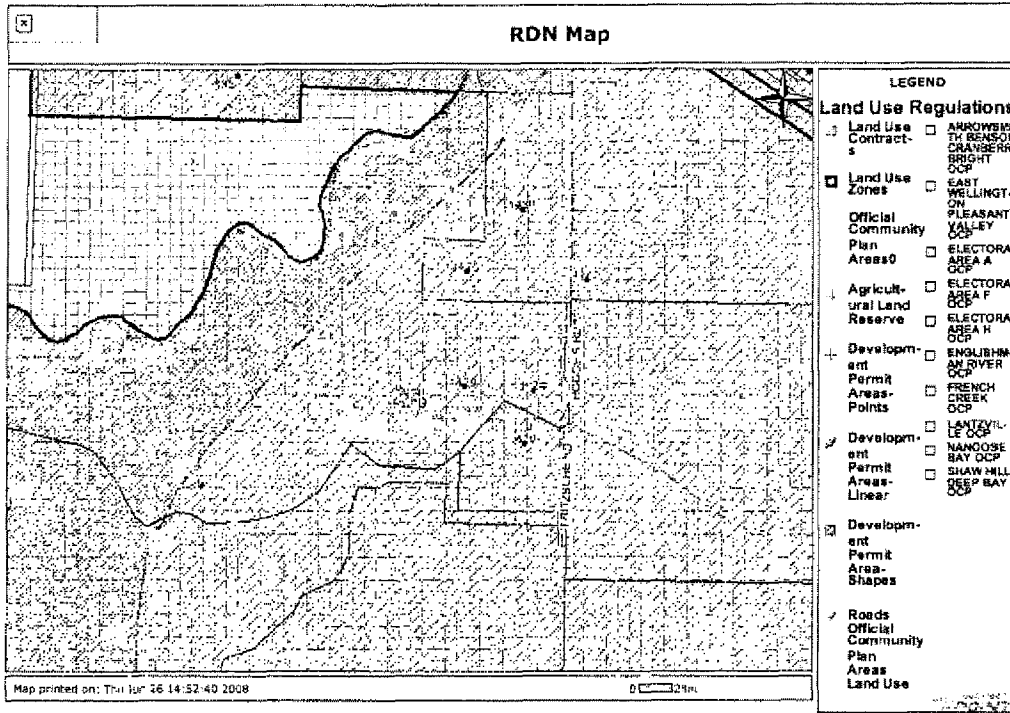
<https://rdnweb.com/onpointrdn/onpoint>

6/26/2008

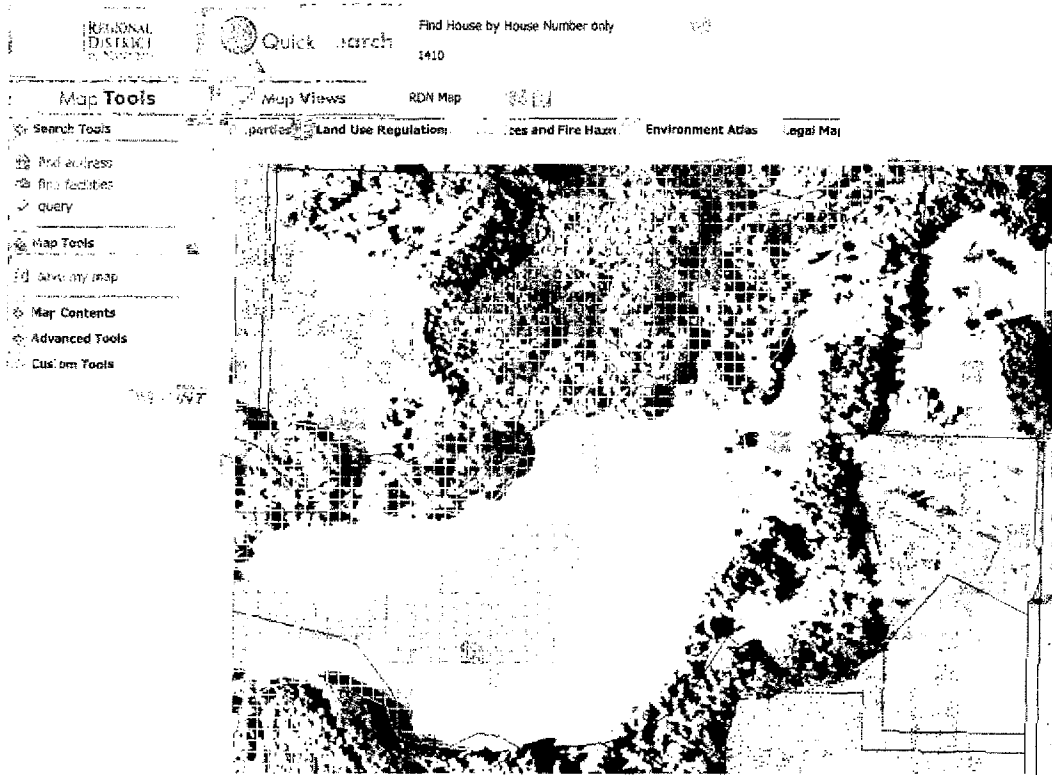


<https://rdnweb.com/onpointrdn/onpoint?FORWARD=utility?LINK=onpointframe>

6/26/2008



Disclaimer: The information on this map is provided for convenience purposes only. Please contact RDN staff for authenticated information.
 Comments: .



<https://rdnweb.com/onpointrdn/onpoint?FORWARD=utility?LINK=onpointframe>

6/26/2008

Submission to the
REGIONAL DISTRICT OF NANAIMO
PUBLIC HEARING - July 9, 2008

Prepared by JAMES T. ALLARD, B.Sc.



Re: Allard Contractors Ltd.
Fairdowne Rd/ Alberni Hwy
(Lot 1, Lot 2, Lot 3)

**SUBMISSION TO DISTRICT OF NANAIMO
PUBLIC HEARING
JULY 9, 2008**

**RE: LAND USE AND SUBDIVISION BYLAW
AMENDMENT BYLAW NO. 500.346, 2008**

LOT 1: FAIRDOWNE ROAD, ROLL NO. 769-10801.030 PID 018-074-987

LOT 2: FAIRDOWNE/ALBERNI, ROLL NO. 769-10801.035 PID 018-074-995

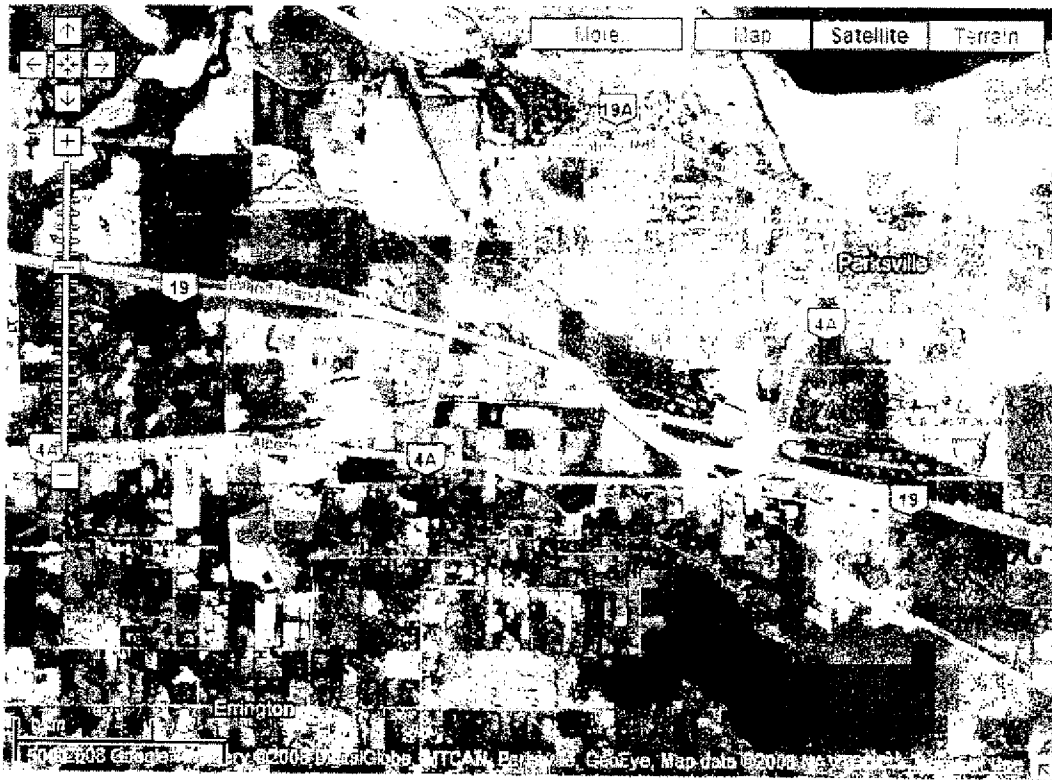
LOT 3: ALBERNI HWY, ROLL NO. 769-10801-040 PID 018-075-002

SUBMITTED BY JAMES T. ALLARD

TABLE OF CONTENTS

1	Google satellite photo - close-up	
2	Google satellite photo - overview	
3	July 1, 2008	2008 Property Assessment
4	February 25, 2008	correspondence to Kevin Krueger
5	January 15, 2008	correspondence from Kevin Krueger
6	October 31, 2007	correspondence from Greg Keller
7	October 23, 2007	correspondence from Kevin Krueger
8	October 22, 2007	correspondence to Greg Keller
9	October 16, 2007	correspondence to Kevin Krueger
10	September 19, 2007	correspondence to Kevin Krueger
11	August 31, 2007	correspondence from Kevin Krueger
12	July 11, 2007	correspondence from Kevin Krueger
13	June 22, 2007	correspondence to Gordon Campbell
14	June 21, 2007	correspondence to Kevin Krueger
15	June 19, 2007	correspondence to Greg Keller
16	May 31, 2007	correspondence from Greg Keller
17	May 23, 2007	correspondence to Greg Keller
18	April 12, 2007	correspondence to Kevin Krueger
19	March 13, 2007	correspondence from Greg Keller
20	February 28, 2007	correspondence to Paul Thompson
21	February 16, 2007	correspondence from Paul Thompson
22	February 14, 2007	correspondence to Paul Thompson
23	September 21, 2006	correspondence to Paul Thompson
24	January 19, 2004	correspondence from Nick Vandermoien
25	January 9, 2004	correspondence to Nick Vandermoien
26	August 28, 1998	correspondence from Jenny Kwan
27	August 28, 1998	correspondence from Jenny Kwan
28	August 25, 1998	correspondence from Gerald German
29	August 7, 1998	correspondence from Jenny Kwan
30	July 31, 1998	correspondence to Jenny Kwan
31	July 31, 1998	correspondence to Charles Kang
32	July 22, 1998	correspondence from Jenny Kwan
33	June 16, 1998	correspondence to Jenny Kwan
34	February 5, 1998	correspondence to Mike Farnworth
35	January 28, 1998	correspondence to Dan Miller
36	January 14, 1998	correspondence from Michael Farnworth
37	January 12, 1998	correspondence to Peter Ostergaard
38	December 5, 1997	correspondence from Umur Olcay
39	December 2, 1997	correspondence to Umur Olcay
40	October 20, 1997	correspondence from Peter Ostergaard
41	September 12, 1997	correspondence to Peter Ostergaard
42	September 3, 1997	correspondence from John Robinson BCA
43	August 25, 1997	correspondence from Peter Ostergaard
44	July 23, 1997	correspondence to Peter Ostergaard
45	January 8, 1997	Chief Inspector's Policy
46	December 18, 1996	correspondence to Umur Olcay
47	December 10, 1996	correspondence from Umur Olcay
48	HISTORY OF PARKSVILLE MINE PERMIT	





2



ASSESSMENT ROLL NUMBER 769-10801.030 Alberni Rural	OFFICE USE NEIGHBOURHOOD CODE 850 PIN 0000023389
----------------------------------------------------------	-----------------------------------------------------------

3.

2008 Property Assessment

This is your 2008 Property Assessment Notice. **THIS IS NOT A TAX NOTICE.** This provides you with an estimate of your property value, its classification, and your entitlement to exemptions from taxation, if any apply. This information will be used by the provincial government and local governments to calculate your 2008 property taxes.

PROPERTY DESCRIPTION	This is a general description of your property for assessment purposes.* For additional information please contact your assessment office. FAIRDOWNE RD Lot 1, Block 1438, Plan VIPS5714, Nanoose Land District PID - 018-074-987																
PROPERTY VALUE	The value of your property is determined by local real estate market conditions. In most cases, the ASSESSED VALUE is BC Assessment's estimate of the market value (most probable selling price) for your property had it been for sale on July 1, 2007. This value typically reflects the physical condition of your property as of October 31, 2007 and relevant information contained in the Land Title and Survey Authority records as of November 30, 2007.	<table border="1"> <thead> <tr> <th></th> <th>VALUE</th> <th>CLASS</th> </tr> </thead> <tbody> <tr> <td>LAND</td> <td>340,000</td> <td>RESIDENTIAL</td> </tr> <tr> <td></td> <td>74,800</td> <td>LIGHT INDUSTRY</td> </tr> <tr> <td>ASSESSED VALUE</td> <td>\$414,800</td> <td></td> </tr> <tr> <td>TAXABLE VALUE</td> <td>\$414,800</td> <td></td> </tr> </tbody> </table>		VALUE	CLASS	LAND	340,000	RESIDENTIAL		74,800	LIGHT INDUSTRY	ASSESSED VALUE	\$414,800		TAXABLE VALUE	\$414,800	
	VALUE	CLASS															
LAND	340,000	RESIDENTIAL															
	74,800	LIGHT INDUSTRY															
ASSESSED VALUE	\$414,800																
TAXABLE VALUE	\$414,800																
ADDITIONAL INFORMATION	This information relates to your property and may be of interest to you. <ul style="list-style-type: none"> The classification of your property has changed from last year. This may result in a tax change for 2008. 2007 assessed value (as of July 1, 2006) was \$278,000 																

YOUR ASSESSMENT OFFICE FOR THIS PROPERTY IS:

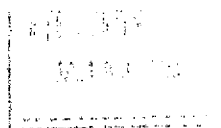
Central Vancouver Island Area
 301-495 Dunsmuir St
 Nanaimo BC V9R 6B9
 04-68-789-10801.030

Local Office 250-753-6621 Or 1-800-977-2775
 Fax 250-754-1880
 Email: centralvanisr@bcaassessment.ca

THE OWNER/LESSEE OF THIS PROPERTY IS:

0007922
 ALLARD CONTRACTORS LTD
 PO BOX 47 STN MAIN
 PORT COQUITLAM BC V3C 3V5

P1 (Y)



QUESTIONS? CONTACT US

If you have questions about your 2008 Property Assessment, please call your assessment office.

During January, offices will be open 8:30 a.m. to 5:00 p.m., Monday through Friday.

FOR MORE INFORMATION, SEE THE BACK OF THIS NOTICE.

DEADLINE FOR FILING A COMPLAINT IS JANUARY 31, 2008

If you disagree with your property assessment, submit the Notice of Complaint (Appeal) form, available at www.bcaassessment.ca. Or, mail, fax or deliver your written request for review to your assessment office. MAILED-IN REQUESTS MUST BE POSTMARKED BY JANUARY 31, 2008.

* Before using information in the Property Description box for non-assessment purposes please verify records with the Land Title and Survey Authority of British Columbia (www.ltsa.ca).

SINCE 04/01/02 1:53:47Z



ASSESSMENT ROLL NUMBER 769-10801, 035 Alberni Rural	OFFICE USE NEIGHBOURHOOD CODE 950 PIN 0000023389
-----------------------------------------------------------	-----------------------------------------------------------

2008 Property Assessment

This is your 2008 Property Assessment Notice. **THIS IS NOT A TAX NOTICE.** This provides you with an estimate of your property value, its classification, and your entitlement to exemptions from taxation, if any apply. This information will be used by the provincial government and local governments to calculate your 2008 property taxes.

PROPERTY DESCRIPTION	<p>This is a general description of your property for assessment purposes.* For additional information please contact your assessment office.</p>		<p>FAIRDOWNE/ALBERNI Lot 2, Block 1436, Plan VIP55714, Nanose Land District PID - 019-074-895</p>															
PROPERTY VALUE	<p>The value of your property is determined by local real estate market conditions. In most cases, the ASSESSED VALUE is BC Assessment's estimate of the market value (most probable selling price) for your property had it been for sale on July 1, 2007.</p> <p>This value typically reflects the physical condition of your property as of October 31, 2007 and relevant information contained in the Land Title and Survey Authority records as of November 30, 2007.</p>	<table border="1"> <thead> <tr> <th></th> <th>VALUE</th> <th>CLASS</th> </tr> </thead> <tbody> <tr> <td>LAND</td> <td>228,000</td> <td>RESIDENTIAL</td> </tr> <tr> <td></td> <td>187,000</td> <td>LIGHT INDUSTRY</td> </tr> <tr> <td>ASSESSED VALUE</td> <td>\$415,000</td> <td></td> </tr> <tr> <td>TAXABLE VALUE</td> <td>\$415,000</td> <td></td> </tr> </tbody> </table>		VALUE	CLASS	LAND	228,000	RESIDENTIAL		187,000	LIGHT INDUSTRY	ASSESSED VALUE	\$415,000		TAXABLE VALUE	\$415,000		
	VALUE	CLASS																
LAND	228,000	RESIDENTIAL																
	187,000	LIGHT INDUSTRY																
ASSESSED VALUE	\$415,000																	
TAXABLE VALUE	\$415,000																	
ADDITIONAL INFORMATION	<p>This information relates to your property and may be of interest to you.</p> <ul style="list-style-type: none"> Your assessment has increased significantly more than most properties in your class. This will likely result in a tax increase in 2008. If you feel your assessment does not reflect market value, please contact your local assessment office. 2007 assessed value (as of July 1, 2008) was \$278,000 																	

YOUR ASSESSMENT OFFICE FOR THIS PROPERTY IS:

Central Vancouver Island Area
301-495 Dunsmuir St
Nanaimo BC V9R 6B9
04-69-789-10801.035

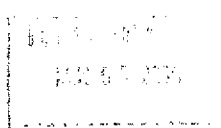
Local Office 250-753-8621 Or 1-800-977-2775
Fax 250-754-1890
Email centralvanis@bcassessment.ca

THE OWNER/LESSEE OF THIS PROPERTY IS:

0007623

ALLARD CONTRACTORS LTD
PO BOX 47 STN MAIN
PORT COQUITLAM BC V3C 3V5

P1 (Y)



QUESTIONS? CONTACT US

If you have questions about your 2008 Property Assessment, please call your assessment office.

During January, offices will be open 8:30 a.m. to 5:00 p.m., Monday through Friday.

FOR MORE INFORMATION, SEE THE BACK OF THIS NOTICE.

DEADLINE FOR FILING A COMPLAINT IS JANUARY 31, 2008

If you disagree with your property assessment, submit the Notice of Complaint (Appeal) form, available at www.bcasessment.ca. Or, mail, fax or deliver your written request for review to your assessment office. **MAILED-IN REQUESTS MUST BE POSTMARKED BY JANUARY 31, 2008.**

* Before using information in the Property Description box for non-assessment purposes please verify records with the Land Title and Survey Authority of British Columbia (www.ltsa.ca).

SNH046 0007623 1391573



ASSESSMENT ROLL NUMBER 769-10801.040 Alberni Rural	OFFICE USE NEIGHBOURHOOD CODE 950 PIN 0000023389
----------------------------------------------------------	-----------------------------------------------------------

2008 Property Assessment

This is your 2008 Property Assessment Notice. **THIS IS NOT A TAX NOTICE.** This provides you with an estimate of your property value, its classification, and your entitlement to exemptions from taxation, if any apply. This information will be used by the provincial government and local governments to calculate your 2008 property taxes.

PROPERTY DESCRIPTION	This is a general description of your property for assessment purposes.* For additional information please contact your assessment office. ALBERNI HWY Lot 3, Block 1438, Plan V1P55714, Nanose Land District PID - 018-075-002													
PROPERTY VALUE	The value of your property is determined by local real estate market conditions. In most cases, the ASSESSED VALUE is BC Assessment's estimate of the market value (most probable selling price) for your property had it been for sale on July 1, 2007. This value typically reflects the physical condition of your property as of October 31, 2007 and relevant information contained in the Land Title and Survey Authority records as of November 30, 2007.	<table border="1"> <thead> <tr> <th></th> <th>VALUE</th> <th>CLASS</th> </tr> </thead> <tbody> <tr> <td>LAND</td> <td>461,000</td> <td></td> </tr> <tr> <td>ASSESSED VALUE</td> <td>\$461,000</td> <td>LIGHT INDUSTRY</td> </tr> <tr> <td>TAXABLE VALUE</td> <td>\$461,000</td> <td></td> </tr> </tbody> </table>		VALUE	CLASS	LAND	461,000		ASSESSED VALUE	\$461,000	LIGHT INDUSTRY	TAXABLE VALUE	\$461,000	
	VALUE	CLASS												
LAND	461,000													
ASSESSED VALUE	\$461,000	LIGHT INDUSTRY												
TAXABLE VALUE	\$461,000													
ADDITIONAL INFORMATION	This information relates to your property and may be of interest to you. <ul style="list-style-type: none"> The classification of your property has changed from last year. This may result in a tax change for 2008. 2007 assessed value (as of July 1, 2008) was \$308,000 													

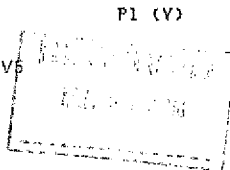
YOUR ASSESSMENT OFFICE FOR THIS PROPERTY IS:

Central Vancouver Island Area
 301-495 Dunsmuir St
 Nanaimo BC V9R 6B9
 04-69-769-10801.040

Local Office 250-753-6921 Or 1-800-977-2775
 Fax 250-754-1890
 Email centralvansi@bcassessment.ca

THE OWNER/LESSEE OF THIS PROPERTY IS:

0007624
 ALLARD CONTRACTORS LTD
 PO BOX 47 STN MAIN
 PORT COQUITLAM BC V3C 3V5



QUESTIONS? CONTACT US

If you have questions about your 2008 Property Assessment, please call your assessment office.

During January, offices will be open 8:30 a.m. to 5:00 p.m., Monday through Friday.

FOR MORE INFORMATION, SEE THE BACK OF THIS NOTICE.

DEADLINE FOR FILING A COMPLAINT 15 JANUARY 31, 2008

If you disagree with your property assessment, submit the Notice of Complaint (Appeal) form, available at www.bcasessment.ca. Or, mail, fax or deliver your written request for review to your assessment office. MAILED-IN REQUESTS MUST BE POSTMARKED BY JANUARY 31, 2008.

* Before using information in the Property Description box for non-assessment purposes please verify records with the Land Title and Survey Authority of British Columbia (www.ltsa.ca)

19. The minimum parcel size within the Rural Residential 3 designation shall be 8.0 hectares although this plan recognizes that there are existing parcels smaller than 8.0 hectares.

Formatted: Left, Indent: Left: 0.25", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 19 + Alignment: Left + Aligned at: 1" + Tab after: 1.25" + Indent at: 1.25", Tabs: 0.5", List tab + Not at 1.25"

20. Rezoning to create parcels smaller than 8.0 hectares in the Rural Residential 3 designation shall not be supported.

21. New residential development shall be permitted at densities of 1 dwelling unit per 8.0 hectares to a maximum of 2 dwelling units per parcel.

Rural

The Rural designation primarily includes lands within the Agricultural Land Reserve, although it is recognized that not all lands within this designation are within the ALR. Lands within the Rural designation have value for agriculture, forestry, and other resource activities.

Policy:

22. The minimum parcel size for lands within the Rural designation shall be 8.0 hectares although this plan recognizes that there are existing parcels smaller than 8.0 ha in area.

Deleted: in accordance with Policy No. 2 above, 1

23. Rezoning to permit the creation of new parcels smaller than 8.0 hectares in the Rural land use designation shall not be supported.

Formatted: Left, Indent: Left: 0.25", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 19 + Alignment: Left + Aligned at: 1" + Tab after: 1.25" + Indent at: 1.25", Tabs: 0.5", List tab + Not at 1.25"

24. Where land is located within the Agricultural Land Reserve and is proposed for subdivision or non-farm use, including the placement of a second dwelling, approval must first be obtained from the Agricultural Land Commission, where additional dwellings are necessary for farm purposes subject to the *Agricultural Land Commission Act*. All subdivision and non-farm uses within the ALR shall comply with the agricultural objectives and policies in Section 21 of this Plan.

25. New residential development shall be permitted at densities of 1 dwelling unit per 8.0 hectares to a maximum of 2 dwelling units per parcel.

Deleted: a maximum

Deleted: y

Deleted: two

5.2 Rural Resource Lands

The Rural Resource Land use designation applies to lands that are used and valued for agriculture, forestry, natural resource protection, or environmental conservation opportunities. Some of the lands within this land use designation are within the Agricultural Land Reserve. Lands that were formerly in the Forest Land Reserve (major forestry holdings) and large parcel Crown land holdings (other than those designated as Park Lands) are also within this land use designation.

It is recognized that certain matters considered in this section are beyond the jurisdiction of the Plan. Objectives and policies relating to these matters are intended to serve as indicators of community preference and assist senior levels of government and agencies in planning and decision-making.

OBJECTIVES:

- 1. Maintain the renewable natural resource land base and protect it from activities that may diminish resource value and potential.

Page 2

be of interest to the Mining Association of British Columbia as well as the Aggregate Producers Association of British Columbia.

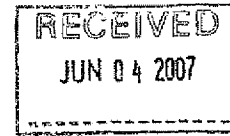
Yours truly,
ALLARD CONTRACTORS LTD.

JAMES T. ALLARD, B.Sc.
Vice President

JTA/wld

c: Mike McPhie, The Mining Association of B.C.
c: Ed Clagget, President, Aggregate Producers Association of B.C.

Item #2



JUN 01 2007

Mr. James T. Allard, B. Sc.
Vice President
Allard Contractors Ltd.
PO Box 47
Port Coquitlam, BC V3C 3V5

Dear Mr. Allard:

Thank you for your letter of January 3, 2007 addressed to Honourable Bill Bennett, former Minister of State for Mining, regarding mining plans, asphalt and ready-mix plants. I am pleased to respond to your letter.

As discussed with you and your association recently, the Ministry of Energy, Mines and Petroleum Resources (Ministry) does not regulate secondary manufacturing businesses such as asphalt and ready-mix plants. These secondary manufacturing activities do not fall within the definition of a mine, and are not an integral part of a mine, nor are they necessary for the mining process, even though they may receive raw or processed material from a mine.

The fact that these plants may be on the same piece of real estate as an aggregate pit and may on occasion show on a "mine plan" does not in any way imply that they have been approved, permitted or regulated by the Ministry. There is a valid purpose to show the area for these facilities as excluded from the permitted mine area, as it will clearly define where Inspectors of Mines have or do not have regulatory authority. Health and Safety inspections of asphalt and ready-mix plants are carried out under the authority of WorkSafe BC (Workers Compensation Board), and the permitting authority rests with other agencies such as local governments and the Ministry of Environment.

While I am interested in opportunities to discuss the concerns of the Mining Association of British Columbia and the Aggregate Producers Association of British Columbia, the Ministry has no intention of regulating secondary manufacturing.

.../2

Ministry of
Energy, Mines and
Petroleum Resources

Minister of State
for Mining

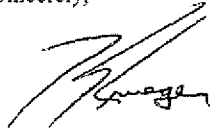
Mailing Address:
PO Box 9070 Stn Prov Govt
Victoria BC V8W 9E2
Telephone: 250 953-4100
Facsimile: 250 387-1803

Location:
Parliament Buildings
Victoria
website: www.empr.gov.bc.ca

- 2 -

Thank you, again, for writing.

Sincerely,

A handwritten signature in black ink, appearing to read "Krueger", written in a cursive style.

Kevin Krueger
Minister of State for Mining

pc: Honourable Richard Neufeld
Minister of Energy, Mines and Petroleum Resources

Mem # 5
Mailed May 23/07



ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 604-944-1448
Office: 604-944-2556
Fax: 604-464-7794

May 23, 2007

PARKSVILLENRD.doc/5

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

Attention: Greg Keller
Senior Planner

Dear Greg,

Thank you for your letter of March 13, 2007. I'm pleased you'll include my request to be zoned Industrial and have our property designated Industrial in your Official Community Plan Review. However let's be very clear. The Nanaimo Regional District rezoned the property across the street from my gravel pit and the zoning allows everything permitted in a mine, plus asphalt and concrete production. These are the businesses I'm in and I expect the same zoning for my property as they have. Just because there is an imaginary line between area F and area G just doesn't make any planning sense whatsoever. I understand someone at the Regional District of Nanaimo has said Industrial may be inappropriate to views of upland residential neighbours. There are no residential neighbours near our gravel pit.

My second point is the cost to develop a fully integrated gravel pit is very expensive and a TIUP is only good for 2 years and 1 renewal for 2 years. I'm not interested in some short term solution. Your TIUP solution is without any merit whatsoever and I reject it. I would also like to add that for me to rezone to resource management is not what I want or expect. Nanaimo Regional District zoned the property across the street to I-2 Industrial 2 and that is exactly what I want and expect. I respectfully request you include my wishes into your Official Community Plan.

One final point. I certainly hope that the Nanaimo Regional District is acting fairly when dealing

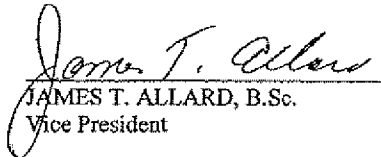
.2

Pit Location: Pipeline Road, Coquitlam Industrial Ave., Maple Ridge Keystone Rd., Mission

Page 2

with the property owners along Fairdowne Road, both in Electoral Area F and Electoral Area G between the new Island Highway and the old Island Highway I expect to be treated the same way as my neighbour across the street.

Yours truly,
ALLARD CONTRACTORS LTD.


JAMES T. ALLARD, B.Sc.
Vice President

JTA/smj

cc: Paul Thompson, MCIP, Senior Planner
Paul Thorkelsson, General Manager, Development Services
Joe Stanhope, Director Electoral Area 'G'

Item #4



MAY 31/07 DATED
March 13, 2007 WJG/MS

James Allard
Allard Contractors Limited
PO Box 47
Port Coquitlam, BC V3C 3V5

Dear Mr. Allard:

Re: Fairdowne Road Gravel Pit

Further to your most recent letter of May 23, 2007, asking the Regional District of Nanaimo to consider changing the zoning and Official Community Plan designation on the subject property to permit the Industrial Uses permitted in Provincial Mine Permit #G-8-190, we confirm receipt of your request. However, we would like to provide you with the following comments and clarifications.

As you are aware, and as previously explained to you in our previous correspondence, the official community plan may contain a policy(s) that would support a rezoning of the property to permit primary processing not Industrial. In addition it is not standard practice for the Regional District of Nanaimo to initiate rezoning for site specific applications. Therefore, if the proposed Official Community Plan is approved, it would be your responsibility to make an application to rezone the property.

In addition to approval from the Regional Board of Directors, owing to the location of your gravel pit, such an application would also require support from the Ministry of Transportation and the City of Parksville. Therefore, even if the new Official Community Plan contained a policy(s) in support of your request there are no guarantees that your rezoning application would be approved.

I hope this answers your questions. Please contact me if you have any further comments or questions.

Sincerely,

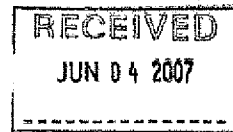

Greg Keller
Senior Planner

cc Joe Stanhope, Director Electoral Area 'G'
Paul Thorkeisson, General Manager, Development Services
Paul Thompson, Manager of Long Range Planning

6300 Hammond Bay Rd.
Nanaimo, B.C.
V9T 6N2

Ph: (250)390-4111
Toll Free: 1-877-607-4111
Fax: (250)390-4163

RDN Website: www.rdn.bc.ca



14.



ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 604-944-1448

Office: 604-944-2556

Fax: 604-464-7794

June 21, 2007

MINES/Min Krueger2


Minister of State for Mining
Ministry of Energy, Mines and Petroleum Resources
PO Box 9070 Stn Prov Govt
Victoria, B.C. V8W 9E2

Attention: Minister Kevin Krueger

Dear Minister,

I would like to point out that my Parksville gravel pit that has operated for 13 years under mine Permit G-8-190 can no longer operate because the Nanaimo Regional District has made an interpretation that stockpiling, crushing screening are processing and manufacturing and come under the jurisdiction of local zoning bylaws. The legal interpretations are contrary to the chief inspector's policy (copy attached). Our industry needs certainty. Please lets find some way to stop this nonsense. We need to be able to run sand and gravel pits economically.

Yours truly,
ALLARD CONTRACTORS LTD.


JAMES T. ALLARD, B.Sc.
Vice President

JTA/smj
encl.

Pit Location: Pipeline Road, Coquitlam Industrial Ave., Maple Ridge Keystone Rd., Mission

CHIEF INSPECTOR'S POLICY

ISSUE: NON-MINING ACTIVITIES AT GRAVEL PITS AND QUARRIES

PURPOSE:

This policy statement is intended to provide guidance to inspectors who have been delegated authority to issue or amend Mines Act permits for gravel pits and quarries that may have accompanying land uses such as top soil processing operations, asphalt plants or concrete ready-mix plants. Regardless of this policy, it is incumbent upon each decision-maker to consider all the facts in his/her own mind and to make an independent decision relevant to each individual case of permitting with respect to these activities.

POLICY STATEMENT:

Top soil processing operations, asphalt plants, concrete ready-mix plants and other post-mining processing activities or non-mining land uses are not normally to be permitted or approved under the Mines Act permitting process. If such land uses are proposed for a mine site, the Mines Act permit should not normally attempt to regulate or approve them, but should ensure that they do not interfere with the safe and environmentally secure conduct of the permitted mining activities.

BACKGROUND:

Gravel pits and quarries are industrial sites that produce raw materials that are used in a variety of applications. In many cases it is convenient for the consumer of these materials to be co-located with the pit or quarry to minimize transportation, rehandling and product storage requirements. Therefore, it is not unusual for top soil processing operations, asphalt plants and concrete ready-mix plants to be established, either temporarily or permanently, on the same property as a gravel pit or quarry. Similarly, other land uses such as industrial vehicle maintenance and equipment storage may be co-located with gravel pits and quarries.

The Mines Act definition of a mine includes processing. Interpretation of this definition suggests that such processing would not usually include mixing the mined product with other materials to produce a new final product for sale. Therefore, the mixing of site-produced sand with imported manure, wood wastes and soil to produce marketable top soil is not generally consistent with the definition of a mine. Similarly, mixing sand and gravel with asphalt to produce asphalt paving material, or mixing sand, gravel, water and Portland cement to produce concrete are not generally consistent with the definition of a mine. These post-mining processing activities would normally be considered land uses and would therefore be regulated through local government land use bylaws.

- 2 -

Subject to complying with local land use zoning and to assurances that they will not jeopardize the safety or increase the environmental impact of the host mining operation, the co-existence of post-mining processing plants and other activities with gravel pits and quarries may be quite acceptable. However, the permitting of these activities would normally be the purview of local government authorities rather than the Ministry of Employment and Investment. Where an applicant or permittee proposes non-mining land uses at a gravel pit or quarry they should be advised of the requirement for local government approval. The local government should also be advised that such activities are not normally sanctioned under the Mines Act and that any necessary enforcement of local bylaws regarding the activities is the responsibility of local government.

Co-location of non-mining activities with gravel pits and quarries has implications for inspections as well as for permitting. For instance, an excavator used for a top soil mixing operation must comply with the Mines Act if it is also sometimes used in the mining operation. Since it may not always be possible for an inspector to determine whether or not equipment use is common to both the mining and non-mining activities on a site, consideration should be given to reminding operators of the requirement for all equipment used in the mining activity to comply with the Mines Act.

January 8, 1997



ALLARD CONTRACTORS Ltd.
P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 604-944-1448
Office: 604-944-2558
Fax: 604-464-7794

PARKSVILLE/NRD.doc/7

June 19, 2007

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

Attention: Greg Keller
Senior Planner

Dear Greg,

Thank you for your letter dated March 13, 2007 in reply to my letter dated May 23, 2007. I can only assume your letter is not properly dated, i.e. March 13, 2007 and should probably be dated May 31, 2007 as I received your letter June 4, 2007 and it was postmarked May 31, 2007. I would also like to thank you for taking the time to discuss this issue with me in person at the Regional District of Nanaimo's front counter on Thursday, June 7, 2007.

In any case, I believe I understand that it is not the R.D.N.'s common practice to rezone a person's private property. However, the R.D.N. rezoned to I-2 the property immediately across from my gravel pit on Fairdowne Road in Electoral Area F, but did not include my gravel pit which is in Electoral Area G. My pit was servicing and supplying gravel to Colin Springford's pit in Electoral Area F. Colin's properties were in Electoral Area F and mine is in Electoral Area G. The dividing line is Fairdowne Road. If I-2 is good enough for one side of the road, then it certainly is good enough for the other side of the road.

I again request that my gravel mine be included in your O.C.P. as Industrial, and inclusive of gravel processing as well as ready-mix and asphalt manufacturing, i.e. everything in the I-2 zone. As I understand our discussion on Thursday the R.D.N. does not have an I-2 zone in Electoral Area G. I would strongly urge the R.D.N. to have the same industrial zoning on both sides of Fairdowne Road.

Please include this letter as my request for our Provincially Permitted gravel mine Permit #G-8-190 to be included as I-2 Industrial in the Electoral Area G O.C.P. review.

Yours truly,
ALLARD CONTRACTORS LTD.


JAMES T. ALLARD, B.Sc.
Vice President

JTA/smj

16.

REGIONAL DISTRICT OF NANAIMO

~~March 19, 2007~~ Revised May 21/07

James Allard
Allard Contractors Limited
PO Box 47
Port Coquitlam, BC V3C 3V5

Dear Mr. Allard:

Re: Fairdowne Road Gravel Pit

Further to your most recent letter of May 23, 2007, asking the Regional District of Nanaimo to consider changing the zoning and Official Community Plan designation on the subject property to permit the Industrial Uses permitted in Provincial Mine Permit #G-8-190, we confirm receipt of your request. However, we would like to provide you with the following comments and clarifications.

As you are aware, and as previously explained to you in our previous correspondence, the official community plan may contain a policy(s) that would support a rezoning of the property to permit primary processing not Industrial. In addition it is not standard practice for the Regional District of Nanaimo to initiate rezoning for site specific applications. Therefore, if the proposed Official Community Plan is approved, it would be your responsibility to make an application to rezone the property.

In addition to approval from the Regional Board of Directors, owing to the location of your gravel pit, such an application would also require support from the Ministry of Transportation and the City of Parksville. Therefore, even if the new Official Community Plan contained a policy(s) in support of your request there are no guarantees that your rezoning application would be approved.

I hope this answers your questions. Please contact me if you have any further comments or questions.

Sincerely,



Greg Keller
Senior Planner

cc Joe Stanhope, Director Electoral Area 'G'
Paul Thorckelsson, General Manager, Development Services
Paul Thompson, Manager of Long Range Planning

6300 Hammond Bay Rd.
Nanaimo, B.C.
V9T 6N2

Ph: (250) 390-4111
Toll Free: 1-877-607-4111
Fax: (250) 390-4163

RDN Website: www.rdn.bc.ca





Sand & Gravel

ALLARD CONTRACTORS Ltd.

R.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 604-944-1448

Office: 604-944-2556

Fax: 604-464-7794

PARKSVILLE/NRD 000/5

May 23, 2007

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

Attention: Greg Keller
Senior Planner

Dear Greg,

Thank you for you letter of March 13, 2007. I'm pleased you'll include my request to be zoned industrial and have our property designated industrial in your Official Community Plan Review. However lets be very clear. The Nanaimo Regional District rezoned the property across the street from my gravel pit and the zoning allows everything permitted in a mine, plus asphalt and concrete production. These are the businesses I'm in and I expect the same zoning for my property as they have. Just because there is an imaginary line between area F and area G just doesn't make any planning sense whatsoever. I understand someone at the Regional District of Nanaimo has said industrial may be inappropriate to views of upland residential neighbours. There are no residential neighbours near our gravel pit.

My second point is the cost to develop a fully integrated gravel pit is very expensive and a TIUP is only good for 2 years and 1 renewal for 2 years. I'm not interested in some short term solution. Your TIUP solution is without any merit whatsoever and I reject it. I would also like to add that for me to rezone to resource management is not what I want or expect. Nanaimo Regional District zoned the property across the street to I-2 Industrial 2 and that is exactly what I want and expect. I respectfully request you include my wishes into your Official Community Plan.

One final point. I certainly hope that the Nanaimo Regional District is acting fairly when dealing

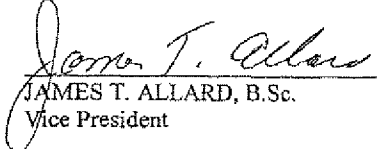
.J2

Pit Location: Pipeline Road, Coquitlam Industrial Ave., Maple Ridge Keystone Rd., Mission

Page 2

with the property owners along Fairdowne Road, both in Electoral Area F and Electoral Area G between the new Island Highway and the old Island Highway I expect to be treated the same way as my neighbour across the street.

Yours truly,
ALLARD CONTRACTORS LTD.


JAMES T. ALLARD, B.Sc.
Vice President

JTA/smj

cc: Paul Thompson, MCIP, Senior Planner
Paul Thorkelsson, General Manager, Development Services
Joe Stanhope, Director Electoral Area 'G'

18.



ALLARD CONTRACTORS Ltd.

R.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 604-944-1448

Office: 604-944-2556

Fax: 604-464-7794

April 12, 2007

MINES/Min Krueger revised

Minister of State for Mining
Ministry of Energy, Mines and Petroleum Resources
PO Box 9070 Stn Prov Govt
Victoria, B.C. V8W 9E2

Attention: Minister Kevin Krueger

Dear Minister,

Thank you for taking the time to meet with me on March 15, 2007. Further to our discussions, I raised a number of points which I will try to summarize briefly:

MAPLE RIDGE: My Maple Ridge gravel pit at which my ready-mix plant (Maple Ridge Ready-Mix) operated from 1991 to 1999 is now permanently shut down by Court Order. This Court Order was appealed all the way to British Columbia Court of Appeal. I tried but I did not get leave to go to the Supreme Court of Canada. Recent judicial interpretations have stated that zoning bylaws trump the Mines Act except in certain circumstances where the zoning may not apply [Copcan v. Regional District of Nanaimo case].

In the Great Pacific Pumice case the B.C. Court of Appeal held that if the legislature had intended that zoning bylaws would not trump the Mines Act (which has been the law in this province for 100 years) then the Mines Act would have to use clearer language than at present. I am attaching a letter written by APABC March 25, 2004 (Item #1) and quote the following from page 2 of the March 25, 2004 letter:

The common theme here is that the courts have been giving power to the local governments due to unclear wording and conflict of wording between the Mines Act and the Local Government Act. In Madam Justice Huddart's words:

"...to begin with the view the mining regime must take precedence over the local government regime is to give precedence where the Legislature stated none. To construe the phrase "mines or minerals" to include all mining activities on the surface of land is to preclude any municipal control over mining activity within its boundaries, and to do indirectly that which the Legislature chose not to do directly."

Pit Location: Pipeline Road, Coquitlam Industrial Ave., Maple Ridge Keystone Rd., Mission

April 12, 2007

Page 2

"... the intervenors see great harm and no good in being subject as well to the municipal zoning power in the exercise of their surface rights to access their minerals. *That may be so, but in my view that question of policy is one for the Legislature.*" [Italics mine].

What is the position of your Ministry on amending the Mines Act to make it clear that zoning cannot be used to prevent activities permitted under a Mines permit?

PARKSVILLE: I attach the recent decision of the Property Assessment Appeal Board (Item #2). I am being taxed as Class 5 Industrial but I am not allowed to process or do the things my Mine Permit allows because they are contrary to the zoning bylaw of the Nanaimo Regional District ("NRD"). I cannot use my property for mines permitted activities but BC Assessment Authority has assessed the property based on Industrial classification. So, I am being taxed by the NRD as if I could use the property for industrial purposes while at the same time the NRD zoning bylaw prevents me from using the property for industrial purposes.

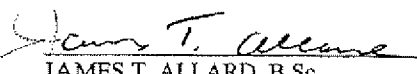
Where a local government prevents the use of property for mining I do not think it should be able to tax the property as if it was industrial. What is the position of your Ministry on this tax issue?

MISSION: I am attempting to put a ready-mix plant in our Mission Pit. This pit has run for 25 years and is zoned M-4. However, some 15 years ago the municipality changed the zoning bylaw. Originally when we purchased the pit, M-4 zoned land was allowed gravel processing and manufacturing as well as ready-mix and asphalt production. The zoning bylaw was changed and disallowed ready-mix and asphalt production without even consulting or informing us. I have applied to rezone the pit to a zoning category that does not currently exist (M-4A) that could be created to allow gravel processing, manufacturing and ready-mix production. In the past, Mines officials stated it is mandatory to include the ready-mix plant in the Mine Plan and the Mine permit in both Maple Ridge and Coquitlam to allow ready mix production. Now municipal officials tell me that if my Mission Pit is rezoned to allow a ready-mix plant, Mines officials will exclude it from my Mine Plan and Permit as Mines do not have jurisdiction for ancillary manufacturing. Please see the attached letter from Mr. Steven Wunschke from Mines (Item #3) dated October 11, 2006.

What is the position of your Ministry on locating ready-mix or asphalt operations on Mine sites?

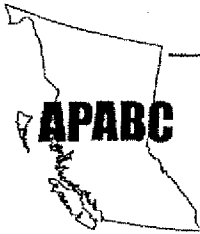
It was a pleasure meeting with you and discussing these issues of concern. I look forward to your response and to further discussions on these important issues.

Yours truly,
ALLARD CONTRACTORS LTD.


JAMES T. ALLARD, B.Sc.
Vice President

JTA/wtd
attach.

ITEM #1



Aggregate Producers Association of B.C.

259 12893 76th Avenue
Surrey, British Columbia
Canada V3W 1E8
Web Site: www.gravelbc.ca
E Mail: gravelbc@telus.net
Tel: (604) 572-1033
Fax: (604) 572-1059

March 25, 2004

Ministry of Transportation
P.O. Box 9055 Stn. Prov. Govt
Victoria, BC V8W 9E2

By e-mail to: Cheryl.Maitland@gems5.gov.bc.ca

Attention: The Honourable Kevin Falcon, Minister

Dear Sir:

Re: Aggregate Industry Concerns

It was a pleasure to meet with you last Friday to discuss the concerns of our industry. As you requested, here is a short summary to aid your discussions with other Ministers and MLA's.

Our top priority concern is the Ministry of Mines apparent willing abandonment of their jurisdiction over aggregates to local governments. Two recent court cases are of particular note. In our view, the Province has lost control of our industry through "judge-made" law

First, in the case of Squamish vs. Great Pacific Pumice, the BC Court of Appeal ruled last summer that Squamish's bylaws could be superimposed on top of the existing Mining Permit. Madam Justice Huddart's comment that "*The bylaw is one more regulation with which a miner must comply if he wishes to exercise surface rights...*" creates the opportunity for any local council to impose regulations which will effectively shut down existing operations or prevent otherwise viable operations from starting.

In the second case, the BC Supreme Court basically upheld Metchosin's new bylaw which was designed to prevent Totangi Forest Products from opening a gravel pit for which they already had a permit. By imposing so many restrictions, the bylaw effectively made the mining permit irrelevant as the economic justification was eliminated. After losing the court challenge, the principals of Totangi have indicated to me that despite years of effort, they have now given up on this operation to "concentrate their efforts where they have a hope of making a profit". They have also indicated that other municipalities on southern Vancouver Island are using the new Metchosin bylaw as a template to prevent new pits and quarries in their jurisdictions. Technically, the Minister of Mines must also sign off on any bylaw, which "prohibits" mining activity. However, the Ministry chose to judge the bylaw provisions as "regulatory" not "prohibitory" so only the Minister of Community, Aboriginal and Women's Services had to approve it. That it was regulatory to the point of prohibitory seemed to make no difference.

Perhaps feeling empowered by these cases, this February the Fraser Valley Regional District started to test their new bylaw against Highland Quarries. Highland has been operating on Sumas Mountain with a Mines permit for a couple of years. Now they have been served with an injunction ordering them to stop processing (i.e. crushing and screening) because the property is not zoned for it. Similarly, the Regional

APABC

A Brief on the Concerns of the Aggregate Industry

District of Nanaimo has warned Copcan Contracting in Nanaimo that if they crush or stockpile on their permitted mining site, the RDN will serve them with an injunction to desist.

The common theme here is that the courts have been giving power to the local governments due to unclear wording and conflict of wording between the Mines Act and the Local Government Act. In Madam Justice Huddart's words:

"...to begin with the view the mining regime must take precedence over the local government regime is to give precedence where the Legislature stated none. To construe the phrase "mines or minerals" to include all mining activities on the surface of land is to preclude any municipal control over mining activity within its boundaries, and to do indirectly that which the Legislature chose not to do directly."

"... the intervenors see great harm and no good in being subject as well to the municipal zoning power in the exercise of their surface rights to access their minerals. *That may be so, but in my view that question of policy is one for the Legislature.*" [Italics mine]

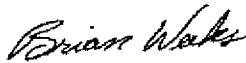
We agree it is long overdue for the government to clarify its intention. It is in the provincial interest to continue to regulate and administer the mining of natural resources from the provincial level, as local governments do not have the appropriate perspective, nor the expertise, to manage these resources for the provincial good. To accomplish this, we have recommended a simple solution - only minor wording changes are needed in the Mines Act. For greater certainty, the Local Government Act could be modified as well. We have attached our suggestions to this letter so you can see how little is required. Similar changes may be needed to the Community Charter Act before it is finalized.

The second major concern to our industry is that in many areas of the province, reserves are being consumed at a greater rate than they are being replaced. We have recommended to the Ministry of Energy and Mines, to the Aggregate Review Panel and to the Mining Task Force that all local governments be required to forecast aggregate needs over a 30 to 50 year time frame, just as your ministry is required to do. Once the demand is estimated, the next step should be to determine where the supply would be located. Whenever possible, the supply should be local to minimize road congestion, pollution and the rate of highway deterioration. Communities with suitable reserves should designate "aggregate reserve lands" just like the forest land reserve or agricultural land reserve. This will prevent otherwise viable reserves from being sterilized by development. It will also enable proper planning of traffic routes, provide early warning to potential neighbours and facilitate long term land use planning after reserves are exhausted.

You may know that California now imports aggregates from BC due largely due to sterilization of their reserves. As producers of an essential commodity, we know that supply will always be found to meet demand - but at what cost? By ensuring existing local reserves are available, the cost to taxpayers (who purchase the majority of the aggregates consumed) will be minimized - both for its supply and for infrastructure maintenance. This ensures more funding will be available for other government priorities like health and education.

Thank you for your interest in these matters. If you have any questions, you can contact me directly at 604-826-4611.

Yours truly,



Brian Weeks, P. Eng.
President

APABC

A Brief on the Concerns of the Aggregate Industry

PROPOSED AMENDMENT TO THE MINES ACT

Amend the following sections to the Mines Act, R.S.B.C. 1996, c. 293

Amendment to s. 1

"mining activity" means all activities related to a mine including, but not limited to, exploratory drilling, excavation, processing, washing, concentrating, waste disposal and site reclamation.

New section to be added to act

Restriction on local government authority regarding uses of mines

[s.](1) A local government must not

- (a) adopt a bylaw under any enactment, or
- (b) issue a permit under Parts 21, 22 or 24 of the *Local Government Act*

that would have the effect of restricting, directly or indirectly, a mining activity

- (c) on land that is the subject of a permit issued under s. 10 of this Act, or
- (d) on any other land designated by the chief inspector.

(2) For certainty, this section applies if the bylaw or permit would have the effect described in subsection (1) even though the bylaw or permit does not directly apply to land referred to in that subsection.

APABC

A Brief on the Concerns of the Aggregate Industry

PROPOSED AMENDMENT TO THE LOCAL GOVERNMENT ACT

We suggest that the *Local Government Act*, R.S.B.C. 1996, c. 323 be amended as follows:

1. In section 1 in the definition of land add the words "as defined in the *Mines Act*" after the word "mines" in subsection (c) so that the subsection would read:

"land' includes the surface of water but does not include...

(c) mines as defined in the *Mines Act* or minerals for which title in fee simple has been registered in the land title office..."

2. The following definitions should be added to section 1:

"building' does not include a building located on a mine as defined in the *Mines Act*."

"structure' does not include a structure located on a mine as defined in the *Mines Act*."

3. In Part 20 of the *Local Government Act*, the issuance of business licenses are set out. Section 659, which is within Part 20, should be amended to add a reference to a license under s. 723(5) as follows:

"(1) An application for a business license or a license under s. 723(5),...."

...

4. We suggest that s.723(5) be amended to replace the word "permit" with the word "license" wherever the word "permit" appears.

ITEM #2



PROPERTY ASSESSMENT APPEAL BOARD

Suite 10, 10551 Shellbridge Way
Richmond BC
V6X 2W9

Telephone: 604-775-1740
Facsimile: 604-775-1742
Toll-free: 1-888-775-1740

E-Mail: office@paab.bc.ca

Web Site: www.assessmentappeal.bc.ca

March 9, 2007

Ref. #: 20062229

Attn: James Allard
ALLARD CONTRACTORS LTD.

Attn: Barb Tribe
ASSESSOR OF AREA #04 - CENTRAL
VANCOUVER ISLAND

Appeal No: 2006-04-00053

Roll No: 04-69-789-10801.040

Allard Contractors Ltd. v. Assessor of Area #04 - Central Vancouver Island

Enclosed is the Board's decision in the above appeal.

If you disagree with the Board's decision, please refer to the information at the end of this decision regarding the procedure and deadline for appealing to the Supreme Court of British Columbia, on a question of law only. If you would like more information about the stated case process, please contact the Board.

For the Board

A handwritten signature in cursive script, appearing to read "Steven Guthrie".

Steven Guthrie, Registrar

Enclosures

331402

pc. Fasken Martineau Dumoulin (Charles Williams)
Crease Harman & Company (John Savage)
Assessment Commissioner (Doug Rundell)
Alberni Rural ()

PROPERTY ASSESSMENT APPEAL BOARD
OF BRITISH COLUMBIA

IN THE MATTER OF AN APPEAL PURSUANT TO S. 50 OF THE ASSESSMENT ACT

CONCERNING:

ALLARD CONTRACTORS LTD.

APPELLANT

AND

ASSESSOR OF AREA #04 - CENTRAL VANCOUVER ISLAND

RESPONDENT

Appeal No.: 2008-04-00053

Refer to as: Allard Contractors Ltd. v. Area 04 (2007 PAABBC 20062229)

Date of Decision: March 9, 2007

Property: 04-69-769-10801.040
Alberni Highway, Alberni Rural

Heard: By Written Submissions, closing February 23, 2007

Panel: Nerys Poole, Panel Chair

Submissions By: Charles Wilms, Counsel, for the Appellant
John E D Savage, Counsel, for the Respondent

INTRODUCTION

[1] The Appellant appeals the classification of its property located on Alberni Highway in the Errington neighbourhood approximately four kilometers from the downtown core of Parksville on Vancouver Island (the "property"). The property is 26.17 acres or 10.59 hectares. The Appellant submits the proper classification of the property under the *Prescribed Classes of Property Regulation* (BC Reg 438/81) is class 1 -

ALLARD CONTRACTORS LTD. V. AREA 04 (2007 PAABBC 20062229)

PAGE 2

residential. The Assessor submits the proper classification of the property is class 5 – light industry or, in the alternative, class 6 – business and other.

[2] This panel issued a preliminary decision on the Appellant's challenge to the admissibility of portions of the Assessor's report. This panel found the whole of the report to be relevant and admissible (*Allard Contractors Ltd. v. Area 04 2007 PAABBC 20062229*).

ISSUE

[3] The sole issue on this appeal is the proper classification of the property.

[4] The specific question is whether the property is "used or held for the purpose of extracting, processing, manufacturing or transporting of products" and, therefore, class 5, or whether the property is "land having no present use and which is neither specifically zoned nor held for business, commercial or industrial purposes" and, therefore, class 1.

FACTS

[5] The parties have provided an agreed statement of facts, which I will set out in full:

Agreed Statement of Facts

The parties agree to the following facts:

1. The subject property is the subject of permit under the Mines Act. Under the Mines Act permit, aggregate may be extracted, processed and crushed. Aggregate is not currently extracted from the mine.
2. The subject property is not specifically zoned for:

ALLARD CONTRACTORS LTD. V. AREA 04 (2007 PAABBC 20062229)

PAGE 3

- (a) Business purposes;
- (b) Commercial purposes, or
- (c) Industrial purposes,

however the property is currently subject to mining permit No. G-8-190 issued to Allard Contractors Ltd. A copy of the permit is attached herelo and marked as Schedule "A". The permit allows Allard Contractors to extract, process and crush aggregate on the site.

3. Pursuant to its permit, Allard Contractors Ltd. has deposited as security with the Chief Inspector of Mines the sum of \$10,000. Allard Contractors Ltd. has not been relieved of the requirement to post such security by the Chief Inspector of Mines.
4. The property has not been reclaimed.
5. The zoning applicable to the subject property does not permit any processing of aggregate resources on the subject property.
6. Aggregate has been extracted from the property from time to time by Allard Contractors Ltd. but no aggregate is currently being extracted from the site.
7. No Notice of Closure of the mine has been filed with the Inspector of Mines.
8. While parts of the property have not been mined the mining permit required that Allard maintain buffer zones near the Alberni Highway right of way and on each side of the thalweg of Romney creek.

[6] The parties attach copies of the mining permit issued September 16th, 1992 and its amendments issued on January 28, 1993 and February 23, 1993. The property on the permit is described as "Fairdowne Road Gravel Pit - Parksville."

[7] The property is zoned RU1-D - Rural 1 sub-district D under the Regional District of Nanaimo Land Use and Subdivision Bylaw 500 1987.

ALLARD CONTRACTORS LTD. V. AREA 04 (2007 PAABBC 20062229)

PAGE 4

EVIDENCE AND SUBMISSIONS

[8] The Appellant provides an affidavit sworn by James T. Allard. Mr. Allard states that the property has no present use and is zoned for residential use. The property is not held for business purposes, commercial purposes, or industrial purposes. He further states that the material on the property, i.e. clay, silt, topsoil, sand and rocks, must be processed to create aggregate resources. Extraction of the material without processing it to create aggregate resources is not commercially feasible. There has been no processing of aggregate resources on the property since October 10, 2003.

[9] In its submission, the Appellant repeats the statements in the Allard affidavit and emphasizes the fact that the zoning on the property does not permit any processing of aggregate resources. The Appellant relies on the Court of Appeal decision in *Bosa Development Corporation v. Assessor of Area #12 – Coquitlam*, (1998) Stated Case 362 (B.C.C.A.) for the proposition that land that is generally held for the purpose of residential development must also be land on which no other use is permissible. As the property, in the Appellant's submission, has no present use, is zoned residential and is neither specifically zoned nor held for business, commercial or industrial purposes, it falls within the property classification of class 1.

[10] The Assessor submits that the surrounding circumstances of this property support the conclusion that the property should be classified as class 5. In the alternative, the Assessor submits that if the property does not fall within class 5, it falls within class 6. The Assessor provides a report by a senior appraiser in the BC Assessment Office, who opines that the property is properly classified as class 5. The Assessor submits that the property is held for industrial purposes as it is currently subject to mining permit No. G-8-190 and has not been reclaimed. The Assessor's report includes further information with respect to the property as well as correspondence between BC Assessment and staff at the Ministry of Energy Mines and Petroleum Resources (MEMPR) and correspondence between BC Assessment and staff at the Regional District of Nanaimo (RDN). The Assessor agrees that there is no active mining on the property but states that the property has not been reclaimed

ALLARD CONTRACTORS LTD. V. AREA 04 (2007 PAABBC 20062229)

PAGE 5

and the permit continues to authorize mining (the extraction of gravel). The Assessor says that extraction and processing of gravel is an industrial purpose, namely the extraction of a product. The Assessor cites a Board decision (*City of Colwood v. Assessor of Area #01 - Capital*, 97-01-00052, PAAB, February 13, 1998, overturned in a stated case to the B.C. Supreme Court but restored by the Court of Appeal, *CBR Cement Ltd. v. Assessor of Area #01 - Capital & City of Colwood*, 1999 BCCA 759) for the proposition that un-reclaimed portions of a gravel pit are nevertheless used.

[11] The Assessor further submits that the determination as to whether a property is held for business, commercial or industrial purposes must be based on objective circumstances, not on statements by the owner. Evidence of the surrounding circumstances must support the property owner's expressions of intent. The Assessor states the evidence of the objective circumstances includes: (1) the un-reclaimed state of the property, (2) the active gravel extraction permit on the property, (3) the "care and maintenance" condition of the property, (4) the owner's seeking to have the property rezoned to permit operations ancillary to gravel extraction, (5) the relative value of the property with a permit compared to its value without a permit, and (6) the fact there are other active gravel pits in the immediate vicinity of the subject.

[12] The Appellant provides a reply to the Assessor and includes a statement by James T. Allard dated February 23, 2007. The Appellant argues that there is no possibility of using the property for industrial use because it is illegal under the RDN zoning bylaw. The Appellant attaches a letter from the RDN confirming that the RDN was not going to initiate a rezoning of the property. The RDN refers to other options that might allow for primary processing. The letter further states that the RDN zoning bylaw currently applies to those activities that are carried out to make the gravel more marketable. In its reply, the Appellant cites the B.C. Court of Appeal decision in *Squamish (District) v. Great Pacific Pumice Inc. et al.*, 2003 BCCA 404 for the proposition that municipal zoning bylaws trump permits granted under the *Mines Act*. The Appellant disputes the Assessor's contention that the Appellant's intent is subjective. The Assessor submits no credible evidence that the property could be

ALLARD CONTRACTORS LTD. V. AREA 04 (2007 PAABBC 20062229)

PAGE 6

used for industrial purposes in the future as the RDN has a history of enforcing its zoning bylaws with respect to aggregate operations that do not comply with its zoning bylaw.

ANALYSIS

[13] The relevant sections of the *Prescribed Classes of Property Regulation* for the purpose of this appeal are:

Class 1 – Residential

1. Class 1 property shall include only:

- ...
(c) land having no present use and which is neither specifically zoned nor held for business, commercial or industrial purposes.

Class 5 – light industry

Class 5 property must include only land or improvements, or both,

- ...
(b) used or held for the purpose of extracting, processing, manufacturing or transporting of products

[14] I find that the Agreed Statement of Facts provides the necessary evidence on which to draw my conclusions about the proper classification of this property. There is an existing mining permit under the *Mines Act* (attached to the Agreed Statement of Facts). This permit allows the owner to extract, process and crush aggregate resources. The property is subject to a reclamation program as set out in the permit. As part of the reclamation program, the owner has deposited the sum of \$10,000 as security with the Chief Inspector of Mines. The property has not been reclaimed. No Notice of Closure (as required by the permit) has been filed with the Inspector of Mines. Aggregate has been extracted from time to time but is not currently being extracted. The zoning applicable to the property does not permit any processing of aggregate resources on the subject property. The property is not specifically zoned for business, commercial or industrial purposes.

ALLARD CONTRACTORS LTD. V. AREA 04 (2007 PAABBC 20062228)

PAGE 7

[15] The Appellant argues that because the current zoning bylaw does not permit processing of the aggregate on the property, the property cannot fall within class 5. I do not accept this submission. The permit provides for extraction of the aggregate. Mr. Allard submits in his affidavit that extraction of the material on the property is not commercially feasible unless the material is processed on the property. Commercial feasibility is not a factor in determining property classification for assessment purposes. At the present time, the property is subject to a mining permit. There has been no reclamation activity. Therefore, I find that it is possible to extract material from the property. Class 5 does not require that property be used or held for the purpose of extracting and processing, only that it be used or held for the purpose of extracting or processing.

[16] Although Mr. Allard states that the only purpose for which the owner is holding the property is for residential purposes, I agree with the Assessor's submission that there must be more than a statement of the property owner to determine whether or not a property is held for a business, commercial or industrial purpose. The Board in *Appia v. Area 10* (2002 PAABBC 20027164) found that intent must be determined objectively. The Board also found that evidence of the surrounding circumstances must support the property owner's expressions of intent. In the present case, I find that the evidence of the existing mining permit, the absence of any reclamation or notice of closure, and the possibility of future extraction of the material, all provide the requisite objective circumstances for me to conclude that the property is held for an industrial purpose.

[17] The Appellant submits that the B.C. Court of Appeal decision in *Squamish (District) v. Great Pacific Pumice Inc. et al.*, 2003 BCCA 404, supports its statement that "zoning bylaws trump permits granted under the *Mines Act*." I do not agree with the Appellant's interpretation of this decision. In the *Squamish* case, the Respondent Great Pacific argued that it should be exempt from the Squamish land use bylaw which prevented the storage and processing of material on lands within the Squamish municipality. The actual extraction of the material took place outside the municipal

ALLARD CONTRACTORS LTD. V. AREA 04 (2007 PAABBC 20062228)

PAGE 8

boundaries and was therefore not at issue in this appeal. The Court of Appeal found that the bylaw could regulate the stockpiling and processing.

[18] In another case cited by the Appellant, *Nanaimo (Regional District) v. Jameson Quarries Ltd. et al*, 2005 BCSC 1630, Warren J. dismissed an application for an injunction brought by the RDN and discussed the *Squamish* decision. Warren J. emphasized the distinction between a municipal land use bylaw that regulates the extraction or removal of gravel from a quarry and a land use bylaw that regulates the processing of that material.

[68] The RDN cannot regulate the extraction or removal of gravel from the quarry with its *Land Use Bylaw*. In order to regulate this type of activity it must enact a "soil removal bylaw" pursuant to s. 723 of the *Local Government Act*. However, the RDN can regulate any related activity at the quarry that is not necessary for extraction. The *Land Use Bylaw* applies to any crushing or screening activity that is carried out by the defendants to make the gravel marketable as opposed to preparing it for transport.

[19] There is no evidence that Nanaimo has passed a soil removal bylaw. There is evidence from the Appellant that some processing may be permitted on the property. The Appellant attaches a letter from the RDN noting that, although the RDN was not prepared to rezone the property, the RDN might consider other options that might allow for primary processing on the property. In his statement attached to the Appellant's reply submission, Mr. Allard states that the owner does not need to process the materials on the property to make the materials transportable.

[20] The Appellant cites a Court of Appeal decision, *Bosa Development Corporation v. Assessor of Area #12 - Coquitlam, supra* to support its argument that the property here falls under class 1. The Court of Appeal in *Bosa* was dealing with a different question, i.e. whether vacant land zoned for commercial use which was being held for residential development could be classified as class 1 when it was "specifically zoned" commercial. The Court of Appeal found that it could not be class 1 as there were other permissible uses.

ALLARD CONTRACTORS LTD. V. AREA 04 (2007 PAABBC 20062229)

PAGE 9

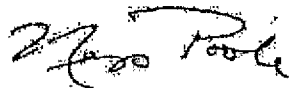
[21] Here the owner says the property is being held for residential development and is zoned residential. I have concluded from the surrounding circumstances as noted above that there are other permissible uses, as evidenced by the mining permit which allows for the extraction of gravel. Despite the residential zoning and the owner's stated intentions, the other permissible uses prevent the property from falling within the class 1 definition.

[22] I find support for my conclusion in the Board case cited by the Assessor, *City of Colwood v. Assessor of Area #01 - Capital, supra*. In that case, the Board concluded that the property, another gravel pit, could not be considered "unused" until the area was reclaimed pursuant to the reclamation requirements of the Ministry of Energy Mines and Petroleum Resources.

CONCLUSION

[23] I conclude that the proper classification of the property is class 5 – light industry, as the property is currently being used or held for the purpose of extracting products, i.e. sand and gravel. I find there is sufficient evidence for my conclusion in the existing mining permit issued for the property which permits extraction of a product. The zoning bylaw of the RDN does not override this permit with respect to extraction of the material.

FOR THE BOARD



Nerys Poole, Panel Chair

ALLARD CONTRACTORS LTD. V. AREA 04 (2007 PAABBC 20062229)

PAGE 10

APPEAL OF BOARD'S DECISION

Pursuant to section 85(1) of the *Assessment Act*, any person who is affected by the above decision may appeal by way of Stated Case to the Supreme Court of British Columbia on a question of law only. To do so, you must notify the Board in writing and include the question(s) of law that you want the Court to answer within 21 days of your receipt of the Board's decision. You may contact the Board for a form, which can be used for this purpose.

Property Assessment Appeal Board
Suite 10, 10551 Shellbridge Way
Richmond BC V6X 2W8

Telephone:	604-775-1740	E-Mail:	office@paab.bc.ca
Toll-free:	1-888-775-1740	Web Site:	www.assessmentappeal.bc.ca
Fax:	604-775-1742		

ITEM #3



October 11, 2006

File: 14675-30-0700614

Dave Smith, P.Eng.
Thurber Engineering Ltd.
Suite 200, 1445 West Georgia St.
Vancouver BC V6G 2T3

Dear: Mr. Smith

Re:

Further to our meeting on Thursday October ⁵ 2006, I am writing to respond to the requests of Mr. Allard.

The Ministry of Energy, Mines and Petroleum Resources (EMPR) does not permit, inspect or in any manner authorize secondary manufacturing operations on mine sites. Should the operator wish to have secondary manufacturing operations such as concrete batch plants, asphalt plants, concrete and asphalt recycling, etc. then they must obtain the approval from the appropriate authorities, such as the local government and or the Ministry of Environment (MOE). The inspection of these plants for worker health and safety is the business of Work Safe BC (the Workers Compensation Board).

When such secondary businesses are to be established, EMPR will require an amendment to the authorized mine plan that clearly shows the boundary of the secondary manufacturing or non-mining activity area and this area will specifically be excluded from the permitted mine site area. The operator shall also maintain boundary marks so that workers and other stakeholder parties clearly understand where EMPR has the jurisdiction and where other agencies have authority. The operator will also develop a traffic control plan that clearly shows how traffic to these areas will be conveyed through the mine site. In any respects a traffic control plan pursuant to part 6.8.3 of the Code is a standard requirement.

There was a question relating to what is meant by compliance. Please refer to the Mines Act and in particular Section 35.

With respect to the new mine plan that is being developed and the proposed 15 metre lift, I have the following comments. The proposed plan must conform to the provisions of the Mines Act and Code. Please review in particular all the parts of 6.23 of the Code as this will be a primary test of an acceptable plan. We look forward to reviewing your submission.

If you have questions relating to the above please contact us.

Sincerely,

Steven Wuschke, P. Eng.
Manager, Permitting, Exploration & Small Mines

cc: Allard Contractors Ltd.
E. Taje, EMPR
R. Berdusco, Acting Chief Inspector of Mines

RECEIVED
OCT 13 2006

FAXED
2006/10/11 [Signature]

Ministry Energy,
Mines and Petroleum
Resources

Mining & Minerals Division

Mailing Address:
PO Box 9320, Stn Prov Govt
Victoria, BC V8W 9N3
Telephone: (250) 952-0462
Facsimile: (250) 952-0464

Location:
7th Floor,
1675 Douglas Street
Victoria

19.

REGIONAL
DISTRICT
OF NANAIMO

March 13, 2007

James Allard
Allard Contractors Limited
PO Box 47
Port Coquitlam, BC V3C 3V5

Dear Mr. Allard:

Re: Fairdowne Road Gravel Pit

Further to our letter of February 16, 2007 and your subsequent correspondence, dated February 28, 2007, asking the Regional District of Nanaimo to consider changing the zoning and Official Community Plan designation on the subject property to permit the Industrial Uses permitted in Provincial Mine Permit #G-8-190, we write to officially confirm receipt of your request. However, we would like to provide the following comments for your records.

As you are aware, the Regional District of Nanaimo is currently reviewing the Official Community Plans in Electoral Area 'G'. Your request will be considered through the Official Community Plan process.

However, as previously explained to you last summer, RDN staff do not support initiating a rezoning for your property. The more likely scenario is that the official community plan may contain a policy(s) that would allow you to apply to rezone the property to Resource Management which would allow for primary processing. As previously mentioned, another option currently available is to apply for a Temporary Industrial Permit to allow for primary processing.

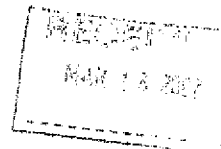
That being said, in addition to approval from the Regional Board of Directors, owing to the location of your gravel pit, such an application would also require support from the Ministry of Transportation and the City of Parksville. Therefore, even if the new Official Community Plan contained a policy(s) in support of your request there are no guarantees that your request would be approved.

I hope this answers your questions. Please contact me if you have any further comments or questions.

Sincerely,


Greg Keller
Senior Planner

cc Joe Stanhope, Director Electoral Area 'G'
Paul Thorkelsson, General Manager, Development Services



6300 Hammond Bay Rd.
Nanaimo, B.C.
V9T 6N2

Ph: (250)390-4111
Toll Free: 1-877-607-4111
Fax: (250)390-4163

RDN Website: www.rdn.bc.ca

Mailed Mon. 1107

20.



ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 604-944-1448
Office: 604-944-2556
Fax: 604-484-7784

PARKSVILLE/NRD.doc/4

February 28, 2007

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


Attention: Paul Thompson, MCIP
Senior Planner

Dear Paul,

Further to my letters of Sept. 21, 2006 and Feb. 14, 2007. I hereby confirm my request that the NRD change the zoning on my property to allow Industrial Uses as set out in my approved Provincial Government Mine Permit #G-8-190.

I have also reviewed your workshops and note you do not record my request that our property be designated Industrial in the OCP Review. Please record our concerns in your OCP Review whereby we, in the strongest terms possible, request our land be designated Industrial in the OCP Review.

Yours truly,
ALLARD CONTRACTORS LTD.



JAMES T. ALLARD, B.Sc.
Vice President

JTA/wld

Pit Location: Pipeline Road, Coquitlam Industrial Ave., Maple Ridge Keystone Rd., Mission

21.

REGIONAL
DISTRICT
OF NANAIMO

February 16, 2007

James Allard
Allard Contractors Limited
PO Box 47
Port Coquitlam, BC V3C 3V5

Dear Mr. Allard:

Re: Fairedowne Road Gravel Pit

Further to your September 21, 2006 letter and our February 12, 2007 telephone conversation, the following is a response to your request for rezoning and question about permitted uses under the current Rural 1 (RU1) zoning.

In your letter you requested the RDN to rezone your property to an industrial zone that would permit aggregate extraction, stockpiling, crushing, screening, washing, processing, and ready-mix concrete manufacturing. I explained to you when we met last summer that the RDN was not going to initiate a rezoning for your property. The more likely scenario was that the official community plan would contain a policy that would allow you to apply to rezone the property to Resource Management which would allow for primary processing. Another option currently available is to apply for a Temporary Industrial Permit to allow for primary processing. Owing to the location of your gravel pit both of these options would require support from the Ministry of Transportation and the City of Parksville.

On the telephone you asked whether the Regional District would take legal action if you were to start gravel extraction activities that included crushing, screening, washing, and stockpiling. A definitive answer to your question is difficult as it depends on several factors. One factor is whether the RDN receives a complaint about your activities. A second factor is whether those activities go beyond what is necessary for extraction and removal of the gravel from the pit. The zoning bylaw applies to those activities that are carried out to make the gravel more marketable.

Should a complaint be made then the RDN will investigate and if it appears that your activities go beyond those of preparing the gravel for transport then you will be requested to stop those activities. If you do not stop the activities that are in contravention of the zoning bylaw then one of the options available to the RDN is to seek a court order to stop those uses that are not permitted under the zoning bylaw. A decision to pursue legal action is a Board decision and is not a decision made by staff.

I hope this answers your questions. Please contact me if you have any further comments or questions.

Sincerely,


Paul Thompson
Manager, Long Range Planning

cc: Jee Stanhope, Director Electoral Area 'G'
Paul Thorkelsson, General Manager, Development Services

6300 Hammond Bay Rd
Nanaimo, B.C.
V9T 6N2

Ph: (250)390-4111
Toll Free: 1-877-607-4111
Fax: (250)390-4163

RDN Website: www.rdn.bc.ca

22.



ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 604-844-1448

Office: 604-844-2556

Fax: 604-464-7794

February 14, 2007

PARKSVILLE/NRD.doc/3

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

Attention: Paul Thompson, MCIP
Senior Planner

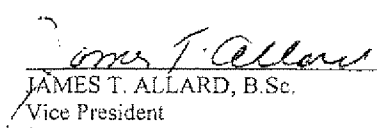
Dear Paul,

I wrote to you on Sept. 21, 2006 requesting confirmation that the Regional District of Nanaimo change the zoning on my property to allow Industrial Uses as set out in my approved Provincial Government Mine Permit #G-8-190. I have not had the courtesy of a reply. I have left you a voicemail as well requesting a response on Feb. 9, 2007 and we spoke on Feb. 12, 2007.

Could you please respond to my Sept. 21, 2006 request at your earliest convenience? I have some significant issues regarding a property tax appeal whereby the R.D.N. has indicated that all activities, including crushing, processing, screening and stockpiling may be permitted under the Mines Permit. However, in my discussions with you back on June 26, 2006 and July 12, 2006 I believe you were very clear and stated that processing, stockpiling, screening, washing and crushing, etc. were not permitted in the RUI-D zone. Could you please confirm the R.D.N. position on my request to have the R.D.N. rezone my property to allow the uses permitted in my Provincial Mine Permit. A prompt reply would be greatly appreciated.

Could you also send me the Agenda and Minutes of the three Public Consultative Workshop Meetings which I believe were held Sept. 30, 2006, Oct. 14, 2006 and Nov. 4, 2006.

Yours truly,
ALLARD CONTRACTORS LTD.


JAMES T. ALLARD, B.Sc.
Vice President

JTA/wld

Pit Location: Pipeline Road, Coquitlam Industrial Ave., Maple Ridge Keystone Rd., Mission

French Creek

23.



ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 604-944-1448
Office: 604-944-2556
Fax: 604-464-7784

September 21, 2006

PARKSVILLE/NKD.doc/1

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

Attention: Paul Thompson, MCIP
Senior Planner

Dear Paul,

Further to our meeting of July 12, 2006. Please be advised that in your review of the French Creek O.C.P. I would like to see our property included as Industrial in the O.C.P. and I would respectfully request you also rezone the property to Industrial (Major) so that the following uses will in fact be allowed by the Regional District: aggregate extraction, stockpiling, crushing, screening, washing, processing, as well as ready-mix concrete manufacturing.

As I stated to you on July 12, 2006 these three lots have been permitted by the Provincial Mines Department since 1992, copy of Mine Permit and amendments attached.

The uses we require are gravel extraction, processing and manufacturing including ready-mix concrete. We respectfully request you rezone our property exactly the same way you zoned the property across the street on Fairdowne in Area F a few years ago when you adopted Bylaw #1285 for Area F.

You rezoned all the adjacent property to Industrial, but because Fairdowne Road was the boundary between Area F and Area G and my property was in electoral area G, my property remained legal non confirming use. I have made many presentations during the Aggregate Study and rezoning and adopting of the O.C.P. for electoral area G to regularize our gravel pit but to no avail.

..12

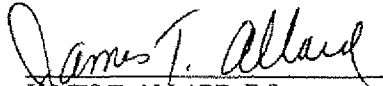
Pit Location: Pipeline Road, Coquitlam Industrial Ave., Maple Ridge Keystone Rd., Mission

Page 2

I respectfully request the Regional District of Nanaimo to rezone and include my property as Industrial in the O.C.P. updated. I have made many calls and submissions when you re-did the French Creek O.C.P. in 1998 and I believe you ignored my concerns.

Please contact me if you need more information and keep me posted on any and all events regarding O.C.P. amendments.

Yours truly,
ALLARD CONTRACTORS LTD.


JAMES T. ALLARD, B.Sc.
Vice President

JTA/wld
encl.



Province of
British Columbia

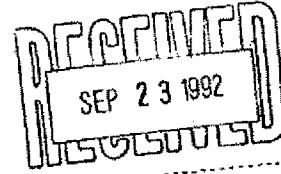
Ministry of
Energy, Mines and
Petroleum Resources

1A, 3411 Shenton Road
Nanaimo
British Columbia
V9T 2H1
Telephone: (604) 755-2486
Fax: (604) 755-2474

FILE: 14675-30-04

September 16, 1992

Allard Contractors Ltd.,
P. O. Box 47
Port Coquitlam, B.C.
V3C 3V5



Attention: Mr. James Allard, Vice President

RE: Reclamation Permit G-8-190
Pursuant to the Mines Act
Property: Fairdowne Road Gravel Pit

Receipt is acknowledged of the completed securities dated September 14, 1992 and described as:

A Letter of Credit Irrevocable Bank Guarantee No. 40-50-92 with the Bank of British Columbia for the amount of ten thousand dollars (\$10,000.00) and maturing on September 13, 1993.

Enclosed please find your permit approving the reclamation program. Your attention is drawn to the conditions, which are an integral part of your permit.

Please be advised, your security deposit may be increased on the basis of reclamation performance.

Following the cessation of work, please complete the enclosed "Notice of Completion of Work and Reclamation Program" and return it to this office.

Yours truly,

E.W. Beresford, P. Eng.,
District Manager & Engineer,
Environmental Impact Management

EWB/gp

Encl.

cc. Reclamation Section

FORM 10C



Province of British Columbia
Ministry of Energy, Mines and Petroleum Resources

**APPROVAL OF WORK SYSTEM
AND
PERMIT
APPROVING RECLAMATION PROGRAM
SAND AND GRAVEL PITS AND QUARRIES
(issued pursuant to the *Mines Act*)**

Permit No. G-8-190

Issued to Allard Contractors Ltd.

Address P. O. Box 47

Port Coquitlam, B. C. V3C 3V5

for work at the operation located on land described as follows:

Block 1438, Nanoose District, Except those parts in

Plans 33564 and 49656

Fairdowne Road, Parksville, B. C.


The registered owner of the land is Canadian Pacific Forest Products Ltd.

Address c/o P. O. Box 47

Port Coquitlam, B. C. V3C 3V5

This approval and permit is issued pursuant to sections 10 and 11 of the *Mines Act* and is subject to the appended conditions.

Issued this 16th day of September in the year 1992


E. W. Beresford for *Chief Inspector of Mines*
R. W. McGinn

PERMIT APPROVING RECLAMATION PROGRAM

The Chief Inspector of Mines hereby approves the program for protection and reclamation of the surface of the land and watercourses affected by the mine subject to compliance with the following conditions:

1. The owner, agent or manager shall conform to the "Guide to Development of Sand and Gravel Pits and Quarries Under the *Mines Act*".
2. The owner, agent or manager shall deposit as security with the Chief Inspector of Mines the amount of Ten Thousand dollars (\$ 10,000.00) within thirty days of issuance of this permit. The security shall be held by the Chief Inspector of Mines for the proper performance of the approved program and all the conditions of this permit in a manner satisfactory to the Chief Inspector of Mines. The owner, agent or manager shall maintain this security until no longer required to do so by the Chief Inspector of Mines.
3. The owner, agent or manager shall comply with the program for the protection and reclamation of the surface of the land and watercourses affected by the mine as follows:
 - a. Topsoil and Overburden — Topsoil and overburden (to rooting depth) must not be removed from the property but shall be removed from operational areas prior to any disturbance of the land, and is to be stockpiled separately on the property. When it can be shown that the topsoil is not required for the reclamation program, permission to remove it from the property may be obtained from the Inspector, who, if he so approves, will grant such permission in writing.
NOTE: On Crown land, the authorization for removal and use of topsoil of the mine property must be obtained under the *Land Act* from the Ministry of Forests and Lands prior to such removal and use.
 - b. Protection and Reclamation of Watercourses — Watercourses within or immediately adjacent to the operation are to be protected against pollution. If necessary, watercourses should be suitably diverted. Upon termination of operations, the watercourses are to be reclaimed to as close to their original condition as is practicable.
NOTE: Approval must be obtained from the Ministry of Environment and Parks, Water Management Branch, prior to work in or about a stream.
 - c. Erosion Control — Water which flows from disturbed areas shall be collected and diverted into settling ponds.
 - d. Buffer Zones and Berms — At the discretion of an Inspector, buffer zones and/or berms may be required between the mine and the property boundary to alleviate the effects of noise and dust.
 - e. Continual and Progressive Reclamation — The surface of the land shall be continually and progressively reclaimed.
 - f. The land shall be left in a condition satisfactory to the Chief Inspector of Mines according to the following:
 - i) Unconsolidated material such as pit banks, berms, benches, hummocks, waste dumps and refuse piles shall be revegetated. Recontouring and covering the slopes with a suitable growth medium may be required.
 - ii) All buildings and equipment must be removed from the site.
 - iii) Concrete foundations and slabs may be left intact but must be covered with overburden and revegetated.
 - iv) Roads shall be ripped and covered with overburden and revegetated.
 - v) A permanent system of drainage control must be established.
4. Notice of Closure — A report of reclamation shall be filed with the Inspector not less than seven days prior to cessation of work, and this shall accompany the notice required under section 6, *Mines Act*.
The owner, agent or manager, or an inspector may apply to the Chief Inspector of Mines for revision of the conditions of this permit, and if he so decides, the Chief Inspector may revise the conditions.

NOTE: This permit applies only to the requirements under the *Mines Act*. Other legislation may be applicable to the mining operations, and this permit in no way abrogates the responsibility of the permittee under such other legislation.

PREAMBLE

1. Notice of intention to commence work was given on July 14, 1992
2. A report and plan of the work system dated July 7, 1992 was filed with the Chief Inspector of Mines on July 14, 1992
3. A program for the protection and reclamation of the surface of the land and watercourses affected by the mine dated July 7, 1992 was filed with the Minister on July 14, 1992
4. Notice of such filing was published in Parksville-Qualicum Beach News on July 28, 1992 and in the Gazette on July 23, 1992

APPROVAL OF WORK SYSTEM

The Chief Inspector of Mines hereby approves the report and plan of the work system subject to compliance with the following conditions:

1. The owner, agent or manager shall not depart from the report and plan of the work system to any substantial degree without the written approval of the Chief Inspector of Mines.
2. The owner, agent or manager shall comply with all the provisions of the *Mines Act* and the *Mines Regulation*.
3. Pursuant to section 6, *Mines Act*, notice of intention to stop work shall be filed with the Inspector of Mines and Resident Engineer not less than seven days prior to cessation of work.
4. Special Conditions:
see attached page

Allard Contractors Ltd.
Name of Property: Fairdowne Road Gravel Pit
Date on N. of W.: July 7, 1992
Permit: G-8-190

SPECIAL CONDITIONS

1. Fuel storage areas shall be kept well away from creeks or watercourses. Spills shall be cleaned up immediately and contaminated material suitably disposed of off site. Fuel tanks, if installed on site, shall be bermed to contain 110% of the contents in case of inadvertent rupture of tank. Tanks to be signed "No Smoking" and have extinguishers in vicinity.
2. First-aid facilities, depending on number of persons employed and complying with the Mines Act, shall be maintained.
3. The pit shall not be used for disposal of toxic material including any petroleum products.
4. Storm and surface water shall be channeled to suitably excavated percolation pond in the north end of pit and shall not be allowed free access to Romney Creek or any watercourse.
5. A sign is to be posted at the access gate with the name of the operation, owner/operator, street address, mailing address and telephone number.
6. The Permit authorizes mining pit run and screening only.
7. An undisturbed buffer strip of trees of a minimum of 20 metres shall be maintained as a screen along the Alberni Highway and a minimum buffer of 60 metres from Romney Creek.
8. The site shall be developed as per mine plan and report submitted by Thurber Engineering Ltd. dated July 10, 1992.
9. The new site access is onto Fairdowne Road and by existing access off the Alberni Highway. The new culvert installation over Romney Creek shall be as approved by B. C. Environment, Water Management Branch, Nanaimo

NOTICE OF COMPLETION OF WORK
SAND & GRAVEL AND QUARRY OPERATIONS
Sections 6 and 9(7) of the Mines Act

I, _____, representing
(name and title)
_____, declare that the
(company name)
sand & gravel pit/quarry (strike out non-applicable) operation
has finished and that I/we have no intention to further mine the
operation described as follows:

Name of operation: _____

Street address of operation: _____

Operator: _____

Address of operator: _____

Land owner: _____

Address of land owner: _____

Permit # _____ Date permit issued: _____

Amount of security deposit: _____

I formally request the return of the reclamation security bond as
the site is now considered to be reclaimed.

(name)

(date)



Province of
British Columbia

Ministry of
Energy, Mines and
Petroleum Resources

1A, 3411 Sturton Road
Nanaimo
British Columbia
V9T 2H1
Telephone: (604) 755-2486
Fax: (604) 755-2474

January 28, 1993

File: 14675-30

Allard Contractors Ltd.
P. O. Box 47
Port Coquitlam, B. C.
V3C 3V5

Attention: Jim Allard

Dear Sir:

Re: Amendment to Reclamation Permit G-8-190
Fairdowne Road Gravel Pit - Parksville

The Parksville Gravel Pit Revised Interim Mining Plan by
Thurber Engineering dated January 18, 1993 and concerning
the above pit has been received and is approved under
Section 10 of the Mines Act.

Enclosed is your Amended Permit extending your pit approval
to the West Section of Block 1438 S. W. as is in Drawing 19-
312-13 2R1 and the change in the Special Condition No. 8
accordingly.

Yours truly,

E.W. Beresford
E.W. Beresford, P. Eng.,
District Manager & Engineer,
Environmental Impact Management

EWB/gp

encl.

c.c. Reclamation Section

3

FORM



Province of British Columbia
Ministry of Energy, Mines and Petroleum Resources

APPROVAL OF WORK SYSTEM
AND
PERMIT
APPROVING RECLAMATION PROGRAM
SAND AND GRAVEL PITS AND QUARRIES
(issued pursuant to the *Mines Act*)

Permit No. G-8-190 amended January 28, 1993

Issued to Allard Contractors Ltd.

Address P. O. Box 47

Port Coquitlam, B. C. V3C 3V5

for work at the operation located on land described as follows:

Block 1438, Nanoose District, Except those parts in 44

Plans 33564 and 49656 (including West Section of Block 1438 S. W.) amended Jan.

Fairdowne Road, Parksville, B. C.

The registered owner of the land is Canadian Pacific Forest Products Ltd.

Address c/o P. O. Box 47

Port Coquitlam, B. C. V3C 3V5

This approval and permit is issued pursuant to sections 10 and 11 of the *Mines Act* and is subject to the appended conditions.

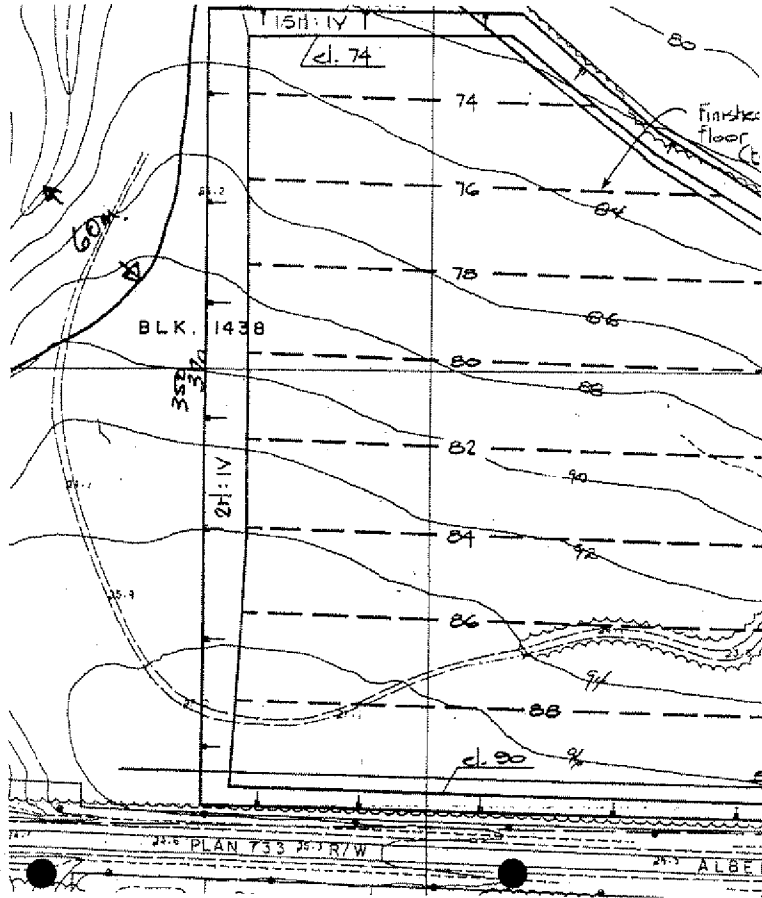
Issued this 16th day of September in the year 1992

E. W. Beresford for Chief Inspector of Mines
R. W. McGinn

Name of Property: Allard Contractors Ltd.
Name of Property Fairdowne Road Gravel Pit
Date on N. of W: July 7, 1992
Permit G-8-190 amended January 28, 1993 *fw*

SPECIAL CONDITIONS

1. Fuel storage areas shall be kept well away from creeks or watercourses. Spills shall be cleaned up and contaminated material suitably disposed of. Fuel tanks, if installed on site, shall be suitably bermed in case of inadvertent rupture of tank. Tanks to be signed "No Smoking" and have extinguishers in vicinity.
2. First aid facilities, depending on number of persons employed, and complying with the Mines Act, shall be maintained
3. The pit shall not to be used for disposal of toxic or material of a petroleum nature.
4. Storm and surface water shall be channeled to suitably excavated percolation pond in the north end of pit and shall not be allowed free access to Romney Creek or any watercourse.
5. A sign to be posted at access gate with name of operation, owner/operator, street address, mailing address and telephone number.
6. The Permit authorizes mining pit run and screening only.
7. An undisturbed buffer strip of trees of a minimum of 20 metres shall be maintained as a screen along the Alberni Highway and a minimum buffer of 60 metres from Romney Creek.
8. The site shall be developed as per mine plan and report submitted by Thurber Engineering Ltd. dated July 10, 1992 and amendment January 18, 1993.
9. The new access is onto Fairdowne Road as approved by the Ministry of Transportation and Highways. The new culvert installation over Romney Creek shall be as approved by B. C. Environment, Water Management Branch, Nanaimo.





Province of
British Columbia

Ministry of
Energy, Mines and
Petroleum Resources

1A, 3411 Shenton Road
Nanaimo
British Columbia
V9T 2H1
Telephone: (604) 755-2486
Fax: (604) 755-2474

February 23, 1993

File: 14675-30

Allard Contractors Ltd.
P. O. Box 47
Port Coquitlam, B. C.
V3C 3V5

Attention: James T. Allard

Dear Sir:

Re: Permit G-8-190 Fairdowne Rd. Pit

In reference to the above permit, please be advised of the amendment to Special Conditions No. 6 & 7 which should replace the present wording. Special Conditions No. 6 & 7 should now read: -

(6) The permit authorizes mining pit run, crushing, screening and washing as required. The Wash Plant shall be on a closed wash water circuit system.

(7) (a) A natural buffer zone of a minimum distance of 15 metres shall be maintained on each side of the thalweg of Romney Creek.

Any hazard trees within this buffer zone and identified as such, in the approved logging plan by a registered professional forester, are to be suitably flagged and directionally felled for minimum disturbance.

(b) A buffer zone shall be maintained alongside the Alberni Highway right-of-way boundary as required by Section 6.6.1 of the Mines Safety and Reclamation Code 1992.

Yours truly,

E.W. Beresford, P. Eng.,
District Manager & Engineer,
Environmental Impact Management

EWB/gp



24.

File: 32000-01/ZONE

January 19, 2004

Allard Contractors Ltd.
PO Box 47
Coquitlam BC V3C 3V5

**Re: Zoning Amendment Lots 1, 2 & 3, Plan 55714, Block 1438
Nanoose District - Alberni Highway #4A**

As per your request of January 9, 2004, the Ministry has no objection in principal to your rezoning subject to the following:

1. Existing Land use remains unchanged.
2. No direct access to Inland Island Highway #19 will be allowed. Access to property is to be from Fairdowne Road only.

Should you have any questions, please do not hesitate to contact me at (250) 751-3263, or via e-mail at Nick.Vandermolen@gems9.gov.bc.ca.

Yours truly,

Nick Vandermolen
Deputy Approving Officer

NVce

Cc: Regional District of Nanaimo

January 19, 2004

Ministry of
Transportation

Vancouver Island District
South Coast Region

Mailing Address:
3rd Fl-2100 Labieux Road
Nanaimo BC V9T 6E9

Telephone: (250) 751-3263
Facsimile: (250) 751-3269

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

Material per 12/04 25.



ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 944-1448

Office: 944-2556

Fax: 464-7794

PARKSVILLE/MoT

January 9, 2004

Ministry of Transportation
Vancouver Island District
6475 Metral Drive
Nanaimo, B.C. V9T 2L9

Attention: Nick Vandermolen
Deputy Approving Officer

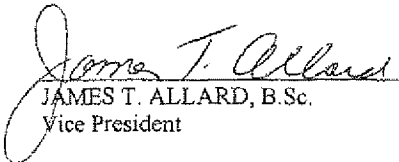
Dear Nick,

I spoke with you on April 3, 2003. Allard Contractors Ltd. owns the gravel pit at 950 Fairdowne Road. The property abuts the Old Island Highway and the New Island Highway and is in Electoral Area G.

We are planning to request the Nanaimo Regional District amend the O.C.P. and re-zone our property in order to regularize the current "Land Use". The process requires the Ministry of Transportation's consent. As we discussed, could you provide me with M.O.T. preliminary approval, even if it is, as discussed "subject to" conditions?

I look forward to your reply.

Yours truly,
ALLARD CONTRACTORS LTD.


JAMES T. ALLARD, B.Sc.
Vice President

JTA/wld



26

AUGUST 28 1998

James T. Allard
Vice President
Allard Contractors Ltd.
P.O. Box 47
Port Coquitlam, British Columbia
V3C 3V5

Dear James Allard:

Thank you for your letter of July 31, 1998, which was a follow-up to your letter of June 16, 1998, which suggested changes to the *Municipal Act* to support the aggregate industry.

I appreciate your clarification of the intent behind your proposals, however, my position is unchanged. In my July 22, 1998 letter, I did consider both municipal zoning powers and section 723 provisions of the *Municipal Act*. Zoning powers are necessary to manage the actual uses of land (eg. industrial, commercial or residential including the types of buildings, etc.). Section 723 powers are necessary to manage the actual removal or extraction of the soil itself.

I believe municipalities require both powers in order to effectively manage their citizens' interests in aggregate operations.

As I also said in my July 22, 1998 letter, your suggestions will be considered. However, as my colleague, the Honourable Dan Miller recently advised you, "a significant step could be taken by industry if they would make efforts to improve dialogue with local communities."

.../2

Ministry of
Municipal Affairs
and Housing

Office of the Minister

Mailing Address:
Parliament Buildings
Victoria BC V8V 1X4

Location:
Parliament Buildings
Victoria



James T. Allard
Page 2

In summary, I reiterate what I said in my July 22, 1998 letter, that it is important to seek a balance in the interests of community residents and provincial agencies in the aggregate industry and I believe the balance is presently being achieved by the split in jurisdiction over aggregate operations.

Thank you once again for your letter.

Yours truly,



Jenny W. C. Kwan
Minister

pc: Honourable Dan Miller
Minister of Energy and Mines
and Minister Responsible for Northern Development



27.
SEE FILE 1000
11
1000000000

AUGUST 28 1998

James T. Allard
Vice President
Allard Contractors Ltd.
P.O. Box 47
Port Coquitlam, British Columbia
V3C 3V5

Dear James Allard:

Thank you for your letter dated July 31, 1998, regarding bylaw number 1115 of the Nanaimo Regional District (the Nanaimo French Creek OCP bylaw).

I refer you to my letter dated August 7, 1998, on the same issue. I reiterate that the process followed by the Regional District in its consideration of this bylaw appears to be in compliance with the applicable provisions of the *Municipal Act*. As I also indicated, I will take your concerns into consideration during my review of the bylaw.

I appreciate that Regional District staff have been directed to prepare a report on alternatives for gravel operations and I understand that this work will be tied in to the joint provincial/local government study I mentioned in my August 7, 1998 letter. Clearly the desired goal for all parties, including aggregate producers, is a predictable, comprehensive policy.

Thank you again for your letter.

Yours truly,

Jenny W. C. Kwan
Minister

Ministry of
Municipal Affairs
and Housing

Office of the Minister

Mailing Address:
Parliament Buildings
Victoria BC V8V 1X4

Location:
Parliament Buildings
Victoria

1000000000



28.

RECEIVED
AUG 27 1998

August 25, 1998

Mr. James T. Allard, B.Sc.
Vice President
Allard Contractors Ltd.
PO Box 47
Port Coquitlam, BC V3C 3V5

Dear Mr. Allard:

Thank you for your letter of July 31, 1998 addressed to Charles Kang, Acting Deputy Minister, outlining your concerns regarding the role of local governments in regulating the sand and gravel industry, and the attached correspondence between yourself and the Honourable Jenny Kwan, Minister of Municipal Affairs, on the same subject. As Mr. Kang is away from the office, I am responding on his behalf.

The Ministry of Energy and Mines fully appreciates the complex issues that exist in the regulation of the aggregate industry and the frustrations individual operators may encounter in dealing with the process. However, I do concur with Minister Kwan that it is appropriate for local government to be involved in industry regulation if their interests may be impacted by that industry. For municipalities and regional districts, those interests are largely lifestyle issues which, in the case of the aggregate industry, are addressed through zoning and soil removal bylaws.

With the authority to pass such bylaws comes the responsibility to be reasonable and balanced. I believe that this is best achieved through cooperation, education, and trust, and that the aggregate industry has a large role to play in this regard.

.../2

Ministry of
Energy and Mines

Office of the
Deputy Minister

Mailing Address:
PO Box 9319 Stn Prov Govt
Victoria BC V8W 9N3

Location:
1610 Blanshard Street
Victoria



-2-

The Ministry of Energy and Mines will continue to pursue an efficient review and approval process for the industry within the scope of its mandate.

I would be happy to have Ministry staff meet with you to discuss this topic in more detail. Please contact Mr. Fred Hermann, Director, Mines Branch, at (250) 952-0494, to arrange a meeting.

Thank you again for providing me with your concerns on this issue.

Yours truly,

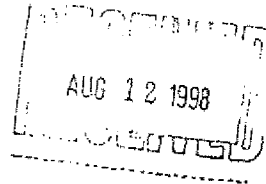


Gerald German
Acting Deputy Minister

cc: Honourable Jenny Kwan
Minister of Municipal Affairs

Mr. Fred Hermann
Director
Mines Branch

29.



AUGUST 07 1998

James T. Allard
Vice-President
Allard Contractors Ltd.
P.O. Box 47
Port Coquitlam, British Columbia
V3C 3V5

Dear James T. Allard:

Thank you for your June 16, 1998 letter advising of your concerns regarding the Regional District of Nanaimo French Creek O.C.P. Bylaw.

I am sorry that you are not satisfied with the Regional District's consideration of your concerns regarding this bylaw. However, I must advise you that the process which the Regional District employed in its consideration of this bylaw appears to be in compliance with the applicable provisions of the *Municipal Act*.

This bylaw was recently forwarded to me for my approval, which is required before final consideration and adoption of the bylaw by the Board. As part of my review I will be considering all Provincial interests in the bylaw, including the implications of the bylaw for aggregate resources in the region, as well as a variety of additional matters. Please be assured that I will take your concerns into consideration during my review.

More generally, I am aware that, in recent months, the comparability of gravel operations with other land uses in the Regional District of Nanaimo has become a major issue for the aggregate industry, residents of the Region and local governments in the area. I understand that, recognizing the urgent need to resolve this issue, the Regional District, the Ministry of Municipal Affairs, the Ministry of Energy and Mines and the Ministry of Transportation and Highways have jointly initiated a study on how to address residents' concerns and still maintain a viable aggregate industry in the Regional District. I am pleased to hear that opportunities are being provided for both the aggregate industry and the general public to have input to the outcome of these studies.

... /2

Ministry of
Municipal Affairs
and Housing

Office of the Minister:

Mailing Address:
Parliament Buildings
Victoria BC V8V 1X4

Location:
Parliament Buildings
Victoria

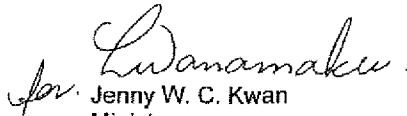


James T. Allard
Page 2

I believe that the studies being undertaken will ensure that, in the future, the aggregate industry will feel more comfortable with local government land use decisions in the Region because they will be more predictable and therefore have less negative impact on aggregate operations.

Thank you again for your letter.

Yours truly,


for Jenny W. C. Kwan
Minister

Mailed Jul 31/98

30.



ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 944-1448
Office: 944-2556
Fax: 464-7794

July 31, 1998

Minister of Municipal Affairs
Room 236
Parliament Buildings
Victoria, B.C.
V8V 1X4

Attention: Hon. Jenny Kwan

Dear Ms. Kwan,

I spoke with Umur Olcay July 24, 1998 and he advised me that the O.C.P. for Nanaimo Regional District is awaiting Ministerial approval.

I respectfully request that you do not approve this O.C.P. until the issue of my Parksville gravel pit is dealt with properly. I have written to your ministry many times. My gravel pit is legally permitted by the Department of Mines. It is not appropriate to designate a gravel pit "Rural Residential" in an O.C.P. Please do not approve this O.C.P. as it has been submitted to you.

Please also note that during the Nanaimo Regional District's debate on the O.C.P., the vote was very close: 6/7. I was in attendance and was not allowed to speak until the resolution had been voted on. Only then was I allowed to speak, and I did. After hearing my issues the Nanaimo Regional District passed a motion to prepare a report on gravel operations to reflect my concerns (copy enclosed).

I respectfully submit that until that report is complete, your ministry should not approve the Nanaimo Regional District's French Creek O.C.P.

I look forward to your reply.

Yours very truly,
ALLARD CONTRACTORS LTD.

James T. Allard
JAMES T. ALLARD, B.Sc.
Vice President

JTA/wld
enclosure

REGDISHA/24

31.



ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 944-1448

Office: 944-2556

Fax: 484-7794

July 31, 1998

Ministry of Energy and Mines
P.O. Box 9319, Stn Prov Govt
Victoria, B.C.
V8W 9N3

Attention: Charles Kang
Acting Deputy Minister

Dear Sirs/Mesdames:

We enclose a copy of our letter to the Minister of Municipal Affairs concerning the Mines Act, along with a copy of her letter to us.

The primary difficulty facing gravel pit operators in terms of overlapping jurisdiction does not arise from bylaws passed pursuant to s.723 of the Municipal Act, but instead arises from the use of the municipality's zoning powers to prevent operations which have been permitted by the province of British Columbia under a mines permit.

Municipalities do not inspect or regulate the activities on a mine yet, because of the provisions of the Municipal Act, the zoning power has been used by some municipalities to frustrate validly granted mines permits.

s.723 of the Municipal Act provides ample authority to local government to regulate or prohibit soil removal within a municipality. However, what takes place on a mine is, in our view, a matter that is the responsibility of the Ministry of Mines and not local government.

If the province of British Columbia does not take some leadership with respect to these issues, the building and re-building of provincial infrastructure will suffer. It is obvious that Highways & Transportation projects that are not favoured by any particular municipality can be frustrated by that municipality at source. No sand and gravel means no asphalt, no ready-mix and no infrastructure.

Pit Locations: Pine Tree Way, Coquitlam Industrial Ave., Maple Ridge Keystone Rd., Mission

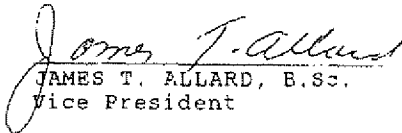
Ministry of Energy and Mines
July 31, 1998

Page 2

While it is understandable that local government will want to have a say with respect to where soil is removed within the municipality, it is not reasonable to expect that municipal government should have the ability to frustrate a validly-granted provincial permit.

We note from the last paragraph of your letter that MEM is reviewing its policy with respect to gravel operations and rock quarries. We would appreciate the opportunity of meeting with representatives of the Ministry who are responsible for recommending revisions to provincial legislation, including the Municipal Act.

Yours very truly,
ALLARD CONTRACTORS LTD.


JAMES T. ALLARD, B.Sc.
Vice President

JTA/wld
enclosure

XBI-WISC/17



32.
JUL 2 1998

JUL 22 1998

James T. Allard
Allard Contractors Ltd.
P.O. Box 47
Port Coquitlam, British Columbia
V3C 3V5

Dear James Allard:

Thank you for your letter of June 16, 1998.

I acknowledge that both the Province and local government have some jurisdiction in respect of aggregate operations in urban areas. Although this situation may not be desirable for all, it may be unavoidable, because the Province and local government share a broad range of interests related to aggregate operations.

In particular, local government has a strong interest in what I can characterize as the "liveability" aspects of their communities including zoning of land and regulation of business. I believe it is appropriate that directly elected local government has responsibility for these matters and that is why the Province has delegated them to local government.

Sometimes this split of jurisdiction can cause difficulty for the aggregate industry but it is important to, and we continue to, strive to balance all of the interests around the industry. In that regard, your specific suggestions for legislative amendments will be considered during the comprehensive review of the *Municipal Act* of which I believe you are aware. However, as they would effectively eliminate any real local government jurisdiction over the liveability aspects of aggregate operations, they are unlikely to be adopted easily.

More generally, we also continue to seek to reduce so called "red tape" related to the aggregate industry by seeking to co-ordinate management and utilization of the resource with local and regional governments.

.../2

Ministry of
Municipal Affairs
and Housing

Office of the Minister

Mailing Address:
Parliament Buildings
Victoria BC V8V 1X4

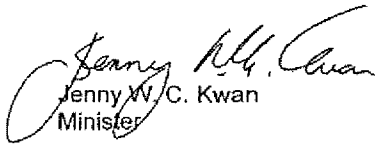
Location:
Parliament Buildings
Victoria



James Allard
Page 2

I hope you find this perspective useful and thank you once again for your letter.

Yours truly,
**


Jenny W. C. Kwan
Minister

Not a yr. 1. 33.



ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 944-1448

Office: 944-2556

Fax: 464-7794

June 16, 1998

Minister of Municipal Affairs
Room 236
Parliament Buildings
Victoria, B.C.
V8V 1X4

Attention: Hon. Jenny Kwan

Dear Ms. Kwan,

The Nanaimo Regional District has given third reading to the French Creek O.C.P. Bylaw 1115. The Nanaimo Regional District Board passed recommendations number 1, 2, 3, and 4 by votes of 9 to 8 (copy enclosed). Only one member of the Board attended the Public Hearing held June 3, 1998 (minutes made available June 8, 1998 and voted on June 9, 1998). It would be impossible to completely digest even my submission to the public hearing (52 pages) in this time.

This bylaw could make our gravel pit operation an unlawful use! We respectfully request you do not approve this bylaw until the O.C.P. recognizes our existing operation.

Is it the policy of the Minister of Municipal Affairs to encourage O.C.P. recognition of existing land uses when this use supports a viable business?

Yours very truly,
ALLARD CONTRACTORS LTD.

James T. Allard

JAMES T. ALLARD, B.Sc.
Vice President

JTA/wld

REGDISNA/17

identified, clarified, and verified to create an official community plan representative of general community interest.

LEGAL IMPLICATIONS

"Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998" has been created to be consistent with the legislation governing official community plan content.

SUMMARY/CONCLUSIONS

The Regional Board granted 1st and 2nd reading to the "Regional District of Nanaimo Official Community Plan Bylaw No. 1115, 1998" at its meeting on May 12, 1998.

Pursuant to the *Municipal Act*, the Provincial Agricultural Land Commission and the City of Parksville were provided a formal opportunity to comment on the Bylaw prior to the Public Hearing. The Bylaw was also referred to other provincial and federal agencies for comment as a courtesy.

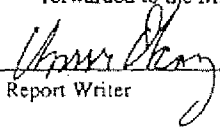
The Bylaw was subject to a Public Hearing on June 3, 1998. A summary of proceedings of the Public Hearing is attached for the Board's consideration.

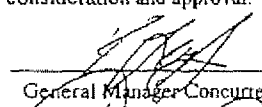
"Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998" may now be considered for 3rd reading.

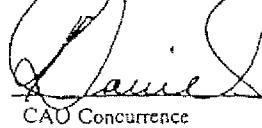
RECOMMENDATIONS

9F
9A
9B
9C
9D
9E
9F
9G
9H
9I
9J
9K
9L
9M
9N
9O
9P
9Q
9R
9S
9T
9U
9V
9W
9X
9Y
9Z
10A
10B
10C
10D
10E
10F
10G
10H
10I
10J
10K
10L
10M
10N
10O
10P
10Q
10R
10S
10T
10U
10V
10W
10X
10Y
10Z
11A
11B
11C
11D
11E
11F
11G
11H
11I
11J
11K
11L
11M
11N
11O
11P
11Q
11R
11S
11T
11U
11V
11W
11X
11Y
11Z
12A
12B
12C
12D
12E
12F
12G
12H
12I
12J
12K
12L
12M
12N
12O
12P
12Q
12R
12S
12T
12U
12V
12W
12X
12Y
12Z
13A
13B
13C
13D
13E
13F
13G
13H
13I
13J
13K
13L
13M
13N
13O
13P
13Q
13R
13S
13T
13U
13V
13W
13X
13Y
13Z
14A
14B
14C
14D
14E
14F
14G
14H
14I
14J
14K
14L
14M
14N
14O
14P
14Q
14R
14S
14T
14U
14V
14W
14X
14Y
14Z
15A
15B
15C
15D
15E
15F
15G
15H
15I
15J
15K
15L
15M
15N
15O
15P
15Q
15R
15S
15T
15U
15V
15W
15X
15Y
15Z
16A
16B
16C
16D
16E
16F
16G
16H
16I
16J
16K
16L
16M
16N
16O
16P
16Q
16R
16S
16T
16U
16V
16W
16X
16Y
16Z
17A
17B
17C
17D
17E
17F
17G
17H
17I
17J
17K
17L
17M
17N
17O
17P
17Q
17R
17S
17T
17U
17V
17W
17X
17Y
17Z
18A
18B
18C
18D
18E
18F
18G
18H
18I
18J
18K
18L
18M
18N
18O
18P
18Q
18R
18S
18T
18U
18V
18W
18X
18Y
18Z
19A
19B
19C
19D
19E
19F
19G
19H
19I
19J
19K
19L
19M
19N
19O
19P
19Q
19R
19S
19T
19U
19V
19W
19X
19Y
19Z
20A
20B
20C
20D
20E
20F
20G
20H
20I
20J
20K
20L
20M
20N
20O
20P
20Q
20R
20S
20T
20U
20V
20W
20X
20Y
20Z
21A
21B
21C
21D
21E
21F
21G
21H
21I
21J
21K
21L
21M
21N
21O
21P
21Q
21R
21S
21T
21U
21V
21W
21X
21Y
21Z
22A
22B
22C
22D
22E
22F
22G
22H
22I
22J
22K
22L
22M
22N
22O
22P
22Q
22R
22S
22T
22U
22V
22W
22X
22Y
22Z
23A
23B
23C
23D
23E
23F
23G
23H
23I
23J
23K
23L
23M
23N
23O
23P
23Q
23R
23S
23T
23U
23V
23W
23X
23Y
23Z
24A
24B
24C
24D
24E
24F
24G
24H
24I
24J
24K
24L
24M
24N
24O
24P
24Q
24R
24S
24T
24U
24V
24W
24X
24Y
24Z
25A
25B
25C
25D
25E
25F
25G
25H
25I
25J
25K
25L
25M
25N
25O
25P
25Q
25R
25S
25T
25U
25V
25W
25X
25Y
25Z
26A
26B
26C
26D
26E
26F
26G
26H
26I
26J
26K
26L
26M
26N
26O
26P
26Q
26R
26S
26T
26U
26V
26W
26X
26Y
26Z
27A
27B
27C
27D
27E
27F
27G
27H
27I
27J
27K
27L
27M
27N
27O
27P
27Q
27R
27S
27T
27U
27V
27W
27X
27Y
27Z
28A
28B
28C
28D
28E
28F
28G
28H
28I
28J
28K
28L
28M
28N
28O
28P
28Q
28R
28S
28T
28U
28V
28W
28X
28Y
28Z
29A
29B
29C
29D
29E
29F
29G
29H
29I
29J
29K
29L
29M
29N
29O
29P
29Q
29R
29S
29T
29U
29V
29W
29X
29Y
29Z
30A
30B
30C
30D
30E
30F
30G
30H
30I
30J
30K
30L
30M
30N
30O
30P
30Q
30R
30S
30T
30U
30V
30W
30X
30Y
30Z
31A
31B
31C
31D
31E
31F
31G
31H
31I
31J
31K
31L
31M
31N
31O
31P
31Q
31R
31S
31T
31U
31V
31W
31X
31Y
31Z
32A
32B
32C
32D
32E
32F
32G
32H
32I
32J
32K
32L
32M
32N
32O
32P
32Q
32R
32S
32T
32U
32V
32W
32X
32Y
32Z
33A
33B
33C
33D
33E
33F
33G
33H
33I
33J
33K
33L
33M
33N
33O
33P
33Q
33R
33S
33T
33U
33V
33W
33X
33Y
33Z
34A
34B
34C
34D
34E
34F
34G
34H
34I
34J
34K
34L
34M
34N
34O
34P
34Q
34R
34S
34T
34U
34V
34W
34X
34Y
34Z
35A
35B
35C
35D
35E
35F
35G
35H
35I
35J
35K
35L
35M
35N
35O
35P
35Q
35R
35S
35T
35U
35V
35W
35X
35Y
35Z
36A
36B
36C
36D
36E
36F
36G
36H
36I
36J
36K
36L
36M
36N
36O
36P
36Q
36R
36S
36T
36U
36V
36W
36X
36Y
36Z
37A
37B
37C
37D
37E
37F
37G
37H
37I
37J
37K
37L
37M
37N
37O
37P
37Q
37R
37S
37T
37U
37V
37W
37X
37Y
37Z
38A
38B
38C
38D
38E
38F
38G
38H
38I
38J
38K
38L
38M
38N
38O
38P
38Q
38R
38S
38T
38U
38V
38W
38X
38Y
38Z
39A
39B
39C
39D
39E
39F
39G
39H
39I
39J
39K
39L
39M
39N
39O
39P
39Q
39R
39S
39T
39U
39V
39W
39X
39Y
39Z
40A
40B
40C
40D
40E
40F
40G
40H
40I
40J
40K
40L
40M
40N
40O
40P
40Q
40R
40S
40T
40U
40V
40W
40X
40Y
40Z
41A
41B
41C
41D
41E
41F
41G
41H
41I
41J
41K
41L
41M
41N
41O
41P
41Q
41R
41S
41T
41U
41V
41W
41X
41Y
41Z
42A
42B
42C
42D
42E
42F
42G
42H
42I
42J
42K
42L
42M
42N
42O
42P
42Q
42R
42S
42T
42U
42V
42W
42X
42Y
42Z
43A
43B
43C
43D
43E
43F
43G
43H
43I
43J
43K
43L
43M
43N
43O
43P
43Q
43R
43S
43T
43U
43V
43W
43X
43Y
43Z
44A
44B
44C
44D
44E
44F
44G
44H
44I
44J
44K
44L
44M
44N
44O
44P
44Q
44R
44S
44T
44U
44V
44W
44X
44Y
44Z
45A
45B
45C
45D
45E
45F
45G
45H
45I
45J
45K
45L
45M
45N
45O
45P
45Q
45R
45S
45T
45U
45V
45W
45X
45Y
45Z
46A
46B
46C
46D
46E
46F
46G
46H
46I
46J
46K
46L
46M
46N
46O
46P
46Q
46R
46S
46T
46U
46V
46W
46X
46Y
46Z
47A
47B
47C
47D
47E
47F
47G
47H
47I
47J
47K
47L
47M
47N
47O
47P
47Q
47R
47S
47T
47U
47V
47W
47X
47Y
47Z
48A
48B
48C
48D
48E
48F
48G
48H
48I
48J
48K
48L
48M
48N
48O
48P
48Q
48R
48S
48T
48U
48V
48W
48X
48Y
48Z
49A
49B
49C
49D
49E
49F
49G
49H
49I
49J
49K
49L
49M
49N
49O
49P
49Q
49R
49S
49T
49U
49V
49W
49X
49Y
49Z
50A
50B
50C
50D
50E
50F
50G
50H
50I
50J
50K
50L
50M
50N
50O
50P
50Q
50R
50S
50T
50U
50V
50W
50X
50Y
50Z

1. That the Summary of Proceedings of the Public Hearing held June 3, 1998, as a result of public notification of "Regional District of Nanaimo French Creek Official Community Plan Bylaw No.1115, 1998" be received.
2. That "Regional District of Nanaimo French Creek Official Community Plan Bylaw No.1115, 1998" be amended as outlined in Schedule '1' to respond to community and agency comments.
3. That "Regional District of Nanaimo French Creek Official Community Plan Bylaw No.1115, 1998" be granted 3rd reading as amended.
4. That "Regional District of Nanaimo French Creek Official Community Plan Bylaw No.1115, 1998" be forwarded to the Ministry of Municipal Affairs for consideration and approval.


Report Writer


General Manager Concurrence


CAO Concurrence

COMMENTS:
Devs\reports\1998\6480 00-fcr/memo.doc

PAGE
4

Mailed & Feb. 10/98 34.



ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 944-1448

Office: 944-2556

Fax: 464-7794

February 5, 1998

Province of British Columbia
Minister of Municipal Affairs, Housing,
Recreation and Consumer Services
Room 124, Parliament Buildings
Victoria, B.C.
V8V 1X4

Attention: Honourable Mike Farnworth
Minister of Municipal Affairs

Dear Sir,

I have sent the attached letter to the Honourable Dan Miller. These issues affect me Big Time. You are my M.L.A. Could you offer any assistance to a constituent in this matter?

Yours very truly,
ALLARD CONTRACTORS LTD.

JAMES T. ALLARD, B.Sc.
Vice President

JTA/wld
attachment

REGDISHA/15

Mailed Feb. 2/98 35.



ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 944-1448

Office: 944-2556

Fax: 464-7794

January 28, 1998

Honourable Dan Miller
Minister of Employment and Investment
Room 152, Parliament Buildings
Victoria, B.C.
V8V 1X4

Dear Sir,

I have written to Mike Farnworth re: my Parksville pit and the Nanaimo Regional District's development of the O.C.P. I attach Mike's reply of January 14, 1998.

The issue that I have seems to be rampant in other jurisdictions, i.e. Whistler, Mission, Maple Ridge, Fraser Valley Regional District, Abbotsford, and Pitt Meadows just to name a few. The issue of "Land Use" jurisdiction being the sole responsibility of the local government creates a huge problem for provincial sand and gravel mines. While gravel extraction is not considered a Use of Land, it appears that Primary Processing (i.e. crushing, screening, washing) is now a "Land Use" function and accordingly the mine must be appropriately zoned causing unbelievable chaos for the gravel industry.

The Chief Inspector of Mine's policy (copy enclosed) states that Primary Process is not a Use of Land, and in fact is a part of "extraction". The local governments disagree.

I respectfully request that you review this matter. I would be available for meetings to discuss this with you at your earliest convenience. This is an urgent problem and I would greatly appreciate your prompt attention.

Yours very truly,
ALLARD CONTRACTORS LTD.

JAMES T. ALLARD, B.Sc.
Vice President

JTA/wld
enclosure

M21NTLLR/3



JANUARY 14 1998

36.
RECEIVED
JAN 19 1998
MUNICIPALITY OF NANAIMO

JAMES T. ALLARD
VICE PRESIDENT
ALLARD CONTRACTORS LTD.
BOX 47
PORT COQUITLAM BC V3C 3V5

Dear James Allard:

Thank you for your letter of December 2, 1997, in which you express concern about a proposed official community plan (OCP) in the Regional District of Nanaimo. Please accept my apology for the delay in replying.

I appreciate that this is an important matter for you, and that, in your opinion the proposed provisions of the OCP do not appear to have a coherent theory of development of resource extraction industry. I also note your concern that the OCP will create a sterile zoning devoid of any rational use for your property.

The matters which you raise are local government issues and I note that the Regional District of Nanaimo has responded to your concerns in its letter to you dated December 5, 1997 which was copied to me. It would be inappropriate for me to provide comment on these matters which are the responsibility of the Regional District. I do recommend that you continue to bring your concerns to the attention of the Regional District so that it can give consideration to the points which you make.

Thank you for writing to me and bringing your concerns to my attention.

Yours truly,

Michael Farnworth
Minister

pc: Peter Ostergaard, Assistant Deputy Minister
Ministry of Employment and Investment

Ministry of
Municipal Affairs
and Housing

Office of the Minister

Mailing Address:
Parliament Buildings
Victoria BC V8V 1X4

Location:
Parliament Buildings
Victoria



PARKVILLE

World Sav. Inc 37.



ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 944-1448

Office: 944-2556

Fax: 484-7794

January 12, 1998

Ministry of Employment and Investment
Energy and Minerals Division
P.O. Box 9320, Stn. Prov. Govt.
Victoria, B.C.
V8W 9N3

Attention: Peter Ostergaard
Assistant Deputy Minister

Dear Sir,

I sent you a fax letter dated December 2, 1997 which was my response to the Open House held November 25, 1997 by the Nanaimo Regional District to obtain input for the French Creek O.C.P. Review. I have written to you on numerous occasions regarding land use, zoning and the O.C.P. in regards to my Parksville gravel pit. I first sent a very large package to you on July 23, 1997 to give you a history of this gravel pit. I am now enclosing Umur Olcay's reply to my fax of December 2, 1997.

This land use / primary processing issue is not being addressed. In your September 24, 1997 letter to me you state "It appears that the issue of designation of your Fairdowne Road gravel pit was not identified as an issue at that time". Please be advised that it is a major issue to our Company, our Parksville Pit, and throughout the Province.

Could you please advise if you will pursue this issue to properly resolve it?

Yours very truly,
ALLARD CONTRACTORS LTD.

JAMES T. ALLARD, B.Sc.
Vice President

JTA/wld
enclosure

OSTERGRD/10

Pit Locations: Pine Tree Way, Coquitlam Industrial Ave., Maple Ridge Keystone Rd., Mission

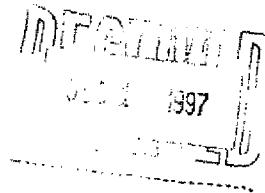
38.



REGIONAL
DISTRICT
OF NANAIMO

December 5, 1997

James Allard
Allard Contractors Ltd.
PO Box 47
Port Coquitlam, BC
V3C 3V5



Dear Mr. Allard:

RE: Preliminary Draft French Creek Official Community Plan

Thank you for your letter dated December 2, 1997 in regards to the preliminary draft OCP which was presented at the Open House on November 25, 1997 for public input.

You are correct that the Plan designates the property 'Rural'. It is also noted that the current OCP designation on the property is 'Rural'. The property is zoned Rural 1 (RU 1) in the current zoning bylaw and does not allow for processing of aggregate resources.

The draft Plan recognizes that there is an existing gravel pit on this property and appreciates its economic benefits to the area. The Draft Plan proposes to address your request for permitting processing aggregate resources at your gravel pit by allowing for the consideration of rezoning to permit primary processing of aggregate resources. Upon the adoption of the OCP, you would have the opportunity to apply to amend the zoning bylaw to provide for this use, pursuant to the OCP policies. It should be noted that, like all rezoning bylaws, a zoning amendment proposal would require a public hearing and will take at least 6 months to approve. The Official Community Plan is not a regulatory bylaw and would not automatically change the permitted uses on a property.

The Plan also provides provisions for temporary use permits for allowing processing of aggregate resources where there is an existing gravel pit. This is optional to amending the zoning bylaw. You may actually find the temporary use permit provision useful, since the approval process for such a permit is much shorter than for amendments to existing zoning. It may be used as an interim measure to allow temporary approval of aggregate processing use while a rezoning bylaw is being considered. Temporary Use Permit approval may also be appropriate if proposals for changes in the use and changes in the urban boundary are contemplated in the future. Temporary Permits can only be considered for

*Should
regulatory
when needed*

6300 Hammond Bay Rd.
P.O. Box 40
Lanstrville, B.C.
V0R 2H0
Ph: (604)393-4111
District 69 Ph: 248-5511
Fax: 393-4163

Mr. James Allard
December 5, 1997
Page 2

approval if the Official Community Plan includes policy providing for temporary commercial or industrial permits pursuant to Section 921 of the *Municipal Act*. Although you are correct that temporary use permits can be extended only once, a new temporary use permit can be issued by the Board after expiry, and that new permit may also be extended pursuant to the *Act*.

With respect to your comment regarding fringe area agreements with adjoining municipalities. Please be advised that such agreements are implementations of urban containment and urban fringe management policies of the Regional Growth Management Plan which was adopted in January 1997. - Such fringe agreements would be pursuant to Section 868 of the *Municipal Act* which provides for implementation agreements for the Regional Growth Management Plan. As you are aware, your property is outside the urban boundary identified in the Regional Growth Management Plan. Any proposed amendments to the urban boundaries are not scheduled to be reviewed until 1999. Interjurisdictional implementation agreements are in the process of being prepared which will provide for joint understanding and actions involving the potential review and revision of urban containment boundaries for the municipality and the Regional District. In short, fringe area implementation agreements will coordinate land use decisions within urban fringe or municipal boundary extension candidate areas in cooperation with affected municipalities. If you require further information on this issue, you may wish to contact Mr. Neil Connelly, General Manager of Community Services.

With respect to approval of zoning amendments by Ministry of Transportation and Highway. Please be advised that pursuant to the Controlled Access Highways regulations of Part 6 of the *Highway Act*, zoning bylaws cannot be adopted within 800 metres of an intersection of a controlled access highway with any other highway, without the approval of the Ministry of Highways. Also, please note that the Regional District is currently working with the Ministry of Transportation and Highways in preparing a Vancouver Island Highway Agreement, which would be an implementation agreement of the Regional Growth Management Plan pursuant to the Part 25 (Regional Growth Strategies) of the *Municipal Act*. One of the key objectives of the agreement would be to maintain the natural rural attractiveness and visual appeal of the Vancouver Island Highway Corridor to maximize positive experiences for travelers and residents of the Regional District of Nanaimo. All planning issues within the Highway Corridor will require coordination with the Ministry of Transportation and Highways pursuant to such agreement.

With respect to your comment that "the policy for not providing for consideration of industrial and commercial zoning adjacent to the Island Highway is improper". Please note that the *Municipal Act* provides that the OCP may designate the location of present and proposed commercial and industrial land uses as well as establishing guidelines for the character and form of such uses. Any zoning bylaw

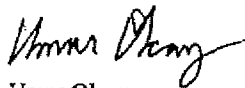
Mr. James Allard
December 5, 1997
Page 3

or permit must comply with the objectives and policies of the plan prior to approval by the Regional Board. Regional District and French Creek residents have indicated their support for urban containment and for the protection of the Inland Island Highway Corridor and for these reasons, the draft Plan does not support the consideration of additional industrial or commercial designations in the highway corridor. The City of Parksville has also indicated that Block 1438, south of the City of Parksville, requires protection to prevent urban sprawl and preserve the forest landscape adjacent to the Island Highway. The City has also suggested that no further highway-oriented commercial development should be considered on the Inland Island Highway.

With respect to your comment about the lack of zoning regulations on adjacent lands within Electoral Area 'F' (Coombs, Hilliers & Errington). Please be advised that a public consultation process is currently underway for establishing an Official Community Plan and land use bylaws for that area of the Regional District.

Your comments are appreciated, and will be considered prior to the final draft of the OCP. Should you wish to arrange a meeting to discuss your concerns, please contact me at (250) 390-6510.

Yours sincerely,



Umur Olcay
Senior Planner

cc: Joe Stanhope, Director Electoral Area 'G'
Robert Lapham, General Manager of Development Services
Hon. Mike Farnworth, Minister of Municipal Affairs
Peter Ostergaard, Energy and Minerals Division
City of Parksville

39.



ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 944-1448

Office: 944-2556

Fax: 464-7794

December 2, 1997

BY FAX: (250) 390-6511

Regional District of Nanaimo
6300 Hammond Bay Road
P. O. Box 40
Lantzville, B. C.
V0R 2H0

Attention: Umur Olcay
Senior Planner

Dear Sir,

I attended the Open House on November 25, 1997 at Wembley Road with respect to the proposed OCP. As I pointed out at the public Open House, the OCP does not adequately deal with aggregate resources.

In Section 7.5, the OCP provides for designating land with aggregates or mineral resource potential but then suggests that that land be designated rural no matter what the present activity on the land is. This does not make any apparent sense.

Section 7 carries on to suggest introducing new resource management zoning, but then goes on to suggest that temporary industrial use permits be issued with respect to processing of aggregate resources. My first point is, either it is zoned for primary processing or it is not. If it is zoned for primary processing, then temporary industrial use permits are unnecessary. My second point is that under the *Municipal Act*, temporary industrial use permits can be issued for a maximum of two years renewable once for a further two years. While it does not appear to be the intention of the OCP, the effect of requiring TIUP's for primary processing is to limit the period of gravel extraction on these properties to four years. This does not make a lot of sense.

.../2

December 2, 1997
Regional District of Nanaimo

Page 2

In Section 7, it is suggested that land in a potential fringe area adjoining a municipality will require support from the municipality before permits are issued or renewed. This is an unknown concept to me and does not appear to be contemplated by the *Municipal Act*.

In Section 7 is a suggestion that where the land is adjoining the Island Highway "support" from MOTH will be required prior to consideration. Once again, the permitting process under the *Municipal Act* does not appear to contemplate the consent of MOTH prior to issuing permits for soil removal operations.

Item 9.7 suggests the Regional District will not initiate commercial or industrial zoning for lands adjacent to the Island Highway but this provision of the OCP is an improper fetter on the legislative jurisdiction of the Regional District.

In part 10, permit areas are created. One of the permit areas is the Inland Island Highway. Does this apply to gravel resource extraction?

Finally, DPAS restricts development on one side of Fairdowne Road (Electoral Area G) where there may be development on the other side of the road (Electoral Area F) which is completely inconsistent with the provisions of DPAS. Thus, where the Regional District's OCP review does not extend to both sides of the road, you have the anomalous result of wide open development on one side of the road (Area F) and an effective land freeze on the other (Area G). In addition, as I have pointed out to representatives of the Regional District, a new asphalt plant has been installed on the property immediately west of the Allard property on the west side of Fairdowne Road.

My main complaint, which runs through each of the items discussed in this letter, is that there is no coherent theory of development of resource extraction industry in the OCP. By designating my property rural in an area where other gravel pits, including asphalt operation are taking place, this OCP creates a sterile zoning devoid of any rational use.

I would therefore appreciate the opportunity at a meeting attended by representatives of the Minister of Mines, the Minister of Municipal Affairs and the Regional District, to attempt to agree on

.. / 3

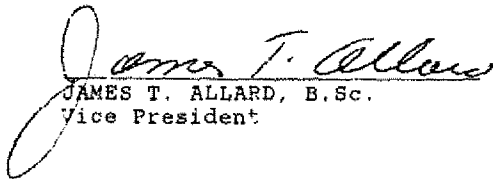
December 2, 1997

Regional District of Nanaimo

Page 3

workable OCP provisions with respect to our present industrial gravel pit property. At the very least, the OCP should reflect present use of the property.

Yours very truly,
ALLARD CONTRACTORS LTD.


JAMES T. ALLARD, B.Sc.
Vice President

JTA/wld

cc: Hon. Mike Farnworth
Minister of Municipal Affairs

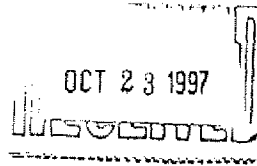
cc: Peter Ostergaard
Assistant Deputy Minister
Ministry of Employment & Investment
Energy and Minerals Division

REC'D ISNA/12



40.

October 20, 1997



Mr. James T. Allard, B.Sc.
Vice President
Allard Contractors Ltd.
PO Box 47
Port Coquitlam, BC V3C 3V5

Dear Mr. Allard:

Thank you for your letter of September 12, 1997 regarding your Fairdowne Road pit in Parksville, and requesting clarification regarding the jurisdiction of each level of government with respect to zoning, permitting and operation of sand and gravel pits.

You are correct when you state that gravel extraction, per se, is not a "use of the land". This interpretation of the law means that gravel extraction is not subject to specific land use zoning. Furthermore, the Municipal Act clearly states that local governments do not have the authority to prohibit the extraction of gravel from any lands without first enacting a soil removal bylaw, approved by the Minister of Municipal Affairs and Housing with the concurrence of the Minister of Employment and Investment. Therefore, in the absence of a soil removal bylaw, any permit to extract gravel issued under the Mines Act takes precedence over local zoning bylaws and Official Community Plans.

Gravel processing is another matter. Processing operations such as crushing, screening and washing are considered part of a mine by definition under the Mines Act, clearly justifying the requirement for a Mines Act permit for such activities. However, a recent court decision has had the effect of recognizing "crushing" as a land use, which would also subject it to regulation under local land use zoning bylaws. This duplication of approval authority has caused the jurisdictional uncertainty which you raise in your letter.

In the case of your Fairdowne Road pit, the zoning applied to the pit area by the Regional District of Nanaimo does not permit crushing. It would appear, therefore, that should you choose to exercise your Mines Act permit authorization for crushing without first obtaining either an amendment to the zoning or a temporary industrial use permit, your operations would be in conflict with the zoning designation and could be subject to the enforcement provisions of the zoning bylaw.

.../2

Ministry of
Employment
and Investment

Energy and
Minerals Division

Mailing Address:
PO Box 8320 Stn Prov Govt
Victoria BC V8W 9N3

Location:
1810 Blanshard Street
Victoria BC



- 2 -

The Mines Branch recognizes the legitimate rights of all stakeholders, including the public, to have input to local zoning and land use decisions through their local governments. However, the Branch can only base permitting decisions on those considerations that fall within the mandate of the Mines Act, such as worker and public health and safety, environmental protection, and reclamation of the land and watercourses. It is up to the operator of a gravel pit to ensure compliance with the regulatory requirements of other agencies, including regional districts and municipal governments.

Thank you for bringing your concerns to my attention.

Yours truly,



Peter Ostergaard
Assistant Deputy Minister
Energy and Minerals Division

cc: Mr. Ted Hali
Regional Manager, Nanaimo

CHIEF INSPECTOR'S POLICY

ISSUE: NON-MINING ACTIVITIES AT GRAVEL PITS AND QUARRIES

PURPOSE:

This policy statement is intended to provide guidance to inspectors who have been delegated authority to issue or amend Mines Act permits for gravel pits and quarries that may have accompanying land uses such as top soil processing operations, asphalt plants or concrete ready-mix plants. Regardless of this policy, it is incumbent upon each decision-maker to consider all the facts in his/her own mind and to make an independent decision relevant to each individual case of permitting with respect to these activities.

POLICY STATEMENT:

Top soil processing operations, asphalt plants, concrete ready-mix plants and other post-mining processing activities or non-mining land uses are not normally to be permitted or approved under the Mines Act permitting process. If such land uses are proposed for a mine site, the Mines Act permit should not normally attempt to regulate or approve them, but should ensure that they do not interfere with the safe and environmentally secure conduct of the permitted mining activities.

BACKGROUND:

Gravel pits and quarries are industrial sites that produce raw materials that are used in a variety of applications. In many cases it is convenient for the consumer of these materials to be co-located with the pit or quarry to minimize transportation, rehandling and product storage requirements. Therefore, it is not unusual for top soil processing operations, asphalt plants and concrete ready-mix plants to be established, either temporarily or permanently, on the same property as a gravel pit or quarry. Similarly, other land uses such as industrial vehicle maintenance and equipment storage may be co-located with gravel pits and quarries.

*U.S. Mine
History with
emissions*

The Mines Act definition of a mine includes processing. Interpretation of this definition suggests that such processing would not usually include mixing the mined product with other materials to produce a new final product for sale. Therefore, the mixing of site-produced sand with imported manure, wood wastes and soil to produce marketable top soil is not generally consistent with the definition of a mine. Similarly, mixing sand and gravel with asphalt to produce asphalt paving material, or mixing sand, gravel, water and Portland cement to produce concrete are not generally consistent with the definition of a mine. These post-mining processing activities would normally be considered land uses and would therefore be regulated through local government land use bylaws.

- 2 -

Subject to complying with local land use zoning and to assurances that they will not jeopardize the safety or increase the environmental impact of the host mining operation, the co-existence of post-mining processing plants and other activities with gravel pits and quarries may be quite acceptable. However, the permitting of these activities would normally be the purview of local government authorities rather than the Ministry of Employment and Investment. Where an applicant or permittee proposes non-mining land uses at a gravel pit or quarry they should be advised of the requirement for local government approval. The local government should also be advised that such activities are not normally sanctioned under the Mines Act and that any necessary enforcement of local bylaws regarding the activities is the responsibility of local government.

Co-location of non-mining activities with gravel pits and quarries has implications for inspections as well as for permitting. For instance, an excavator used for a top soil mixing operation must comply with the Mines Act if it is also sometimes used in the mining operation. Since it may not always be possible for an inspector to determine whether or not equipment use is common to both the mining and non-mining activities on a site, consideration should be given to reminding operators of the requirement for all equipment used in the mining activity to comply with the Mines Act.

January 8, 1997

February 23, 1993

File: 14675-30

Allard Contractors Ltd.
P. O. Box 47
Port Coquitlam, B. C.
V3C 3V5

Attention: James T. Allard

Dear Sir:

Re: Permit G-8-190 Fairdowne Rd. Pit

In reference to the above permit, please be advised of the amendment to Special Conditions No. 6 & 7 which should replace the present wording. Special Conditions No. 6 & 7 should now read: -

(6) The permit authorizes mining pit run, crushing, screening and washing as required. The Wash Plant shall be on a closed wash water circuit system.

(7) (a) A natural buffer zone of a minimum distance of 15 metres shall be maintained on each side of the thalweg of Romney Creek.

Any hazard trees within this buffer zone and identified as such, in the approved logging plan by a registered professional forester, are to be suitably flagged and directionally felled for minimum disturbance.

(b) A buffer zone shall be maintained alongside the Alberni Highway right-of-way boundary as required by Section 6.6.1 of the Mines Safety and Reclamation Code 1992.

Yours truly,

E.W. Beresford, P. Eng.,
District Manager & Engineer,
Environmental Impact Management

EWB/gp

41.



ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 944-1448
Office: 944-2558

September 12, 1997

Ministry of Employment and Investment
Energy and Minerals Division
P.O. Box 9320, Stn. Prov. Govt.
Victoria, B.C.
V8W 9N3

Attention: Peter Ostergaard
Assistant Deputy Minister

Dear Sir,

Thank you for your letter dated August 25, 1997 regarding our Fairdowne Road pit in Parksville. (I have responded under separate cover to the issue of our Mission Pit.)

With regard to our Fairdowne Road pit in Parksville, I believe your letter may be incorrect. My current mine plan allows me to crush, screen and wash by way of the 1993 amendment. (Copy enclosed for ease of reference.) My point is that I want the RDN to regularize what currently exists. As I tried to explain, gravel extraction does not require a zoning change. It is not a "use of land". It appears however that your letter now implies that crushing would in fact require rezoning or a temporary industrial permit.

I am enclosing a copy of the January 8, 1997 Chief Inspector's Policy and I believe that he is very clearly stating that primary processing is "not a use of land" and therefore I need not apply for rezoning. I think your letter may even add more confusion to an already confusing situation. I am attempting to clarify this state of confusion for all my pits and for the aggregate producers of British Columbia.

I realize that the RDN is about to adopt its OCP. I would like to thank you for your efforts to communicate to the RDN that the OCP review should designate gravel pits as a resource management area (industrial area) in the OCP. However, I believe it would be extremely helpful if your ministry could clarify exactly what each

.../2

Ministry of Employment and Investment

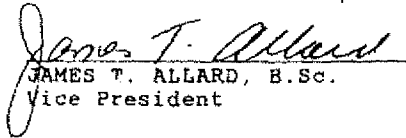
September 12, 1997

Page 2

level of government's responsibility and jurisdiction is when it comes to the zoning, permitting and operation of a sand and gravel mine.

I would respectfully request that you review your letter and advise me of your position so that this issue can be resolved.

Yours very truly,
ALLARD CONTRACTORS LTD.


JAMES T. ALLARD, B.Sc.
Vice President

JTA/wld
enclosure

05YERGRD/7

42.

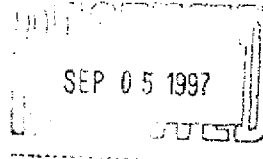
BC Assessment

Executive Offices
1537 Hillside Avenue
Victoria, British Columbia
Canada V8T 4Y2

Phone 250 595 6211
Fax 250 595 6222

File # 14004-01

September 3, 1997



James T. Allard, B. Sc.
Vice President
Allard Contractors Ltd.
P.O. Box 47
Port Coquitlam, BC V3C 3V5

RE: Valuation and Property Classification - Gravel Pits

I am writing in response to your letter dated July 22, 1997 to Mr. Peter Ostergaard, Assistant Deputy Minister and Mr. Ostergaard's response to you dated August 15, 1997.

You have raised a number of issues regarding valuation and property classification of gravel pits. I am unable to address the specifics of each property as they are matters currently before the 1996 and 1997 Assessment Appeal Board. In this regard, please contact Mr. Al Didrikson, Area Assessor for the Coquitlam, Mission and Maple Ridge properties. Mr. Barnes is the Area Assessor responsible for the property assessment of the Parksville property.

I do, however, wish to draw to your attention that Valuation and Classification are two separate issues. Once the assessor has addressed the Property Value, he then looks at the use of the property to determine within which of the nine prescribed classes of property a particular property fits. Gravel Pits are classified as Class 5 - Light Industry because the land and improvements are used or held for the purpose of extracting products.

With respect to the valuation, Section 26 (3) of the Assessment Act sets out a number of factors to which the Assessor may give consideration. The "Going concern" is only one of these factors.

"In determining actual value, the assessor may, except where this Act has a different requirement, give consideration to present use, location, original cost, replacement cost, revenue or rental value, selling price of the land and improvements and

James T. Allard, B. Sc.
September 3, 1997
Page 2

comparable land and improvements, economic and functional obsolescence and any other circumstances affecting the value of the land and improvements.”

Section 26 (3.1) which you mention, states:

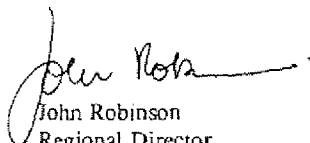
“Without limiting the application of subsections (1) to (3), where an industrial or commercial undertaking, a business or public utility enterprise is carried on, the land and improvements used by it shall be valued as the property of a going concern.”

This does not necessarily mean that Gravel Pits should always be valued by the Income Approach. More important than the technical approaches to value used, are the appraisal principals and practices that the Boards and the Superior Courts have recognised. At the forefront of any property valuation is the principal of Highest and Best Use. This principal is often defined as that legal use which would most likely produce the greatest net return to land over a given period of time. In concluding what use of the land would represent its highest and best, the appraiser is attempting to interpret the market. Market value of course, reflects the highest and best potential use for which the land is suitable.

I would request that you discuss how this specific principal applies to your particular properties when you are discussing the Appeals with the Assessor.

Thank you for your inquiry.

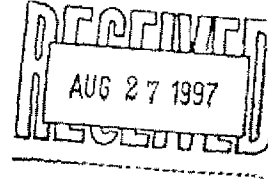
BC ASSESSMENT


John Robinson
Regional Director
Region #2

cc: Peter Ostergaard - Assistant Deputy Minister
Al Didrikson - Area Assessor



43.



August 25, 1997

Mr. James T. Allard, B.Sc.
Vice President
Allard Contractors Ltd.
PO Box 47
Port Coquitlam, BC V3C 3V5

Dear Mr. Allard:

Thank you for your letter of July 23, 1997 regarding the zoning of your gravel pit operations under the Parksville and Mission Official Community Plans (OCPs). The following summarizes our understanding of these issues, based upon a review of the information you provided, as well as discussions with Ministry of Municipal Affairs and Housing and Regional District of Nanaimo (RDN) officials.

With regard to your Fairdowne Road pit in Parksville, Ministry of Employment and Investment regional permitting staff have initiated the review process for your permit amendment application. It appears that the proposed Rural 1 zoning is consistent with your current operation, in that the existing mine permit only approves pit run extraction and screening. We did, however, request that RDN planning officials consider a Resource Management designation for the pit, which would allow not only for gravel extraction and screening, but also for other primary processing activities, such as crushing, which you have recently applied for under the Mines Act. Although the RDN is reluctant to provide such a designation without first developing a Fringe Area Agreement with the City of Parksville under the proposed OCP, they have indicated that a formal process for requesting rezoning will be available to your company under the OCP. We understand that the OCP is in the final stages of preparation, and will be made available for further review by Provincial Government agencies and the public, likely in October 1997. In the meantime, we have the RDN's assurance that they will consider the issuance of an Industrial Permit that would accommodate your legitimate processing requirements at the Fairdowne Road operation.

.../2

Ministry of
Employment
and Investment

Energy and
Minerals Division

Mailing Address:
PO Box 8320 Stn Prov Govt
Victoria BC V6W 9N3

Location:
1810 Blanshard Street
Victoria BC




- 2 -

With regard to your Mission pit, we could not make the argument for Industrial zoning, as the proposed Resource Management zoning designation for your existing operation in LS5 allows for gravel extraction and processing. Although we support a similar designation for LS6 and Lot 2 if they should be included in the proposed OCP, the current exclusion of those two properties does not prohibit gravel extraction, and hence does not conflict with your mine permit as amended in April, 1997. We must therefore respect Mission's authority to determine the appropriate zoning for those properties in accordance with provisions of the Municipal Act, and would encourage you to formally seek amendment to the proposed OCP through the available municipal process.

Thank you for bringing these concerns to my attention.

Yours sincerely,


Peter Ostergaard
Assistant Deputy Minister
Energy and Mineral Division

cc: Mr. Ted Hall
Regional Manager, Nanaimo

44.



ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 944-1448
Office: 944-2556

July 23, 1997

Mr. Peter Ostergaard
 Assistant Deputy Minister
 Energy and Mineral Division
 Ministry of Employment and Investment
 8th Floor, 1810 Blanshard Street
 Victoria, B.C.
 V8V 1X4

Dear Peter,

Further to our meeting with Deputy Premier Dan Miller on July 17, 1997, and my telephone conversation with you on July 20, 1997. An issued arose regarding a Municipality's zoning jurisdiction with respect to Gravel Pits. I wish to raise an issue which directly affects both my gravel pit in Mission and my gravel pit in Parksville. Both Mission and Parksville are adopting new O.C.P.'s. Both Mission and Parksville have refused to include my gravel pits in an Industrial designation. Both pits are permitted by the Department of Mines: G-7-22 and G-8-190. Refusing to include our pits in the O.C.P. is grossly unfair to our company. Both O.C.P.'s are in the final phases.

I have attached as Schedule "A" correspondence with respect to my Parksville Pit:

- 1) Aug.9/96 J.T.Allard correspondence to Neil Connelly with attachments dating back to Dec.6/95
- 2) Dec.22/95 Neil Connelly's response to Dec.6/96 letter
- 3) Jan.2/96 reply from J.T.Allard to Neil Connelly
- 4) Aug.27/96 correspondence from Neil Connelly to J.T.Allard
- 5) Sept.9/96 correspondence from J.T.Allard to Neil Connelly
- 6) Sept.16/96 correspondence from Umur Olcay to J.T.Allard
- 7) Oct.21/96 correspondence from J.T.Allard to Umur Olcay
- 8) Nov.20/96 correspondence from Umur Olcay to J.T.Allard
- 9) Dec.10/96 correspondence from Umur Olcay to J.T.Allard
- 10) Dec.18/96 correspondence from J.T.Allard to Umur Olcay
- 11) April 1997 Regional District of Nanaimo Bulletin
- 12) Apr.11/97 Aplin & Martin correspondence to Bob Lapham, Regional District of Nanaimo
- 13) Jul.14/97 Aplin & Martin correspondence to Neil Connelly

.. / 2

July 23, 1997
Mr. Peter Ostergaard

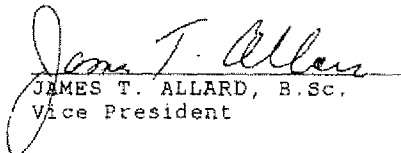
Page 2

Included as Schedule "B" is material with respect to my Mission Pit:

- 1) Jan. 29/97 Allard correspondence to Dist. of Mission
- 2) April 18/97 Dist. of Mission correspondence to Allards
- 3) May 2/97 Allard correspondence to Dist. of Mission
- 4) May 13/97 Dist. of Mission Memo -page 54 of May 20, 1997 Minutes of Regular Council Meeting
- 5) May 28, 1997 Dist. of Mission correspondence to Allards
- 6) June 6, 1997 Allard correspondence to Dist. of Mission
- 7) July 2/97 Dist. of Mission Memo -page 76 of July 7/97 Minutes of Regular Council Meeting
- 8) July 11/97 Allard fax to Carl Berg, Dist. of Mission
- 9) July 11/97 Allard fax to Glen Robertson, Dist. of Mission

Could you please review these issues with respect to Allard Contractors Ltd. and the respective municipal O.C.P.'s? Any direction your ministry could give to the municipalities to include gravel pits as heavy industrial in the O.C.P. designation would be very thoughtful and much appreciated. If you require any further information in this regard, please contact the writer.

Yours very truly,
ALLARD CONTRACTORS LTD.


JAMES T. ALLARD, B.Sc.
Vice President

JTA/wid

attachments

OSTERGAARD/s

SCHED. A - 1



ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 944-1448

Office: 944-2556

August 9, 1996

Regional District of Nanaimo
6300 Hammond Bay Road
P. O. Box 40
Lantzville, B. C.
VOR 2H0

Attention: Neil Connelly
Director of Development Services

Dear Sir,

On July 30, 1996 I attended the Regional District of Nanaimo planning office and picked up a copy of the Growth Management Plan. I also spoke with Dwight Heinz on July 31, 1996.

There appears to be an issue which I was lead to believe had been rectified. The issue is that our gravel pit, which borders between the new Island Highway, old Port Alberni Highway, and Fairdowne Road, has been proposed Rural Residential.

I find this to be quite unbelievable as I made a submission to Jim Smith on December 1, 1995, and wrote on December 6, 1995 (copy enclosed -see Schedule "A"). Also, Don Cameron made a presentation on behalf of the Aggregate Producers Association of B.C. on December 7, 1995 to raise this issue (copy enclosed -see Schedule "B"). I am the president of the Aggregate Producers Association of B.C. and our membership has been informed that all gravel pits would be designated Industrial or Commercial in the Growth Management Plan.

I would like bring to your attention a copy of a submission made to Nanaimo Regional District (copy enclosed -see Schedule "C") which states some of the concerns of the gravel extractors. (Please see paragraph two as highlighted.) I would also like to refer you to page 9 of the Draft (copy enclosed -see Schedule "D") where it states "the concerns of the gravel industry have been addressed".

Pit Locations: Pine Tree Way, Coquitlam Industrial Ave., Maple Ridge Keystone Rd., Mission

August 9, 1996
Peter Connelly

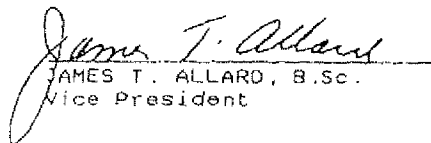
Page 2

It seems very certain to me that the gravel industry made submissions and representation to the Growth Management Plan, and were told everything has been addressed to their satisfaction. It appears that everything west of Fairdowne Road has been designated Industrial, apparently because it is in Electoral Area "F", and everything east of Fairdowne Road was omitted and is designated Residential, apparently because property west of Fairdowne Road is in Electoral Area "G".

I realize that I'm somewhat late with my concerns, but I must say I was assured our gravel pit was designated Industrial. I wish to request in the strongest way possible that the Growth Management Plan designate our gravel pit G-8-190, duly licensed by the Province of British Columbia, as Industrial on the Growth Management Plan.

I would appreciate a reply at your earliest convenience and I would be prepared to meet you at your convenience to review my request.

Yours truly,
ALLARD CONTRACTORS LTD.


JAMES T. ALLARD, B.Sc.
Vice President

JIA/wld

Enclosures

cc: Peter Ostergaard
Ministry of Employment & Investment



ALLARD CONTRACTORS Ltd.
P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 944-1
Office: 944-2

Schedule "A"

December 6, 1995

Chairman
Nanaimo Regional District
P.O. Box 47
Lantzville, B.C.
V0H 2R0

Dear Sirs/Mesdames:

Re: Growth Strategy Management Plan

I haven't had time to review your Growth Strategy Management Plan ("GSMP"), but I did speak at some length with Mr. Jim Smith a planner with the NRD.

Please be advised that our property located at Fairdowne Road and the new Island Highway legally described as follows:

Lot 1, Block 1438, Plan VIP55714, Nanoose Land District,
PID 018-074-987 (Roll #769-10801.030);
Lot 2, Block 1438, Plan VIP55714, Nanoose Land District,
PID 018-074-995 (Roll #769-10801.035);
Lot 3, Block 1438, Plan VIP55714, Nanoose Land District,
PID 018-075-002 (Roll #769-10801.040)

is a gravel mine and is permitted by the B.C. Provincial Government Mines Department Permit #G-8-190.

Because the use of this property is for gravel mining we feel it should be designated Industrial in your GSMP.

I wish to point out that you appear to be putting our property into a Residential Holding zone. If I read this correctly, you will have our property in a 20 acre Residential Holding zone. This is extremely unusual and grossly unfair as our property is being taxed as Industrial i.e. a gravel mine and then designated as a Residential Holding property.

A final point is that with the new Island Highway running along the northerly property boundary, a residential designation seems extremely foolish. Clearly, the gravel pit use of our property and being adjacent to the new Island Highway begs for an Industrial designation.

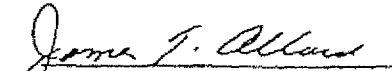
Pit Locations: Dog Tree Way, Coquitlam Industrial Ave. Maple Ridge Keystone Rd. Mission

- 2 -

It should also be noted that the property immediately west of our property i.e. on the west side of Palcdowne Road is designated Industrial and is currently being built and developed as industrial.

I respectfully request you designate our property Industrial or Commercial but definately not Residential in your GSMP.

Yours Truly
ALLARD CONTRACTORS LTD.


JAMES T. ALLARD, B.Sc.
Vice President

JTA/kdc

Schedule "B"

AGGREGATE PRODUCERS ASSOCIATION OF B.C.
P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

PRESENTATION TO THE NANAIMO REGIONAL DISTRICT AND
MEMBERS OF THE GROWTH MANAGEMENT PLAN DEVELOPMENT GROUP
AT QUALICUM BEACH CIVIC HALL
December 07, 1995

Good evening Ladies and Gentlemen of the Regional District and Members of the Growth Management Plan Development Group. My name is Don Cameron and I am before you tonight representing the Aggregate Producers Association of British Columbia.

The Aggregate Producers Association was formed some ten years ago and represents aggregate producers and associated industries and suppliers throughout the Province of British Columbia. Our goals as an organization are to inform members of the events and changes affecting their industry, as well as to ensure that all levels of government are aware of the impact they can have on the continuing supply and cost of quality sand and gravel products within the province. Our members also provide consultative services to various governmental agencies in the process of amending provincial acts and regional bylaws that affect our industry. Our members are currently sitting on steering committees reviewing the Mines Act and Native land claims.

Statistics are available that indicate the average North American household is responsible for the consumption of 40 metric tonnes of processed aggregate per person per year developing institutional, commercial and residential buildings as well as the urban infrastructure. Nowhere in this document have you addressed the long-term demand for supply of aggregate products and their processing within the Regional District of Nanaimo. In fact, there appears to be no evidence of an economic impact study for any of the scenarios for long-term growth in the region regardless of any industry in which one might be involved.

Your text indicates that you have employed a broad consultative process in preparing your document, including input from the Ministries of Environment, Highways and Municipal Affairs, as well as special interest groups ranging from First Nations to the Save Georgia Strait Alliance. Nowhere have you listed the Ministry of Energy, Mines and Petroleum Resources the branch of government to whom we are responsible. This in itself seems ludicrous given the history of coal mining in the area surrounding Nanaimo and the associated history of sub-surface failures attributed to construction over abandoned mine shafts. Furthermore, we suggest that your Highway Ministry input came from their planning department and not the branch of the Ministry who are members of our organization involved in the construction and maintenance aspects of developing transportation corridors.

It should be noted at this time that highway construction and maintenance is governed by The Highways Act which supersedes any regional legislation you may develop. Therefore the opinions you may have obtained from Highways personnel are not necessarily those of private industry who must abide by your findings and subsequent bylaws.

DEC 11 951MON 16:05 ISLAND ASPHALT LTD

TEL 604-652-9270


P.

-2-

In closing, we request that you include the Aggregate Producers on your list of stakeholders to be present during the next stage of the growth management plan process. You can contact the Aggregate Producers Association of B.C. at:

P.O. Box 47
Port Coquitlam, B.C. V3C 3V5
Telephone: 944-2556
Fax: 464-7794

Thank you for your time this evening



cc: James Allard, President, APABC

WBC44

Schedule "C"

RE: The Nanaimo Regional District Growth Strategy Management Plan

- The Growth Management Plan must address the issue of industrial sites adjacent to each community. These are essential to attract business, provide employment and the necessary tax base.
- The Growth Management Plan must address the issue of gravel reserves throughout the region and provide for the proper zoning to permit extraction, screening, washing, crushing and asphalt plants. There are gravel areas which have been recently zoned for subdivisions into 5 acre lots. These areas should be reassessed and if sufficient volumes of quality gravel is found, then the area should be rezoned. The Corcan Road area, North of Qualicum is a case in point.
- The idea of down zoning areas outside the area containment boundaries must be scrapped, as future development of these areas can be controlled by the market and development permits with appropriate conditions. (Refer to page 37 - item 4 and page 86.)

A-37
1-81

Schedule "D"

ECONOMIC IMPACTS, INDUSTRIAL LAND

Issues summary

- More land should be designated in the Plan for industrial development.
- What are the economic impacts of the Plan?
- How can business interests be more involved in Plan preparation and implementation?

What the Draft Plan says

The Plan's vision includes "a vibrant, sustainable economy" in all communities, recognizing the need to remain competitive in a changing marketplace, to integrate economic development with community development, and to equitably distribute economic activity throughout the region. A jobs:housing balance is to be sought in all nodes; industrial development is to be encouraged in designated areas; additional automobile-dependent retail is to be discouraged; commercial development is to be encouraged in nodes; and agriculture and other resource activities are to be encouraged in rural areas. In addition to defining industrial nodes, the Plan encourages opportunities for commercial, office, and home-based business. A Regional Industrial Study is to be prepared as part of the Implementation Plan, and a study of methods of encouraging commercially viable agriculture is to be conducted.

Plan Revisions

- Clarification of the industrial and other economic policies of the Plan have been clarified, emphasizing that low unemployment rates and a diverse, healthy economy in all parts of the RDN are central elements of the Plan.
- * • ~~The concerns of the gravel industry have been addressed by including gravel extraction as a~~ use in the resource lands. *
- Discouragement of automobile oriented retail uses has been made a guideline, not a policy.
- The Plan now contains a policy encouraging government to work with local business to identify ways of benefiting from economic opportunities created by growth management.
- In response to opposition from local residents, the Cedar industrial node has been removed and replaced by areas showing existing industrial development. The node may be reinstated following the completion of the Industrial Land study. The Duke Point industrial node was expanded to include Harmac.
- The Plan emphasizes the need to involve business representatives in local plan preparation and other implementation processes.

RDN
regional district of nanaimo
incorporated august 24, 1967

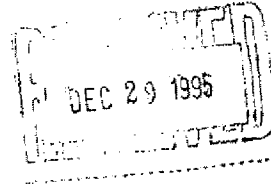
SCHED. A - 2

December 22, 1995

Our File:

Your File:

James Allard
Allard Contractors Ltd.
P.O. Box 47
Port Coquitlam, BC
V3C 3V5



Dear Mr. Allard:

Re: Draft Regional Growth Management Plan Bylaw No. 985

I wish to acknowledge the Regional District's receipt of your letter dated December 6, 1995. It will be considered along with other public input and submissions by the Regional Board in their deliberations regarding changes to the draft Plan.

The Regional Board has adjusted the plan process and schedule to provide for the preparation of a revised draft Plan and further opportunities for public review and comment early next year. In addition, the Board has provided for the holding of additional Public Hearings prior to their consideration of a final Plan next Spring.

Thank you for your letter. Please call our office if you require any further information.

Yours truly,

Neil Connelly
Director of Development Services

:kw

SCHED. A -3



ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 944-1448

Office: 944-2556

January 2, 1996

Regional District of Nanaimo
6300 Hammond Bay Road
Box 40
Lantzville, B.C.
V0R 2H9

Attention: Neil Connelly
Director of Development Services

Dear Sirs/Mesdames:

Re: Draft Regional Growth Management Plan Bylaw No. 985

Thank you for your letter dated December 22, 1995.

Could you please advise when and where additional public meetings will be held. Also, when it is available, please forward a copy of the revised draft Plan.

Thank you.

Yours truly
ALLARD CONTRACTORS LTD.

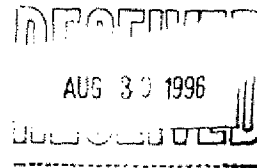
JAMES T. ALLARD, B.Sc.
Vice President

JTA/kdc

SCHED. A-4



August 27, 1996



James T. Allard
Vice President
Allard Contractors Ltd.
PO Box 47
Coquitlam, BC
V3C 3V5

Dear Mr. Allard:

Re: A Growth Management Plan for the Regional District of Nanaimo

Thank you for your letter dated August 9, 1996 which was received by our office on August 19, 1996. I have noted your comments on your gravel operation and the map designation in the above Plan and can offer the following comments.

The Regional Growth Management Plan Bylaw was given second reading as amended in June by the Regional Board and forwarded to the affected local governments for their approval. It is expected that the Plan will be considered for adoption this Fall, depending upon the status of the comments provided by the three municipalities in the region and the three adjacent regional districts.

The Plan is expressed in a set of goals, descriptive elements, policies, action items, and a map. The map does not directly regulate land use, but is intended to guide the preparation of Official Community Plans and zoning bylaws and to support decisions regarding future land use change. It is not a zoning bylaw and should not be interpreted as prescribing particular land uses. Given the map scale and purpose it was intended to provide a broad graphic representation of the future regional land use pattern.

The gravel pit site which borders the old Port Alberni Highway, Fairdowne Road and the new Island Highway is in Electoral Area G and is designated as Rural 1 (RU1D) in Land Use and Subdivision Bylaw No 500.

In the preparation of the Growth Management Plan it was decided to recognize all existing zoning designations and to provide for a distribution of general land use categories in the Plan map. The Rural Residential category includes lands that have several different existing zoning bylaw designations. As a result your property given its rural zoning was placed in the Plan category of Rural Residential. The Plan also encourages rural economic activities and provides for them in a number of areas. They include policies and guidelines in the economy section (6B, 6.5) and in the rural integrity section (3.4). The Plan also indicates that the concerns of primary industries should be identified and considered as local jurisdictions prepare and amend Official Community Plans to comply with the Growth Management Plan.

6300 Hammond Bay Rd.
P.O. Box 40
Lantzville, B.C.
V0R 2H0
Ph: (604)390-4111
District 69 Ph: 248-5511
Fax: 390-4163

Mr. T. Aillard
August 27, 1996
Page 2

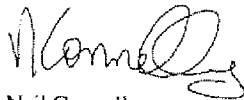
As Electoral Area F has no community plan or zoning bylaw, the Growth Management Plan map provided for a general land use classification based on agricultural land reserve boundaries, forestry land reserve boundaries, and existing land use patterns. That is why as you noted in your letter the properties west of Fairdowne Road are shown on the map as in the Industrial Area category along with other parcels in the Regional District that are zoned industrial. It is expected that in the future all areas including Electoral Area F will have in place an Official Community Plan or Rural Land Use Bylaw to assist in implementing the Growth Management Plan direction.

A review of the French Cheek Official Community Plan in which your property is located was initiated by the Regional District in the Spring and is scheduled for completion next year. Mr. U. Olcay is the senior planner for this project. You may wish to become involved in this Official Community Plan review and reiterate your concerns relative to how your property fits with adjacent properties, its zoning and its existing and potential future uses. I have also forwarded a copy of your letter to Mr. Olcay.

I trust that the above explanation addresses your concerns with respect to your property and the designation in the Growth Management Plan map.

Please call our office if you have any further questions.

Yours truly,



Neil Connelly
Director of Development Services

-sm

cc: Kelly Daniels, Chief Administrative Officer
Peter Ostegaard, Ministry of Employment & Investment

SCHED. A-5



Sand & Gravel

ALLARD CONTRACTORS Ltd.

P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 944-1448

Office: 944-2556

September 9, 1996

Regional District of Nanaimo
6300 Hammond Bay Road
P. O. Box 40
Lantzville, B. C.
V0R 2H0

Attention: Neil Connelly
Director of Development Services

Dear Sir,

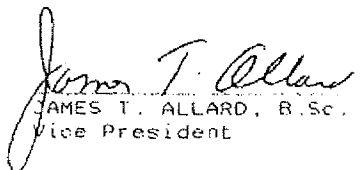
Thank you for your letter of August 27, 1996.

Our gravel pit is in Electoral Area G. It is zoned Rural Residential RU1D, but this does not reflect in any way its use as a gravel pit. Since The Regional Growth Management Plan Bylaw has not received fourth and final reading I respect fully request that you amend the Bylaw and designate our gravel pit Industrial as has been done for all of the gravel pits in Electoral Area F.

In any event, I trust that the planning department fully and totally supports an amendment to the O.C.P. whereby my gravel pit should be designated Industrial.

Could you please advise at your earliest convenience what you will be doing regarding my situation.

Yours truly,
ALLARD CONTRACTORS LTD.


JAMES T. ALLARD, B.Sc.
Vice President

JTA/wld

cc: Peter Oslergaard
MINISTRY OF Employment & Investment

REGISNA.WLD

Pit Locations: Pine Tree Way, Coquitlam Industrial Ave., Maple Ridge Keystone Rd., Mission

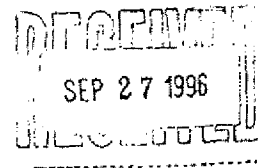
SCHED. A-6



REGIONAL
DISTRICT
OF NANAIMO

September 16, 1996

James T. Allard
Vice President
Allard Contractors Ltd.
PO Box 47
Coquitlam, BC
JY3 3V5



Dear Mr. Allard:

RE: Gravel Pit in Electoral Area "G"

Thank you for your letter dated September 9, 1996.

Further to our letter to you on August 27, 1996, the following information may help clarify the status of designations in the Electoral Area "G" Official Community Plan and existing zoning regulations.

Your gravel pit was designated Rural in the French Creek Official Settlement Plan (Bylaw No. 550) when it was originally prepared in 1983-84. In 1988 the Official Settlement Plan was replaced by the existing French Creek Official Community Plan (Bylaw No. 741) which also designated this site Rural.

The zoning of your property is Rural I, Subdivision District D (RUID) in "Regional District Land Use and Subdivision Bylaw No.500, 1987". Gravel extraction is permitted in this zone subject to Mines Act and Mineral Tenures Act. The Regional District has only limited influence on the extraction of aggregate resources. The Rural I zone does not prohibit the use of the land for gravel extraction. The Rural I zone however does not permit processing activities of gravel or other resources.

With respect to amendments to the current Official Community Plan and zoning bylaws, please be advised that the Regional District is currently reviewing the French Creek Official Community Plan and is undertaking a public process including community input forums, neighbourhood meetings, and agency consultation. The Plan policies and maps will be developed through the public input provided through this major review initiative.

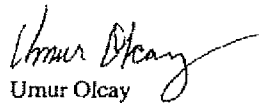
6300 Hammond Bay Rd.
P.O. Box 40
Lantzville, B.C.
V0R 2H0

Ph: (604)390-4111
District 69 Ph: 248-5511
Fax: 390-4163

The Regional District will consider your correspondence in the review of the OCP as well as all public input, submissions and government agency comments. A draft plan will be available for comment and further public input in early 1997.

We will keep you informed of future public meetings in Electoral Area "G" for your participation. I trust that you will appreciate the Regional District would not be in a position to arbitrarily amend existing plans and zoning regulations without the public process involved in establishing community objectives and directions.

Yours sincerely,



Umur Olcay
Senior Planner

110

SCHED. A-7



ALLARD CONTRACTORS Ltd.
P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 944-1448
Office: 944-2556

October 21, 1996

Regional District of Nanaimo
6300 Hammond Bay Road
P. O. Box 40
Lantzville, B. C.
V0R 2H0

Attention: Umur Olcay
Senior Planner

Dear Sir,

Thank you for your letter of September 16, 1996.

In a meeting on September 30, 1996 with Peter Ostergaard, Assistant Deputy Minister of the Ministry of Employment and Investment, he advised me that he would be writing to you regarding the concerns I have raised. I do understand that the Regional District is not in a position to amend existing plans and zoning regulations but my concern is that the Growth Management Plan should have included my gravel pit as Industrial, Commercial and NOT residential. However, I do appreciate that the Regional District will be reviewing the O.C.P. for electoral Area "G". I would at this time state again that the O.C.P. review should designate our pit as Commercial or Industrial.

I would also appreciate notice of any Public Meetings including any round table discussion group you may host.

Thank you for your attention to this matter.

Yours truly,
ALLARD CONTRACTORS LTD.

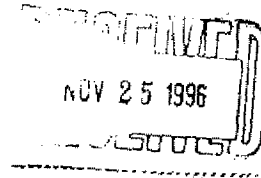
James T. Allard
JAMES T. ALLARD, B.Sc.
Vice President

JTA/wid

SCHED. A-8



November 20, 1996



James T. Allard
Allard Contractors
P.O. Box 47, Port Coquitlam, BC
V3C 3V5

Dear Mr. T. Allard

RE: French Creek Official Community Plan

Thank you for your letter dated October 21, 1996 requesting that the OCP review include consideration of development options for your gravel pit property including commercial or industrial designation.

Please be assured that this information will be considered in the preparation and review of the revised Official Community Plan for French Creek.

We will advise you of future public meetings to review draft revisions for the plan (early in the new year). Please do not hesitate to contact this office if you have any additional comments or suggestions.

Yours sincerely,

Umur Olcay
Senior Planner

cc N. Connelly

uo

5300 Hammond Bay Rd.
P.O. Box 40
Lantzville, B.C.
V0R 2H0

Ph: (604)390-4111
District 69 Ph: 248-5511
Fax: 393-4163

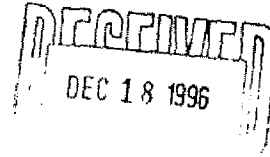
SCHED. A-1



REGIONAL
DISTRICT
OF NANAIMO

December 10, 1996.

James T. Allard
Allard Contractors
P.O. Box 47, Port Coquitlam, BC
V3C 3V5



Dear James Allard

RE: French Creek Official Community Plan review

The Regional District of Nanaimo is reviewing the French Creek Official Community Plan and invites your input. The Regional District of Nanaimo recognizes Allard Contractors as a major landowner within the Plan Area and would appreciate an indication of your companies interests in the future of the community.

The current French Creek Official Community Plan was last reviewed in 1989. The need for the current review has been generated by new directions for community planning within the Regional District of Nanaimo advanced through the Growth Management Strategy, a stronger need to expand on infrastructure planning within serviced and proposed serviced areas within the community and changes in provincial legislation such as the forest land reserve, agricultural protection and expanded development permit and community design opportunities.

The Planning Department and local residents recognize the importance of your company's involvement in the local economy and the role which your land base plays in the resource and visual character of the community. There is a need, as part of the review of the Plan, to revisit the interests of Allard Contractors with respect to its land holdings and development plans in French Creek in order to provide local residents and other interested parties with an understanding of the current vision.

I would appreciate your perspective on the company's interests in the community and how these interests may impact the future of French Creek. Any information your provide would help ensure that your interests are considered through the plan review process. You will also have the opportunity to comment through future public meetings planned for February and March in 1997 to discuss planning approaches leading to a draft plan document.

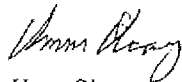
6300 Hammond Bay Rd
P.O. Box 40
Lantzville, B.C.
V0R 2H0

Ph: (604)390-4111
District 69 Ph: 248-5511
Fax: 390-4163

In order to maintain an accurate public record of the plan review process, I would appreciate receiving your comments in writing, if possible, prior to January 9, 1996.

We appreciate any input you have to offer. If you have any questions or comments you may contact me at 390-6510.

Yours sincerely,



Umur Olcay
Senior Planner

cc J. Stanhope

uo

SCHED. A-10



ALLARD CONTRACTORS Ltd.
P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 944-1448
Office: 944-2556

December 18, 1996

Regional District of Nanaimo
6300 Hammond Bay Road
P. O. Box 40
Lantzville, B. C.
V0R 2H0

Attention: Umur Olcay
Senior Planner

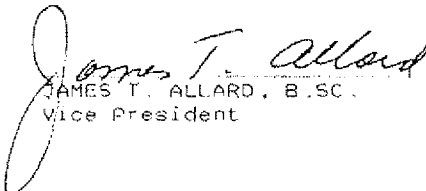
Dear Sir,

Thank you for your letter of December 10, 1996, and we appreciate very much your concerns with respect to our company.

The writer is out of the country from December 20, 1996 until January 12, 1996 and I am unable to respond fully to your request for my comments prior to January 9, 1996. However, I wish to state as I have before, that the O.C.P. should designate our land Commercial or Industrial.

When I return from Christmas vacation I will prepare a detailed submission for your consideration. I would also like to be notified of your February and March 1997 public meetings as I would very much like to attend.

Yours very truly,
ALLARD CONTRACTORS LTD.


JAMES T. ALLARD, B.S.C.
Vice President

JJA/wld



REGIONAL
DISTRICT
OF NANAIMO

French Creek
Official Community
Plan Review
Bulletin

APR 07 1997

April 1997

EVERYONE'S WELCOME!

Attend the French Creek Village and Neighbourhood Centre Workshop!

It is important that informed choices are made now to ensure that the exceptional beauty and quality of life enjoyed by French Creek residents will be available to future generations.

Be a part of planning the future for your community! Come to the **French Creek Village and Neighbourhood Centre Workshop!**

The Regional District of Nanaimo Planning Department is sponsoring this event as part of the review of the French Creek Official Community Plan. This workshop is a follow up to the focus group meetings that were held in your community in late 1996.

This workshop provides an opportunity to be part of solving today's issues and facing tomorrow's challenges.

IN THIS ISSUE

- Welcome to the Workshop!
- Agenda for the Workshop
- Managing Growth
- Map of French Creek Neighbourhoods
- Your Village and Neighbourhood Centres
- We need your comments!

The Workshop is being held on **Saturday, April 12, 1997**
from **9:00 AM to 12:30 PM** at the **Oceanside Middle**
School Gymnasium, 980 Wright Road

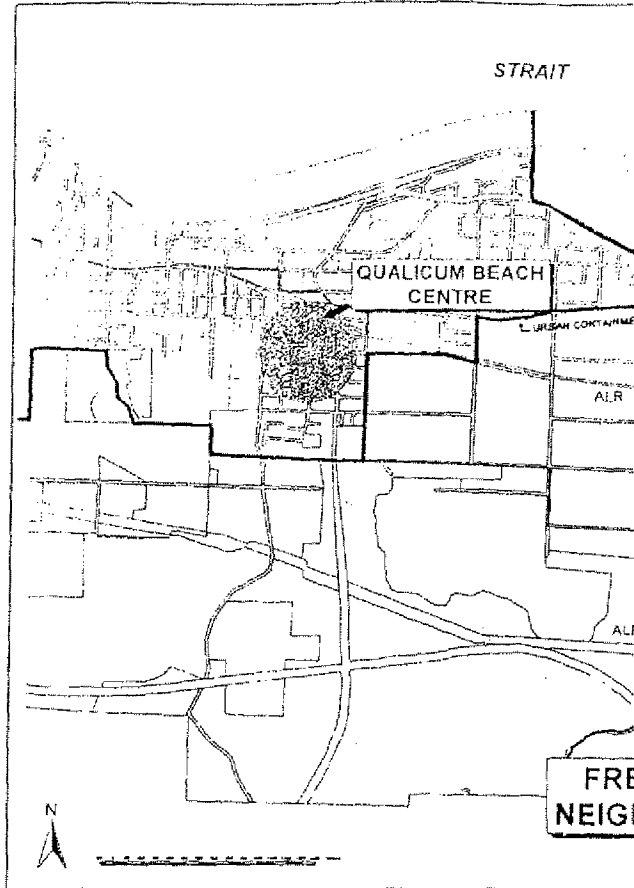
Plan to be there!

SCHED. A-11

AGENDA

Workshop Events

- 9 am.....Setting the
Stage
- 9:15.....Confronting
the Issues
- 10:15.....Community
Form & Design
- 11:30.....Your Ideas
- 12 pm...What's Next?
- 12:30.....Adjourn



FOCUSING THE COMMUNITY

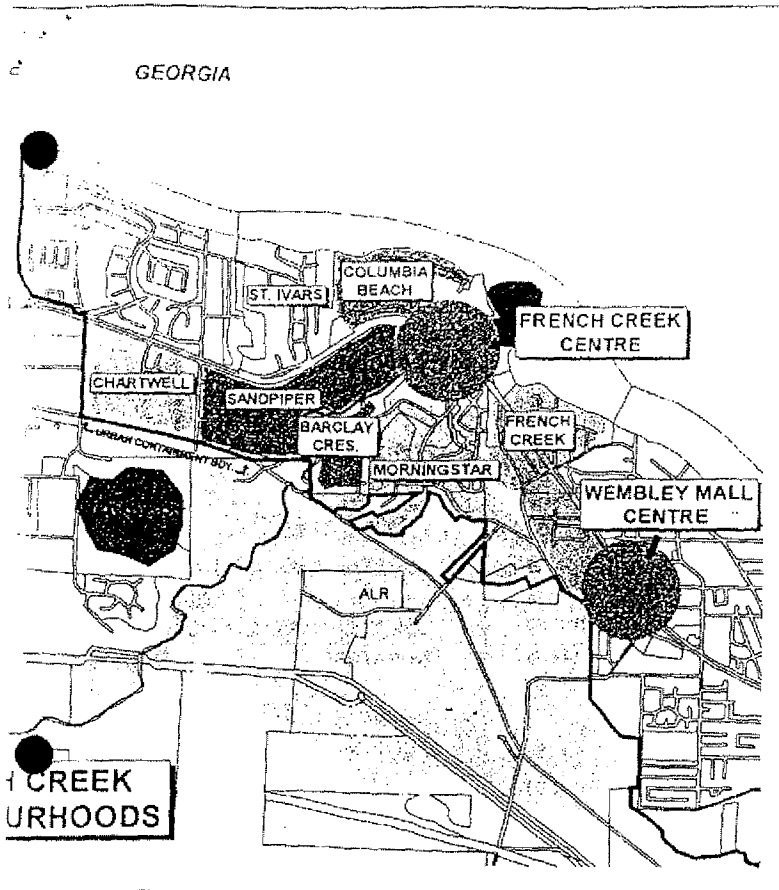
Your Village and Neighbourhood Centres

People in the RDN have stated that they are concerned about worsening traffic, loss of open space, sprawl along the coastal strip, and unattractive development that negatively impacts the form and character of existing neighbourhoods.

What can a community do? You can use growth pressures to preserve things you like about your community, and improve any aspects that could be better!

The creation of Village or Neighbourhood Centres is one means of directing growth in your community.

Village or Neighbourhood Centres can be vibrant, safe, efficient cores of activity in a



GROWTH & CHANGE

Projected Population

By 2021, the population of French Creek is expected to increase from the current population of approximately 6000 to a projected population of 8731 to 14,516 residents.

Where will residents live and shop? How will traffic flows be affected? What will be the impact of this growth on green spaces?

Strong policies are needed to manage growth in your community.

Be a part of planning for the future- attend the Workshop!

region, integrating public amenities and open space with residential, commercial, cultural and institutional uses, and making these amenities easily accessible to residents in the surrounding areas.

The French Creek Plan Area currently has two prominent focal points at the French Creek Marina and Wembley Mall.

The Official Community Plan can be used to direct the form

character of these potential village and neighbourhood centres. Rather than merely accommodating development pressures, growth can be used to strengthen a sense of community, add amenities, parks and services, and to create, through the use of landscaping and architecture, an identity for French Creek.

Growth will occur: Residents of French Creek have the opportunity to create strategies to channel this growth to benefit their community and the region.

THE FOCUS GROUP MEETINGS

Seeing the Future

A Community Forum was held in the Summer of 1996 and was followed by three Neighbourhood Focus Group Meetings in October 1996.

A number of residents who attended forum and meetings have continued to participate in the planning process as delegates appointed to a Community Advisory Committee. The Planning Department is working with these residents to consolidate the goals and objectives of the plan.

The following are just some of the issues that have been discussed at the meetings and with the Advisory Committee. These issues are now being used to formulate a concept plan which responds to the framework for growth management and addresses the goals and objectives of the residents of French Creek.

For more information, please contact the Planning Department.

Issues

- *protection of green spaces and parks*
- *bike and walking paths*
- *environmental concerns*
- *wildlife and heritage*
- *waterfront access*
- *French Creek Marina*
- *urban boundaries*
- *seniors' housing*
- *hospitals and health services*
- *water and sewer services*
- *traffic and transportation*
- *existing neighbourhood needs*

Please attend the French Creek Village and Neighbourhood Centre Workshop on Saturday, April 12, 1997, 9:00 am to 12:30 pm at the Oceanside Middle School Gymnasium!

If you can't come to the Workshop but you'd like to make sure your ideas are heard, please mail or fax your comments to:

*The Regional District of Nanaimo Planning Department
6300 Hammond Bay Road, Box 40, Lantzville, BC V0R 2H0
Phone: 390-6510 / 954-3798 Fax: 390-6511*

04/11/97 15:29

604 597 9061

APLIN & MARTIN

002/003



SCHED. A-1

April 11, 1997

File No. 97071

Planning Department
Regional District of Nanaimo
6300 Hammond Bay Road
Box 40
Lantzville, British Columbia
V0R 2H0

Att: Mr. Bob Lapham

**RE: FRENCH CREEK OFFICIAL COMMUNITY PLAN REVIEW
PROPOSED FRENCH CREEK INDUSTRIAL AREA AT
FAIRDOWNE ROAD AND ALBERNI HIGHWAY**

On behalf of our client, Allard Contractors Ltd., we respond to your request for submissions to the French Creek Village and Neighbourhood Centre Workshop. Allard Contractors Ltd. have previously advised you of their desire to develop the property for industrial and service industrial uses that are more appropriate for this location.

The subject property consists of three separate parcels totalling approximately 80 acres and is located at the intersection of the new Island Highway and the Old Alberni Highway. The site is currently used as a gravel pit, providing aggregate materials to the construction industry in the Parksville area. Access is provided from Fairdowne Road on its northern boundary which also serves as the boundary between Area 'G' and Area 'F' to the north.

The property is designated Rural in the French Creek Official Community Plan (1987) and Rural Residential in the Regional District of Nanaimo Growth Management Plan (1997). Current zoning for the properties is RUID, Rural Residential which permits subdivision into lots of 2 hectares (5 Acres) or more.

The aggregate extraction operation will continue to be the primary use of the property for the foreseeable future. As a responsible owner, Allard Contractors Ltd. need to evaluate a remediation program in concert with an ultimate land use plan, which is most appropriate for the site and the surrounding community.

The construction of the new Island Highway has isolated the property in a small triangle bordered by the Island Highway, the Alberni Highway and Fairdowne Road. Existing and developing land uses on the western side of the Alberni Highway consist of industrial and service industrial type uses. To the north of Fairdowne Road, a significant block of land in

ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS
201-12448 82 Avenue, Surrey, British Columbia, Canada V3W 3E9 (604) 597-9058 Fax 597-9061

UR/11/01 10.25 4804 097 8001 APLIN & MARTIN 0003/003

- 2 -

Area 'F' has been designated as Industrial and is currently developing with industrial and service industrial uses. Area 'F' does not currently have any zoning restrictions or land use regulations.

Ultimate development of the property based on the rural residential designation appears to be incompatible with the planned and existing development pattern for the surrounding areas. A rural residential development would be an isolated anomaly at this location, cut off from the larger residential community by the significant barriers created by the Island Highway, Alberni Highway and the surrounding industrial uses as well as being exposed to the noise and negative impacts of the highways and surrounding industrial uses. It would be remote from the local Neighbourhood Centres and the various services and amenities that they provide.

Development of the reclaimed land for industrial and service industrial uses would be the most logical and viable use of the land. This form of development would conform to the development pattern of the surrounding land uses, generate the least amount of traffic, add to the local employment base while placing the least demand on local services. The industrial uses would take better advantage of the reclaimed gravel pit and benefit from the easy access to major transportation corridors.

We believe industrial and service industrial land uses have considerable merit and the concept is founded on sound planning principles and common sense. We look forward to having the opportunity to discuss this proposal with you in greater detail as your planning process moves forward.

We respectfully request that this submission be included in your discussions at the upcoming workshop meeting.

Should you wish to discuss any aspect of this proposal, please do not hesitate to contact this office at any time.

Yours truly,

APLIN & MARTIN CONSULTANTS LTD.

Oleg Verbenkov
Manager, Planning Services
/pld

cc: Mr. Jim Allard, Allard Contractors Ltd.
Mr. Umar Olcay, Regional District of Nanaimo
Mr. Colin Springford, Town & Country Construction



SCHED. A-1

July 14, 1997

File No. 97071

Planning Department
Regional District of Nanaimo
6300 Hammond Bay Road
Box 40
Lantzville, British Columbia
V0R 2H0

Attn: Mr. Neil Connelly,

**RE: French Creek Official Community Plan Review:
Proposed French Creek Industrial Area at Fairdowne
Road & Alberni Highway (Allard Contractor's Property)**

Further to our ongoing discussions regarding the above noted property we are concerned that no steps have been initiated to ensure the property's proper designation in the proposed French Creek OCP.

As you are aware Allard Contractors has taken considerable effort to work within Government Agencies and processes to have the long term historical and future use of the subject property acknowledged in the Region's land use plans.

During the formulation of the Growth Management Plan (GMP) Allard's efforts included preparing submissions and presentations on the issues and concerns facing the aggregate industry in general and more specifically the issues respecting the subject property.

Many of the concerns of the industry in general were responded to and resolved, specifically industrial designations to permit the continued operation of these businesses. The Allard operation was designated Rural Residential. This designation while permitting extraction of gravel, does not permit the integral processing functions such as screening and crushing which have historically occurred in conjunction with the extraction of gravel from the property. This designation puts hardship on the continued operation of this business.

Allard Contractors took considerable effort to convey these issues during preparation of the GMP and it was not addressed. They have continued to participate in the review of the French Creek OCP and to foster discussion with your Department to resolve this issue. However, based on our experience with these processes we are concerned that this issue will not be resolved.

ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS
201-12448 82 Avenue, Surrey, British Columbia, Canada V3W 3E9 (604) 597-9058 Fax 597-9061

We therefore request that the property be designated appropriately to recognize the existing and long term future use of the property as a gravel extraction and primary processing operation and provide guidance for the long term use of the land once the aggregate resource has been depleted.

Our April 11th letter sent to your office outlines the major issues surrounding the use of the property and the planning rationale for amending the designation from Rural Residential to Industrial or another appropriate designation that would permit the extraction and processing activities.

We suggest the following actions.

- Amend the OCP Designation and zone to allow processing activities;
- Amend the OCP to include a statement that recognizes the historical use of the property and subsequent re-designation of the property during the next review of the GMP;

These interim measures would ensure the issue is addressed during the next GMP review. Please contact the undersigned below at your earliest convenience to discuss the options for resolving this issue.

Yours truly,

APLIN & MARTIN CONSULTANTS LTD.

Oleg Verbenkov, BA., CSP
Manager Planning Services

OV:Mac-James/97071.1et

cc Mr. Jim Allard, Allard Constructors Ltd.
Mr. Umut Olcay, Regional District of Nanaimo
Mr. Bob Lapman

gan. 8/97

45.

CHIEF INSPECTOR'S POLICY

ISSUE: NON-MINING ACTIVITIES AT GRAVEL PITS AND QUARRIES

PURPOSE:

This policy statement is intended to provide guidance to inspectors who have been delegated authority to issue or amend Mines Act permits for gravel pits and quarries that may have accompanying land uses such as top soil processing operations, asphalt plants or concrete ready-mix plants. Regardless of this policy, it is incumbent upon each decision-maker to consider all the facts in his/her own mind and to make an independent decision relevant to each individual case of permitting with respect to these activities.

POLICY STATEMENT:

Top soil processing operations, asphalt plants, concrete ready-mix plants and other post-mining processing activities or non-mining land uses are not normally to be permitted or approved under the Mines Act permitting process. If such land uses are proposed for a mine site, the Mines Act permit should not normally attempt to regulate or approve them, but should ensure that they do not interfere with the safe and environmentally secure conduct of the permitted mining activities.

BACKGROUND:

Gravel pits and quarries are industrial sites that produce raw materials that are used in a variety of applications. In many cases it is convenient for the consumer of these materials to be co-located with the pit or quarry to minimize transportation, rehandling and product storage requirements. Therefore, it is not unusual for top soil processing operations, asphalt plants and concrete ready-mix plants to be established, either temporarily or permanently, on the same property as a gravel pit or quarry. Similarly, other land uses such as industrial vehicle maintenance and equipment storage may be co-located with gravel pits and quarries.

The Mines Act definition of a mine includes processing. Interpretation of this definition suggests that such processing would not usually include mixing the mined product with other materials to produce a new final product for sale. Therefore, the mixing of site-produced sand with imported manure, wood wastes and soil to produce marketable top soil is not generally consistent with the definition of a mine. Similarly, mixing sand and gravel with asphalt to produce asphalt paving material, or mixing sand, gravel, water and Portland cement to produce concrete are not generally consistent with the definition of a mine. These post-mining processing activities would normally be considered land uses and would therefore be regulated through local government land use bylaws.

. /2

- 2 -

Subject to complying with local land use zoning and to assurances that they will not jeopardize the safety or increase the environmental impact of the host mining operation, the co-existence of post-mining processing plants and other activities with gravel pits and quarries may be quite acceptable. However, the permitting of these activities would normally be the purview of local government authorities rather than the Ministry of Employment and Investment. Where an applicant or permittee proposes non-mining land uses at a gravel pit or quarry they should be advised of the requirement for local government approval. The local government should also be advised that such activities are not normally sanctioned under the Mines Act and that any necessary enforcement of local bylaws regarding the activities is the responsibility of local government.

Co-location of non-mining activities with gravel pits and quarries has implications for inspections as well as for permitting. For instance, an excavator used for a top soil mixing operation must comply with the Mines Act if it is also sometimes used in the mining operation. Since it may not always be possible for an inspector to determine whether or not equipment use is common to both the mining and non-mining activities on a site, consideration should be given to reminding operators of the requirement for all equipment used in the mining activity to comply with the Mines Act.

January 8, 1997

46.



ALLARD CONTRACTORS Ltd.
P.O. Box 47, Port Coquitlam, B.C. V3C 3V5

Sales: 944-1448
Office: 944-2556

December 18, 1996

Regional District of Nanaimo
6300 Hammond Bay Road
P. O. Box 40
Lantzville, B. C.
V0R 2H0

Attention: Umur Olcay
Senior Planner


Dear Sir,

Thank you for your letter of December 10, 1996, and we appreciate very much your concerns with respect to our company.

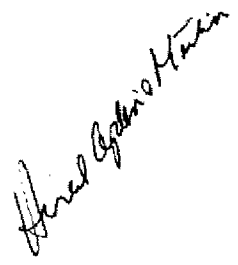
The writer is out of the country from December 20, 1996 until January 12, 1997 and I am unable to respond fully to your request for my comments prior to January 9, 1997. However, I wish to state as I have before, that the O.C.P. should designate our land Commercial or Industrial.

When I return from Christmas vacation I will prepare a detailed submission for you consideration. I would also like to be notified of your February and March 1997 public meetings as I would very much like to attend.

Yours very truly,
ALLARD CONTRACTORS LTD.


JAMES T. ALLARD, B.S.C.
Vice President

JTA/wld



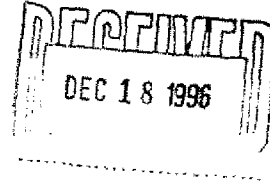
47.



REGIONAL
DISTRICT
OF NANAIMO

December 10, 1996

James T. Allard
Allard Contractors
P.O. Box 47, Port Coquitlam, BC
V3C 3V5



Dear James Allard

RE: French Creek Official Community Plan review

The Regional District of Nanaimo is reviewing the French Creek Official Community Plan and invites your input. The Regional District of Nanaimo recognizes Allard Contractors as a major landowner within the Plan Area and would appreciate an indication of your companies interests in the future of the community.

The current French Creek Official Community Plan was last reviewed in 1989. The need for the current review has been generated by new directions for community planning within the Regional District of Nanaimo advanced through the Growth Management Strategy, a stronger need to expand on infrastructure planning within serviced and proposed serviced areas within the community and changes in provincial legislation such as the forest land reserve, agricultural protection and expanded development permit and community design opportunities.

The Planning Department and local residents recognize the importance of your company's involvement in the local economy and the role which your land base plays in the resource and visual character of the community. There is a need, as part of the review of the Plan, to revisit the interests of Allard Contractors with respect to its land holdings and development plans in French Creek in order to provide local residents and other interested parties with an understanding of the current vision.

I would appreciate your perspective on the company's interests in the community and how these interests may impact the future of French Creek. Any information your provide would help ensure that your interests are considered through the plan review process. You will also have the opportunity to comment through future public meetings planned for February and March in 1997 to discuss planning approaches leading to a draft plan document.

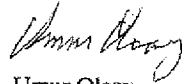
6300 Hammond Bay Rd.
P.O. Box 40
Lantzville, B.C.
V0R 2H0

Ph: (604)390-4111
District 69 Ph: 248-5511
Fax: 390-4163

In order to maintain an accurate public record of the plan review process, I would appreciate receiving your comments in writing, if possible, prior to January 9, 1996.

We appreciate any input you have to offer. If you have any questions or comments you may contact me at 390-6510.

Yours sincerely,



Umur Olcay
Senior Planner

cc J. Stanhope

uo

48.

PARKSVILLE MINING PLAN/ MINE PERMIT / AMENDMENTS

- July 6, 1992 Allard Contractors Ltd. ("ACL") submission to Ministry of Mines with Notice of Work and Reclamation Program form, Legal Notice, etc. as required for mining permit. Mining Plan to follow under separate cover from Dave Smith (Thurber Eng.)
- July 10, 1992 Proposed Parksville Gravel Pit Interim Mining Plan prepared by Thurber Engineering
- Sept. 16, 1992 Reclamation Permit G-8-190 from Ministry of Mines dated Sept. 16, 1992
- Jan. 18, 1993 Revised Interim Mining Plan prepared by Thurber Eng.
- Jan. 28, 1993 Approval of Revised Interim Mining Plan dated Jan. 18, 1993 from Ministry of Mines
Enclosed is amended permit G-8-190 dated Sept. 16, 1992 extending pit approval to the West Section of Block 1438 S.W. as in Drawing 19-312-13 2R1 and changing Special Condition No. 8 to include mining plan revised Jan. 18, 1993 by Thurber.
- Feb. 23, 1993 Amendment to Special Conditions No. 6 & 7:
(6) The permit authorizes mining pit run, crushing, screening and washing as required. The Wash Plant shall be on a closed wash water circuit system.
(7) (a) A natural buffer zone of a minimum distance of 15 metres shall be maintained on each side of the thalweg of Romney Creek. Any hazard trees within this buffer zone and identified as such, in the approved logging plan by a registered professional forester, are to be suitably flagged and directionally felled for minimum disturbance.
(b) A buffer zone shall be maintained alongside the Alberni Highway right-of-way boundary as required by Section 6.6.1 of the Mines Safety and Reclamation Code 1992.
- Jul. 7, 1997 ACL correspondence to Mines requesting amendment to allow crushing, screening, conveying, stockpiling, sizing, blending, etc.
- Sept. 3, 1997 Correspondence from Mines re. Amendment:
In response to ACL letter of Jul. 7/97, the text of Special Condition 6 as amended Jan. 28/93 was subsequently changed through correspondence dated Feb. 23/93:
(6) The permit authorizes mining pit run, crushing, screening and washing as required. The Wash Plant shall be on a closed wash water circuit system.
There appears to be no need to amend the permit.

Prepared Sept. 14/06 by Wendy

PARKSVILLE/Mining Plan

Attachment No.3
Comments Received in Response to the Referral on Proposed Bylaw No.

Greg Keller Stationery

Page 1 of 1

Keller, Greg

From: Glenn, Doug [Doug.Glenn@viha.ca]
Sent: July 8, 2008 10:00 AM
To: Keller, Greg
Subject: FW: Request for comment
Attachments: VIHA.pdf; 500.346.pdf

Hi Greg,

I've recently moved into the Senior EHO position in Nanaimo so all future requests can come to me. VIHA has no concerns with the currently proposed amendments to Bylaw No. 500.

With respect to the new minimum site area requirements we'll continue to work with the approving officer to ensure that subdivision applications come to us for comment.

Doug

Douglas G. Glenn, B.Sc., M.B.A., R.E.H.O.
Senior Environmental Health Officer
Public Health Protection
Tel: 250-755-6284
Fax: 250-755-3372
email: Doug.Glenn@viha.ca

Original Message-----
From: Coombe, David
Sent: Thursday, June 26, 2008 10:15 AM
To: Glenn, Doug
Subject: FW: Request for comment

Doug,

I guess I am still on the RDN mailing list as the supervisor/chief for CI. Over to you.

Dave

-----Original Message-----
From: Keller, Greg [mailto:GKeller@rdn.bc.ca]
Sent: Wednesday, June 25, 2008 2:57 PM
To: Coombe, David
Subject: Request for comment

Attached please find a referral for a proposed amendment to the RDN Zoning Bylaw No. 500. A hard copy will follow by mail. If you have any questions, please give me a call.

Regards,

Greg B. Keller, MCIP
Senior Planner
Regional District of Nanaimo

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

08/07/2008

500.346

Area G OCP Implementation Bylaw

Page 1 of 1

Keller, Greg

From: Henigman, Margaret ENV:EX [Margaret.Henigman@gov.bc.ca]
Sent: July 4, 2008 11:24 AM
To: Keller, Greg
Cc: Barr, Brenda M ENV:EX
Subject: Area G OCP Implementation Bylaw

Thought I should get this done before I leave on vacation. I had a look through your letter and, as much as possible, the supplementary info and info on your web site. This is what I noticed:

Letter #2 - anywhere the RDN is considering reducing minimum parcel sizes <2ha, it should be qualifying this with a requirement for rain water infiltration standards to prevent detrimental alterations to hydraulic regimes (this is based on research that shows significantly increased impacts with lot sizes <2ha).

Letter #7 - We're concerned that the CD39 zone will create a situation where a landowner could have agricultural uses within the floodplain and this would exempt them from the RAR (agricultural uses are exempt)

Letter #11 - I'm having difficulty understanding how changing commercial to Resort Commercial will respect the UCB if it allows pretty much everything that residential zoning would allow e.g. residential, gas stations etc.

Bylaw 500.346 rw: Part 3 Schedule 3F - Landscaping Regulations - I'm really concerned about exempting all of Area G from the Landscaping regulations. Not that these regulations don't need some amendments, but at least they require screening and buffers that incorporate native vegetation. What was the rationale for dropping this for Area G?

Pete will be contacting you about Schedule 3E, not in the package of amendments, regarding stream setbacks. Let me know if you need or want to share some clarification. I'm here today, then gone til the 10/11 then on A/L till the 28th.

Hope all is well with you.

Maggie Henigman, MA, CCEP
Ecosystems Biologist
Ministry of Environment
(250) 751-3214
margaret.henigman@gov.bc.ca

D

04/07/2008

Area G OCP Implementation Bylaw

Page 1 of 2

Keller, Greg

From: Henigman, Margaret ENV:EX [Margaret.Henigman@gov.bc.ca]
Sent: July 4, 2008 11:55 AM
To: Keller, Greg
Subject: RE: Area G OCP Implementation Bylaw

K. thanks for clarifying these. However in terms of #7 I'm still not clear how a Hazard land designation would avoid the problem of someone being exempt from the RAR because they have agricultural uses on their land.

From: Keller, Greg [mailto:GKeller@rdn.bc.ca]
Sent: Friday, July 4, 2008 11:49 AM
To: Henigman, Margaret ENV:EX
Subject: RE: Area G OCP Implementation Bylaw

Thank you for your comments. As per our discussion the following is our written response to your email below. A little bit of context may help. The proposed bylaw is in response to the new Area G OCP. All of the proposed zoning changes are required to implement policies contained in the the new OCP. This is not a general review of the zoning bylaw.

2- All of the proposed zoning amendments increase the minimum parcel size.

7 - The property subject to the CD39 zone is in a Hazard Land DPA that will trigger the requirement for a DP if/when development is proposed.

11. The proposed Resort Commercial zone applies to properties which are currently zoned commercial and are located outside of the UCB. The new zone is more restrictive than the existing commercial designations and is focused on uses which are typically associated with tourist commercial rather than service commercial.

Schedule 3F - The new OCP contains a form and character DPA which specifies more current landscaping requirements that require the use of native species and the use of water efficient irrigation. Therefore the landscaping regulations contained in the zoning bylaw are no longer required.

Lastly, as the new OCP does not contain policies with respect to setbacks from watercourses, the proposed bylaw does not contain changes with respect to schedule 3E

I hope this helps. If you have any further questions please give me a call.

Greg Keller, MCIP
Senior Planner
Regional District of Nanaimo
(250) 390-6510

From: Henigman, Margaret ENV:EX [mailto:Margaret.Henigman@gov.bc.ca]
Sent: July 4, 2008 11:24 AM
To: Keller, Greg
Cc: Barr, Brenda M ENV:EX
Subject: Area G OCP Implementation Bylaw

Thought I should get this done before I leave on vacation. I had a look through your letter and, as much as possible, the supplementary info and info on your web site. This is what I noticed:

Letter #2 - anywhere the RDN is considering reducing minimum parcel sizes <2ha, it should be qualifying this with a requirement for rain water infiltration standards to prevent detrimental alterations to hydraulic regimes (this is based on research that shows significantly increased impacts with lot sizes <2ha).

09/07/2008

Area G OCP Implementation Bylaw

Page 2 of 2

Letter #7 - We're concerned that the CD39 zone will create a situation where a landowner could have agricultural uses within the floodplain and this would exempt them from the RAR (agricultural uses are exempt)

Letter #11 - I'm having difficulty understanding how changing commercial to Resort Commercial will respect the UCB if it allows pretty much everything that residential zoning would allow e.g. residential, gas stations etc.

Bylaw 500.346 rw: Part 3 Schedule 3F - Landscaping Regulations - I'm really concerned about exempting all of Area G from the Landscaping regulations. Not that these regulations don't need some amendments, but at least they require screening and buffers that incorporate native vegetation. What was the rationale for dropping this for Area G?

Pete will be contacting you about Schedule 3E, not in the package of amendments, regarding stream setbacks. Let me know if you need or want to share some clarification. I'm here today, then gone til the 10/11 then on A/L till the 28th.

Hope all is well with you.

Maggie Henigman, MA, CCEP
Ecosystems Biologist
Ministry of Environment
(250) 751-3214
margaret.henigman@gov.bc.ca

09/07/2008

Area G OCP Implementation Bylaw

Page 1 of 2

Keller, Greg

From: Henigman, Margaret ENV:EX [Margaret.Henigman@gov.bc.ca]
Sent: July 4, 2008 12:00 PM
To: Keller, Greg
Subject: RE: Area G OCP Implementation Bylaw

Ya but that wouldn't deal with the generation of the SPEA on biological ground that are considered by a an RPBio QEP.

From: Keller, Greg [mailto:GKeller@rdn.bc.ca]
Sent: Friday, July 4, 2008 11:57 AM
To: Henigman, Margaret ENV:EX
Subject: RE: Area G OCP Implementation Bylaw

It may not, however we could require a DP which would trigger the requirement for a report from a geotechnical engineer looking at flood issues. Please refer to the Hazard Lands DP in the new OCP. If you don't have a copy it is on our website or I could send you one.

Greg

From: Henigman, Margaret ENV:EX [mailto:Margaret.Henigman@gov.bc.ca]
Sent: July 4, 2008 11:55 AM
To: Keller, Greg
Subject: RE: Area G OCP Implementation Bylaw

K. thanks for clarifying these. However in terms of #7 I'm still not clear how a Hazard land designation would avoid the problem of someone being exempt from the RAR because they have agricultural uses on their land.

From: Keller, Greg [mailto:GKeller@rdn.bc.ca]
Sent: Friday, July 4, 2008 11:49 AM
To: Henigman, Margaret ENV:EX
Subject: RE: Area G OCP Implementation Bylaw

Thank you for your comments. As per our discussion the following is our written response to your email below. A little bit of context may help. The proposed bylaw is in response to the new Area G OCP. All of the proposed zoning changes are required to implement policies contained in the the new OCP. This is not a general review of the zoning bylaw.

2- All of the proposed zoning amendments increase the minimum parcel size.

7 - The property subject to the CD39 zone is in a Hazard Land DPA that will trigger the requirement for a DP if/when development is proposed.

11. The proposed Resort Commercial zone applies to properties which are currently zoned commercial and are located outside of the UCB. The new zone is more restrictive than the existing commercial designations and is focused on uses which are typically associated with tourist commercial rather than service commercial.

Schedule 3F - The new OCP contains a form and character DPA which specifies more current landscaping requirements that require the use of native species and the use of water efficient irrigation. Therefore the landscaping regulations contained in the zoning bylaw are no longer required.

Lastly, as the new OCP does not contain policies with respect to setbacks from watercourses, the proposed bylaw does not contain changes with respect to schedule 3E

I hope this helps. If you have any further questions please give me a call.

09/07/2008

Area G OCP Implementation Bylaw

Page 2 of 2

Greg Keller, MCIP
Senior Planner
Regional District of Nanaimo
(250) 390-6510

From: Henigman, Margaret ENV:EX [mailto:Margaret.Henigman@gov.bc.ca]
Sent: July 4, 2008 11:24 AM
To: Keller, Greg
Cc: Barr, Brenda M ENV:EX
Subject: Area G OCP Implementation Bylaw

Thought I should get this done before I leave on vacation. I had a look through your letter and, as much as possible, the supplementary info and info on your web site. This is what I noticed:

Letter #2 - anywhere the RDN is considering reducing minimum parcel sizes <2ha, it should be qualifying this with a requirement for rain water infiltration standards to prevent detrimental alterations to hydraulic regimes (this is based on research that shows significantly increased impacts with lot sizes <2ha).

Letter #7 - We're concerned that the CD39 zone will create a situation where a landowner could have agricultural uses within the floodplain and this would exempt them from the RAR (agricultural uses are exempt)

Letter#11 - I'm having difficulty understanding how changing commercial to Resort Commercial will respect the UCB if it allows pretty much everything that residential zoning would allow e.g. residential, gas stations etc.

Bylaw 500.346 rw: Part 3 Schedule 3F - Landscaping Regulations - I'm really concerned about exempting all of Area G from the Landscaping regulations. Not that these regulations don't need some amendments, but at least they require screening and buffers that incorporate native vegetation. What was the rationale for dropping this for Area G?

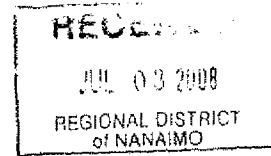
Pete will be contacting you about Schedule 3E, not in the package of amendments, regarding stream setbacks. Let me know if you need or want to share some clarification. I'm here today, then gone til the 10/11 then on A/L till the 28th.

Hope all is well with you.

Maggie Henigman, MA, CCEP
Ecosystems Biologist
Ministry of Environment
(250) 751-3214
margaret.henigman@gov.bc.ca

D

09/07/2008



July 2, 2008

MoT File: 01-002-27410

Greg Keller, MCIP
RDN Senior Planner

Re: Electoral Area 'G' Official Community Plan Implementation Bylaw No. 500.346

Thank you for your letter dated June 25, 2008. With regard to the above-mentioned OCP review, the Ministry of Transportation examined your proposed amendments to bylaw 500, 1987 and has no comments or concerns at this time.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact this office at (250)751-3246.

Yours Truly,

Kevin House
A/ District Development Technician

Ministry of
Transportation

Vancouver Island District
South Coast Region

Mailing Address:
3rd Floor, 2100 Labeux Rd
Nanaimo, BC V9T 6E9

Telephone: 250-751-3246
Facsimile: 250-751-3289

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



City of PARKSVILLE

PO Box 1390, 100 E. Jensen Avenue, Parksville, BC V9P 2H3
Telephone: (250) 248-6144 Fax: (250) 248-6650
www.parksville.ca

July 8, 2008

Page 1 of 1

VIA FASCIMLE (250)390-7511

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9P 5J6

ATTENTION: GREG KELLER, MCIP

Dear Sirs:

**SUBJECT: ELECTORAL AREA 'G' OFFICIAL COMMUNITY PLAN
IMPLEMENTATION BYLAW NO. 500.346
OUR FILE NO.: 0400-50-RDN**

Thank you for your referral letter dated June 25, 2008.

While we have not examined the wording of the bylaw in detail, we understand that the bylaw amendment is intended bring the RDN Zoning Bylaw No. 500 into compliance with the land use policy directives that were developed in consultation with the community as part of the recently adopted Electoral Area "G" Official Community Plan (OCP).

The Community Planning Department is in support of the proposed amendments as they, in our opinion, appear to realize the objective set out in your recently adopted OCP; objectives that are consistent with the principles of the Regional Growth Strategy (RGS) as they relate to strong urban containment and protection and strengthening of rural integrity.

The timeframe for referral did not permit us an opportunity to take this matter before Council; therefore, the aforementioned comments are from the perspective of the Planning Department only and do not represent the views of the City of Parksville or its elected officials.

Sincerely,

A handwritten signature in black ink, appearing to read 'Blaine Russell'.

Blaine Russell
Manager of Current Planning

BR/sh

Planning/0400-50/RDN/2008/RDN-1.

Attachment No. 4
Comments Received at the Open House
Proposed Bylaw No. 500.346

Electoral Area 'G' Official Community Plan Implementation
Proposed Bylaw 500.346
Open House Feedback Form

What do you agree with and support in the proposed Bylaw and why?

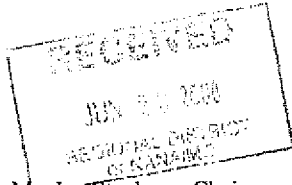
- I am strongly in support of this OCP and the proposed bylaws. I particularly support the minimum parcel size regulations and the minimum sight area requirements

* This will help to curb our carbon footprint by reducing # of people commuting and creating more people in an urban containment area so better forms of ~~trans~~ mass transit can be put into place -

Please use this space to provide any other comments and suggestions you may have with respect to proposed Bylaw 500.346.

- Great job by staff - Thank you

over



Ms. R.A. McQueen
808 Mariner Way
Parksville, BC
V9P 1S3

Mr. Joe Stanhope, Chairperson and Board Members
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC

June 22, 2008

Re: Area 'G' OCP and associated Amending Zoning ByLaw

I am writing to express my strongest support for the adoption of the Electoral Area 'G' Official Community Plan and its associated zoning amendment bylaw.

On Tuesday June 17, 2008 I attended the Regional District Land Use and Proposed ByLaw Open House Feedback Forum. At that time, because of the patient and professional assistance of the planning staff, I was able to gain a clear understanding of the proposed bylaws and their impact upon Electoral Area 'G'.

Although I whole heartily support all of the proposed bylaw amendments I feel it is particularly important that you give unanimous approval to the amendment that increase the minimum parcel size and minimum site area requirements on lands outside of the urban containment boundary. Because most of the proposed minimum parcel sizes were set out in the previous OCP in Electoral Area 'G' **but were never implemented**, it is imperative that this amendment be acted upon now if we are to stop urban sprawl and all its attendant difficulties.

I realize that passing this amendment bylaw will prove to be contentious as there are interest groups who fight any regulation that impinges upon their perceived right to make money. However, if this "old world of ours" is to survive and offer its people a reasonable quality of life then this is the time when tough decisions must be made. As our elected representatives you play an important role in helping to shape our future. The power is yours - I hope you use it wisely. You took the first step when you signed the Climate Action Charter in May 2008 now take the second step and fulfill that charter commitment to reduce our carbon imprint by bringing into being the Area "G" Official Community Plan and the Land Use and Subdivision Bylaw Amendment Bylaw No. 500.346, 2008.

Respectfully submitted,


Ms. R.A. McQueen

✓ c.c. Greg Keller

Electoral Area 'G' Official Community Plan Implementation
Proposed Bylaw 500.346
Open House Feedback Form

What do you agree with and support in the proposed Bylaw and why?

- most.

What parts of the proposed Bylaw do you disagree with and why?

Farm producers should be able to sell (restricted) related produce + accessories. If they are producing everything they sell, there is no time to make it profitable to sell only those

Please use this space to provide any other comments and suggestions you may have with respect to proposed Bylaw 500.346.

(continued) that they themselves produce

Electoral Area 'G' Official Community Plan Implementation
Proposed Bylaw 500.346
Open House Feedback Form

What do you agree with and support in the proposed Bylaw and why?

As a member of the AFFORA Board I am supportive of the OCP in total. The policies & guidelines will provide a framework within which to sustain our community & ensure that "community" issues have a context to be resolved!!

What parts of the proposed Bylaw do you disagree with and why?

Overall the Bylaw is taking tentative steps. We are faced with major climate events & an unsecured water system which creates a vulnerability for the area.

Please use this space to provide any other comments and suggestions you may have with respect to proposed Bylaw 500.346.

I am looking forward to the proposed water conservation initiative this fall.

COPY

RDN	
CAO	✓ GMF&IS
GMOS	✓ GMR&PS
GMES	✓ GMTS
JUN 23 2008	
SMCA	✓ BOARD
CHAIR	✓
G. Keller ^{correcs.}	
M. Donnelly	

733 Mariner Way
 Parksville, B.C. V9P1S4
 Telephone (250) 248-3786

June 21st, 2008

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

Attention Greg Keller, RDCM
 Senior Planner, Joe Stan-
 hope, RDCN Chairman - Board
 of Directors & Area & Rep &
 Mike Donnelly,

Dear Sirs:
 Re: Official Community Plan
 & By-Law 500 Area G.

I strongly support the O.C.P.
 & By Laws. I want to express
 my appreciation for all the
 work the representatives of the
 Regional District have done on
 -over

2

~~on~~ this plan. Unfortunately there are a small minority against the OCP & bylaws with the very obvious reasons - for "profit-making".

I feel strongly the Estuary of Englishman River should be protected & I believe each of you are in a position to protect it & it would be a tragedy for the subdivision proposal for 711 Mariner be passed for a minority, these new rules & regulations for profit making & the rest of the residents of San Parcel & many more future generations & visitors to the area be cheated when it's obvious where your conscience should lead you.

The testing of the 3rd well in San Parcel is another issue that concerns me, -over

3

How on earth can this unusual weather year determine an outcome after only 1 summer of testing? At the least 2 summers. Please! Look at the troubles French Creek is having with water. Are we soon to follow? Before any water is promised for new subdivisions we who are already connected (& those 40 some people on wells who want to join) we must be assured that that there is enough. One summer of testing is logically "not enough".

Please consider the welfare of the environment & society before dollars for a few.

Yours truly
Janet Moore

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, JULY 8, 2008, AT 6:00 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director G. Holme	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Director J. Stanhope	Electoral Area G
Alternate	
Director D. Heenan	Electoral Area H

Also in Attendance:

M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	General Manager, Development Services
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Director Heenan to the meeting.

MINUTES

MOVED Director Stanhope, SECONDED Director Heenan, that the minutes of the Electoral Area Planning Committee meeting held June 10, 2008 be adopted.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60630D & Consideration of Park Land – Dave Scott on behalf of BCIMC Realty Corporation & 3536696 Canada Inc. No. A48904 (Fairwinds) – Rockcliffe & Bonnington Drive – Area E.

MOVED Director Burnett, SECONDED Director Stanhope, that Development Permit No. 60630D submitted by Dave Scott, on behalf of BCIMC Realty Corporation, Inc. No. A41891 & 3536696 Canada Inc., Inc. No. A48904 (Fairwinds) for the property legally described as Lot 1, District Lot 78, Nanoose District, Plan VIP83117 and designated within the Sensitive Ecosystem Protection Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1 to 7 of the corresponding staff report, and the notification procedures pursuant to the *Local Government Act*.

CARRIED

MOVED Director Burnett, SECONDED Director Stanhope, that the park land requirement pursuant to section 941 of the *Local Government Act* be calculated from the existing Fairwinds park land surplus.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:05 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON TUESDAY, JULY 8, 2008 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
Alternate	
Director D. Heenan	Electoral Area H
Director S. Herle	City of Parksville
Alternate	
Director M. Wansink	Town of Qualicum Beach
Alternate	
Director B. Dempsey	District of Lantzville
Director M. Unger	City of Nanaimo
Alternate	
Director J. Cameron	City of Nanaimo
Director L. McNabb	City of Nanaimo
Alternate	
Director L. Sherry	City of Nanaimo
Director D. Brennan	City of Nanaimo

Also in Attendance:

C. Mason	Chief Administrative Officer
M. Pearse	Senior Manager, Corporate Administration
W. Thexton	A/Gen. Manager of Finance & Information Services
C. McIver	A/Gen. Mgr. of Transportation & Solid Waste Services
J. Finnie	General Manager of Environmental Services
P. Thorkelsson	General Manager of Development Services
T. Osborne	General Manager of Recreation & Parks
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Directors Heenan, Dempsey, Wansink, Cameron and Sherry to the meeting. The Chairperson also congratulated the Chief Administrative Officer on her son's qualifying to represent Canada and the Regional District at the Olympics.

DELEGATIONS

Gabriola Island Trust Committee, re Natural Area Protection Tax Exemption Program (NAPTEP).

Kim Benson, Chair, Islands Trust Council, Lisa Dunn, Director, Trust Area Services and Sheila Malcolmson, Gabriola Island Local Trustee provided an overview of the Islands Trust Natural Area Protection Tax Exemption Program.

MINUTES

MOVED Director Cameron, SECONDED Director Herle, that the minutes of the Committee of the Whole meeting held June 10, 2008 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Sheila Malcolmson, Gabriola Island Local Trustee, re Affordable Housing Needs Assessment Initiative, RDN Support.

MOVED Director Holme, SECONDED Director Brennan, that the correspondence from Sheila Malcolmson regarding the Gabriola Local Trust Committee's grant application for a community housing/affordable housing needs assessment, be received.

CARRIED

Alvin Hui, Alvin Hui Law Corporation, re Boat Harbour Proposal.

MOVED Director Holme, SECONDED Director Brennan, that the correspondence from Alvin Hui Law Corporation regarding the proposed Boat Harbour development, be received.

CARRIED

DEVELOPMENT SERVICES

BUILDING & BYLAW

Notice of Bylaw Contravention – 1310 Wilson Road – Area 'B'.

MOVED Director Holme, SECONDED Director Wansink, that staff be directed to register a Notice of Bylaw Contravention on title pursuant to Section 57 of the *Community Charter* and that legal action be taken to ensure Lot 7, Section 9, Gabriola Island, Nanaimo District, Plan 30347, is in compliance with the "Regional District of Nanaimo Building Regulation and Fees Bylaw No. 1250, 2000".

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

Pump and Haul Local Service Area Amendment Bylaw No. 975.48 – 1846 Ballenas Road – Area 'E'.

MOVED Director Holme, SECONDED Director Sherry, that the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to exclude Lot 24, DL 68, Plan 30341, Nanoose District. (1846 Ballenas Road, Electoral Area 'E')

CARRIED

MOVED Director Holme, SECONDED Director Sherry, that "Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.48, 2008" be introduced and read three times.

CARRIED

UTILITIES

Fairwinds Sewerage Facilities Local Service Area Amendment Bylaw No. 947.04 – Inclusion of Strata Lots 1 to 49, DL 78, Nanoose District, Plan VIS745 into the Fairwinds Sewerage Facilities Local Service Area – Area ‘E’.

MOVED Director Holme, SECONDED Director McNabb, that “Fairwinds Sewerage Facilities Local Service Area Amendment Bylaw No. 947.04, 2008” be introduced and read three times.

CARRIED

Electoral Area ‘E’ Water Source Assessment Study – Information Report.

MOVED Director Holme, SECONDED Director Burnett, that the Board receive the “Water Source Assessment Study for Electoral Area ‘E’ in the Regional District of Nanaimo” report for information.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

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

MOVED Director Burnett, SECONDED Director Young, that the minutes of the Electoral Area ‘A’ Parks and Green Space Advisory Committee meeting held May 15, 2008 be received for information.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the Ministry of Transportation be advised that the Electoral Area ‘A’ Parks and Green Space Advisory Committee has no objection to the proposed road closure of 2347 South Wellington Road.

CARRIED

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

MOVED Director Holme, SECONDED Director Cameron, that the minutes of the Electoral Area ‘E’ Parks and Open Space Advisory Committee meeting held June 2, 2008 be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Herle, SECONDED Director Young, that the minutes of the District 69 Recreation Commission meeting held June 19, 2008 be received for information.

CARRIED

MOVED Director Herle, SECONDED Director McNabb, that the program, admission and rental fees for Oceanside Place in 2008/09 be approved as outlined in Appendix A.

CARRIED

MOVED Director Herle, SECONDED Director McNabb, that the program, admission and rental fees for Ravensong Aquatic Centre in 2009 be approved as outlined in Appendix B.

CARRIED

MOVED Director Herle, SECONDED Director McNabb, that Recreation Coordinating program fees and recovery rates, administration, fee and revenue-sharing percentage ratio for Term Instructor (Companies) agreements in 2009 be approved as outlined in Appendix C.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Natural Area Protection Tax Exemption Program (NAPTEP).

MOVED Director Sperling, SECONDED Director Brennan, that the Natural Area Protection Tax Exemption Program proposal be referred to staff for a report on the implications and staff recommendations.

CARRIED

Islands Trust Affordable Housing Needs Assessment Initiative.

MOVED Director Sperling, SECONDED Director Brennan, that the Board forward a letter of support to the Islands Trust for their affordable housing needs assessment initiative.

CARRIED

MOVED Director Sperling, SECONDED Director Brennan, that the request from Islands Trust for a funding commitment from the Regional District of Nanaimo as a "Project Partner" be referred to staff for a report.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:24 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA 'A' RECREATION AND CULTURE COMMISSION
REGULAR MEETING
HELD ON WEDNESDAY, JULY 9, 2008
AT THE CEDAR HERITAGE CENTRE**

Attendance: Joe Burnett, Director, RDN Board, Chair
Shelagh Gourlay
Shannon Wilson
Krista Seggie
Wendy Herrington

Staff: Dan Porteous, Manager of Recreation Services
Tom Osborne, General Manager of Recreation and Parks
Marilynn Newsted, Recording Secretary

Regrets: Grant Fong
Dawne Burnett

Absent: Dee Hutt-Randen

CALL TO ORDER

1 Chair J. Burnett called the meeting to order at 7:10pm.

MINUTES

3.1 MOVED Commissioner Wilson, SECONDED Commissioner Seggie, that the Minutes of the Electoral Area 'A' Recreation and Culture Commission Meeting held May 14, 2008, be approved.

CARRIED

NEW BUSINESS

8.1 EA 'A' Recreation and Culture Service Delivery Options Update

MOVED Commissioner Wilson, SECONDED Commissioner Herrington, that the Electoral Area 'A' Recreation and Culture Service Delivery Options Update report be received as information.

CARRIED

8.2 EA 'A' Recreation and Culture Commission Grant-In Aid Applications

South Wellington and Area Community Association

Commissioner Seggie left the meeting at 7:37pm citing a conflict of interest in relation to her role as a member of the South Wellington and Area Community Association.

MOVED Commissioner Wilson, SECONDED Commissioner Gourlay, that the Grant-In-Aid request in the amount of \$598 from the South Wellington and Area Community Association to provide badminton and yoga programs be approved.

CARRIED

Commissioner Seggie returned to the meeting at 7:39pm.

Yellow Point Drama Group

MOVED Commissioner Gourlay, SECONDED Commissioner Herrington, that the Grant-In-Aid request in the amount of \$1,500 from the Yellow Point Drama Group to purchase a portable storage trailer be approved.

CARRIED

Cedar Family of Community Schools

Commissioner Seggie left the meeting at 7:59pm citing a conflict of interest in relation to her role as a member of the Cedar School and Community Enhancement Society.

MOVED Commissioner Gourlay, SECONDED Commissioner Herrington, that the Grant-In-Aid request in the amount of \$876 from Cedar Family of Community Schools and the Cedar School and Community Enhancement Society to provide the Run, Jump, Throw program be approved.

CARRIED

Commissioner Seggie returned to the meeting at 8:01pm.

Mr. Porteous reminded the Commission of the two student delegation from Cedar Community Secondary School Travel Club, who presented a Grant-In-Aid request at the March 12, 2008, meeting. As the presentation was prior to the establishment of the Electoral Area 'A' Recreation and Culture Commission Grant-In-Aid program, the request was not considered and it was suggested the application should be resubmitted after the establishment of the program.

MOVED Commissioner Seggie, SECONDED Commissioner Gourlay, that a letter be sent to Chris Pennell, at the Cedar Community Secondary School, requesting that a new Grant-In-Aid request be submitted on behalf of the two students, which would include clarification on the funding purpose and to whom the Grant-In-Aid cheque should be made payable to.

CARRIED

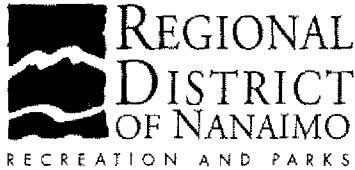
ADJOURNMENT

11 MOVED Commissioner Seggie that the meeting be adjourned at 8:30pm.

NEXT MEETING

Wednesday, September 10, 2008
7:00pm, Cedar Heritage Centre

Chair



RDN REPORT	
CAO APPROVAL	
EAP	
COW	
JUN 26 2008	
RHD	
BOARD	✓ July 22nd
EA 'A' RCC July 9th	

MEMORANDUM

TO: Tom Osborne
General Manager of Recreation and Parks

DATE: June 25, 2008

FROM: Dan Porteous
Manager of Recreation Services

FILE:

SUBJECT: EA 'A' Recreation and Culture Service Delivery Options Update

PURPOSE

To provide information to the Electoral Area 'A' Recreation and Culture Commission and the Regional Board regarding progress to date pertaining to the recreation and culture service delivery options.

BACKGROUND

In January of 2008, the Commission and staff explored various recreation and culture service delivery options for Area 'A'. The Commission recommended that staff pursue the following two options, which were then approved by the Regional Board on February 26, 2008:

1. "That staff further research with School District 68 senior officials the School Board's interest in a potential agreement with the Regional District to supply recreation and culture services in Electoral Area 'A' through the Community Schools program."
2. "That staff explore the option of the Regional District retaining a coordinator to provide recreation and cultural services in Electoral Area 'A'."

The following outlines the progress to date regarding the two options and future plans.

1. Agreement with School District 68

In February 2008, staff met with the Mr. David Green, Secretary-Treasurer of School District 68. Mr. Green expressed interest regarding an agreement with the Regional District; however, the concept needed to be reviewed with senior management. This meeting took place near the end of March, at which time RDN staff were informed by Mr. Green that the matter was deferred to their budget process for consideration before any further discussions could take place with the Regional District. Mr. Green requested that staff to follow up with him at the beginning of May; however, staff have been unable to schedule a subsequent meeting.

At the May 2008 meeting of the Commission, staff presented a verbal report regarding the progress noted above. Based on the initial direction from the Commission and Regional Board regarding this service option, staff requested a timeline to September 2008 to present a full report on the two service delivery options. The Commission agreed to the timeline so that staff could further explore this option with the School District.

The option proposed would include an enhanced School District service delivery model involving the Community Schools program and the annual transfer of Regional District funds to the School District. Currently, the School District employs two part-time Community School Coordinators who work from various school sites in Area 'A' providing a variety of programs and events for the community mainly focused in the Cedar area. The Regional District funds, an amount yet to be determined, would be transferred to the School District for the sole purpose of supplementing wages of the two part-time Community School Coordinators so they may provide the enhanced recreation and culture services on behalf of the Regional District to all communities of Area 'A'.

The expectations would be that the Coordinators would begin providing additional programs and events above those that are currently being provided, and enhance their community development roles throughout the various communities of Cedar, South Wellington, Cassidy and parts of Yellow Point. They would have the ability to utilize other facilities within Area 'A' including various community halls as applicable and available. In addition, the Coordinators would be expected to program for all age groups within the communities.

The Commission and Recreation and Parks Department could fulfill their mandate for the provision of recreation and culture services to residents of Area 'A' through such an agreement with the School District. This concept would utilize existing resources within the community as the Coordinators are already providing services very similar to what the Regional District would provide if they were to retain a Coordinator. Providing the services through the School District would also cost substantially less than if the Regional District was to provide these services directly.

However, before an agreement can be established there are a number of concerns and issues that need to be addressed regarding the School District's ability to provide the enhanced services on behalf of the Regional District. These include any changes necessary to the existing Community School program mandate regarding the Coordinators' roles and responsibilities; questions regarding current work schedule of the Coordinators and associated remuneration; insurance, liability and WCB matters; School District union concurrence; and implications regarding the Regional District funding envelope and service expectations.

Recently, staff have made numerous attempts at contacting the School District to schedule a follow up meeting to discuss these concerns and issues; however, to date staff have received no reply from the School District.

Following any subsequent meetings with the School District, a report will be completed for the September meeting of the Commission addressing the various concerns and issues noted above. The report would also include a recommendation regarding whether or not an agreement should be established with the School District. If approved, staff would then proceed with developing an agreement specifically outlining terms regarding the enhanced services including service expectations and a funding arrangement.

Proposed Funding Model – Option 1

The Regional District would provide an annual amount of funding including a Consumer Price Index adjustment. At present, the amount is not firm; however, preliminary estimates range from \$40,000-\$50,000 annually. These funds would provide additional wages to the Coordinators; thereby expanding their hours to full-time rather than the part-time hours currently provided through the School District.

These funds would be transferred through the Area 'A' budget and are currently available to implement this option through the 2008 budget and forecasted Five Year Financial Plan.

As the School District will be providing these services on behalf of the Regional District, the Regional District will not incur other the significant costs associated with directly operating the services as outlined in Option 2.

2. Coordinator Retained by the Regional District

The option of retaining a coordinator through the Regional District as the direct service provider of recreation and culture services in Area 'A' would require some administrative planning and additional funding. The process would involve securing an office location; acquiring equipment and supplies; a recruitment process; and developing a more detailed budget for the services including administration, operations and programs with associated revenues and expenditures.

Although additional funding would be required to provide the service directly through the Regional District, the Commission and Recreation and Parks Department would have more control over the program with the Regional District remaining autonomous with respect to service delivery. Staff would supervise the Coordinator and be more involved in the development, coordination and implementation of the program services. Such direct control and autonomy would not be the case if the services were provided through an agreement with the School District.

In addition to increased costs, another key challenge would be the supervision of the Coordinator. The Manager of Recreation Services is located in Parksville and the Coordinator would be located in Area 'A'. A similar challenge was experienced on Gabriola Island when recreation services were first introduced and a staff person hired through the Regional District. A strategy will need to be devised providing an effective and efficient communication system to deal with the supervisory issue.

The report to be presented to the Commission in September would further outline and detail the administrative processes for directly delivering the service. If this option is approved, at that time, staff would then begin the process of further developing a budget, locating a facility, retaining a Coordinator and implementing the services.

Proposed Funding Model – Option 2

To provide the services directly through the Regional District would cost substantially more than establishing an agreement with the School District primarily due to overhead costs for administering and operating the services. The following outlines the general costs associated if the Regional District was to provide the services.

Although it is difficult to ascertain, a facility lease or rental could range from \$3,000 to \$6,000 per year or more. The cost of retaining a Coordinator could be approximately \$55,000-\$60,000 in a full-time capacity. There are a number of other budget items that would need to be established including things such as advertising/promotions, bank services charges, courier, miscellaneous program costs, office supplies and equipment and repairs, postage, safety supplies, utilities, staff training, etc. These costs are also difficult to ascertain up front as they begin to become more accurately managed once the service has been implemented for a year or two. However based on the experiences associated with District 69 recreation services and the Gabriola model, these costs can be approximated at \$10,000-\$15,000.

At present, the Area 'A' budget has a tax requisition of \$75,000 with the ability to increase to \$96,000 depending on need. There is approximately \$17,500 budgeted for Regional District administration related to costs associated with employee wages apportioned to Area "A" for management and office support. The Board also recently approved a Grant-in-Aid program of \$10,000.

The total of associated costs outlined above would equal approximately \$108,500. If the Commission were to maximize their tax requisition to \$96,000 there would still be a shortfall of approximately \$12,500. The Commission and staff would need to further explore the costs associated with retaining a Coordinator and consider hiring an individual in a part-time capacity and/or consider where other expenses may be reduced to maintain the budget within the tax requisition parameters.

Program revenues and expenditures overall are planned to offset each other and can be expected in the range of \$10,000-\$15,000 in the first year of full operations. This amount does not affect the administration and operating portion of the budget unless revenues for any reason are unable to match program expenditures and there is a deficit in this portion of the budget at the end of the year. The Gabriola model has been working well now for a number of years. Their program portion of the budget began at \$15,000 and is now operating annually at \$35,000 with revenues and expenditures balancing for the most part.

Table 1

ESTIMATED BUDGET			
Revenues:		Expenses:	
Tax Requisition	\$96,000	RDN Administration (wages)	\$17,500
Program Revenues	\$15,000	Grant-in-Aid	\$10,000
		Office	\$6,000
		Coordinator	\$60,000
		Service Administration/Operating	\$15,000
		Program Expenses	\$15,000
Total	\$111,000		\$123,500
Shortfall			-\$12,500

Further work needs to be completed regarding the financial implications for this option to ensure that the service can be operated effectively within the budget parameters. The details will be provided in the September report to the Commission.

ALTERNATIVES:

1. To receive the Electoral Area 'A' Recreation and Culture Service Delivery Options Update report as information.
2. To receive the Electoral Area 'A' Recreation and Culture Service Delivery Options Update report as information and provide further direction in regard to service delivery options.

FINANCIAL IMPLICATIONS:

There are no direct Financial Implications related to receiving the update report for information.

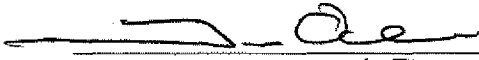
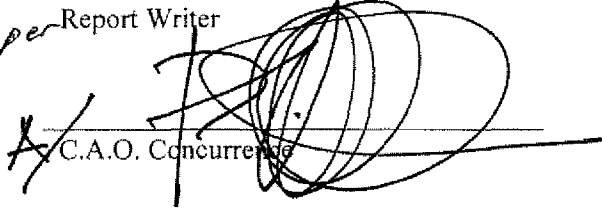
CONCLUSION

Staff have continued to research the two service delivery options highlighted in this report. To date, staff have been unsuccessful in confirming a follow up meeting with the School District regarding Option 1; therefore, a final report including recommendations regarding a preferred service delivery option has not been completed for the July meeting of the Commission.

Based on the initial direction provided by the Commission, in January 2008, and the Commission further agreeing, in May 2008, to a September deadline for the completion of the report, staff, unless otherwise directed, will continue to pursue the School District and complete the report recommending one of the two options.

RECOMMENDATION:

To receive the Electoral Area 'A' Recreation and Culture Service Delivery Options Update report as information.


per Report Writer

C.A.O. Concurrence


General Manager Concurrence



RDN REPORT	
CAO APPROVAL (M)	
EAP	
CCW	
JUL 14 2008	
RHD	
BOARD	✓ July 22/08

MEMORANDUM

TO: Paul Thorkelsson, GM ~~Dev. Svcs.~~ **DATE:** 09 July 2008

FROM: Jani Thomas, Emergency Coordinator **FILE:** 7130-02-01

SUBJECT: Application to the Union of British Columbia Municipalities (UBCM) Emergency Planning Grant

PURPOSE

To consider approving an application to undertake the 2008 Provincial Emergency Planning Grant Program funding initiative for local governments.

BACKGROUND

On June 16, 2008, the Province announced a small scale grant program was available to local governments. The *objective* of the initiative is to improve the preparedness of communities to respond to and recover from emergencies. The *purpose* of the grant is to provide financial assistance to local governments wishing to update emergency plans, conduct Hazard Vulnerability Risk Analyses (HVRA), and conduct exercises of emergency plans and training.

The Emergency Program has applied for and received grants from this program 2004 – 2007. The 2004 funds were used to train Emergency Coordination Center (ECC) responders (exempt staff) and stakeholder members. The 2005 funds were used to conduct a Hazard Vulnerability Risk Analysis for the Electoral Areas and the 2006 funds were used to provide emergency role training to union staff. In 2007, training of union staff continued, along with emergency public information training for exempt staff.

The Regional District of Nanaimo HVRA has been an important planning tool for the Emergency Program, as well as being a source of local information to area residents. The HVRA was completed in June 2006, and many changes have occurred that require it be updated (found online at www.rdn.bc.ca, Emergency Planning page).

ALTERNATIVES

1. To approve the UBCM 2008 Emergency Planning application.
2. To not approve the UBCM 2008 Emergency Planning application.

FINANCIAL IMPLICATIONS

The amount of the grant is \$5,000, with the RDN portion being \$1,250. The Emergency Planning share of the funds can be covered by 'in kind' costs, as detailed in the application guide.

SUMMARY/CONCLUSIONS

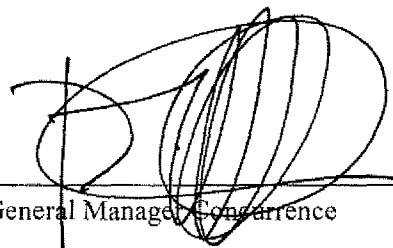
The Province has made available funds for local authorities to improve the preparedness of communities to respond to and recover from emergencies or disasters. Board approval is required for the application, which is due August 15, 2008. Should the Board approve, the funds will be used to hire a consultant to update the existing HVRA. Accessing these funds will facilitate moving the Emergency Program further towards the goal of becoming more comprehensive and increasing emergency response and recovery capability.

RECOMMENDATION/S


That the application for the 2008 Provincial Emergency Planning Grant Program funding be approved.



Report Writer

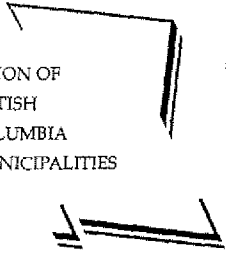


General Manager Concurrence



CAO Concurrence

UNION OF
BRITISH
COLUMBIA
MUNICIPALITIES



2008 Emergency Planning Grant Program Application for funding

Fax: (250) 356-5119
Mail: 545 Superior Street, Victoria, BC, V8V 1T7
E-mail: lgps@civicnet.bc.ca

APPLICATION FORM

Please type directly in this form or print and complete. Additional space or pages may be used as required. For detailed instruction regarding application requirements please refer to the 2008 Emergency Planning Grant Program and Application Guide.

Local Government: Regional District of Nanaimo **Date of Application:** 09 July 2008

Contact Person: Jani Thomas

Title: Emergency Coordinator

Phone: 250-390-6526

E-mail: jthomas@rdn.bc.ca

1. Overview of work to be undertaken: *Eligible projects include emergency plan updates; hazard risk vulnerability analyses; plan exercising, and training related to emergency planning, response or recovery:*

The RDN used 2005 UBCM Training grant funds to conduct an HVRA. There has been significant development in the RDN since that time, and the HVRA requires updating in order to remain an effective planning tool.

2. Describe the objective of the approved activities and how they will improve preparedness in your community: The HVRA has guided our current and long term budget planning, special projects, and focus for specific Operational Guidelines for our most likely hazards. The HVRA is available online and has become an important source of information for area residents. Having current demographic and other data updated is critical to the ongoing development of the Emergency Program.

3. Cost estimate. *The maximum payment under this program is 75% of the total cost to a maximum of \$5,000. The 25% contribution may be in-kind. If you need more space, please attach a separate worksheet. A sample budget is included in the program and application guide.*

	Activity:	Budget amount:
UBCM funded:	HVRA Update	\$5,000
Community contribution:	Staff time, photocopies, use of facilities	\$1,250
Total value of project:		\$6,250

4. Council/Board resolution: *Identify resolution number and date of council meeting where support for this application was provided.*

The Board resolution is attached.

Please attach Community Emergency Program Review prior to submitting this application.



Provincial
Emergency
Program

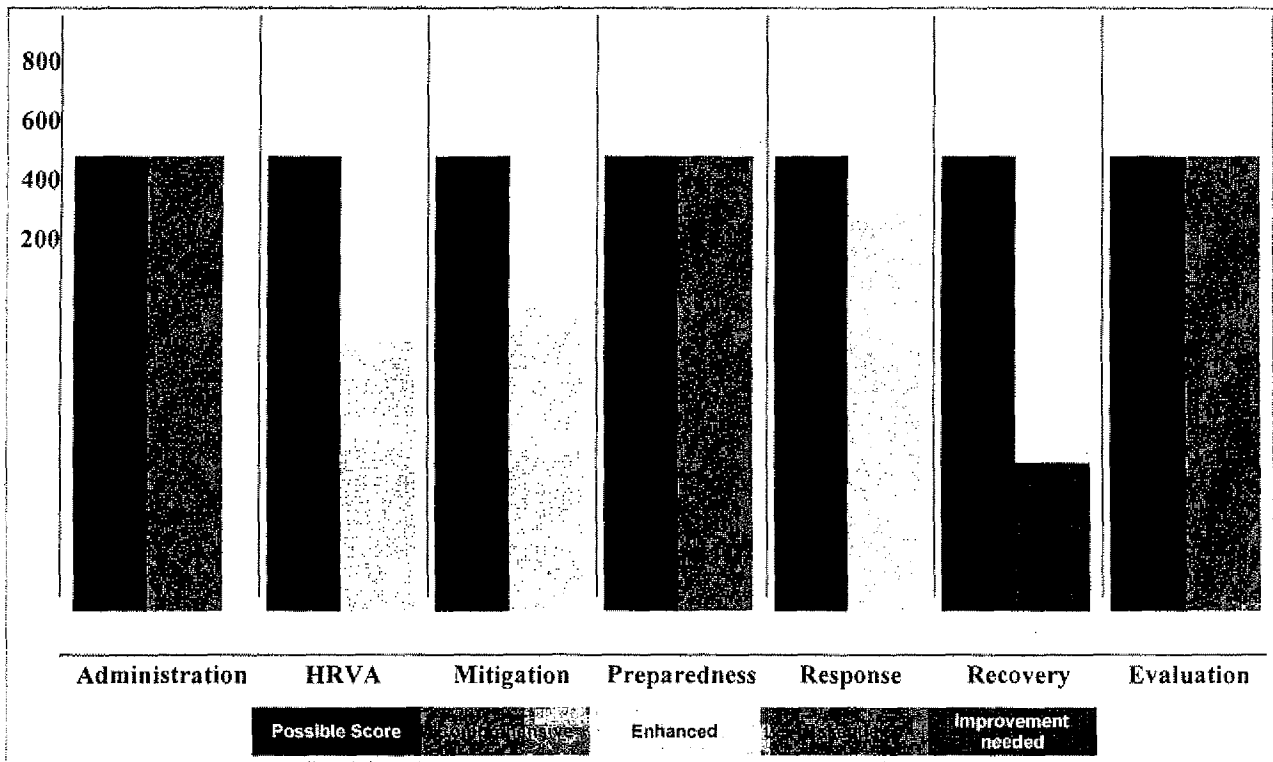
Community Emergency Program Report

Organization: Regional District

Document completed by: Jani Thomas

Date: 09 July 2008

1. Summary Report



For each section in the questionnaire, your *possible score* is indicated by the blue vertical bar. Your *actual score* is indicated by the green, yellow, orange or red vertical bar.

2. Areas for improvement

You have indicated some areas for improvement (Response of "Don't Know" or "No")

<u>NUMBER</u>	<u>CRITERIA</u>	<u>RESPONSE</u>	<u>POSSIBLE</u>
---------------	-----------------	-----------------	-----------------

			<u>SCORE</u>
2-4	2. Completed HRVA training of the advisory committee?	No	20
2-4	8. Developed a public consultation plan?	No	20
2-4	9. Finalized action plans for inclusion in the Strategic Plan?	No	20
2-5	Is the HRVA updated annually and whenever there is a change in the hazards and risks in the community?	No	265
3-9	Does the community have a mitigation strategy in place to reduce the risk from identified hazards, and address vulnerabilities and HRVA action items including plans for the preparation for, response to, and recovery from emergencies and disasters?	No	200
3-10	Have protective systems or equipment been acquired or has redundancy of critical systems been established?	No	65
6-1	Has the community developed a recovery plan, approved by the Executive Committee and Council/Board/Band, to deal with the immediate and short-term effects of an emergency/disaster?	No	150
6-2	Does the recovery plan include a procedure to establish priorities for restoring essential services provided by the community as well as those services not provided by the community?	No	120
6-4	Does the recovery plan consider public and private business continuity?	No	265



RDN REPORT		
CAO APPROVAL		
EAP		
COW		
JUL 16 2008		
RHD		
BOARD	✓	July 22/08

MEMORANDUM

TO: Nancy Avery
General Manager Finance & Information Services

DATE: July 16, 2008

FROM: Wendy Idema
Manager of Accounting Services

FILE:

SUBJECT: Coombs Hilliers Volunteer Fire Department – Release of Reserve Funds for Equipment Truck

PURPOSE

To obtain approval to release reserve funds from the Coombs-Hilliers Volunteer Fire Department reserve fund for the purpose of purchasing a used rescue equipment truck.

BACKGROUND

The Coombs-Hilliers Fire Department is expanding its capabilities in the realm of first responders. They secured a gaming grant earlier this year to purchase a set of extrication/JAWS equipment. The next step in their plan was to find a box type vehicle that would be suitable for combining a number of pieces of equipment. Safetek Emergency Vehicles Ltd. has a used 1987 truck with low mileage available at a cost of \$35,000. The truck was previously used by West Vancouver, is in good operating condition and has a very good quality equipment box. Additionally it is considered to be quite suitable for the low mileage use the department requires. The truck requires some upgrades of emergency and scene lighting as well as some engine maintenance and painting – those items have been priced at \$37,000. Providing a small contingency for unforeseen items and Provincial sales taxes, the total budget would be \$79,400.

There are sufficient funds in the capital reserve fund and the department has requested authorization to proceed.

ALTERNATIVES

1. Approve the release of up to \$79,400 from the Coombs-Hilliers Volunteer Fire Department reserve fund for the purpose of purchasing a used rescue equipment truck.
2. Do not approve the release of funds.

FINANCIAL IMPLICATIONS

Alternative 1

The amount available in the Coombs-Hilliers Volunteer Fire Department reserve totals \$131,670 – there are sufficient funds for this purpose. The department could use an existing borrowing authority, however, it makes more sense to use cash resources first and retain the borrowing authority for the next larger purchase.

Alternative 2

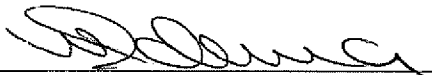
Staff support the request and do not have any strong reason to object to the use of the reserve funds. The department has made good use of a used vehicle in this instance.

SUMMARY/CONCLUSIONS

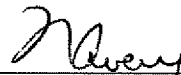
The Coombs-Hilliers Fire Department is seeking approval to release capital reserve funds for the purchase of a low mileage, 1987 Freightliner Rescue Truck . The vehicle has been inspected and is considered suitable for their department’s needs. The truck is available from Safetek Emergency Vehicles Ltd. at a cost of \$35,000 plus PST and will require approximately \$37,000 to modify/upgrade the lighting and mechanical systems as well as some bodywork and paint. The overall budget is estimated at \$79,400. The current reserve fund balance is \$131,670, sufficient for the purchase. Staff support the request to release reserve funds.

RECOMMENDATION


That the Board approve the release of up to \$79,400 from the Coombs Hilliers Volunteer Fire Department reserve fund for the purchase of a Rescue Equipment Truck.



Report Writer



General Manager Concurrence



C.A.O. Concurrence

COMMENTS:



CAO APPROVAL	
EAP	
COW	
JUN 23 2008	
RHD	
BOARD	✓ JULY 22ND

MEMORANDUM

TO: Carol Mason
Chief Administrative Officer

DATE: June 20, 2008

FROM: Tom Osborne
General Manager, Recreation and Parks Services

FILE:

SUBJECT: Gabriola Island Community Hall Association – Funding Agreement

PURPOSE

To consider entering into a Funding Agreement with the Gabriola Island Community Hall Association to assist with maintenance costs and capital facility upgrades to the Gabriola Island Community Hall in Electoral Area 'B'.

BACKGROUND

The Gabriola Island Community Hall Association (GICHA) owns and operates the Gabriola Island Community Hall that is located at 2200 South Road on Gabriola Island (Electoral Area 'B'). The Hall is used for community recreation and public use purposes and is situated on lands owned by the non profit society.

On April 7, 2008 the Regional District received a letter from the GICHA Board of Directors requesting funding assistance from the Regional District to be used to repair and upgrade the 25 year old facility.

As previously done by four of the six other Electoral Areas, at the April 22, 2008 Regional Board Meeting the Electoral Area 'B' Community Park Function bylaw was amended to permit financial support for operations and improvements to facilities owned and operated by incorporated non-profit organizations.

ALTERNATIVES

1. That the Funding Agreement with the Gabriola Island Community Hall Association be approved for a three year term ending on July 31, 2011, to be funded by the Electoral Area 'B' Community Park Function.
2. That the Funding Agreement with the Gabriola Island Community Hall Association not be approved and alternative direction be provided.

FINANCIAL IMPLICATIONS

The Hall Association is requesting up to \$36,400 to assist with repairs and upgrades to the facility.

Currently the 2008 Area 'B' Community Park Budget and Five Year Financial Plan do not have funds allocated under the Transfer to Other Organization GL. In order to accommodate the Funding Agreement the Budget and Five Year Financial Plan will need to be amended accordingly to provide \$12,200 per year to the Association in 2008, 2009 and 2010.

Should the annual funding from the Regional District not be approved, the Association will not be able to complete the hall upgrades as anticipated until other funding sources have been secured.

CONCLUSION

The Gabriola Island Community Hall Association (GICHA) owns and operates the Gabriola Island Community Hall that is located at 2200 South Road on Gabriola Island (Electoral Area B). The GICHA has requested funding assistance from the Regional District to be used to repair and upgrade the 25 year old facility.

This spring the Electoral Area 'B' Community Park Function bylaw was amended to permit financial support for operations and improvements to facilities owned and operated by incorporated non-profit organizations.

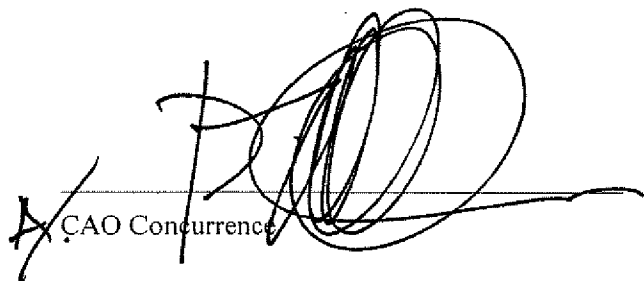
Given the non-profit society provided a valuable community service over the past 25 years by owning and managing a well used community facility, staff are recommending that the Funding Agreement as provided in *Appendix 1* be renewed for a three year term.

RECOMMENDATIONS

1. That the Funding Agreement with the Gabriola Island Community Hall Association be approved for a three year term commencing on August 1, 2008 and ending July 31, 2011, to be funded by the Electoral Area 'B' Community Park Function.
2. That the 2008 Area 'B' Community Park Budget and Five Year Financial Plan be amended to provide the Gabriola Island Community Hall Association for Community Hall upgrades \$12,200 in 2008, 2009 and 2010 as per the Funding Agreement



Report Writer



CAO Concurrence

Appendix 1

FUNDING AGREEMENT

FUNDING AGREEMENT

THIS AGREEMENT made this _____ day of July, 2008

BETWEEN:

REGIONAL DISTRICT OF NANAIMO
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

(the "RDN")

(OF THE FIRST PART)

AND:

GABRIOLA ISLAND COMMUNITY HALL ASSOCIATION
(Society Number S0011741)
2200 South Road
Gabriola Island, BC V0R 1X7

(the "Society")

(OF THE SECOND PART)

WHEREAS:

- A. The RDN has established the service of Community Parks in Electoral Area 'B';
- B. The Society has constructed, owns and maintains a hall for community recreation and public use purposes (the "Hall") located at 2200 South Road, Gabriola Island, BC.
- C. The Society has requested and the RDN has agreed to contribute certain funds to the Society by way of a Grant for the maintenance and upgrading of the Hall.
- D. The RDN is authorized, pursuant to section 176(1)(c) of the *Local Government Act* to provide assistance for the purpose of benefiting the community or any aspect of the community.

NOW THIS AGREEMENT WITNESSES that in consideration of the premises, and the mutual covenants and agreements herein contained, the parties hereto agree with each other as follows:

1.0 DEFINITIONS

"Grant" means funds provided to the Society by the RDN pursuant to this Agreement to carry out Authorized Purposes.

"Authorized Purposes" means those projects described in Schedule 'A' hereto and approved by the RDN.

2.0 TERM

The term of this Agreement shall be for a period of three (3) years commencing on the 1st day of August 2008 and terminating on the 31st day of July, 2011.

3.0 EARLY TERMINATION

3.1 This Agreement may be terminated by the RDN in the event that the RDN determines in its sole discretion that the Grant provided to the Society in any year is not expended for Authorized Purposes as defined in this Agreement.

3.2 If this Agreement is terminated as set forth above, the Society shall remit to the RDN within thirty (30) days from the effective date of such termination, any amount of the Grant expended by the Society on account of any expenditure which is not for an Authorized Purpose plus any unexpended amounts Grants paid to date.

4.0 AMOUNT OF GRANT

4.1 The RDN hereby agrees to provide the Society with a Grant to be expended on Authorized Purposes.

4.2 The Society shall submit a request annually for the Grant which amount shall be considered in conjunction with the preparation of the Electoral Area B Community Park budget. The RDN shall in its sole discretion determine what amount if any will be funded and will consider information provided by the Society pursuant to Section 6.0 of this Agreement.

4.3 Notwithstanding Section 4.2 above, the RDN agrees to pay a Grant of TWELVE THOUSAND TWO HUNDRED DOLLARS (\$12,200.00) to the Society on the 15th day of September 2008, 2009 and 2010 unless this Agreement is terminated in accordance with Section 3.0.

5.0 APPLICATION OF FUNDS

The Society will use the Grant only for Authorized Purposes as set forth in Schedule 'A' to this Agreement.

6.0 BUDGET AND REPORTING REQUIREMENTS

The Society shall deliver to the RDN on or before January 15th of each year of the Agreement:

- (a) a report on how the Grant provided in the previous year has been utilized;
- (b) a report on the Society's fundraising efforts; and,
- (c) a capital improvement plan and budget as these relate to the Authorized Purposes to be undertaken in the coming year.

7.0 SOCIETY TO MAINTAIN FINANCIAL RECORDS

7.1 The Society must prepare, keep and maintain detailed financial records covering all aspects of the receipt and use of the Grant monies for Authorized Purposes provided for under this Agreement, including all associated expenses, in accordance with generally accepted accounting principles.

7.2 The Society shall at all reasonable times make all financial books and records available for inspection, audit and copying by the RDN.

8.0 MAINTENANCE OF THE SOCIETY

The Society agrees that it shall at all times during the term of the Agreement fulfil all of its obligations under the *Society Act* in order to maintain the Society in good standing.

9.0 NOTICE

9.1 Any notice, direction or other instrument required or permitted to be given under this Agreement shall be in writing and may be given by the delivery of the same or by sending the same by mail, courier or fax, in each case addressed as set out above in this Agreement.

9.2 Any notice, direction or other instrument aforesaid will be deemed to have been given and received when delivered.

9.3 Either party may at any time give to the other party notice in writing of any change of address of the party giving such notice and from and after the giving of such notice the address or addresses therein specified will be deemed to be the address of such party for the purposes of giving notice hereunder.

10.0 TIME

Time is to be the essence of this Agreement.

11.0 BINDING EFFECT

This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees.

12.0 WAIVER

The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

13.0 HEADINGS

The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

14.0 LANGUAGE

Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

15.0 CUMULATIVE REMEDIES

No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

16.0 LAW APPLICABLE

This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

17.0 NOTICE

17.1 All notices or payment from the Society to the Regional District shall be sent to the Regional District at the following address:

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

Attention: General Manager, Recreation and Park Services

All notices from the Regional District to the Society shall be sent to the Society at the following address:

*Gabriola Community Hall Association
PO Box 205
Gabriola Island, BC
V0R 1X7*

Attention: President

or such other places as the Regional District and the Society may designate from time to time in writing to each other.

- 17.2 Any notice to be given hereunder shall be in writing and may be either delivered personally or be sent by prepaid, registered or certified mail and, if so mailed, shall be deemed to have been given three (3) days following the date upon which it was mailed.
- 17.3 Any notice or service required to be given or effected under any statutory provision or rules of court from time to time in effect in the Province of British Columbia shall be sufficiently given or served if mailed or delivered at the addresses as aforesaid.
- 17.4 Any party hereto may at any time give notice in writing to any other of any change of address of the party giving such notice and from and after the second day after the giving of such notice, the address herein specified shall be deemed to be the address of such party for the giving of notices hereunder.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

For the REGIONAL DISTRICT OF NANAIMO
by its authorized signatories:

_____) (Seal)
 Chairperson)
)
)
)
 _____)
 Senior Manager, Corporate Administration)

For the GABRIOLA ISLAND COMMUNITY HALL ASSOCIATION
by its authorized signatories:

_____) (Seal)
 Authorized Signatory)
)
)
 _____)
 Authorized Signatory)

SCHEDULE 'A'

Projects

The Board of Directors of the Gabriola Island Community Hall Association has compiled the following list in priority order improvements that they feel are necessary at this time to complete. Projects will be partly funded through Regional District of Nanaimo Funds as per the Funding Agreement in addition to in-kind donations, volunteer work and through other funding sources to be secured by the Society.

- 1) Replace jet pump and install UV prefilter
(Estimated cost - \$2,980)
- 2) Replace hot water heater
(Estimated cost - \$920)
- 3) Replace kitchen countertops
(Estimated cost - \$3,855)
- 4) Paint ceiling and repair walls in main hall
(Estimated cost - \$4,200)
- 5) Remove skylight above main stairwell
(Estimated cost - \$7,245)
- 6) Replace bathroom countertops, sinks and taps
(Estimated cost - \$4,725)
- 7) Repair storage room
(Estimated cost - \$500)
- 8) Replace lighting in main hall
(Estimated cost - \$3,975)
- 9) Replace downstairs flooring
(Estimated cost - \$6,800)
- 10) Replace and resurface corner of main hall
(Estimated cost - \$1,400)

Total \$36,400