

REGIONAL DISTRICT OF NANAIMO

**REGULAR BOARD MEETING
TUESDAY, AUGUST 25, 2009
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

1. CALL TO ORDER

2. DELEGATIONS

3. BOARD MINUTES

5-19 Minutes of the regular Board meeting held July 28, 2009.

4. BUSINESS ARISING FROM THE MINUTES

5. COMMUNICATIONS/CORRESPONDENCE

6. UNFINISHED BUSINESS

Items referred from the regular Board meeting held July 28, 2009.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. 60921 – Whitaker – 5361 Island Highway West - Electoral Area 'H'. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to Development Permit with Variance Application No. 60921.

That Development Permit with Variance Application No. 60921, to construct a dwelling unit and attached garage with a maximum height of 8.7 meters within the Hazard Lands and Environmentally Sensitive Features Development Permit Area pursuant to "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003", for the property legally described as Lot A, District Lot 16, Newcastle District, Plan 11435 be approved subject to the conditions outlined in Schedules No. 1 to 4 and the notification requirements of the Local Government Act.

Development Permit with Variance Application No. 60926 – Ivens – 3951 Bovanis Road – Area ‘H’. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Permit with Variance Application No. 60926.

That Development Permit with Variance Application No. 60926, for the construction of a second storey addition to an existing single dwelling unit on the subject property legally described as Lot 6, District Lots 85 and 22, Newcastle District, Plan 23173, be approved subject to the conditions outlined in Schedules No. 1 to 4 and the notification requirements of the Local Government Act.

BYLAWS

For Adoption.

Bylaw No. 888.05 – Amends the Southern Community Sewer Service Establishment Bylaw. (All Directors – One Vote)

That “Southern Community Sewer Local Service Apportionment Amendment Bylaw No. 888.05, 2009” be adopted.

This bylaw amends the Southern Community sewer service establishment bylaw by changing the apportionment date.

Bylaw No. 889.50 – Amends the Northern Community Sewer Service Establishment Bylaw. (All Directors – One Vote)

That “Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.50, 2009” be adopted.

This bylaw amends the Northern Community sewer service establishment bylaw by extending the service area boundaries to include three Area ‘G’ properties.

Bylaw No. 889.51 – Amends the Northern Community Sewer Service Establishment Bylaw. (All Directors – One Vote)

That “Northern Community Sewer Local Service Apportionment Amendment Bylaw No. 889.51, 2009” be adopted.

This bylaw amends the Northern Community sewer service establishment bylaw by changing the apportionment date.

Bylaw No. 975.50 – Amends the Pump & Haul Service Establishment Bylaw. (All Directors – One Vote)

That “Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.50, 2009” be adopted.

This bylaw amends the Pump & Haul service establishment bylaw by extending the service area boundaries to include one Area 'B' property.

Bylaw No. 1124.07 – Amends the Surfside Sewer Service Establishment Bylaw.
(All Directors – One Vote)

That “Surfside Sewer Local Service Area Boundary Amendment Bylaw No. 1124.07, 2009” be adopted.

This bylaw amends the Surfside sewer establishment bylaw by extending the service area boundaries to include three Area 'G' properties.

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

7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

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

8. ADMINISTRATOR'S REPORTS

- 20-23 Solid Waste Disposal Service - Church Road Transfer Station Retrofit, Redevelopment & Expansion 75% Design Completion Cost Estimate. (All Directors – Weighted Vote)
- 24-25 2009 Wastewater Infrastructure Planning Grant Applications. (All Directors – One Vote)
- 26-28 L'Association des francophones de Nanaimo Request for Special Event Busing. (Nanaimo, Lantzville, EAs 'A', 'C' – Weighted Vote)
- 29-31 Bylaw No. 1580 – To Exempt the Alberni Clayoquot Regional District from Property Taxes (Mt. Arrowsmith Regional Park) for Taxation Year 2010. (All Directors – 2/3)
- 32-33 Errington Fire Protection Service – Recertification for Superior Tanker Shuttle Rating. (All Directors – One Vote)
- 34-97 Frontiersman Pub and Retail Liquor Store – Proposed Amendment to Existing Liquor Primary License Application. (All Directors – One Vote)
- 98-99 Building Permit Processing Times. (All Directors – One Vote)

9. **ADDENDUM**
10. **BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**
11. **NEW BUSINESS**
12. **BOARD INFORMATION (Separate enclosure on blue paper)**
13. **ADJOURNMENT**
14. **IN CAMERA**

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, JULY 28, 2009, AT 7:02 PM IN THE
RDN BOARD CHAMBERS**

Present:

Director J. Stanhope	Chairperson
Director J. Burnett	Electoral Area A
Director G. Rudischer	Electoral Area B
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Alternate	
Director D. Heenan	Electoral Area H
Alternate	
Director C. Burger	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Alternate	
Director C. Haime	District of Lantzville
Director J. Ruttan	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Alternate	
Director F. Pattje	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director D. Johnstone	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director J. Kipp	City of Nanaimo

Also in Attendance:

C. Mason	Chief Administrative Officer
M. Pearse	Sr. Mgr., Corporate Administration
S. De Pol	A/Gen. Mgr., Water & Wastewater Services
T. Armet	A/Gen. Mgr., Development Services
T. Osborne	Gen Mgr., Recreation & Parks Services
N. Avery	Gen. Mgr., Finance & Information Services
D. Trudeau	Gen. Mgr., Transportation & Solid Waste Services
L. Burgoyne	Recording Secretary

DELEGATIONS

John Mansell, representing the Neighbours of 1425 Leffler Road, re Non-Compliant Land Use in Area 'F'.

Mr. Mansell, representing the neighbours of 1425 Leffler Road provided information regarding non-compliant land use in Area 'F'.

Heather Vallance, re Request to Support ALR Application.

Ms. Vallance requested a letter of support from the RDN regarding their proposal to remove their property, located in Electoral Area 'H', from the Agriculture Land Reserve so that they can subdivide the property into three lots.

The Chairperson introduced and welcomed Tiffany Moore, Manager of Accounting Services to the Board. Ms. Moore replaces Wayne Thexton who retired earlier this year.

BOARD MINUTES

MOVED Director McNabb, SECONDED Director Burnett, that the minutes of the regular Board meeting held June 23, 2009 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Nadine Durante, BCSPCA, re Request to Waive Tipping Fees.

MOVED Director Johnstone, SECONDED Director Bestwick, that the correspondence from the BCSPCA requesting that tipping fees for disposal at the Church Road Transfer Station be waived for this not for profit organization, be received.

CARRIED

Sandra Petrie, re Development Permit with Variance Application No. 60926 – Ivens – 3951 Bovanis Road – Area 'H'.

MOVED Director Johnstone, SECONDED Director Bestwick, that the correspondence from Sandra Petrie regarding concerns with Development Permit with Variance Application No. 60926, be received.

CARRIED

R.D. Hickman, Ministry of Transportation & Infrastructure, re Giant Hogweed.

MOVED Director Johnstone, SECONDED Director Bestwick, that the correspondence from the Ministry of Transportation & Infrastructure in response to the RDN's concerns with the invasion of giant hogweed, be received.

CARRIED

David Nee Nee, re Development Permit with Variance Application No. 60921 – Whitaker – 5361 Island Highway West – Area 'H'.

MOVED Director Johnstone, SECONDED Director Bestwick, that the correspondence from David Nee Nee regarding concerns with Development Permit with Variance Application No. 60921, be received.

CARRIED

Michele Lacey, re Development Permit with Variance Application No. 60921 – Whitaker – 5361 Island Highway West – Area 'H'.

MOVED Director Johnstone, SECONDED Director Bestwick, that the correspondence from Michele Lacey regarding concerns with Development Permit with Variance Application No. 60921, be received.

CARRIED

Keren Brenton, re Development Permit with Variance Application No. 60926 – Ivens – 3951 Bovanis Road – Area ‘H’.

MOVED Director Johnstone, SECONDED Director Bestwick, that the correspondence from Keren Brenton regarding concerns with Development Permit with Variance Application No. 60926, be received.

CARRIED

Brian Dane and Lynne Palaia, re Development Permit with Variance Application No. 60926 – Ivens – 3951 Bovanis Road – Area ‘H’.

MOVED Director Johnstone, SECONDED Director Bestwick, that the correspondence from Brian Dane and Lynne Palaia regarding concerns with Development Permit with Variance Application No. 60926, be received.

CARRIED

Kenneth and Bonnie Henson, re Development Permit with Variance Application No. 60926 – Ivens – 3951 Bovanis Road – Area ‘H’.

MOVED Director Johnstone, SECONDED Director Bestwick, that the correspondence from Kenneth and Bonnie Henson regarding concerns with Development Permit with Variance Application No. 60926, be received.

CARRIED

Rosamond Moore, re Development Permit with Variance Application No. 60926 – Ivens – 3951 Bovanis Road – Area ‘H’.

MOVED Director Johnstone, SECONDED Director Bestwick, that the correspondence from Rosamond Moore regarding concerns with Development Permit with Variance Application No. 60926, be received.

CARRIED

Bud Emrich, re Development Permit with Variance Application No. 60926 – Ivens – 3951 Bovanis Road – Area ‘H’.

MOVED Director Johnstone, SECONDED Director Bestwick, that the correspondence from Bud Emrich regarding concerns with Development Permit with Variance Application No. 60926, be received.

CARRIED

Lou and Sjoukje Lemmann, re re Development Permit with Variance Application No. 60926 – Ivens – 3951 Bovanis Road – Area ‘H’.

MOVED Director Johnstone, SECONDED Director Bestwick, that the correspondence from Lou and Sjoukje Lemmann regarding concerns with Development Permit with Variance Application No. 60926, be received.

CARRIED

Brian and Vicky Field, re re Development Permit with Variance Application No. 60926 – Ivens – 3951 Bovanis Road – Area ‘H’.

MOVED Director Johnstone, SECONDED Director Bestwick, that the correspondence from Brian and Vicky Field regarding concerns with Development Permit with Variance Application No. 60926, be received.

CARRIED

Allen Penner and Katie Lock, re re Development Permit with Variance Application No. 60926 – Ivens – 3951 Bovanis Road – Area ‘H’.

MOVED Director Johnstone, SECONDED Director Bestwick, that the correspondence from Allen Penner and Katie Lock regarding concerns with Development Permit with Variance Application No. 60926, be received.

CARRIED

UNFINISHED BUSINESS

BYLAWS

For Adoption.

Bylaw No. 500.349 – To Amend the Land Use and Subdivision Bylaw.

MOVED Director Holme, SECONDED Director Young, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.349, 2009” be adopted.

CARRIED

Bylaw No. 1557 – To Impose Development Cost Charges in the Barclay Crescent Sewer Service Area.

MOVED Director Bestwick, SECONDED Director McNabb, that “Barclay Crescent Sewer Service Area Development Cost Charges Bylaw No. 1557, 2009” be adopted.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

MOVED Director Biggemann, SECONDED Director Bestwick, that the minutes of the Electoral Area Planning Committee meeting held July 14, 2009 be received for information.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60837 – Harford for Harford & Hale – 501/515 Kaplar Road – Electoral Area ‘G’.

MOVED Director Holme, SECONDED Director Burnett, that the request from Dan Harford on behalf of D. Harford, E. Harford, B. Hale and T. Hale, for the building strata conversion as shown on the Proposed Strata Plan of Lot 9, District Lots 65 and 66, Newcastle District, Plan 1803, be approved subject to the conditions being met as set out in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

MOVED Director Holme, SECONDED Director Burnett, that Development Permit Application No. 60837, submitted by Dan Harford on behalf of D. Harford, E. Harford, B. Hale and T. Hale, in conjunction with the proposed building strata conversion application and designated within the Farm Land Protection and the Environmentally Sensitive Features Development Permit Areas be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. 60921 – Whitaker – 5361 Island Highway West – Electoral Area ‘H’.

MOVED Director Heenan, SECONDED Director Holme, that Development Permit with Variance Application No. 60921, be referred to the August 25, 2009 Board meeting when Director Bartram will be in attendance.

CARRIED

Development Permit with Variance Application No. 60925 – Wells – 1720 Wilkinson Road – Area ‘A’.

MOVED Director Burnett, SECONDED Director Young, that Development Permit with Variance Application No. 60925, to construct a dwelling unit and attached garage with a minimum setback from the front lot line of 5.0 metres within the Streams, Nesting Trees & Nanaimo River Floodplain Development Permit Area, pursuant to “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw No. 1240, 2001”, for the property legally described as Lot A, District Lot 4, Section 3, Nanaimo District, Plan 7320 be approved subject to the conditions outlined in Schedules No. 1 to 4 and the notification requirements of the *Local Government Act*.

CARRIED

Development Permit with Variance Application No. 60926 – Ivens – 3951 Bovanis Road – Area ‘H’.

Brian Field spoke in favour of the variance application and commented on the outdated covenant and other neighbourhood properties that do not comply.

Rosamond Moore, the owner of an adjacent property, advised that the construction of a second storey addition would impact the privacy of her deck.

Brian Dane spoke in opposition of this application and discussed the support of the restrictive covenant by several residents in the neighbourhood.

Leslie Ivens, the applicant, advised the Board that the variance application was actually for a side yard setback, not elevation. She noted that she had been advised by the builder that to build outwards on her home would involve destroying the landscapes, rock walls and pools and that a new septic field would be required. The less disruptive and most economical renovation would be to build on a second storey, based upon the fact that there is a very sound foundation in place. She further discussed the covenant and prior precedence set by other neighbours home renovations.

MOVED Director Heenan, SECONDED Director Holme, that Development Permit with Variance Application No. 60926, be referred to the August 25, 2009 Board meeting when Director Bartram will be in attendance.

CARRIED

OTHER

Request for Frontage Relaxation – Henning for Diedrichsen, Laird, Corraini – 2915 & 2945 Amrik Road – Area ‘C’.

MOVED Director Young, SECONDED Director Burnett, that the request to relax the minimum 10% frontage requirement for proposed Lot 3, submitted by Brian Henning, BCLS on behalf of W. Diedrichsen, L. Laird, W. Corraini & G. Corraini, in conjunction with the proposed lot line adjustment subdivision for the properties legally described as Lot B, Sections 10 and 11, Ranges 4 and 5, Plan VIP77295; Lot A, Section 11, Range 5, Plan VIP8595; and Lot 2, Section 11, Range 4 and 5, Plan VIP80268, Except That Part in Plan VIP85953, all of Mountain District, be approved.

CARRIED

Request for Regional Growth Strategy Amendment to Support Zoning & OCP Amendment Application No. 0604 – Addison – 2610 Myles Lake Road – Electoral Area ‘C’.

MOVED Director Young, SECONDED Director Burnett, that it be recommended to the Sustainability Select Committee and the Board that the Electoral Area Planning Committee supports consideration of the application for a site specific amendment to the Regional Growth Strategy.

CARRIED

Amendment Bylaw No. 1469.01 – Provides for a Housekeeping Amendment to the Floodplain Management Bylaw.

MOVED Director Holme, SECONDED Director Biggemann, that “Regional District of Nanaimo Floodplain Amendment Bylaw No. 1469.01, 2009” be given three readings.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that “Regional District of Nanaimo Floodplain Amendment Bylaw No. 1469.01, 2009” be adopted.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director Burnett, SECONDED Director Johnstone, that the minutes of the regular Committee of the Whole meeting held July 14, 2009 be received for information.

CARRIED

DELEGATIONS

Diane Brennan & Pam Hadikin, United Way Central Island, re 2009 United Way Campaign.

MOVED Director Westbroek, SECONDED Director Holdom, that the information provided by the delegation be referred to staff to explore ways in which our employees can participate.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Patty Biro, District 69 Electoral Area 'H' Commissioner, re Resignation from District 69 Recreation Commission.

MOVED Director Westbroek, SECONDED Director Young, that the correspondence from Patty Biro regarding her resignation from the District 69 Recreation Commission be received.

CARRIED

Derek Corrigan, City of Burnaby, re Local Government Liabilities Resulting from Building Construction Regulation – Request for Legislative Changes.

MOVED Director Westbroek, SECONDED Director Holme, that the correspondence from the City of Burnaby regarding problems associated with municipal liabilities resulting from building construction regulation, re received.

CARRIED

Rosemary Bonanno, Vancouver Island Regional Library, re Facilities Planning.

MOVED Director Holme, SECONDED Director Holdom, that the correspondence from the Vancouver Island Regional Library regarding the Library's proposed Consolidated Facility Master Plan, be received.

CARRIED

FINANCE AND INFORMATION SERVICES

FINANCE

Bylaw No. 1575 – To Authorize Temporary Borrowing for the Purchase of Land for the Nanoose Bay Bulk Water Service.

MOVED Director Holme, SECONDED Director Burnett, that "Nanoose Bay Bulk Water Temporary Borrowing Bylaw No. 1575, 2009" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Burnett, that "Nanoose Bay Bulk Water Temporary Borrowing Bylaw No. 1575, 2009" be adopted.

CARRIED

Bylaws No. 1565, 1566, 1445.03 & 1004.04 – In Relation to the Cedar Sewer Collection System.

MOVED Director Burnett, SECONDED Director Young, that "Cedar Sewer Small Residential Properties Stage 2 Capital Financing Service Establishment Bylaw No. 1565, 2009" be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that "Cedar Sewer Service Area Amendment Bylaw No. 1445.03, 2009" be introduced for three readings.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that "Duke Point Sewer Local Service Area Amendment Bylaw No. 1004.04, 2009" be introduced for three readings.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that “Cedar Sewer Small Residential Properties Stage Loan Authorization Bylaw No. 1566, 2009” be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

Amendment to Signing Authorities and Appointment of Deputy Officer for Financial Administration.

MOVED Director Westbrook, SECONDED Director Ruttan, that the signing authorities for financial instruments as outlined in agreements with TD Canada Trust, the Municipal Finance Authority, Canaccord Capital and BMO Nesbitt Burns reflect the following officer positions:

Chairperson	Joseph Stanhope
Deputy Chairperson	Larry McNabb
Chief Administrative Officer	Carol Mason
General Manager, Finance & Information Services	Nancy Avery
Manager, Financial Reporting	Wendy Idema
Manager, Accounting Services	Tiffany Moore

CARRIED

MOVED Director Holdom, SECONDED Director Westbrook, that the foregoing authority extend to accounts in the name of the Regional District of Nanaimo and the Nanaimo Regional Hospital District.

CARRIED

MOVED Director Westbrook, SECONDED Director Holdom, that Wendy Idema, Manager, Financial Reporting, be designated as the Deputy Officer for Financial Administration under Section 199 of the *Local Government Act*.

CARRIED

Amendment Bylaw No. 1532.01 – Amends the Cedar Sewer Service Rates and Regulations Bylaw by Temporarily Decreasing the Sewer Connection Fee.

MOVED Director Burnett, SECONDED Director Young, that “Cedar Sewer Service Area Rates and Regulations Amendment Bylaw No. 1532.01, 2009” be introduced and read three times.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that “Cedar Sewer Service Area Rates and Regulations Amendment Bylaw No. 1532.01, 2009” be adopted.

CARRIED

Bylaw No. 1576 – To Regulate Burning Within a Portion of the Yellowpoint-Waterloo Fire Protection Service.

MOVED Director Burnett, SECONDED Director Young, that “Yellowpoint Fire Regulatory Bylaw No. 1576, 2009” be introduced and read three times.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that “Yellowpoint Fire Regulatory Bylaw No. 1576, 2009” be adopted.

CARRIED

DEVELOPMENT SERVICES

BUILDING & BYLAW

Property Maintenance Contravention – 2499 Schirra Drive – Area ‘E’.

MOVED Director Holme, SECONDED Director Burnett, that should the property maintenance concerns not be rectified by July 28, 2009, pursuant to the “Unsightly Premises Regulatory Bylaw No. 1073, 1996”, the Board directs the owners of the subject property to remove from the premises those items as set out in the attached Resolution within fourteen (14) days; or the work will be undertaken by the Regional District’s agents at the owners’ cost.

CARRIED

Amendment Bylaw No. 1418.01 – Amends the Bylaw Enforcement Ticket Regulation Bylaw to include the Waste Stream Management Licensing Bylaw.

MOVED Director McNabb, SECONDED Director Johnstone, that “Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Amendment Bylaw No. 1418.01, 2009” be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Young, that “Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Amendment Bylaw No. 1418.01, 2009” be adopted.

CARRIED

Amendment Bylaw No. 787.12 – Amends the Building Inspection Service Establishment Bylaw by Extending the Service Area Boundary to Include the Regional District of Nanaimo Church Road Transfer Station.

MOVED Director Westbroek, SECONDED Director Ruttan, that “Regional District of Nanaimo Building Inspection Service Bylaw Amendment Bylaw No. 787.12, 2009” be introduced, read three times and forwarded to the Ministry of Community and Rural Development for approval.

CARRIED

PLANNING

Request for Urban Containment Boundary Amendment – City of Nanaimo.

MOVED Director Ruttan, SECONDED Director Holdom, that the Regional District of Nanaimo Board endorse the proposed change to the City of Nanaimo Urban Containment Boundary and that the maps in the Regional Growth Strategy be updated at the next available opportunity to reflect this change.

CARRIED

MOVED Director Ruttan, SECONDED Director Holdom, that staff be directed to provide a letter to the City of Nanaimo indicating the Board’s decision.

CARRIED

TRANSPORTATION AND SOLID WASTE SERVICES

SOLID WASTE

BC Bioenergy Network Tripartite Collaboration Agreement.

MOVED Director Holme, SECONDED Director Johnstone, that the Board enter into a collaborative agreement with the BC Bioenergy Network and Cedar Road LFG Inc. to establish a Collaborative Demonstration and Development Centre (CDDC) to promote sustainable landfill gas-to-energy projects in BC.

CARRIED

MOVED Director Holme, SECONDED Director McNabb, that the Board appoint the Manager of Solid Waste to represent the RDN on the CDDC Network Advisory Board.

CARRIED

MOVED Director Holme, SECONDED Director Johnstone, that staff remain alert to any revenue potential that may result from this collaboration.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

District 69 Recreation Commission.

MOVED Director Holme, SECONDED Director Biggemann, that the minutes of the District 69 Recreation Commission meeting held June 25, 2009 be received for information.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that the Youth Services Review: January – May 2009 Report be received for information.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that the recommendations from the Youth Services Review Report for the design and development of a new youth recreation services plan for District 69 be approved and that \$10,000 be allocated in fiscal years 2009 and 2010 in the District 69 Recreation Coordination budget for consulting services to undertake the plan to commence in the fall of 2009 and conclude spring 2010.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that, respecting the District 69 Recreation Services Fees and Charges 2009/10 staff report, the new Fees and Charges category titled Golden in Appendices A and B for participants 85 years and older be changed to 80 years and older.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that the 2009/10 program, admission and rental fees for Oceanside Place be approved as highlighted in the report and outlined in Appendix A, as amended.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that the 2009/10 Recreation Coordinating program fees and recovery rates, administration fee, and revenue-sharing percentage ratio for Term Instructor (Companies) agreements be approved as highlighted in the report and outlined in Appendix C.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that the District 69 Track and Field Facility Feasibility Study be approved as a resource document for the planning and development of a track and field facility in District 69.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that Regional District staff continue to work with School District 69, City of Parksville, Town of Qualicum Beach, Oceanside Track and Field Club and the District 69 Sports Association to further explore the options identified in the District 69 Track and Field Facility Feasibility Study.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that the Regional Board appoint an alternate for each member of the Commission as provided in Bylaw No. 935.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that the 2009/10 program, admission and rental fees for Ravensong Aquatic Centre be approved as highlighted in the report and outlined in Appendix B, as amended.

CARRIED

Nanoose Bay Parks and Open Space Advisory Committee.

MOVED Director Holme, SECONDED Director Bestwick, that the minutes of the Nanoose Bay Parks and Open Space Advisory Committee meeting held May 4, 2009 be received for information.

CARRIED

MOVED Director Holme, SECONDED Director McNabb, that staff be directed to investigate further the design and construction of a community trail adjacent to the existing trail which forms part of Strata #3393 lands as it extends off Rockhampton Road.

CARRIED

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

MOVED Director Holme, SECONDED Director McNabb, that the minutes of the Electoral Area 'G' Parks and Open Space Advisory Committee meeting held May 21, 2009 be received for information.

CARRIED

Regional Solid Waste Advisory Committee.

MOVED Director Holme, SECONDED Director Ruttan, that the minutes of the Regional Solid Waste Advisory Committee meeting held June 18, 2009 be received for information.

CARRIED

Regional Parks & Trails Advisory Committee.

MOVED Director McNabb, SECONDED Director Young, that the minutes of the Regional Parks & Trails Advisory Committee meeting held June 16, 2009 be received for information.

CARRIED

MOVED Director McNabb, SECONDED Director Ruttan, that the Mount Arrowsmith Regional Park – Park Use and Management Concerns staff report be received for information.

CARRIED

MOVED Director McNabb, SECONDED Director Ruttan, that the Regional Park Acquisition Criteria and Rating Framework be approved.

CARRIED

MOVED Director McNabb, SECONDED Director Ruttan, that the E&N Trail-with-Rail Feasibility Study be received to use as a guiding document for the future development of the E&N Rail Trail.

CARRIED

MOVED Director McNabb, SECONDED Director Ruttan, that the Regional District write a letter to the Chief Medical Officer at Vancouver Island Health Authority requesting his investigation into the use of Round Up on the E & N Rail Line and for his opinion if it presents a health problem with drinking water or to citizens who may come in direct contact with the herbicide.

CARRIED

Regional Liquid Waste Advisory Committee.

MOVED Director Holme, SECONDED Director Burnett, that the minutes of the Regional Liquid Waste Advisory Committee meeting held June 19, 2009 be received for information.

CARRIED

Transit Select Committee.

MOVED Director McNabb, SECONDED Director Bestwick, that the minutes of the Transit Select Committee meeting held June 17, 2009 be received for information.

CARRIED

MOVED Director McNabb, SECONDED Director Bestwick, that the Board direct staff to proceed with the Prideaux Street Exchange Upgrade Project.

CARRIED

MOVED Director McNabb, SECONDED Director Bestwick, that the two letters from Vancouver Island University be received for information and that staff be directed to send letters regarding cost sharing opportunities to School District No. 68, BC Transit and Vancouver Island University for an improved bus service from Cinnabar Valley/Chase River Area to John Barsby Community School, NDSS and Vancouver Island University/Malaspina International High School.

CARRIED

MOVED Director McNabb, SECONDED Director Bestwick, that staff prepare a report to be brought to the August Board meeting that outlines the L'Association des francophones de Nanaimo request regarding transportation support for the Maple Sugar Festival.

CARRIED

MOVED Director McNabb, SECONDED Director Johnstone, that staff send a letter to Greyhound Canada supporting a non-idling policy.

CARRIED

MOVED Director McNabb, SECONDED Director Ruttan, that the 2009/2010 Annual Operating Agreement with BC Transit be approved.

CARRIED

Sustainability Select Committee.

MOVED Director Burnett, SECONDED Director Holdom, that the minutes of the Sustainability Select Committee meeting held June 17, 2009 be received for information.

CARRIED

MOVED Director Burnett, SECONDED Director Westbrook, that the name of the Regional Growth Strategy be amended to Regional Sustainability Plan to reflect the revised focus on sustainability.

CARRIED

MOVED Director Burnett, SECONDED Director Holdom, that the information regarding Regional Growth Strategy definitions be referred to staff for consideration in the revised Regional Growth Strategy.

CARRIED

MOVED Director Burnett, SECONDED Director McNabb, that staff be directed to arrange a presentation on forest and resource management at a future Ideas and Updates Board Seminar.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Local Government Liabilities Resulting from Building Construction Regulation – Request for Legislative Changes.

MOVED Director Westbrook, SECONDED Director Pattje, that the report received from the City of Burnaby regarding building construction regulation be referred to staff for their review and recommendations.

CARRIED

MOVED Director Westbrook, SECONDED Director Pattje, that in conjunction with the staff report concerning building construction regulation, a letter of support be sent to the Premier and Minister responsible concerning legislative changes to the joint and several liability issues and the ultimate limitation period, which in BC is currently 30-years and in other provinces is 10-years.

CARRIED

BC Bioenergy Network Tripartite Collaboration Agreement.

MOVED Director Holme, SECONDED Director Kipp, that the Manager of Solid Waste make a presentation to the Sustainability Select Committee on this issue.

CARRIED

NEW BUSINESS

Gabriola Island Parks & Open Space Advisory Committee Appointment.

MOVED Director Rudischer, SECONDED Director Young, that Cameron Murray be appointed to the Gabriola Island Parks & Open Space Advisory Committee for a term ending December 31, 2009.

CARRIED

ADMINISTRATOR'S REPORTS

Amendment Bylaw No. 975.50 – To Extend the Boundary of the Pump & Haul Service Area to Include an Area 'B' Property.

MOVED Director Westbrook, SECONDED Director Rudischer, that the boundaries of the RDN Pump and Haul Local Service Area Bylaw No. 975 be amended to include Lot 72, Section 13, Plan 21531, Nanaimo Land District (667 South Road, Gabriola Island).

CARRIED

MOVED Director Rudischer, SECONDED Director Westbrook, that "Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.50, 2009" be introduced and read three times.

CARRIED

Area 'A' Recreation and Culture Services Office.

MOVED Director Burnett, SECONDED Director Young, that the Regional District of Nanaimo enter into a one year lease agreement, with an option to renew, with 401721 BC Limited, for office space to use in the delivery of recreation and cultural services in Electoral Area 'A' at the old Cedar Fire Hall located at 1779 Cedar Road.

CARRIED

Infrastructure Planning Grant – Joint Regional Waste to Energy Viability Study.

MOVED Director McNabb, SECONDED Director Burger, that staff be directed to make application to the Ministry of Community and Rural Development for an infrastructure planning grant of \$10,000 to complete a joint regional waste-to-energy viability study.

CARRIED

Bylaws No. 1124.08 and 889.52 – Inclusion of 899 McFeely Drive into the Surfside Sewer Local Service Area – Area G.

MOVED Director Holme, SECONDED Director McNabb, that “Surfside Sewer Local Service Area Boundary Amendment Bylaw No. 1124.08, 2009” be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director McNabb, that “Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.52, 2009” be introduced and read three times.

CARRIED

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement – Fern Road Consulting on behalf of C & D Springford – 1884 and 1950 Northwest Bay Road – Areas 'E' & 'G'.

MOVED Director Holme, SECONDED Director Biggemann, that the request to relax the minimum 10% frontage requirement for proposed Lot C, as submitted by Fern Road Consulting Ltd., on behalf of C. Springford and D. Springford, in conjunction with the subdivision of Lot 3, Block 564, Plan VIP 75276, DL 71; and DL 10, Nanoose District, except 1.92 acres, thereof included in the right of way of the Esquimalt and Nanaimo Railway Company, as registered under No. 20049C, and except parts in Plans 27685 and 28601, all of Nanoose District, be approved.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Nadine Durante, BCSPCA, re Request to Waive Tipping Fees.

MOVED Director Westbroek, SECONDED Director Johnstone, that staff bring forward a report providing the implications on granting the BCSPCA a waiver for disposal fees for the purpose of disposing of cardboard, old books and other fundraising items.

CARRIED

NEW BUSINESS

UBCM Correspondence re RCMP Contract Renewal.

MOVED Director Westbrook, SECONDED Director Bestwick, that the correspondence concerning the RCMP contract renewal be forwarded to the upcoming District 69 Community Justice meeting for discussion.

CARRIED

IN CAMERA

MOVED Director Holme, SECONDED Director McNabb, 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 personnel and land issues.

CARRIED

ADJOURNMENT

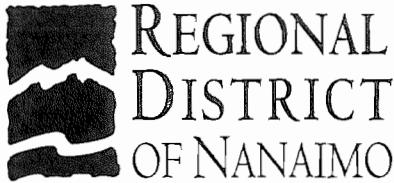
MOVED Director Holme, SECONDED Director McNabb, that this meeting terminate.

CARRIED

TIME: 8:10 PM

CHAIRPERSON

SR. MGR., CORPORATE ADMINISTRATION



ACAO APPROVAL 7/21		
EAP		
COW		
AUG 14 2009		
RHD		
BOARD	✓	Aug 25 '09

MEMORANDUM

TO: Dennis Trudeau
General Manager of Transportation
and Solid Waste Services

DATE: August 14, 2009

FROM: Carey McIver
Manager of Solid Waste

FILE: 5360-02

SUBJECT: Church Road Transfer Station Retrofit, Redevelopment & Expansion
75% Design Completion Cost Estimate

PURPOSE

To present for consideration the 75% design completion and related design services cost estimates for the Church Road Transfer Station retrofit, redevelopment and expansion project.

BACKGROUND

The 2009-13 financial plan includes the retrofit, redevelopment and expansion of the Church Road Transfer Station (CRTS) at a pre-design cost estimate of \$5.5 million. This project will be financed by a Gas Tax grant of \$2.75 million and \$2.75 million in reserve funds on hand. Once completed the new CRTS will function as a zero-waste facility that will be able to manage garbage, organics and recyclable materials generated in the northern community service area for the next 20 years.

The CRTS retrofit, redevelopment and expansion is a major and complex project that includes the following components:

- design and construction of a new food waste transfer facility;
- design and construction of a new operations building;
- design and construction of a new scale plaza;
- design and retrofit of the existing transfer station;
- redevelopment of the recycling drop-off area;
- supply and distribution of process and drinking water and associated wastewater treatment; and,
- improved site access and on-site traffic flow including external road and internal asphalt works.

This is the first RDN capital project that has been designed in accordance with the new RDN Green Building Policy from start to finish. Accordingly, the project has adopted an Integrated Design Process (IDP) that relies on a collaborative design team engaged at the outset of the project. The CRTS design team, led by AECOM, consists of specialists incorporating skills in waste management, environmental engineering, geotechnical engineering, architecture, conventional design (civil, structural, mechanical and electrical), landscape architecture, green design and LEED.

The design team have now reached the 75% detailed design completion stage of the project and in accordance with the IDP process have re-assessed capital and engineering cost estimates, and contingency allowances based on the decisions taken and work completed to date.

As indicated in Table 1, the AECOM design team has contained the overall projected final costs of the project within the pre-design cost estimate of \$5.5 million. AECOM estimates that the capital cost of the project will be in the order of \$4 million. Design costs associated with retrofit, redevelopment, green design features, and LEED services have increased from the \$570,435 to \$921,400, and are well within the total design services allowance allocated at the pre-design stage.

**Table 1
 CRTS Retrofit, Redevelopment & Expansion
 Pre-Design and 75% Design Stage Cost Estimates**

Item	Pre-Design Cost Estimate	75% Design Cost Estimate
Capital Costs	\$3,802,900	\$4,031,000
Design Services		
<i>Engineering Design</i>	\$570,435	\$921,400
<i>Design Contingency</i>	\$570,435	\$0
Sub-Total	\$1,140,870	\$921,400
Construction Contingency	\$570,435	\$561,805
Total	\$5,514,205	\$5,514,205

The AECOM design team has worked closely with RDN staff to design a high performance, sustainable, green transfer station that incorporates best practices in transfer station design while addressing current and future needs at the facility. In keeping with the overarching performance objective to design and construct a zero-waste facility, innovative design features include:

- rainwater harvesting, coupled with grey water reuse from an on-site tertiary wastewater treatment plant, to supply process water for floor and truck washing, dust control, and toilet flushing;
- geothermal energy for building heating and cooling;
- natural daylighting coupled with continuously dimming high performance lighting; and,
- stormwater management strategies such as green roofs and bioswales.

As a result of pursuing these and other green features the design team expects that the CRTS project will qualify for LEED Gold certification.

Based on a competitive proposal process, the AECOM design team recommends that the RDN, as the owner, engage the firm of Morrison Hershfield separately to undertake LEED certification and commissioning at a cost of \$73,700. The remaining engineering required to complete the project will require that the AECOM contract be adjusted to \$847,700. This will allow for the design to be completed for tender and will provide for engineering services during the construction of the facilities.

ALTERNATIVES

1. Adjust the contract with AECOM for engineering design services to \$847,700 and engage Morrison Hershfield to undertake LEED commissioning and certification at a cost of \$73,700.
2. Do not adjust the costs for engineering design services and LEED commissioning and certification.

FINANCIAL IMPLICATIONS

Alternative 1

Under Alternative 1, the projected final costs of the project remain with the approved budget allocation of \$5.5 million. The collaborative nature of the integrated design process has resulted in additional time and meetings at the pre-design and detailed design phases of the project, weighing design costs toward the beginning of the project, particularly when compared against the traditional model. This investment early in the project has not increased the total approved cost of the project and will add value by eliminating costly and time-consuming disruption later in the process as well as reducing on-going operations and maintenance costs.

Alternative 2

Under this alternative, although costs will be reduced the project will not meet the RDN Green Building Policy requirements.

SUSTAINABILITY IMPLICATIONS

The Church Road Transfer Station design and redevelopment advances sustainability in the Regional District of Nanaimo on several fronts. Notably, the CRTS will effectively operate as a zero-waste facility, demonstrating a depth of commitment to the RDN's widely recognized and highly successful zero-waste program, and highlighting various green building features to the roughly 80,000 customers who will use the facility annually.

In addition, the RDN, through its Green Building Action Plan, has committed to increasing the number of green buildings in the region. While on its own this facility represents a flagship example of acting on that commitment, an equally important benefit is the capacity that the RDN has built among local professionals in engaging in the Integrated Design Process. An anticipated outcome is the ability of the professionals involved in the CRTS design process to take this experience to future projects, broadening the local community of experts in green design.

With respect to the Region's Corporate Climate Action Plan, the facility includes features that dramatically reduce energy consumption and emissions, while community-wide, the CRTS will reduce GHG emissions from the decomposition of food waste in the landfill as well as from the emissions associated with vehicle trips.

Finally, from a financial standpoint, this project represents a more holistic, longer-term approach to cost/benefit analysis. As owners, operators and occupants of the new facility, investment in efficiencies now will diminish building related expenses in the future and, as one example, insulate the RDN against

predicted energy price volatility as it operates this transfer station. Taken together, these factors reveal how the design of the Church Road Transfer Station has been an innovative and important process, and the final project will reap long-term rewards showcasing the RDN's commitment to sustainability.

CONCLUSIONS


The 2009-13 financial plan includes the retrofit, redevelopment and expansion of the Church Road Transfer Station (CRTS) at a pre-design cost estimate of \$5.5 million. This project will be financed by a Gas Tax grant of \$2.75 million and \$2.75 million in reserve funds on hand. This is a major and complex project designed in accordance with the new RDN Green Building Policy. Accordingly, the project has adopted an Integrated Design Process (IDP) that relies on a collaborative design team engaged at the outset of the project.

The AECOM led design team have now reached the 75% detailed design completion stage of the project and in accordance with the IDP process have re-assessed capital and engineering cost estimates, and contingency allowances based on the decisions taken and work completed to date. The overall projected final costs of the project are within the pre-design cost estimate of \$5.5 million. Design costs associated with retrofit, redevelopment, green design features, and LEED services require a reallocation of design contingency funds within the approved budget to accurately reflect work required to complete the project.

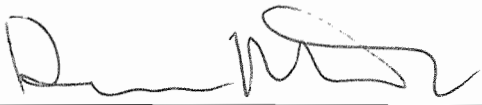
Consequently, staff recommends that the contract with AECOM be adjusted to reflect the costs required to complete the project. Staff also recommends that the RDN, as the owner, engage the firm of Morrison Hirschfield to undertake LEED certification and commissioning.

RECOMMENDATIONS

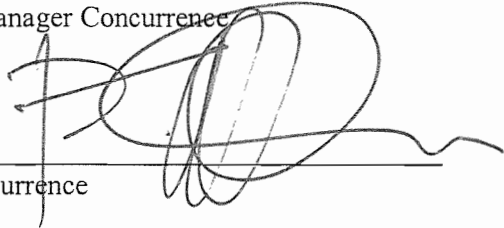
1. That the contract with AECOM to provide engineering services related to the retrofit, redevelopment and expansion of the Church Road Transfer Station be adjusted up to a value of \$847,700.
2. That the Board directs staff to engage Morrison Hershfield at a cost \$73,700 for LEED certification and commissioning.



Report Writer

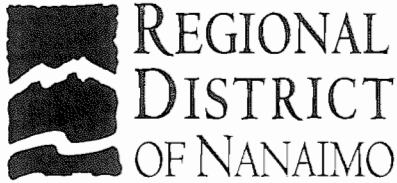


General Manager Concurrence



X/ CAO Concurrence

COMMENTS:



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BOARD	<input checked="" type="checkbox"/> AUG 25 '09

MEMORANDUM

TO: Sean De Pol
Manager of Wastewater Services

DATE: August 11, 2009

FROM: Lindsay Dalton
Wastewater Program Coordinator

FILE: 1855-03

SUBJECT: 2009 Wastewater Infrastructure Planning (Study) Grant Applications

PURPOSE

To obtain Board support for Infrastructure Planning (Study) Grant Applications for projects planned for 2010 and 2011 in Wastewater Services.

BACKGROUND

The Ministry of Community & Rural Development makes grants available to local governments for plans and studies related to community infrastructure projects. Grants usually cover 100% of the first \$5,000 in study costs plus 50% of the next \$10,000 to a maximum grant of \$10,000. Any costs exceeding the grant amount are the responsibility of the local government/respective service area.

There are two proposed study projects for Wastewater Services that are potentially eligible for funding support through the Ministry's Infrastructure Planning Grant Program. Staff propose to make separate grant applications, within the next year, for each of the following initiatives. Total estimated project costs are identified.

1. **Duke Point Pollution Control Centre As A Servicing Option for Electoral Area 'A' (\$15,000)**

Through the OCP planning process, the community expressed support for community sewer connected to the Duke Point Pollution Control Centre (DPPCC). However, the DPPCC's capacity has been fully allocated. Thus, the objective of this project is to assess innovative options that would allow for parts of Electoral Area 'A' to connect to the DPPCC.

2. **Evaluation of Anaerobic Digesters at the French Creek Pollution Control Centre (\$15,000)**

A discussion paper on integrated resource recovery was presented to the Liquid Waste Advisory Committee as part of the Liquid Waste Management Plan review process. In the discussion paper, the consultants suggested that the existing aerobic digester facilities at the plant could be replaced by anaerobic digesters. The objective of this project would be to assess the process and cost benefits of producing useable biogas as an energy source from the anaerobic digestion process.

ALTERNATIVES

1. Approve submission of the Infrastructure Planning (Study) Grant applications as outlined in this staff report.
2. Provide alternate direction to staff.

FINANCIAL IMPLICATIONS

The proposed projects are to be carried out under the 2010 budget. The grants, if secured, will offset the costs to the applicable budgets. If these grant applications are not successful the projects will proceed, however; the full costs will be paid by the RDN and/or through alternative grant funding.

SUMMARY/CONCLUSIONS

The 2009 budget includes a number of planning projects within the Water and Wastewater Services Department. Staff recommend applying for Infrastructure Planning Grants as a supplementary source of funding. The applications for these grants require Board support.

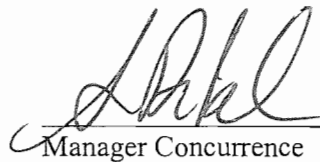
RECOMMENDATION

That the Board support applications to the Ministry of Community & Rural Development for Infrastructure Planning (Study) Grant applications for the following Water and Wastewater Services program initiatives:


1. Duke Point Pollution Control Centre As A Servicing Option for Electoral Area 'A'
2. Evaluation of Anerobic Digesters at the French Creek Pollution Control Centre



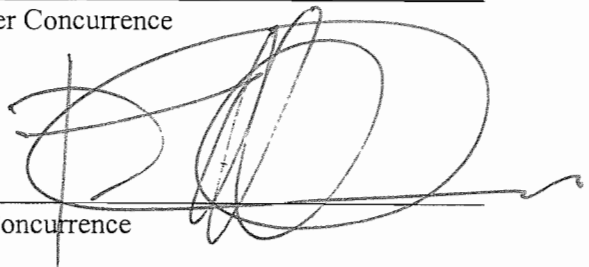
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:



RDN REPORT	
CAO APPROVAL	<i>[Signature]</i>
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COW	
AUG 17 2009	
RHD	
BOARD	<i>✓ Aug 5 '09</i>

MEMORANDUM

TO: Dennis Trudeau
General Manager, Transportation & Solid Waste Services

DATE: July 29, 2009

FROM: Peter Kuziek
Acting Manager, Transit Projects and Planning

FILE: 1470-20-LAFN

SUBJECT: L'Association des francophones de Nanaimo Request for Special Event Busing

PURPOSE:

To consider the Special Event busing request submitted by the L'Association des francophones de Nanaimo (LAFN) for the upcoming 10th Anniversary of the Maple Sugar Festival from February 19 to February 21, 2010.

BACKGROUND:

On June 17, 2009 representatives from the LAFN made a presentation to the members of the Regional District of Nanaimo (RDN) Transit Select Committee with regard to the upcoming 10th Anniversary of the Maple Sugar Festival, which will be held at the Beban Park complex from February 19 to February 21, 2010. The LAFN is requesting that the RDN provide bus service to and from the BC Ferries terminal at Departure Bay during this three day event.

As this event is being held during the 2010 Winter Olympics and since 31 of the 80 participating countries in the 2010 Winter Olympics are members of l'Organisation Internationale de la Francophonie, it is anticipated that many international visitors will be coming to Vancouver Island and will be attending the Maple Sugar Festival. A total of 1,024 athletes from these member countries participated at the 2006 Torino Games and the target market of the LAFN will be the athletes, families, fans and journalists from these member countries attending the 2010 Winter Olympics.

Staff has reviewed the request and has determined that one bus and one driver could be provided for the Maple Sugar Festival without compromising regularly scheduled service during this event.

As this request falls within RDN Policy C3.01, Use of Buses for Special Events, that was adopted by the Board in 1998, it complies with the criteria as set out in this policy, i.e.,

- The event is community oriented and open to participation by all members of the public.
- The event is held within the Transit service area.

ALTERNATIVES:

1. Approve the application for transit service to be provided to the L'Association des francophones de Nanaimo for the requested dates of February 19 to February 21, 2010, providing that regular transit fares apply to this event.
2. Approve the application for transit service to be provided to the L'Association des francophones de Nanaimo for the requested dates of February 19 to February 21, 2010, at no cost to the public.
3. Do not approve the application for transit service to be provided to the L'Association des francophones de Nanaimo for the requested dates of February 19 to February 21, 2010.

FINANCIAL IMPLICATIONS:

The total cost for the three day event utilizing one driver and one bus will be approximately \$1,336.07. As BC Transit will not cost-share in funding a bus and driver for this special event, staff recommends that regular fares be applied. Based on previous special events, staff estimates that the total cost for the three day event could be offset by as much as \$460 in fares received from the public, resulting in a total cost to the RDN of \$876.07.

SUSTAINABILITY

Given the essential role of public transit in a sustainable region, all efforts of the Transportation Services Department are founded on generating positive implications for the sustainability of the region. In particular, providing residents of the region a meaningful alternative to the private automobile, which in turn reduces greenhouse gas emissions and mitigates the effects of climate change, is one of the Transit Department's primary goals. Additionally, providing cleaner running buses that maximize the use of biofuel further demonstrates the commitment by RDN Transit to reducing its carbon footprint, which is in keeping with the RDN's Corporate Climate Change Plan as well as the Board's policy on environmental stewardship.

SUMMARY/CONCLUSIONS:

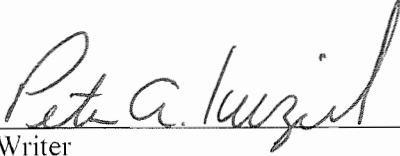
The LAFN has made an application under the Special Events Policy requesting that bus service be provided between the BC Ferries terminal at Departure Bay and the 10th Anniversary Maple Sugar Festival being held at the Beban Park Complex from February 19 to February 21, 2010.


Noting that this event is being held during the 2010 Winter Olympics, it is anticipated that many international visitors will be coming to Vancouver Island and will be attending the Maple Sugar Festival. As 31 of the 80 participating countries in the 2010 Winter Olympics are members of l'Organisation Internationale de la Francophonie, the target market of the LAFN will be the athletes, families, fans and journalists from these member countries who will be attending the 2010 Winter Olympics.

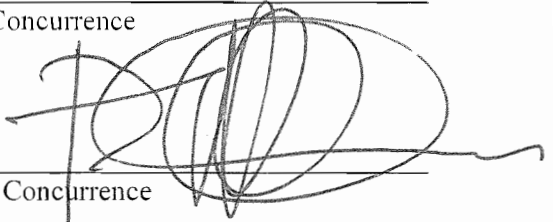
This request from the LAFN does meet the criteria as outlined in RDN Policy C3.01 that was adopted by the Board in 1998; it is a community-oriented event, open to all members of the public and the event is within Transit's service area.

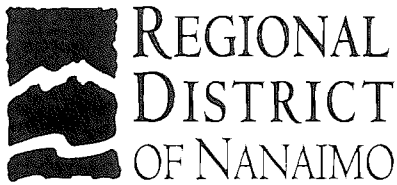
RECOMMENDATION:

That the application by the L'Association des francophones de Nanaimo for transit service to be provided between the BC Ferries terminal at Departure Bay and the Maple Sugar Festival being held at the Beban Park Complex from February 19 to February 21, 2010 be approved on condition that regular fares be applied.


Report Writer


GM Concurrence


A/ CAO Concurrence



RDN REPORT	
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AUG 17 2009	
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BOARD	✓ Aug 25 '09

MEMORANDUM

TO: N. Avery
General Manager, Finance and Information Services

DATE: August 14, 2009

FROM: W. Idema
Manager, Financial Reporting

FILE:

SUBJECT: Alberni Clayoquot Regional District – 2010 Permissive Tax Exemption

PURPOSE:

To introduce for adoption “Property Tax Exemption (Mt. Arrowsmith Regional Park) Bylaw No. 1580, 2009.”

BACKGROUND:

Where a Regional District is the owner of property outside of its boundaries, it is no longer automatically exempt from property taxes. The Alberni-Clayoquot Regional District is the owner of the Mt. Arrowsmith Regional Park, which is located within Electoral Area ‘C’ of the Regional District of Nanaimo. The Board has adopted bylaws annually since 2004 to provide a permissive tax exemption for this property. Permissive tax exemption bylaws must be adopted annually or, with the assent of the electors, may cover a period not exceeding 10 years. Nanaimo and Alberni-Clayoquot Regional District staff have agreed that it is administratively easier to adopt a permissive tax exemption bylaw annually, and Bylaw 1580 covering the 2010 tax year is presented with this report.

ALTERNATIVES:

1. Introduce and adopt “Property Tax Exemption (Mt. Arrowsmith Regional Park) Bylaw No. 1580, 2009” for the 2010 taxation year as presented.
2. Do not grant a permissive tax exemption for the 2010 taxation year for the Mt. Arrowsmith Regional Park properties.

FINANCIAL IMPLICATIONS:

The 2009 assessed values for the two properties in question (folios 768 0002268.420 and 768 002268.416) total \$690,800. Had the exemption not been in place for the 2009 taxation year, the properties would have been assessed Regional District taxes of approximately \$570 including Electoral Area ‘C’ general services taxation (\$77.59 per \$100,000) and the drinking water and regional parks parcel tax (\$34.30 x 2 folios). It is anticipated that the impact will be similar for 2010. However, if the properties were no longer to be statutorily exempt, the assessment value could increase and the property taxes payable would also be higher. Despite this implication, there is an intent and expectation that local governments will be exempt on any land they own directly.

SUMMARY/CONCLUSIONS:


The bylaw introduced with this report continues the Nanaimo Regional District's acknowledgement that the Mt. Arrowsmith Regional Park should be a tax exempt property. The park is owned by the Alberni-Clayoquot Regional District but is located within the boundaries of the Regional District of Nanaimo. Permissive tax exemption bylaws must be adopted annually. Staff recommend the bylaw as presented.

RECOMMENDATION:

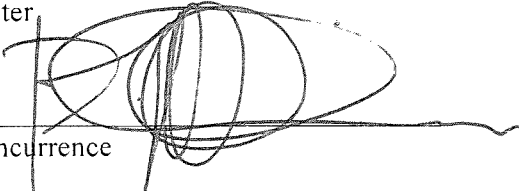
1. That "Property Tax Exemption (Mt. Arrowsmith Regional Park) Bylaw No. 1580, 2009" be introduced for first three readings.
2. That "Property Tax Exemption (Mt. Arrowsmith Regional Park) Bylaw No. 1580, 2009" be adopted.



Report Writer



General Manager Concurrence



C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1580

**A BYLAW TO AUTHORIZE A PROPERTY
TAX EXEMPTION FOR THE YEAR 2010**

WHEREAS a Board may, by bylaw adopted by at least 2/3 of the votes cast, exempt property from property taxes under Section 809(3), in accordance with Section 809(4) of the *Local Government Act*;

AND WHEREAS the Alberni-Clayoquot Regional District is the owner of properties located within the boundaries of the Regional District of Nanaimo and the properties are used as a public park;

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

1. The properties described as:

- a) District Lot 2000, Cameron Land District
- b) Lot 1, Block 1324, Plan 28909, Cameron Land District

which are owned by the Alberni-Clayoquot Regional District and are used for public park purposes, are authorized to be exempt from property taxes in accordance with Section 809(4)(g) of the *Local Government Act* for the year 2010.

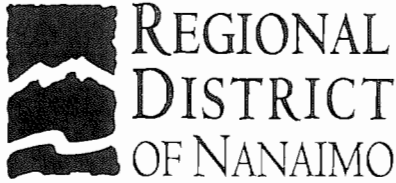
2. This bylaw may be cited as the “Property Tax Exemption (Mt. Arrowsmith Regional Park) Bylaw No. 1580, 2009”.

Introduced and read three times this 25th day of August, 2009.

Adopted this 25th day of August, 2009.

CHAIRPERSON

SR. MGR., CORPORATE ADMINISTRATION



CAO APPROVAL	
EAP	
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AUG 18 2009	
RFD	
BOARD	✓ Aug 25 '09

MEMORANDUM

TO: C. Mason
Chief Administrative Officer

DATE: August 13, 2009

FROM: N. Avery
General Manager, Finance & Information Services

FILE:

SUBJECT: Errington Fire Department – Recertification for Superior Tanker Shuttle Rating

PURPOSE:

To report on the implications to the Errington Volunteer Fire Department of new standards for certification for a Superior Tanker Shuttle Service rating.

BACKGROUND:

The Fire Underwriters Survey (FUS) evaluates and rates fire departments for the insurance industry. Many rural areas are rated as either unprotected (no operating fire department) or semi-protected (volunteer fire department without fire hydrants) which results in those property owners paying more for property insurance coverage than properties with a pressurized municipal water system.

The Errington Volunteer Fire Department obtained a Superior Tanker Shuttle Service (STSS) accreditation in June 2005. The department spent about 8 years strategically installing water tank structures within the service area and purchasing equipment which uses roll on/roll off portable pods that can be delivered to a site while the vehicle shuttles back for more water. To qualify for the rating the department demonstrated that it was capable of providing water at a specified rate over a certain test period. The rating considers the test results equivalent to a municipal pressurized water supply system.

Errington was the first department in western Canada to attempt the standard and there was no formal “program”, however, the department expected to be re-evaluated periodically based on the standard under which they had qualified. In June the department was contacted by the Fire Underwriters Survey advising them that their certification expires next year (June 2010) and to arrange a new test. While the department is surprised that their qualification can ‘expire’ they are most concerned with the revised test standard which requires about 30% more water supply. The department calculates that it would not be able to meet the new standard in some parts of its service area. Losing the rating will increase property insurance costs in the service area which was a significant benefit derived from the department’s efforts.

Staff have spoken with the FUS and obtained an assurance that the compliance deadline can be extended to June 2011. There are three possible solutions to meet the new standard. The first would be to install up to seven additional water tanks within the service area, the second would be to purchase a new tanker vehicle and the third option is to enter into an automatic response agreement with a neighbouring fire department for structure fires. At this time there is no indication whether an automatic response agreement would be sufficient to continue to qualify for the STSS rating.

Expense aside, installing additional water tanks will be very difficult because of the need to find land for locating the tank structures. The second option – purchasing another vehicle – is also expensive and would result, for many years, in a vehicle which is significantly underutilized. The last option – an automatic response agreement with a neighbouring fire department for structure fires could work – however, that needs to be analyzed and be supported by both departments and the FUS. Errington has recently approached the Coombs Hilliers fire department to discuss this alternative in greater detail.

At a minimum staff suggest that correspondence be sent to the FUS, outlining our concerns with the change in standard and requesting a five year phase in period for qualified departments. In that space of time all of the above noted options can be explored in more detail.

ALTERNATIVES:

1. Correspond with the Fire Underwriters Survey, with a copy to all British Columbia Regional Districts, seeking a five year phase in of the new qualification standard for a Superior Tanker Shuttle Service rating for existing qualified fire departments.
2. Defer correspondence with the Fire Underwriters Survey until the results of discussions for automatic response between the Errington and Coombs Hilliers Fire Departments have been completed.

FINANCIAL IMPLICATIONS:

The financial and operational implications are unknown at this time.


SUMMARY/CONCLUSIONS:

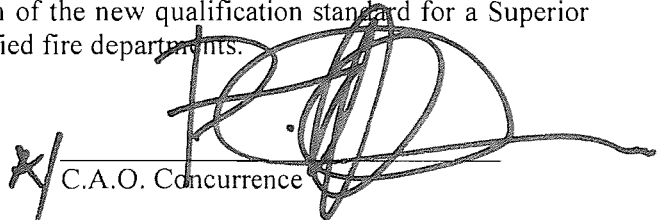
The Errington Volunteer Fire Department has been contacted by the Fire Underwriters Survey with respect to being re-tested for a Superior Tanker Shuttle Service qualification. The FUS has recently adopted a formal standard for the rating and it is a higher standard than when Errington qualified in 2005. The fire department now calculates that it is unable to meet the new standard without considerable infrastructure and or vehicle investments. Alternatively, they calculate that assistance from a neighbouring fire department may be a possible solution and are initiating discussions for that purpose.

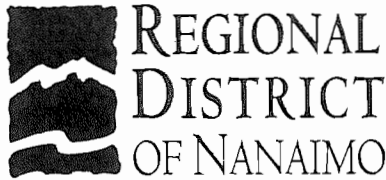
Staff have received assurance from the Fire Underwriters Survey that the deadline for re-qualification can be extended to June 2011. This allows time for both fire departments to examine their equipment and operational needs and determine whether automatic response between them is a practical resolution. The FUS would also need to approve this arrangement in lieu of the department qualifying under its own resources. At this time, staff recommend that correspondence be sent to the Fire Underwriters Survey seeking a five year phase in of the new standard for all existing qualified departments.

RECOMMENDATIONS:

1. That correspondence be sent to the Fire Underwriters Survey, with a copy to all British Columbia Regional Districts, seeking a five year phase in of the new qualification standard for a Superior Tanker Shuttle Service rating for existing qualified fire departments.


Report Writer


C.A.O. Concurrence



CAO APPROVAL		✓
EAP		
COW		
AUG 18 2009		
RHD		
BOARD	✓	Aug 25 '09

MEMORANDUM

TO: Paul Thompson, A/Manager of Current Planning **DATE:** August 11, 2009

FROM: Susan Cormie, Senior Planner **FILE:** PL20090000509

SUBJECT: Proposed Amendment to Existing Liquor-Primary License Application
 Frontiersman Pub and Retail Liquor Store
 2484/2494 Alberni Highway Electoral Area 'F', Folio 769.10388.000

PURPOSE

To consider a referral from the Liquor Control and Licensing Branch (LCLB) for an application to amend the liquor primary license for the Frontiersman Neighbourhood Pub and Retail Liquor Store to transfer the existing license to a different location.

BACKGROUND

The Regional District of Nanaimo (RDN) has received a referral from the Provincial Liquor Control and Licensing Branch (LCLB) concerning an application from the Frontiersman Neighbourhood Pub and Retail Liquor Store requesting an amendment to their existing liquor-primary license to facilitate the transfer of this license from the property located at 2280 Alberni Highway to the property located at 2484/2494 Alberni Highway (*see Attachment No. 1 for location of subject property*).

Regional District's Role

The Liquor Control and Licensing Branch issues liquor licenses under the authority of the *Liquor Control and Licensing Act and Regulation*. As part of the process in considering a license or an amendment to a license, the LCLB refers the application to the local government. There is a corresponding Board policy No. B1.6, which sets out the process for reviewing liquor license applications. In addition, the LCLB provides information on the role of local government in the provincial liquor licensing process.

The Regional District's role in this process is to consider and comment on an application as based on criteria established by the LCLB. As part of this process, the local government also collects the views of residents who may be affected or who may have an interest in the application. The list of criteria is as follows:

- a) the location of the establishment;
- b) the proximity of the establishment to other social or recreational facilities and public buildings;
- c) the person capacity and hours of liquor service;
- d) the number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location;
- e) traffic, noise, parking and zoning;
- f) population, population density and population trends;
- g) relevant socio-economic information; and
- h) the impact on the community.

Subject Property Information

The subject property, legally described as Lot B, District Lot 143, Nanoose District, Plan 8057, is located at 2484/2494 Alberni Highway in Electoral Area 'F'. The property, which is 0.789 ha in size, is zoned C-3.13 pursuant to *RDN Zoning and Subdivision Bylaw No. 1285, 2002*. Under the C-3.13 zone, the proposed pub and retail liquor store are permitted uses.

The subject property is designated within the Watercourse Protection Development Permit Area (DPA) pursuant to the "*Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999*" (Area F OCP). The applicant has provided a declaration indicating that there are no watercourses within the subject property or within 30.0 metres of the subject property. Therefore, as the exemption provisions of the DPA can be met, a development permit is not required.

Electoral Area 'F' OCP designates the subject property for Comprehensive Mixed Use within the Coombs Village Centre. The Electoral Area 'F' OCP lists neighbourhood pubs and retail stores as compatible uses in this designation.

Surrounding uses include the Alberni Highway and R-3 zoned lots to the north, R-3 zoned lots to the east and south, and an A-1 zoned lot to the west which is situated within the Provincial Agricultural Land Reserve. Commercially zoned properties are located along the Alberni Highway within a few hundred metres of the subject property.

The subject property is not located within a RDN Building Services Area. There are no community water or sewer services available to serve the property.

Proposal As Submitted by Applicant

The proposal, as submitted by the applicant, is to transfer the existing liquor-primary license to 2484/2494 Alberni Highway and to maintain the same seating capacity of 120 persons, including an outdoor patio capacity of 20 persons and the same hours of operation (11:00 am to 1:00 am Monday to Saturday and 11:00 am to 12 midnight Sunday). However, an analysis of soil suitability for sewage disposal completed after the public hearing has determined that the maximum capacity for the pub cannot be greater than 100 persons including 20 seats on the patio.

The applicant has provided a site plan showing the layout of the property, which includes:

- the two existing buildings to be renovated for the pub and retail store uses;
- the existing dwelling units to be removed;
- an off-street parking area for the pub and retail liquor store, which will be required to meet both the Ministry of Transportation and Infrastructure and RDN standards;
- the decommission of the existing wells and a new well to be drilled on site; and
- the decommission of the existing septic system and a new sewage disposal system installed.
(see Attachment No. 2 for proposed site layout)

ALTERNATIVES

1. To provide the LCLB with a resolution to support the relocation of the Frontiersman Neighbourhood Pub and Retail Liquor Store to 2484/2494 Alberni Highway as submitted by the applicant.
2. To provide the LCLB with a resolution to support the relocation of the Frontiersman Neighbourhood Pub and Retail Liquor Store with recommendations concerning hours of operation, entertainment venue, and location and buffering of outdoor seating patio.

3. To provide the LCLB with a resolution to not support the relocation of the Frontiersman Neighbourhood Pub and Retail Store to 2484/2494 Alberni Highway.

LAND USE IMPLICATIONS

The proposed pub and retail store are permitted land uses in the C-3.13 zone under Bylaw 1285. The subject property, pursuant to the OCP Bylaw No. 1152, is designated within the Coombs Village Centre, which supports a variety of commercial, recreational, community, and professional services as well as multi-family or smaller lot residential development. The OCP specifically mentions neighbourhood pub and retail store as compatible uses for this designation. Therefore, the proposed land uses are permitted in the zoning bylaw and supported by the OCP.

Bylaw 1285 includes land use regulations for parking and signage therefore the applicant will be required to meet the bylaw requirements.

Electoral Area 'F' currently has no bylaw to regulate noise or hours of operation and therefore the RDN is not able to respond to potential complaints about noise or other related disturbances.

Building / Fire Code Regulations

The LCLB, through the liquor licensing process, requires the applicant to provide confirmation that provincial building regulations and fire code regulations will be met.

SUSTAINABILITY IMPLICATIONS

The subject property is designated within the Coombs Village Centre where a mix of uses is supported. A neighbourhood pub is one of the uses identified in the OCP for this general location. As well, the pub is a proposal for redevelopment of an existing commercial use on a main road meaning that new commercial development is not being proposed for a site that is previously undeveloped or in a location that had not previously been contemplated for this type of use in the OCP. In general, as a commercial use, the proposed pub is consistent with the Regional Growth Strategy goals for having a mix of uses in designated Village Centres.

PUBLIC CONSULTATION IMPLICATIONS

A public hearing, as required by Board Policy No. B1.6, was held on July 29, 2009 for the purposes of receiving comments and submissions from residents concerning any of the criteria established by the LCLB (*see Attachment No. 3 for Summary of Proceedings of Public Hearing*). Notification, pursuant to RDN Board policy was by newspaper in two consecutive editions of the PQ News on July 21 and 24, 2009. Notices were mailed to property owners and tenants in occupation within 200 metres of the subject property. Notice of this public hearing was also placed on the RDN Web page and signage was placed on the property. As this public hearing is not held pursuant to the ***Local Government Act***, comments and submissions may be received after the close of the hearing. In addition, correspondence received prior to the notice of the public hearing is also attached to this report (*see Attachment No. 3*). Please note: correspondence received prior to the public hearing is a very large document that has been provided on a compact disk electronically. In addition, the CD contains a portion (traffic counts) of one submission from the public hearing.

Comments and written correspondence from the residents and other members of the community have raised a number of issues. Issues raised by the public and staff comments, are outlined below as they relate to the criteria established by the LCLB.

a) The location of the establishment

Comments Received Through Public Process - Residents have raised concerns with the proposed location of the pub and retail liquor store citing: negative impacts on adjacent and nearby residential uses including noise, traffic, vandalism, and property devaluation; concern that the size of the lot is not adequate to support the uses including accommodating large delivery vehicles, a sewage disposal system, and potable water supply; and concern with access to and from the lot from the Alberni Highway.

Staff comments - With respect to land use, the zoning for the subject property permits a pub and retail liquor store and the OCP supports these uses.

With respect to concerns about sewage disposal and proof of potable water, these are reviewed by the LCLB as part of their liquor licensing process. As this application does not require a zoning amendment or a development permit, the RDN has no authority to require proof of sewage disposal or potable water. The installation of on-site sewage disposal systems and water supply fall under the jurisdictions of the Vancouver Island Health Authority and the Ministry of Environment.

With respect to concerns for vandalism, it is noted that the RCMP staff has indicated that they have no objection to the relocation of the pub and retail store.

With respect to large delivery vehicles accessing the property and turning around, the Ministry of Transportation and Infrastructure is requiring a 9.0 metre wide access which will accommodate larger vehicles and the applicant has indicated an adequate turn around area on the submitted site plan.

b) The proximity of the establishment to other social or recreational facilities and public buildings

Comments Received Through Public Process - Residents have raised concerns with the proximity of the pub and retail liquor store to a nearby church, elementary school and family day care facility.

Staff comments – The pub's proposed location, while still close in vicinity to the church, school and day care facility is further from the church and school than the existing pub.

c) The person capacity and hours of liquor service

Comments Received Through Public Process – Residents have raised concerns with the seating capacity for 120 persons including 20 seats on an outside patio (note that the proposal has been reduced to 100 seats based on sewage disposal capacity). The main concerns are with sewage disposal, access, excessive noise, and adequate off-street parking. Residents have also raised concerns with the hours of operation citing concern with the impact on the surrounding residences especially with late night noise, including traffic noise (loud vehicles), especially at closing time, and the noise from live entertainment, and odours from the kitchen. Residents also noted that the existing surrounding businesses close at 6:00 pm so there is no noise associated with those businesses in the evening and later at night.

Staff comments - The applicant has indicated that they will provide an updated sewage disposal report prepared by a Professional Engineer which will establish the maximum person capacity for the pub. This report has now been submitted and has determined the maximum capacity cannot be greater than 100 persons including 20 seats on the patio.

With respect to hours of liquor service, due to the number of residences located adjacent or nearby the proposed pub site, staff considers the late night noise cited by the residents to be a legitimate concern. There are fewer residences adjacent or nearby the pub's current location. Staff understands that the applicant has offered to restrict live entertainment to the indoor portion of the pub. However, staff

notes that open windows or doors will not contain the sound. To address the evening noise concerns, an earlier closing time and restricting the type and times for the live entertainment is an option. As well, the location of the outdoor patio could be located on the side of the pub facing the parking lot rather than in its proposed location next to an existing residence on the adjacent property.

d) The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location

Comments Received Through Public Process - Public comments included that if the Frontiersman Pub does not continue to operate, patrons would have to travel to the City of Parksville to visit the nearest pub or bar.

Staff comments - Staff notes that Electoral Area 'F' is largely a rural community with strip commercial and industrial development along the major roads. The OCP establishes a number of small Village Centres and Rural Separation Boundaries where development is encouraged to locate. While there may be other parcels available to locate a neighbourhood pub, there are no other pubs in the general area.

e) Traffic, noise, parking and zoning

Comments Received Through Public Process - With respect to traffic, in addition to the concerns outlined above, residents have indicated that they are concerned with the location of the nearby school and the safety with respect to the children who walk to and from school in the surrounding neighbourhood.

Staff comments - It is noted that the Alberni Highway is a designated controlled access road which is managed by the Ministry of Transportation and Infrastructure. Ministry staff has provided preliminary comments as follows, but not are not limited to:

- access is to be limited to a single point - the residential driveway is to be removed;
- access point is to be widened to a 9.0 meter commercial access to allow for two-way traffic;
- a minimum 40 parking stalls will be required within the subject property for the 120 seat pub (please note the seating has been reduced to 100 seats), and a minimum 10 parking stalls for the approximately 140 square meter liquor store;
- a type 3 deceleration lane is to be constructed for eastbound traffic entering the subject property. the deceleration lane may require design by a Professional Engineer as well as as-built drawings upon completion; and,
- the Ministry reserves the right to restrict traffic to "right in /right out only" movement should it be required in the future.

Comments Received Through Public Process - With respect to noise, as noted above, residents are concerned with increased noise, especially late at night associated with the pub's closing time and the live music.

Staff comments - Electoral Area 'F' currently has no bylaw to regulate noise or hours of operation for businesses and therefore the Regional District is not able to respond to potential complaints about noise or other related disturbances. Major disturbances would need to be handled by the RCMP.

Comments Received Through Public Process - With respect to parking, residents indicated a concern that there will not be adequate parking on site and available space for proper truck turning radius.

Staff comments - As part of the conditions for an access permit from the Ministry of Transportation and Infrastructure, a minimum of 50 off-street parking spaces must be provided for the proposed pub and retail liquor store. This is consistent with Bylaw No. 1285 parking requirements. As outlined

above, the Ministry is also requiring a 9.0 metre wide access point to accommodate delivery vehicles. The applicant has indicated that the required amount of parking can be accommodated on site.

Comments Received Through Public Process - With respect to zoning, residents commented that despite the zoning, this property, due to its size and access and surrounding residential uses, is not a good location for a pub.

Staff comments – The zoning, pursuant to Bylaw No. 1285, permits the development of a pub and retail store on this property. The OCP also supports these types of uses in this location.

f) Population, population density and population trends

Staff comments – As noted above, the OCP establishes a number of small Village Centres and Rural Separation Boundaries where development is encouraged to locate. The 2006 census indicates that there are approximately 6,700 people living in Electoral Area 'F' with approximately 85 residences in the area designated as the Coombs Village Centre.

g) Relevant socio-economic information

Comments Received Through Public Process - Pub employees indicated that the pub provides employment for approximately 20 people in the community. In addition, employees also cited that the pub promotes local events and support some local charities.

h) The impact on the community

Comments Received Through Public Process - Residents have indicated that they are not opposed to a pub in the community, but rather they are opposed to a pub in this location.

Staff comments – The relocation of the pub to the subject property will have an impact on the adjacent and nearby residences in terms of additional traffic, noise, and odour. As outlined above, a number of measures could be taken to reduce the potential impacts. Shortening the hours of operation by closing the pub earlier in the evening, limiting the hours for live entertainment; as well as the types of live entertainment, locating the outdoor patio away from adjacent residences and provide a nose buffer around the patio in the form of a wall and landscaping.

VOTING

All Directors – one vote.

SUMMARY

The Liquor Control and Licensing Branch (LCLB) has forwarded a request that the RDN Board provide a resolution supporting or opposing the request to amend the liquor primary license issued for the Frontiersman Neighbourhood Pub and Liquor Store. The proposed amendment is to relocate the existing Frontiersman Pub and Retail Liquor Store to a new location at 2484/2494 Alberni Highway. A Public Hearing was held July 29, 2009, a summary of the hearing is set out in *Attachment Nos. 3 and 4* along with all correspondence received both before and after the public hearing. Residents located in the immediate area of the proposed location have raised a number of concerns associated with the business including noise, traffic, public safety, sewage disposal, impacts on local groundwater supply, and odours from the kitchen. While the zoning permits the pub and retail liquor store use, through the LCLB liquor licensing process, the Board can make recommendations to help lessen the impact of this use on adjacent and nearby residences.

The following recommendations are provided for your consideration.

RECOMMENDATIONS

1. The Regional District of Nanaimo recommends a conditional approval for the amendment of the license for the relocation of the Frontiersman Neighbourhood Pub and Retail Store to the lot legally described as Lot B, District Lot 143, Nanoose District, Plan 8057. and located at 2484/2494 Alberni Highway in Electoral Area 'F' for the following reasons and with the following recommendations:
 - a) **The location of the establishment**

The proposed relocation is in a mixed use area which includes nearby residences and businesses which traditionally close at 6:00 pm and as a result a late night entertainment venue may not be suitable. Therefore, it is recommended that an earlier closing time would be more suitable for the proposed location. (see item c below)
 - b) **The proximity of the establishment to other social or recreational facilities and public buildings.**

The nearby public assembly uses, which include an elementary school and church are not expected to be affected by the operation of the pub as they will be further away from the proposed pub location.
 - c) **The person capacity and hours of liquor service.**

The maximum person capacity of 120 which includes 20 seats on an outdoor patio with closing hours of 1:00 am Monday to Saturday and midnight on Sunday is a major source of concern due to the adjacency of residential properties (please note the capacity has since been reduced to 100 persons based on soil suitability for sewage disposal). It is recommended that the outdoor patio be relocated to the south or west side of the building away from the adjacent residence and that the patio be well buffered (complete with a wall and vegetation to help lessen noise and visual impacts). A vegetative buffer is also recommended along the east and west property lines in order to lessen the potential impact on the adjacent lands. It is recommended that the closing hours be amended to 11:00 pm on weekdays (Sunday to Thursday) and 12:00 am on weekends (Friday and Saturday) to lessen the impact on adjacent residences.
 - d) **The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location.**

There are no similar facilities in the area resulting in patrons having to travel to the City of Parksville to visit the nearest pub or bar.
 - e) **Traffic, noise, parking and zoning.**

The proposed relocation is expected to have a negative impact on adjacent and nearby residents especially in terms of noise associated with traffic and live entertainment. While the applicant has agreed to restrict live music to the interior of the pub, this is not expected to curb the noise to an acceptable level. The applicant will be able to meet the requirements of the Ministry of Transportation and Infrastructure with respect to access and off-street parking requirements. The applicant will be required to submit a revised site plan showing that the applicable provisions of the C-3.13 zone including land use, off-street parking, and signage

requirements will be met. It is recommended that live entertainment be restricted to inside the pub building, that additional noise suppression materials be incorporated in the building envelope when the building is renovated and that the LCLB consider additional limits on live entertainment to reduce impacts of neighbouring properties.

f) **Population, population density and population trends.**

The population of Electoral Area 'F' is approximately 6700 (2006 Canada census) and the relocation of the pub and retail store is situated within a Village node / Urban Containment Boundary where a mix of land uses is supported.

g) **Relevant socio-economic information.**

The pub and retail store employ approximately 20 persons in the community.

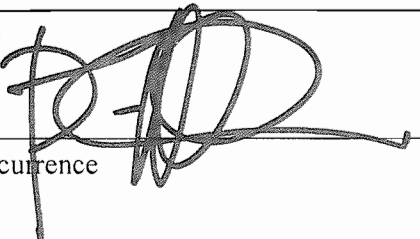
h) **The impact on the community.**

If this application is approved by the LCLB, in order to lessen the negative impact on adjacent and nearby residents, amending closing hours, restricting live entertainment, and relocating the outdoor patio and the inclusion of noise abatement measures such as a wall and vegetation buffering is recommended.

2. The Board's comments on the views of residents are as follows:

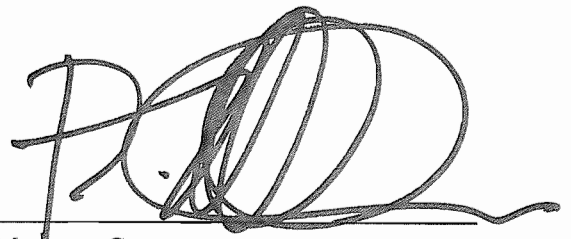
- a.) Views of residents included concerns with late night noise associated with the pub including loud music, bar noise, and bar traffic, sewage disposal, proof of potable water and protection of possible draw down on adjacent potable water wells, safety issues including pedestrian safety, and possible crime and vandalism, odours from the kitchen, and additional traffic as a result of the pub and retail store including delivery truck traffic.
- b.) Views of residents were gathered by way of a public hearing which was advertised in two consecutive editions of the PQ News on July 21 and 24, 2009; notices were sent by mail delivery to property owners within 200 metres of the subject lot; notice of this public hearing was placed on the RDN Web page, and signage indicated the hearing was placed on the subject property. The RDN heard several verbal submissions at the public hearing and received nearly 200 written submissions by August 14, 2009.

Report Writer

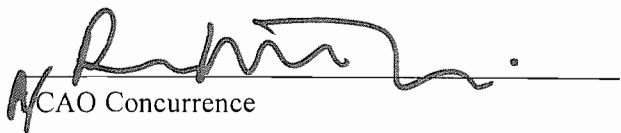


for
Manager Concurrence

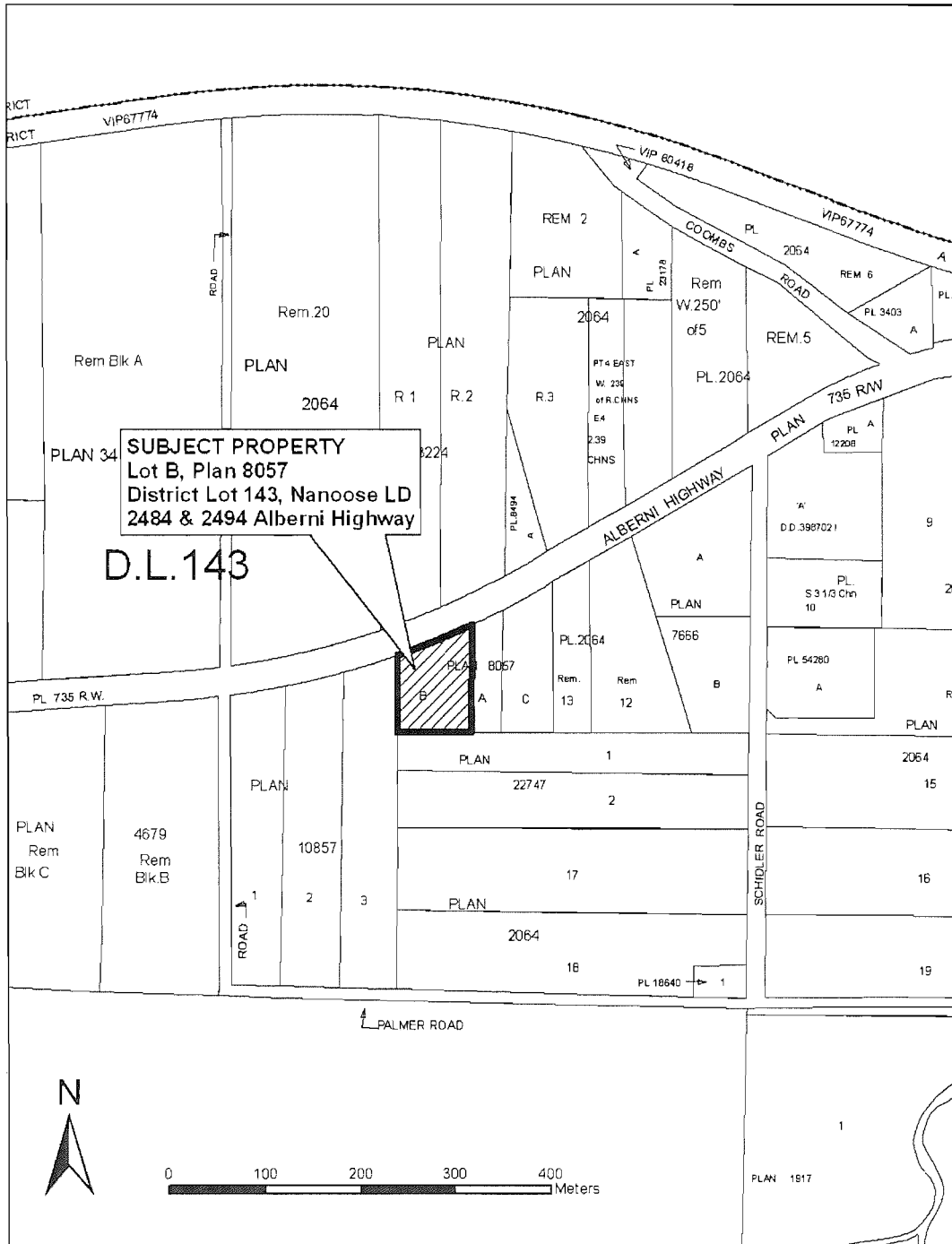
General Manager Concurrence



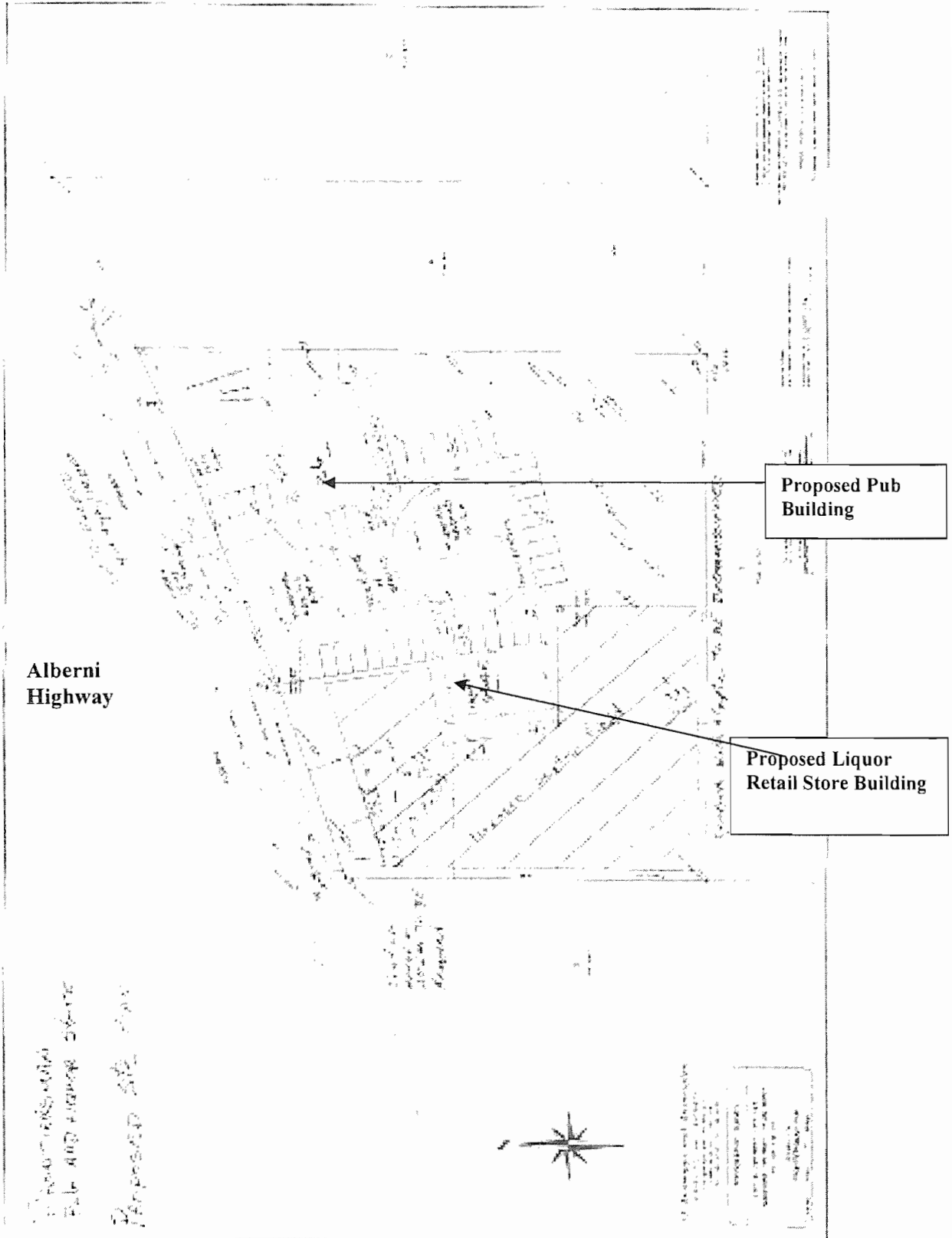
CAO Concurrence



Attachment No. 1
Location of Subject Property



Attachment No. 2
Proposed Site Plan
(as submitted by applicant)



Attachment No. 3
Summary of Proceedings of Public Hearing
Held July 29, 2009
At The Bradley Centre, 975 Shearme Road, Electoral Area 'F'

Summary of the Public Hearing Meeting
Amendment to an Existing Liquor-Primary License
Applicant: Frontiersman Neighbourhood Pub & Liquor Store
Held at the Bradley Centre, 975 Shearme Road on
Wednesday, July 29, 2009 at commencing at 7:00 pm

Note: This summary of the meeting is not a verbatim recording of the proceedings, but is intended to summarize the comments of those in attendance at the Public Hearing Meeting.

Present for the Regional District:

Lou Biggemann - Chairperson and Electoral Area 'F' Director
George Holme - Electoral Area 'E' Director
Paul Thompson - Acting Manager of Current Planning
Susan Cormie - Senior Planner
Elaine Leung - Planner

There were approximately 120 persons in attendance.

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

The Senior Planner provided an outline of the proposed liquor license amendment for the Frontiersman Pub and Retail Liquor Store and the Regional District's role in this process including the list of criteria the local government is to consider and comment on to the Provincial Liquor Control and Licensing Branch (LCLB).

The Chairperson called for submissions with respect to the proposed amendment to the liquor primary license for the Frontiersman Pub and Retail Liquor Store.

Elaine Miller, 2495 Alberni Highway spoke against the proposal stating that she lives across the street from the proposed pub and has concerns including water and sewer issues, road safety, crime & vandalism, and seating capacity, as outlined in her correspondence attached to and forming part of these minutes.

Harry Miller, 2495 Alberni Highway spoke against the proposal stating concerns with noise disturbance, smells from garbage and pub food, sewage/septic issues, access for large trucks, and that the proposal is not a community friendly use.

Sharon Cox-Gustavson, spoke on behalf of Don & Rose Brittain, stating that the Brittain's are opposed to the amendment to this new location and noted their concerns include business hours are not typical of the neighbourhood and concern for children walking to school, proximity to French Creek School as outlined in their correspondence attached to and forming part of these minutes.

Sharon Cox-Gustavson, 2481 Alberni Highway spoke against the proposal outlining that she lives directly across from the proposed pub and concerns include possible contamination from pub; sulphur water in

surrounding wells; pub traffic; safety for pedestrians including school children; and, excessive noise, as outlined in her correspondence attached to and forming part of these minutes.

Pat Gillespie, 2470 Alberni Highway, spoke against the proposal stating concerns include noise levels, bikers, water wells in area will be adversely affected, and crime may increase.

Dave Neden, on behalf of the Coombs Fire Department, 3246 Alberni Highway, spoke against the proposal noting concern with the possibility of an increase in motor vehicle accidents, as outlined in the correspondence attached to and forming part of these minutes.

Gerard Jansen, no address given, supports a pub in Coombs but spoke against the proposal noting concerns with the liquor license, traffic and location. Rather than relocate pub he would prefer to see the pub renovated.

Nathan Greene, 2474 Alberni Highway, spoke against the proposal stating concerns include the devaluing of neighbouring properties, privacy being compromised by pub, existing well and water supply, sewer/septic absorption and contamination, as outlined in his correspondence attached to and forming part of these minutes.

Barbara Terry, 2411 Grafton Avenue, spoke against the proposal stating concerns related to alcohol related incidents such as drunk driving, vandalism and noise in residential areas and felt that the welfare of patrons and neighbours should take precedence over profits, as outlined in her correspondence attached to and forming part of these minutes.

Gordon Butt, address unknown, spoke in support of the proposal stating that he supports the relocation of the pub and noted that the plans for the pub are modern and different.

Mary Pat Thompson, 1033 Schidler Road, spoke against the proposal stating concerns with drinking water and traffic, as outlined in her correspondence attached to and forming part of these minutes.

Lani Parr-Pearson, PO Box 739 Coombs V0R 1M0, spoke in support of the proposal stating that they are strongly supportive of the pub's relocation and that the pub gives back to the local community through charity events as outlined in her correspondence attached to and forming part of these minutes.

Kevin Hitch, Manager of Frontiersman Pub, spoke in support of the proposal stating that the pub has to move due to lease expiry. Mr. Hitch stated that the pub employs approximately 20 people, promotes local events, supports local charities, and is a responsible business.

Horst Newman, 2116 Alberni Highway, spoke in support of the proposal stating that he operates The World Parrot Refuge located in Coombs and is sympathetic for the difficulty of finding an appropriate location and supports the relocation.

Carol Newman, 1532 Marine Circle, Qualicum Beach, spoke in support of the proposal stating that the new location will include a new building, sound buffering, and will be wheel chair accessible. Ms Newman also stated that pub staff are always responsible for serving patrons and have only seen one fight in the eight years as a patron.

Frank Slocum, 150 Acacia Street, spoke in support of the proposal stating that he has been a member and volunteer in the community for many years and that Mr. Lloyd is actively involved in the community.

Veronica Greene, 2474 Alberni Highway, spoke against the proposal stating concerns of traffic based on a traffic count she carried out and doesn't know anyone who would like to reside next to a bar or pub, as outlined in her correspondence, including a traffic count, attached to and forming part of these minutes.

Vern McShane 105 Hilliers Road north, spoke against the proposal noting concerns that the pub would be located in a residential area and that this is a bad location for a pub.

Andy Rigg, address unknown, spoke in support of the proposal stating that the pub needs to be relocated and he doesn't care where as long as it is relocated.

Tim Whetherall, 9-3117 Van Horne Road, spoke in support of the proposal stating that the traffic congestion is related to the tourists and can be rectified by proper planning. Mr. Whetherall stated that the Frontiersman Pub is a valuable part of the community and the local economy. Mr. Whetherall also commented on the other speakers' concerns.

Tanya Osmond, pub employee, spoke on behalf of a number of employees who stood beside her, in support of the proposal thanking everyone for their patience and noting that this is about class structure, socio-economics and not about noise.

Rick Roland, 1872 Waveland, Courtenay spoke in support of the proposal noting that he has been involved with the owner for the planning and he wanted to clear up some issues including septic disposal (a professional engineer's report is being completed which will determine the number of seats), consultation with a fire department (consulted with another fire department), truck turn-around (adequate room to allow a 53 foot truck on the site) and stated that they will address concerns by neighbours as best we can.

Michael and Linda Keating, 2430 Alberni Highway, spoke against the proposal stating that not every business is best served by the surrounding properties, the pub has not kept up aesthetically with surrounding properties, and that the neighbouring properties will have a substantially reduced quality of life, as outlined in her correspondence attached to and forming part of these minutes.

Sharon Cox-Gustavson, on behalf of Jacquelyn and Peter Schulz, 2506 Alberni Highway, read their concerns including that the pub will have an adverse impact quality of life, concern about water supply and sewage disposal, safety concerns for traffic and students walking to school, concern with increase noise, as outlined in their correspondence attached to and forming part of these minutes.

Gerard Jansen asked "Can we hear from the owner?"

Bob Lloyd, owner of the pub, walked to the front of the room.

Gerard Jansen, asked I'm getting the impression that staff is of opinion they will lose their jobs? Is this correct?

The Chair requested that people address all questions through the chair.

Bob Lloyd, stated as of the end of November, we are on a month to month lease and the landlord can kick me out, and then staff would lose their jobs.

The Chair again requested people to address all questions through the chair and stated additional questions to the owner can be directed to him at the close of this hearing. The Chair noted that this hearing is to hear comments and receive submission only and is not a discussion or debate.

Bob Lloyd, pub owner, 2280 Alberni Highway, spoke in favour of the proposal and noted that he is awaiting an engineering report regarding sewage disposal – report will establish the maximum seating capacity of the pub but highly unlikely that the property will support a capacity greater than the current 120 seat license, that noise concerns are being considered in the design and construction modification, that he will be asking the Ministry of Transportation and Infrastructure to reduce the posted speed limit, and security issues will be addressed with fencing and landscape.

Tom Farley, 2320 Alberni Highway spoke against the proposal noting that a more suitable location could be found.

Dave Neden, address not given, stated that he is speaking as a concerned citizen not as a representative of the Fire Hall. Mr. Neden commented that if the RDN had listened to the community during the OCP review, we wouldn't have these problems now and that the owner is caught in the middle; the property should allow a home based business.

Steve Stahley, 1040 Virginia Road Estates, spoke against the proposal commenting that he is not against the pub, but cannot endorse this location and that the new location does not work.

Don Brittan, 1030 Forneau spoke against the proposal commenting that he is concerned about traffic accidents through this area of the Highway (Whisky Creek).

Director Biggemann asked if there were any further comments.

Mary Lee, 3151 Alberni Highway, spoke in support of the proposal and stated that the Frontiersman has given back to the community and that in the area there is a ship store and a pie store and that this is progress.

Heather Westhead, 941 Poplar Way, spoke against the proposal and stated that the pub should be a better location.

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

The Chair asked a third time if there were any further comments or submissions and hearing none, declared the hearing closed.

The Chair thanked everyone for attending the hearing.

The meeting concluded at 8:57 pm.

Elaine Leung
Recording Secretary

JULY 29th 2009
T. WETTERLID
79-3117 VAN HOENBERG
QUALICOM Bldg, BC
V9K 2L2

To Whom It Concerns,

REGARDING THE RELOCATION OF THE
FRONTIERSMAN PUB.

I have lived and worked in the Coombs
area since 1992, and since then I have
been not only a patron, but a worker
in the area.

It seems to me that this pub is a very
important part of the local ~~area~~ business and
social gathering place of many area residents.

Over the years I have come to know
the previous and the current owners, and it is
my belief that this is an important part of
the area's attractions.

As for the traffic problems, there is a
solution, as for the vandalism in the area
this can be mostly contributed to local youth.

As for the traffic congestion this can be
attributed to the influx of tourists.

In closing I'd like to say this pub
is a valuable part of the local economy and
community, and also a nice place to meet and
greet our visitors, plus meet for work
related endeavors.

I'm sure any septic or noise issues can
be resolved with the proper planning.

P.S.
IN CLOSING WE
MUST ACCEPT THE
PROBATION OF BUSINESS
IN OUR AREA.

Thank you
Sincerely

Tim Wetterlid
OWNER - ALL WEATHER ROOFING Ltd.

#1

R.D. N BUILDINGS can be met through proper sewage retrieval systems.

• other business dangerously increase vehicle traffic - like tourists don't

• knew about Mr Miller.

• knew the neighbor she is a bitch

• no rumour she has a vendetta.

• neighbor hood is not free of theft or #2 vandalism.

• mud slinging - by Mr. MERRY MILLER #1 lipson MILLER

• additional to trafficking not caused by pub patrons.

• tourist stop more traffic than liquor delivery

• sewage treatment can be solved by the proper

#3

- BRITTON FAMILY

• some people that leave the tourist area are more radical than our local pub patrons.

• more space for tourist and new economic and financial growth for area.

• speed limits can be adjusted

• the O.C.P. must be amended and brought up to this ~~time~~ day and age.

#4 RODEO GROUNDS

#5 COOMBS FIRE DEPT. - ACCESS LAINE - SOLUTION

- # 6 - HIGHWAYS MIGHT NOT DENY THEM
- # 7 - NATHAN GREENE ZUTY
 - NEIGHBOR MOOD PUB - CABREY - WHAT THE DIFFERENCE
 - PATIO IS ON ROAD SIDE
 - WALL WAS FINE WITH CONCRETE FACTORY NEXT STORE - THERE WATER RATE WAS MORE THAN WHAT A PUB WOULD REQUIRE
 - SOUND DEADENING PANEL CAN BE PART OF THE NOISE PROBLEM SOLUTIONS
 - BAND STAGE WILL BE AT OPPOSITE ENDS
 - LANDSCAPING CAN BE CHANGED TO ACCOMMODATE NEIGHBORHOOD NOISE
- # 8 TOURIST DRIVE MORE ERRATICLY THAN PUB PATRONS
- # 9 GORDON BOTT - BOB IS A PROFESSIONAL AND WANTS GOOD BUSINESS
- # 10 SCHIDLER ROAD - FOR BETTER OR WORSE
- # 11 - DECLINE
- # 12 LANI - PEARSON.
 - SOCIAL DRINK OR MEAL CATCH UP ON STUFF
 - MBEET DRAWS TO SUPPORT LOCAL CHARITIES
 - RAYGON
 - OTHER BUSINESS USED MORE WATER FOR THEIR CONCRETE
- # 13 KEVIN HITCH 20 employees - important
 - meeting place - WATER AGAIN

#13 CONT'D

- WELL CARED ESTABLISHMENT
- CLIENTEL IMPORTANT
- MORE ACCIDENTS - AT OTHER ESTABLISHMENTS THAN COOMBS.

#14 HORSE NEWMAN - PARROT REFUGE
• PROGRESSIVELY VALUED

#15 CAROL NEWMAN
• BUSES CAN BE CHANGED
• SOUND BUFFERING
• HUNDREDS OF PEOPLE ^{BEEN} HELPED
OVER THE YEARS
• SAFE ENVIRONMENT
• SUPPORT OF LOCAL TALENT

#16 FRANK GLOUM - GOOD SUPPORT FOR
COMMUNITY

#17 VERONICA GREEN - TRAFFIC CONCERNS CAN
BE ADDRESSED - BOATS ON THE ROCK
ARE KNOWN FOR WORSE TRAFFIC
- YOUR RIGHT FOR PEACE & QUIET
BUT IT IS NOT YOUR RIGHT TO STOP
THE EFFECT OF PROGRESS

#18 - UERNE MUSHANE - THINGS MUST CHANGE
REGARDLESS IF IT PROGRES OR DEVELOPMENT
- INDIVIDUALS WILL HAVE NO CHOICE WHEN
THEIR NEIGHBORS START TO SELL TO DEVELOPERS

#19 - WHAT IS THE RIGHT LOCATION

#20 - ANDY RIGL

#21

My name is Barbara Terry,

My family and I owned the Coombs General Store from 1972 to 1993. This made us neighbours of the Frontiersman Pub.

When Dave Nenzel, the then owner of the property, announced his intention to build a pub in the mid seventies, a concerned resident circulated a petition to have the pub license denied.

To be honest at the time we could not understand the reason for this. For a neighbourhood pub seemed fairly innocuous. We had one of the petitions on the front counter in the store and heard many opinions from residents as they signed the petition.

From the time the pub opened until we were able live in a different location in 1981, I became fully aware of why the petition gained so many signatures.

During the short period that we lived next to the pub we experienced many distressing situations, of which I will highlight just a few.

- My elementary school aged daughter, watching a pub customer in an inebriated state, in the middle of the afternoon, demolish our hitching rail attached to the board walk, because he was unable to stand unaided.
- My husband testifying in a court case when a pub customer drove erratically on to the Alberni Highway without stopping at the stop sign on Ford Road then weaving across the mid line, narrowly missing several cars coming in the opposite direction; before finally careening through the railing of French Creek bridge and plunging down into the creek below. All of these incidents happened before the general store closed at 9 p.m.

Part of the General Store closing routine was to dump the garbage accumulated during the day into the dumpster situated between the store and Ford road.

- Many times I narrowly missed being run over by pub patrons too inebriated to drive a straight line.
- The picket fence opposite the pub entrance was constantly being demolished, again, by inebriated pub patrons.
- We had a grassed area at the side of the store that was surrounded by logs sunk into the ground, these were sturdier than concrete buffers and few vehicles survived collision with those logs, although the damage to the logs was often considerable.
- We had at least two vehicles drive through our overhead metal store room door after the drivers spent an evening in the pub.
- I am sure that the RCMP got tired of us reporting drunk drivers, their licences and the direction they were driving in, for it was ongoing.
- The constant fights in the Pub parking lot that would often spill over onto our parking lot and the main road.

- Our staff being harassed by drunks incapable of intelligent speech.
- One drunken customer proceeded to expose himself while the store staff was trying to complete a transaction with him.
- And of course noise. For in the first few years the Frontiersman was a very popular place on weekend evenings, and the noise from the live band was often overwhelming.

Although; the worst was one morning at three o'clock, when we were awakened by an impact to the side of our house that sounded like an explosion. Running downstairs we discovered a car, on its side, leaning against the side of our house. The female driver inside was so drunk that she had no idea what had happened and was unable to follow the simplest of instructions when we tried to extract her. While waiting for the police to arrive she became hysterical and had to be subdued. She worked at the Frontiersman Pub as a barmaid!!

As a business owner I understand the necessity of operating a profitable business. However the financial bottom line of a pub is based upon the sale of liquor and I am sure it would be a challenge to refuse sales to a customer appearing inebriated. In all the years that I lived and worked next to the Frontiersman Pub, and through the many owners and managers, I cannot say that the welfare of either the patrons or the victims in the surrounding area appeared to take precedence over the bottom line.

I empathize with the home owners surrounding the proposed new premises of the Frontiersman Pub, I understand what they will have to endure when it is located in its new situation close to them.

Do I think in the sixteen years since I sold the store that the situation has changed? I would honestly be surprised if it has.

And finally do I consider that having a pub as a neighbour is an advantage? No.

Thank you for the opportunity to impart my thoughts on this situation.

Regional District

Public Hearing - Frontiersman Pub
Bradley Center, Coombs, B.C.
Wednesday, July 29, 2009

Good evening

I am Elaine Miller. I live at 2495 Alberni Highway, Coombs, which is directly across the highway from the proposed relocation of the Frontiersman Pub and Retail Liquor Store.

When the RDN brought zoning to Coombs, there was an existing manufacturing business and dwelling on the property, therefore it was granted C3 Commercial zoning. The property was sold and another manufacturing business was established. It too has gone out of business. Mr. Lloyd now wants to turn these buildings into the Frontiersman Pub and Retail Liquor Store. What the RDN neglected to consider in blanket zoning this property was their own guidelines.

Minimum lot size for Commercial 3 is 1 hectre, (2.47 acres). This property is 1.83 acres. Maximum density guidelines is 1 dwelling unit per hectre. A pub with 120 seat capacity is 20 times more than a dwelling unit. The amount of water drawn from a well to sustain a seven day a week restaurant/pub and the amount of sewage discharged will be far greater than the RDN guidelines, and will greatly impact the surrounding residents. There is NO existing pub on this property and therefore does not fit the RDN guidelines.

In 1973 when I purchased the property across the highway it had a 6' hand dug well. It is the same well we are using today. It has raised a family of six with no problems, and it has never run dry. The RDN Action for Water recently established a bylaw to improve management and increase security of ground & surface water resources. One of their main actions is to reduce risks through better planning and decision making. What is their input?

The businesses from French Creek Elementary School to Winchester Road (with the exception of the Rodeo Grounds) all close by 6 pm. They are fairly quiet, non-invasive businesses. With the exception of one, ALL

- 2 -

business owners live on their property. (Attachment #1). The Frontiersman Pub is open past 1 a.m. seven nights a week. Mr. Lloyd does not live on the property. Mr. Lloyd does not live in this area.

Alberni Highway is a major transportation route for all types of vehicles, transport trucks, bicyclists, and pedestrians. The proposed property is in a 60 kph zone, double solid line with a curve to the west of it. The traffic flow would be dangerously impeded by patrons of questionable driving condition going in/out of the pub/liquor store, especially in the later hours. (Attachment #2). Also, consider semi-transport trucks delivering their liquor and food supplies at whatever hour of the day. I have watched transport trucks delivering to this property. They have to stop traffic both ways in order to get in and out of this property. The semi must either drive in and back out, or back in and drive out as there is not enough space to turn around.

Upon studying the information for this Public Hearing, I would like to make note that the January 12, 2009 On-Site Septic System Observations from Lewkowich Engineering Associates Ltd. states that "it is proposed that the two existing buildings be converted to a Pub (50 seats), Cold Beer and Wine Store and a single family residence". This "50 seat capacity" was also verified by Mr. Lloyd at his presentation to the RDN Board on May 26, 2009. If the Engineering study was based on a 50 seat pub and Mr. Lloyd is now applying for 120 seats I believe a new engineering study is in order.

Mr. Don Reynolds, Accountant and representative for Mr. Lloyd sent a letter to the RDN dated March 17th, 2009 in which he states "The Frontiersman Theme" will continue, and yet Mr. Lloyd's Update on Proposed "New" Frontiersman Pub states, "I cannot emphasize enough that the new pub will not bear any resemblance to the existing pub."

One document states the dwelling will be used for a security/janitor. The attached plan states the existing house to be removed. The information provided to the Regional District has too many inconsistencies.

Mr. Lloyd has submitted 125 letters in favour of the move and keeping the pub in Coombs. After careful study of these letters there is a

- 3 -

consistent pattern of words "the pub closing, losing the pub, opposition to the pub". Of the 125 letters, nine of these reside in the area between French Creek bridge and the Highway Junction. Of the nine residents, I can confirm four are employed by Mr. Lloyd. In comparison, our petition using the same area, French Creek bridge to the Highway Junction has 95 resident signatures, and 12 letters submitted.

On April 28th, 2009 a presentation was made to the RDN by myself and Sharon Cox-Gustavson on behalf of the concerned residents regarding the proposed relocation of the Frontiersman Pub. May 5th an article appeared in the local newspaper with a picture of the Frontiersman Pub.

Mr. Lloyd stated to the RDN in his May 26th presentation that he had no knowledge of the opposition until he saw this newspaper article. On May 9th Mr. Lloyd submitted a letter to Linda Sturtridge, Liquor Control & Licensing Branch, which reads in part: "Hi Linda This is getting very silly. Ms. Miller was creeping around my pub on Friday afternoon taking photographs of the three motor bikes outside. I saw her do this and when I came out to ask her what she was doing she turned and left. So I am sure these photos are on there way to you."

At the May 26th RDN Board meeting when Mr. Lloyd was asked why Mr. Geoff Garbutt had to arrange a meeting between Mr. Lloyd and myself (which never happened), Mr. Lloyd's reply was that he didn't know Ms. Miller or how to get ahold of her.

The article in the paper clearly states: "Fred Davies Photos". Mr. Lloyd has made false accusations in writing to a Government official, and is now a public document, in order to cause defamation of my character. I cannot take credit for this photograph and have not had any influence on Mr. Davies' photos or article. I was absolutely shocked to read this accusation, and resent being accused of creeping around. I request that Mr. Lloyd write to Linda Sturtridge, copy to myself and the RDN Board advising of his error, and retract this statement.

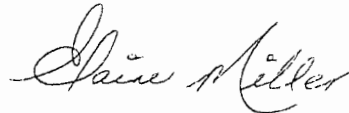
I believe we have presented facts, information and detail, not pure emotion, innuendo and rumour as Mr. Lloyd has stated more than once.

- 4 -

In closing, I would like to ask, if the RDN considers the relocation of the Frontiersman Pub/Retail Liquor Store to 2484/2494 Alberni Highway, who will be responsible if our wells are contaminated or run dry? Who will be held accountable for the traffic accidents, the crime & vandalism in this currently safe neighbourhood?

The Regional District of Nanaimo must listen and support the residents that have lived here for 20, 30, 40 years and more.

Elaine Miller

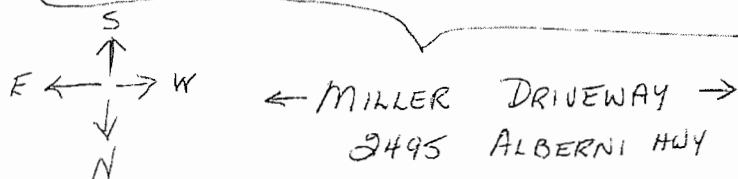
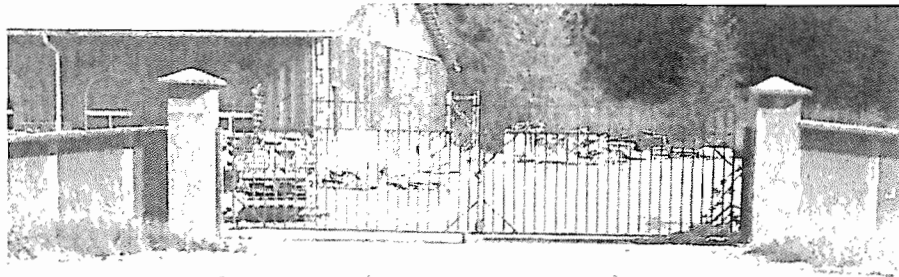


#3.

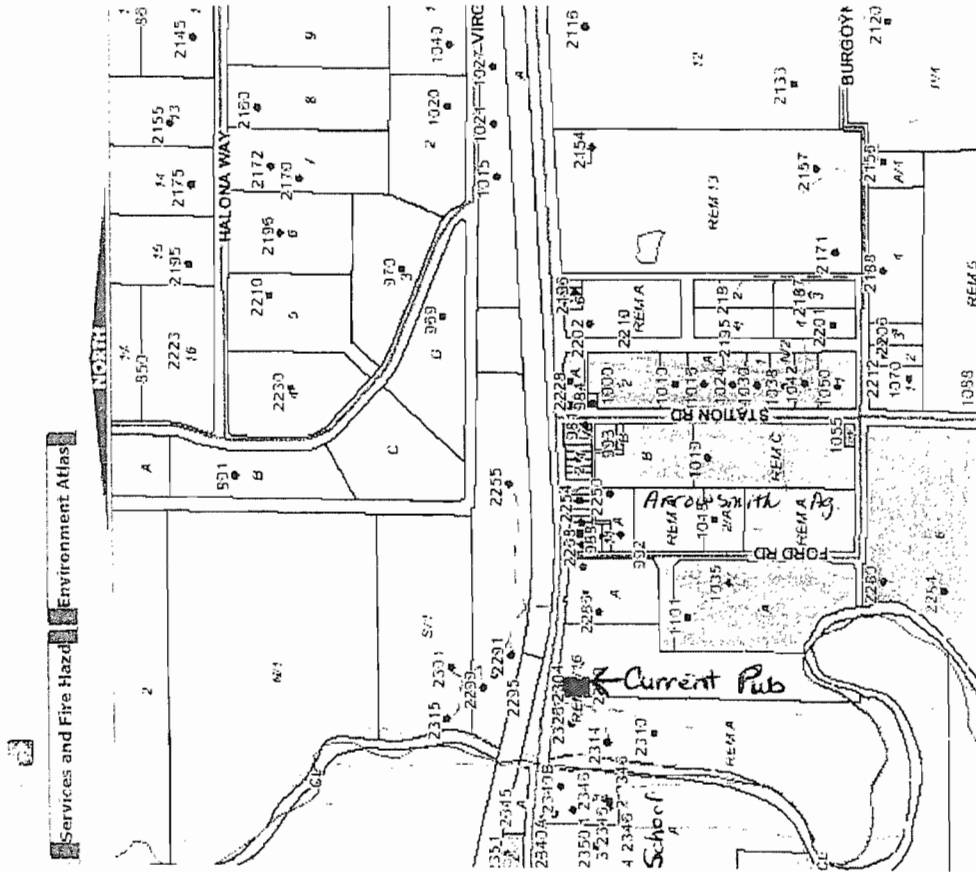
PROPOSED FRONTIERSMAN PUB & RETAIL LIQUOR STORE



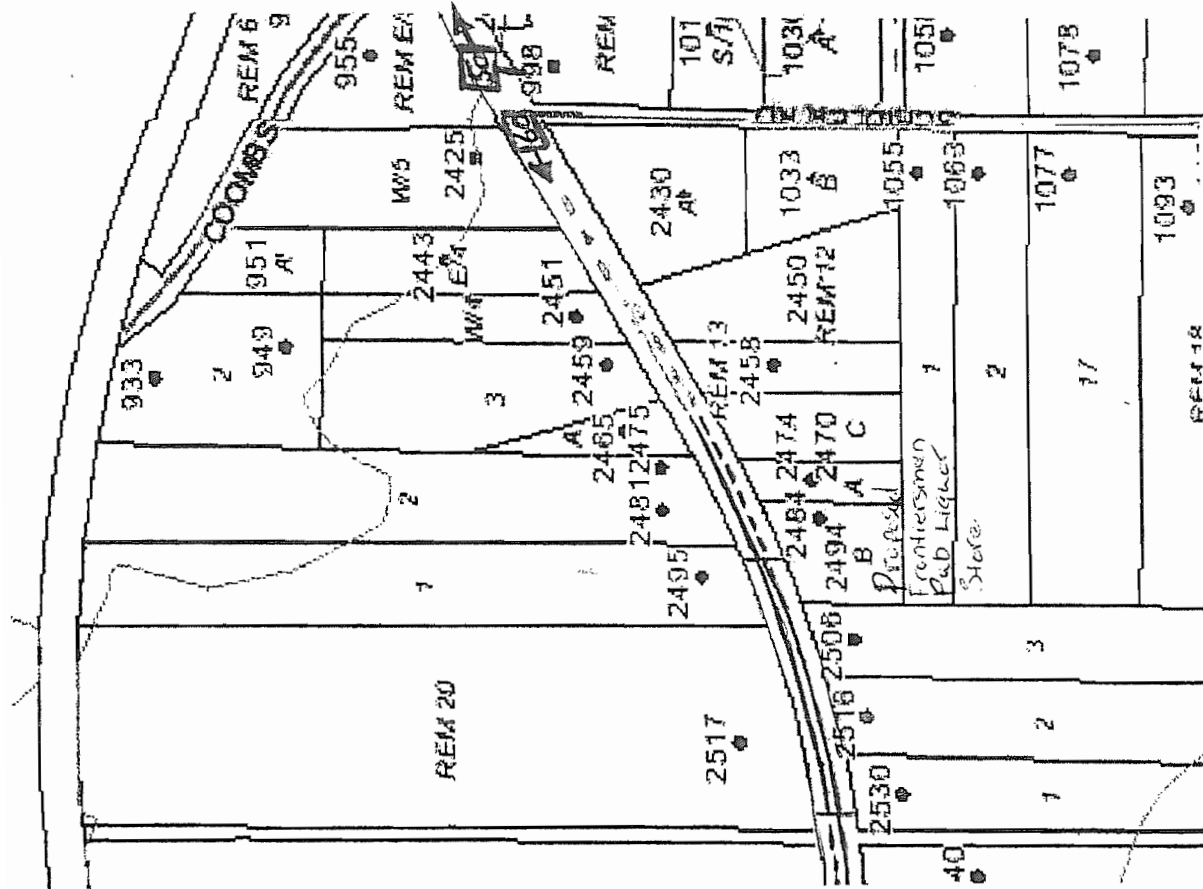
2495 ALBERNI HWY
MILLER DRIVEWAY



use by House Number only



iapviewer&APPID=Nanaimo&MAPTEMPLATE=xx-large&mapsize... 7/9/2009



**Public Hearing
Proposed Relocation of Frontiersman Pub
Bradley Centre,
Wednesday, July 29, 2009**

Good evening and thank you for the opportunity to express my concerns regarding the important issue at hand. I am Harry Miller and I live at 2495 Alberni Highway directly across from the proposed establishment in question. My wife Elaine and I have lived here for over 35 years and built our family home.

First I would like to correct a statement made by Mr. Lloyd in the documented public hearing material presented that there is a trucking business located across from his proposed pub. For the record I own one gravel truck. Yes, I park it on my 9 acre property, hardly a transportation company yard full of trucks that Mr. Lloyd seems to imply or would have you believe.

Mr. Lloyd made a presentation at the RDN meeting in Nanaimo on May 26, 2009 concluding that the surrounding properties were "Hardly Residential". If Mr. Lloyd or anyone else for that matter were to stand at the driveway of the proposed pub and take a full 360 degree view of the surrounding properties all they would see is residential some within 50 feet or 15 meters of the proposed pub in question! If you don't want to come and have a look just look at a RDN map!!!!

Each one of these surrounding properties represents a family that is raising children, or is retired. I have to ask the members of the Board that are making the decisions.

WHY SHOULD WE

Have to listen to loud music and rowdy bar noise until the early hours of the morning.

Have to put up with the additional traffic at all hours of the day and night.

Have to put up with loud motorcycles that frequent the present Pub and I am sure will be a part of the clientele supporting this establishment.

Have to put up with noisy reefer units 24 hours a day that keep the liquor inventory and food cool.

Have to put up with the greasy smell from the exhaust fans from the proposed kitchen.

Have to put up with the smelly garbage created by this establishment until it is picked up.

Why should we have to change or leave our lifestyle completely to accommodate Mr. Lloyd and his bar.

In the past delivery trucks and 53 foot vans have had to back in off the Alberni Highway to access the premises to deliver or pickup their freight. In the design of this property, has anyone given any thought as to how the deliveries are to be made without blocking off the highway traffic. Remember it is very common for 53 foot trailers plus tractor units to be making the deliveries. Has the Department of Highways been made aware of this to their satisfaction?

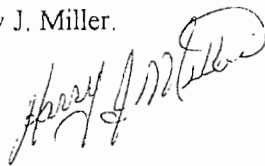
I also have a concern with the fact that there will be a water well filled in, enabling a septic field to be built over top of it. Where are the many gallons of waste water going to end up from a 120 seat pub that is being applied for by Mr. Lloyd when Lewkowich Engineering has a field proposal in front us that was designed for 50 seats?? Can the engineering experts guarantee to me that there will be no seepage of sewage water going to make it's way into the old well and contaminate the water table that adjacent properties rely on for fresh drinking water??

Allowing this application to be approved will devastate this area of the Village of Coombs as we know it today. This type of business is not commercially friendly for the area and is entirely unfair to even be considered to the families that live adjacent to it. Having a business of this type dropped right in the middle of these residential properties will devalue the properties immensely. I ask you who wants to live next to or across from a noisy pub?

I also ask you, what is more important, a safe family home or a drinking establishment?

To Board members present or otherwise having any questions I make myself available at any time. Home (250) 248 6935 or cell (250) 951 8678

Harry J. Miller.



Regional District of Nanaimo
6300 Hammond Bay Rd.
Nanaimo, B.C.

July 29, 2009

Attention: Susan Cornie

Re: Proposed Frontiersman Pub Re-Location

Please find enclosed "Movement Traffic Count Sheets" for:
Friday, July 17th, Monday, July 20th, and Wednesday, July 22, 2009

This *unbiased* survey provides evidence this stretch of Alberni Hwy is of vital concern to local residents.

Our survey shows the high volume of traffic, complete with many speeders. We conducted our survey at various times and days. When we noted a speeding vehicle it was determined they were at least 15 k/h over the 60 k/h speed limit. Excessive speeding was at least 25 k/h over the speed limit.


Please note that the pink colored squares represent immediate residential homes adjacent to the proposed Frontiersman Pub site, marked "FP". Our traffic count was done from E & W directions, entering and exiting the Coombs Village Centre.

We, the surveyors have many years of driving experience and all have valid driver's licenses, one being a Class 2 with air and is currently employed as a bus driver.

I personally have been employed very recently as a Professional Traffic Counter for an Engineering firm located in Vic, B.C.

This package we hope, will give you an overview of the local traffic flow and the impact a pub located at this site could create.

Sincerely,



Veronica K. Greene

Traffic Movement Summary

July 17, 20, 22, 2009

This traffic movement study was done on three week days. The traffic flow on weekends is much heavier due to recreational vehicles, etc. Please note that children walking/biking to school are not included in this study as it is summer holidays.

Summer weekends have major events scheduled at the Rodeo Grounds which in itself cause major traffic hazards.

There is much more detail on the work sheets, which show fire trucks, ambulance, police vehicles, etc. It also reflects the traffic flow of vehicles when there are police vehicles in the area.

Date	Movement Traffic Count													
	West to East							East to West						
	Cars	Trucks	Other	Spending	Excessive	Passing	Total	Cars	Trucks	Other	Spending	Excessive	Passing	Total
Trucks	Trucks	Vehicles	Speeding	Speeding	Speeding	Speeding	Trucks	Trucks	Vehicles	Speeding	Speeding	Speeding	Speeding	Speeding
Fri, July 17	14	1			4	1	20	39	1					41
7:30-7:45	30	5	1		2		38	54	1	2				58
7:45-8:00	35	5	3		3		46	47	2	5				54
8:00-8:15	35	7	1		3		46	38	3	1		1		43
8:15-8:30	31	5	2		2		40	41	4	2				47
8:30-8:45	43	4	5		6		59	67	6	1		5		70
8:45-9:00	30	2			1		33	31	6	4				42
9:00-9:15	38	12	2		3		55	58	7	3		4		72
9:15-9:30	64	7	14		4		89	52	3	3		3		61
3:45-4:00	81	4	11		17		113	68	4	6		6		78
4:00-4:15	68	2	13		9		92	55	2	2		7		66
4:14-4:30	75	5	7		12		99	57	1	2		2		62
4:30-4:45	57	9	26				92	75	2	7		4		88
4:45-5:00	41	2	30		1		74	35	1	5		10		51
5:00-5:15	64	3	9		23		99	47	1	5		17		72
5:15-5:30	37	2					40	30		3				33
8:00-8:15	31		3				34	16		1				17
8:15-8:30	17		1				18	25		3				28
8:30-8:45	16		4				20	34		1				39
8:45-9:00	18		1				19	23		3				32
9:00-9:15	27		2				29	18		6				18
9:15-9:30	35		2		2		37	28		2				30
9:30-9:45	19		1				23	17		2				19
9:45-10:00	12		4				16	23		1				24
10:00-10:15	14		6				14	12		5				12
10:15-10:30	14		5		2		14	15		2			1	17
10:30-10:45	17		1				19	11		1				12
10:45-11:00														

Movement Traffic Count														Page 2				
	West to			East to			Excessive			Total			West to			Total		
	Cars	Trans	Trucks	Cars	Trans	Trucks	Speeding	Passing	Speeding	Speeding	Passing	Speeding	Trucks	Other	Trans	Speeding	Passing	Speeding
Mon. July 20	30-7:45	58	2	1	9	1	61	29	2	11	31							
	7:45-8:00	48	2		8	4	58	31	3	10	34							
AM	8:00-8:15	45	3		3		48	35	2	27	37							
	8:15-8:30	45	1	1	10		47	38	6	15	48							
	8:30-8:45	46	1	1	7	2	47	40	5	19	46							
	8:45-9:00	52	6	4	4		62	44	3	18	47							
	9:00-9:15	44	2	2	7		48	38	4	9	43							
	9:15-9:30	57	1	3	5		61	49	3	9	54							
	3:30-3:45	82	3		12		85	101	3	5	104							
PM	3:45-4:00	81	1		7		82	90	5		95							
	4:00-4:15	79			5		79	81			81							
	4:15-4:30	56	4		4	1	60	89	3		93							
	4:30-4:45	61	1	1	6		63	95	1	2	96							
	4:45-5:00	60	1		9		61	89	1	3	93							
	5:00-5:15	57	2	1	5		60	93	1	5	94							
	5:15-5:30	26	1		5	1	27	43			43							
Wed. July 22	11:30-11:45	85	1	3	22		89	63	4	2	69							2 Ped.
	11:45-12:00	70	3	6	27		79	57	3	3	63							
AM/PM	12:00-12:15	62	2	2	30		66	80	6	3	89							
	12:15-12:30	75	2	1	41		78	66	3	1	70							
	12:30-12:45	66	8	3	45		77	72	2	6	80							
	12:45-1:00	80	6	5	46		91	72	3	3	78							
2 Ped.	1:00-1:15	73	6	4	37		83	69	2	5	76							
	1:15-1:30	80	7	2	48		89	90	4	5	99							
	4:30-4:45	72	4	5	44		81	95	4	4	99							
PM	4:45-5:00	70	1	1	57		71	75	2	4	81							
	5:00-5:15	60	4	7	49		71	103	6	4	113							
	5:15-5:30	55	1		33		56	84	11	5	100							
	5:30-5:45	50	6	6	36		50	65	2	4	71							
	5:45-6:00	48	2		29		50	53	2	25	55							
	6:00-6:15	35	3		13		38	56	1		57							
	6:15-6:30	55		4	25		55	49		11	49							

To Whom It Concerns.

As owners of commercial property on the Alberni Hwy and Schidler Road area, we realize NOT every business is best served by the surrounding properties. We believe this is the case with the proposed location of the Frontiersman Pub.

For at least 20 years this pub has operated at the present location with no obvious regards to it's appearance. Would a coat of paint and some landscaping hurt the place? Will the new proposed location be subjected to the same rundown appearance?

Locating at the proposed site surrounded by homes will only attract down and out drunks that hang out until they stumble out to their vehicles to drive home drunk. Increase in crime is a given.

This is not what a neighborhood pub should be in this day and age. Locate it in an area with other businesses, that cater to people that want to shop, socialize have a beer and dance.

Not were families are trying to sleep so they can go to work or school without looking like they were up all night.

Ten years ago when we moved to this area we didn't realize the property behind us was rented out the serious partiers. Here are some of the things our family had to put up with:

1. Noisy vehicles coming and going at all hours.
2. Guys beating up their girlfriends on the side roads.
3. Beer cans in our yard.
4. Idiots lighting fire to beer cartons and tossing them in the ditches. (during high fire season)
5. People pissing on our fence posts and the smell of dope in the air.
6. Loud music late into the night.

Home owners surrounding the proposed pub site are in for a living hell if the pub is allowed to relocate here.

Just a footnote, this passed Sunday night we were woke up by the loud crash, followed by the sounds of sirens moments later. Not surprised just another drunk driver leaving the pub.

Michael & Linda Keating
2430 Alberni Hwy
Coomb's B.C.

Nathen Greene

2474 Alberni Hwy.

Re: Proposed relocation of Frontier's Men Pub to 2494 Alberni Hwy.

To: The Regional District of Nanaimo

My concerns about the Bar moving in right next door should be obvious to anyone and I'm sure they are but I will state them anyhow to go through the process.

- I think the owner has purposely lied and mislead the public and the RDN from the start so he could just get his foot in the door with his proposed move of the Bar. He first stated it to be a 50 seat pub with a cold beer and wine store. You don't have to be highly educated to realize that for all of the renovating required, property acquisition, landscaping and utilities that have to be reworked not to mention satisfying the Depart of Highways, that a 50 seat pub would not be viable, even with the store. A business plan would be required in order to secure financing, complete with average number of customers sending an average amount of money each month. I would think the RDN would require the business plan as well. Now we are told, (after the foot is in the door), that it is a transfer of the existing liquor licence of 100 seats indoor and 20 seats outdoor. Now the business plan is more viable. It will get overfilled on occasion as well when a good band is playing.
- The owner has stated that the outdoor patio will be non-smoking. If it is at all like the existing Bar patio, people will scale up and over a fence around the patio and smoke whatever they want not just cigarettes on the patio, that's why most people go out on the patio deck for because they can't smoke inside. If the owner wants to make money he's not going to pressure them to stop, especially if there is a threat to himself or one of his employees, he's not going to call the police over it because too many calls to the police for minor infractions will bother the police and draw unwanted attention to his establishment.
- This move would greatly devalue my residence by eliminating the privacy of my back yard and put a noisy, stinky bar refuge area c/w grease container, right next to my master bed room, which has a private deck and even closer to the protected area for our little pet dogs to go outside, this would encouraging them to bark, I have three bed rooms in my house, with the pub next door I can bet anyone with a young family would not be interested in buying my house so the market for my house would shrink and the value as well.
- I bought this residence to use both highway accesses for my interest, I will not accept any road changes to accommodate the pub, or any other business next door for that matter, which would compromise the double driveway I have that and it adds value to my property. This was one aspect of my property that made me want to buy it in the first place.

- I have put a lot of money into my house making it as I wanted it for my wife and I to live out our lives. To have this ruined by the noise of the Bar and the traffic from the patrons squealing their tires, revving up their Harleys with strait pipes or an upset customer who was refused service and burns donuts in the parking lot on his way out as what has just happened recently. All of this going on until after 1:00 A.M. when the bar closes.
- I have real concerns with capping off an existing well which may be tied in with the neighbourhoods water supply and putting a sewer sceptic absorbsion field above it and on the highest part of the property in elevation.
- I have concerns about the threat of my own water supply with the proposed location of the new well for this property with all the water that will be consumed by the patrons the kitchen and the sewer system. What impact is this going to have on all of our water supplies and who is going to pay for the testing we are all going to want done on a scheduled bases for some time to come.
- All the other businesses around our area and the one that was located next door, draw at most a few customers at a time and are closed by 5:00 P.M. All of us in our neighbourhood can and do enjoy quiet evenings at home. That means all of the traffic that goes to the businesses stops by 5:00 P.M. as well as the noise created at the places of business. This pub at this location would change all of that for 8 or 9 households and mostly for my household.
- As for the traffic problems that it will create, well the traffic counting my wife and a few of the neighbours did will enlighten a few people. Picture this if you will, someone stop to make a left hand turn into the property (left hand turn lane or not) someone passing that vehicle on the right going west, a motor home making a very slow right hand turn into the property with traffic behind, then some contract logging truck driver highballing down the highway heading east talking on his cell phone. A minimum requirement at this location as well as some others I could point out along this highway. Would be a left hand turn in lane and a right hand turn in lane which would require extensive reworking of the road and ditches.
- If you had seen as I have, what goes on at the Frontiersman pub you would know it is not a neighbourhood pub it is one of the few Bars that brings in live rock bands (thank you very much, I appreciate that), when it gets rocking there is a lot more than 120 patrons in there, you would not want that happening right beside your house I guarantee, especially if you had a young family and I have three bed rooms in my house. With the pub next door I can bet anyone with a young family would not be interested in buying my house so the market for my house would shrink and the value as well.

- I do not trust what this owner of the Frontiersman Pub states, he has being secretive about all of the changes to the proposed site with the people who are going to be most affected by it. He has lied about the seating capacity now it has more than doubled. He has not gone door to door in the neighbourhood to tell us what he is proposing. He has stated that we are emotional, duh! who would want the Frontiersman pub (Bar) next door, of course some people are going to get emotional but all I've witnessed is the local residence rally to find out what is going on. What does he plan to do with the older trees on the property that are on the property line between us and offer some isolation from the business activities as well as help keep things a little cooler with the shade and moisture they produce. The fact that this property is zoned for commercial use does not make it right to proceed with this kind of business at this location. The business that was at this location and the one being proposed is like saying apples and oranges are the same, there fruit yes, but they taste completely different. I do not want this or any Bar beside my house! Regards Nathen Greene, the one household who would to be greatly affected by this the most.



This corner of the bar's building is approx. 19', 6" or 6 meters from my fence.



My house 19' or 5.8 meters away from the fence.



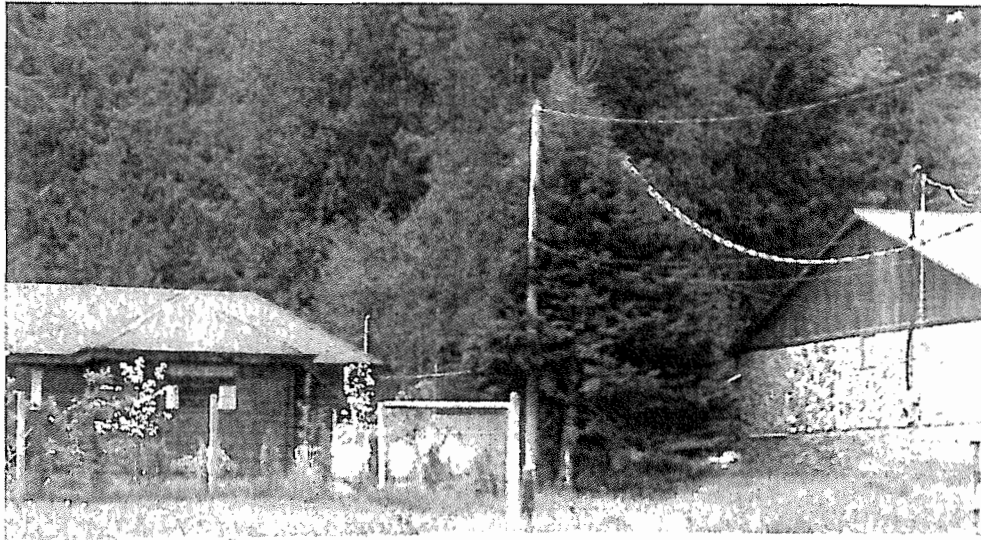
The view from the service and parking lot area to the back of my house, it is very close.



My private master bed room patio from fence line.



Our back yard at present with one of our wells shown.



View from the highway that shows the close proximity of the two.

2506

Re: FRONTIERSMAN PUB

Jacquelyn and Peter Schulz are adjacent property owners with almost 100 metres of common border. We cannot be at the meeting as we are out of the province at this time. This letter allows Sharon Cox-Gustavson to read this letter and represent us at the meeting.



The image shows two handwritten signatures in black ink. The signature on the left is 'Peter Schulz' written in a cursive style. The signature on the right is 'Jacquelyn Schulz', also in cursive. Below the 'Peter Schulz' signature is a long, horizontal, curved line that appears to be a flourish or a separate mark.

Re: FRONTIERSMAN PUB

After living in this neighbourhood for eighteen years, we are going to inherit a new business alongside our property. With a common property line of approximately 100 metres, anything occurring on this adjacent property could adversely impact our way of life, our water supply, our sewage and surface drainage system or the peace and quiet of the evenings. The property in the past was a business that operated during the hours of 8:00 AM to 5:30 PM with time off for Sundays and holidays. This new business has anticipated:

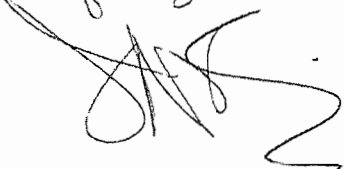
1. Operating times that exceed normal 'business' hours by numerous hours and that will stop in the wee hours of the morning during many days, weekends and holidays. These hours of operation can become very tiresome because of the length of each day.
2. Water usage that will far exceed the normal usage of a residential property. This can lead to dug wells becoming compromised with a diminished recovery rate even though the new property could be using a drilled well with a different aquifer. Our current dug well is at a very dangerously low level because of the dry, hot periods we been having.
3. In the past our property and other adjacent properties had surface drainage that were jointly utilized with the Summerhayes (past owners of the said property) installing a surface and piped drainage system. This drainage system was mainly a ditch of about 1.25 metres deep and 5 metres wide with a piped system underneath the driveway of the house. It is assumed that this drainage system will be removed which could divert the past normal drainage. With prolonged rain periods and/or fast snow melts there could become a problem of drainage and contamination of adjacent properties by a flooded sewage system from this property. In addition, all surface water eventually drains into French Creek whether contaminated or not.
4. A septic system of commercial standards on the high side of the property within approximately 100 feet of a shallow, dug potable well is a potential accident waiting to happen. As shallow dug wells draw their water from adjacent and surrounding areas, the fresh water could be drawn from sewage water being less than 70 feet from the well. As the surrounding area already has large, highly potential contaminable business(s) in the form of auto wreckers, an increased perspective problem from a large sewage system is not very lucrative to the existing property owners.
5. There is a potential health issue with a sewage system that may drain untreated water into surface systems that may contaminate wells that are 'downstream' but over 100 feet from the septic system. All wells of downstream properties are shallow dug wells that have operating successfully for many years.
6. There is an anticipated vastly increased traffic flow in an area of 60 kph and around a curve with somewhat limited visibility. The downward slope of Highway 4A is from the lights at the Alberni Highway and Memorial Ave. in Coombs. This leads to vehicles exceeding the speed limit of 60 kph and

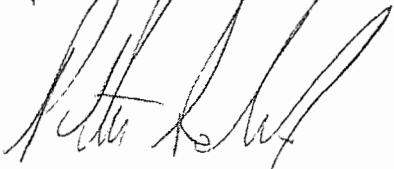
second guessing the traffic around the bend. It is anticipated that vehicular traffic could be reversing onto the highway with the operators having a numerous drinks. In addition, as parking could be limited during peak times, both sides of the highway could be used for shoulder parking. During functions at the Coombs Rodeo grounds, there could be an overlap of pub and rodeo parking taking up both sides of the highway. This could lead to traffic blocking adjacent properties and restricting the access and departure from these properties as well as patrons negotiating a very busy highway. And a further large issue could occur from this traffic – pedestrian traffic. As SD #69 has expanded its 'walking' boundaries for students walking either to Coombs Elementary School or to the school bus stop at Coombs Elementary School are using the Highway for a route to school. Our walking students will have to compete with drivers who have been drinking – a very scary issue.

7. There will be an increase in systematic water flow into the drainage ditches adjacent to the Highway which eventually leads to French Creek. This water could be contaminated by effluent from a sewage system that is working beyond capacity or by heavy rain saturating the septic field and causing direct drainage to the drainage ditches. French Creek is a fish spawning stream with limited water flow in the shoulder periods of the rainy season. This contamination could further hamper any fish during their normal reproduction cycle.
8. There will be a horrendous noise increase in addition to the regular traffic and activity currently being heard by adjacent properties. A pub has a noisy atmosphere at times which are during a normally quiet periods of the evening, weekends and holidays. As summertime approaches, this noise increases and spills to the outside of the pub via doors being continuously open, loud vocal activity in the parking lot, an increase in motorcycle activity, numerous functions in other locations culminating in pub activity. As the current pub is a 'Harley' pub, these patrons are expected to change to the new pub. Many nights a pub can have a live band that performs at an ear shattering level that can be heard in excess of a half a kilometer. A Harley starting and operating at the wee hours of the morning can be very disturbing. The 'Pig n Fin' function at the rodeo grounds generates in excess of 5,000 Harley Davidsons and as these grounds are about 0.25 kilometres apart, there will be a heightened traffic noise between the two locales with many Harleys traveling numerous times between each facility. Various neighbours to the rodeo grounds have complained about the excessive noise and vehicular traffic. In the past while driving past the current location of the pub, there have been heated discussions emanating from the parking lot of the pub. These discussions have been known to occur in the late hours of the night as well as increasing in noise and becoming physical.
9. It is anticipated that an increase in vehicular traffic in and out from the business which has been mentioned above. This increased traffic has been designated a single approach from and onto Highway 4A which currently has a speed limit of 60 kph. The previous facility was in a 50 kph area with other businesses on the same side of the road and 'geared' to an operating period

- outside the normal operating hours. Basically one residential property currently exists on the other side of the highway and rail line. Additional parking was available in the rear with it own separate access road.
10. The current location has a certain amount of very visual and distributing activities being very obvious to the adjacent properties. This can be from garbage deposited on the ground and subsequently drifting with the wind to drug deals being very visually enacted. As these new adjacent properties are residential with numerous differently aged individuals that should not be part of this enactment. Any illegal activities culminating or being directly derived from the new location of the pub will expand the target range of these activities and will be more difficult to control.
 11. Our adjacent property which is in the Agricultural Land Reserve has a dug pond for livestock and fish use that is within approximately 75 feet of the new 'pub' property. Our livestock should be able to drink good quality water without worrying about fecal matter or other pollutants. We are now strongly competing with a business that is at the other side of the spectrum for a rural area as well as having certain privileges which we do not have.
 12. The RDN has guidelines for rural areas that are on a well with their own septic system. The guidelines for residential properties are not even being met with this proposal but a business with large fresh water requirements far exceeds these guidelines. The proposal is for a pub of 120 persons with 20 persons outside. Being in a rural area nearly all of the patrons will have to drive which will require an extensive parking lot in excess of 50 spots.
 13. At night as vehicles leave the proposed pub parking lot, their headlights will shine into residential properties. Any vehicles leaving after 11 PM will be using headlights which will be an annoying to these property residents as there abodes are very close to the highway adjacent to the pub.
 14. A question has to be asked – how will this PUB benefit the community, the neighbours and provide a quality of life that is progressive. Employment will not be generated as a pub already exists; feed offs will be almost non existent as a pub is an 'end of the line' business in regards to spin-offs industries; adjacent businesses do not require a pub. That is, very little positive benefits but many negative benefits – property values will decline; noise, water, light and traffic pollution; poor neighbour relations will abound; unsavory individuals could hang around; crime of B & E could increase; etc. Now, every adjacent property is a residential property with many individuals requiring a good night's sleep to perform their jobs the next day!

Jul 21/09

Jacquelyn A. Schulz


Peter D. Schulz


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

In regard to the relocation of the Frontiersman Pub to 2484 Alberni Highway.

This is basically a residential area, some of the properties are 2nd and 3rd generation. Any commercial business in that area are a "9-5" business, which fits well with residential.

We have all seen the way some vehicles leave the pub not just at night but in the day as well. This makes me very nervous, as with the bussing cuts starting in September, there will be children walking to and from French Creek Community School. As well there will be pick and drop off's for the middle and high school children at the same location.

Please think this through carefully as most people are not against the pub, but ^{against} relocating it to an area that is full of family homes.

Sincerely,

Rose Brittain

Don Brittain

Don & Rose Brittain

Regional District of Nanaimo
6300 Hammond Bay Rd.
Nanaimo, B.C.

July 29th, 2009

Attention: Susan Cormie

I would like to express my genuine concerns regarding the re-location of Frontiersman Pub from current location to proposed location 2494 Alberni Hwy.

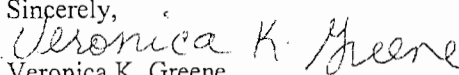
There will be a dramatic increase in traffic of which is already a concern, please refer to the "Movement Traffic Count Sheets" presented here tonight.

The noise from delivery trucks, garbage trucks, exhaust fans from kitchen and patrons traffic coming and going is more than any homeowner should have to endure in the privacy of their own home/property. The traffic will not arrive quietly nor will it be leaving quietly, not to mention the late nights.

We clearly hear the music from the Rodeo Grounds with their occasional events, we do not want to hear the traffic noise or patrons coming and going from a bar on a regular basis like it would be late into the nights.

I personally don't know of anyone who would think that having a bar right next door to them would be an o.k. thing. A person's home is their haven from the chaos out there, it is our right to have peace and quiet. Don't you think so?

I ask that you deny the transfer of Frontiersman Pub location.

Sincerely,

Veronica K. Greene

R.D.N Public Meeting
At Bradley Centre
Wednesday, July 26, 2009

I am Sharon Cox-Gustavson who lives on the Cox Family Estate of Green Acres which has been in our family for 70 years. We are located across the road from this proposed pub site. I am very concerned about the proposed relocation of the Frontiersman Pub into the heart of a residential area. This "Rock Replica" site becoming a bar would alter the peaceful lifestyle of the residents here on Alberni Highway West, Shidler Road, Coombs Road, Palmer Road and Old Alberni Highway.

We did 3 levels of petitions. The first one being the afore mentioned immediate area where 96% signed opposing this location for a pub. Not that people don't want a pub but expressed that it should be in a business core not in a residential core. The total signatures on the Phase 1 petition was-----139 signatures

Our Phase 11 covered area "F" residents who use the "Coombs' Corridor" Alberni Highway regularly and /or work in the Coombs' business core. This then contained names from our big Coombs' Block of Station Road, Grafton Avenue and Winchester Road. Total signatures on this Phase 11 petition was-----151 signatures

The Phase 111 petition covered the Truck Drivers who regularly travel the "Coombs' Corridor", the Grace United Church Congregation and other frequent visitors to Coombs (which included many people from Parksville, Qualicum and other towns and cities). Also included are the names of people who come a distance daily to work in Coombs. Total signatures on this Phase 11-----227 signatures

The total people we encountered who were concerned with the pub's choice of site to relocate numbered-----517 in total

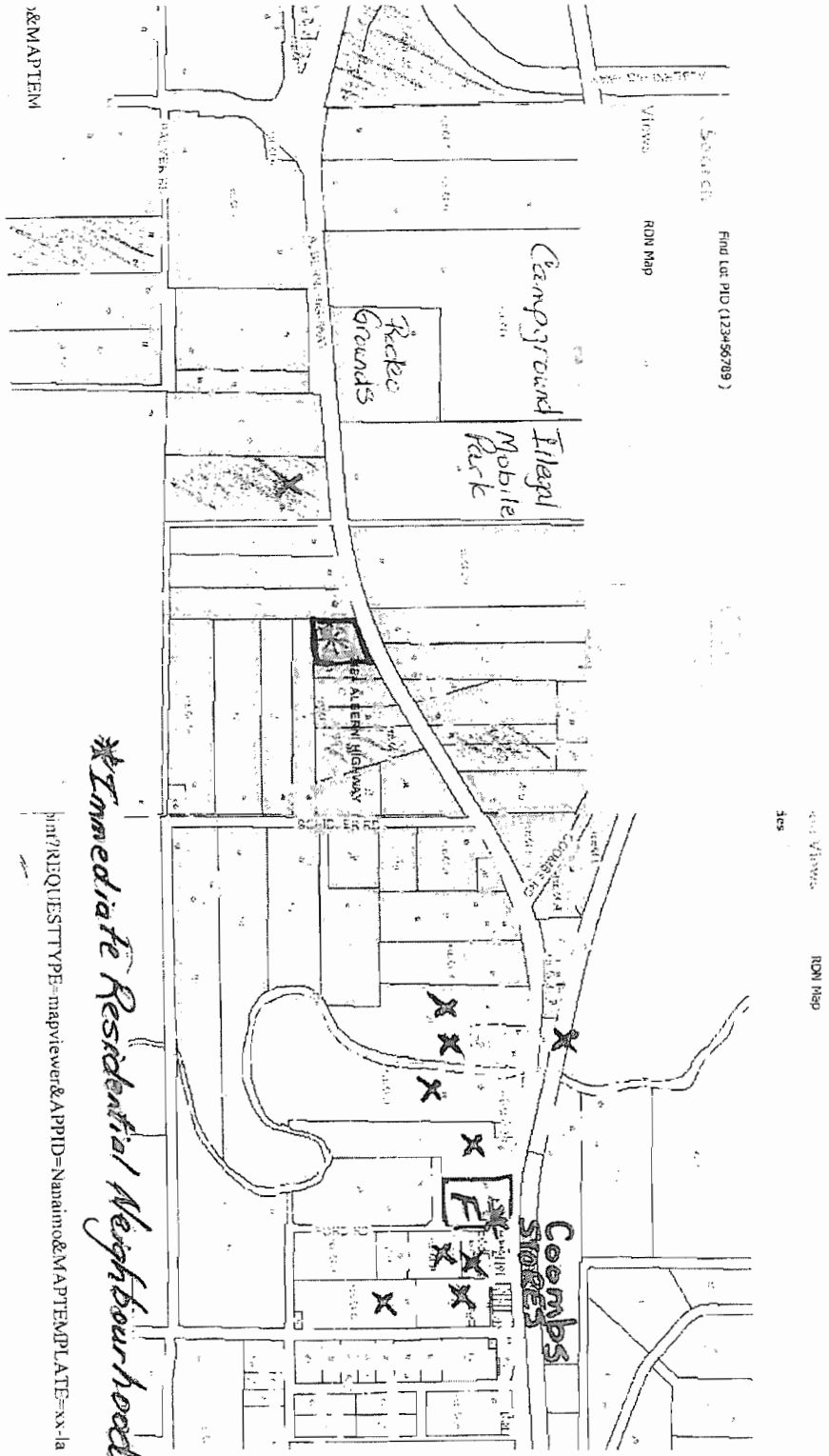
Our petition spoke of these concerns: (WHICH REFLECT THE CONCERNS OF THE PEOPLE THAT HAVE SIGNED IT.)

- The proposed site is advertised as only 1.95 acres (which is less than the required 1 hectare which the RDN specifies necessary for a pub.)
 - all adjacent properties are residential
 - all adjacent properties have shallow potable wells
 - contamination of our water supply is very feasible from a large business septic system
 - this site is on a curved heavy traffic highway in a 60 km zone
 - many pedestrians including school children walk this road
 - noise pollution generated by pub clients, motorcycles, vehicles, loud bands
- CONSIDER THE IMPACT ON THE LIVES OF THE SURROUNDING RESIDENTS THAT HAVE BEEN LIVING HERE FOR DECADES.

We also received 25 personal letters that were written by tax- paying homeowners living in the immediate area and other people who regularly frequent the Coombs' business core.

In closing I would like to say "Let's keep the Frontiersman in a well defined business sector of the Official Community Plan. Let's aim for a distinctive recognition between business centres and residential areas. " I request that the RDN re-consider a pub and liquor store as permitted use for this property in the heart of residential homes.

-Sharon Cox-Gustavson
2481 Alberni Highway,
Coombs, B. C.



- RESIDENTS SIGNED PETITION
- RESIDENTS NOT SIGNED
- NO RESIDENTS
- F CURRENT FRONTIERSMAN
- * PROPOSED RELOCATED SITE OF FRONTIERSMAN PUB

Attachment No. 4
Correspondence Received Prior to the Notice of the Public Hearing
(available for viewing)

Revised response - Frontiersman Pub

Page 1 of 1

Cormie, Susan

From: Silbernagel, Tim TRAN:EX [Tim.Silbernagel@gov.bc.ca]
Sent: Thursday, July 30, 2009 1:37 PM
To: Cormie, Susan
Cc: Wylie, Bob TRAN:EX; reynolds241@shaw.ca; OBrien, Debbie TRAN:EX
Subject: Revised response - Frontiersman Pub

Hello Susan. Based on feedback received regarding my email of July 28 please accept this slightly revised version.

Commercial access to Highway #4A for the proposed Frontiersman Pub and Liquor Store at 2484 Alberni Highway (Lot B, District Lot 143, Nanoose District, Plan VIP8057) requires a valid permit from The Ministry of Transportation And Infrastructure. Preliminary review indicates the Ministry will require, but not be limited to:

- Access is to be limited to a single point. The residential driveway is to be removed;
- Access point is to be widened to a 9 meter commercial access to allow for two-way traffic;
- A minimum 40 parking stalls will be required within the subject property for the 120 seat Pub, and a minimum 10 parking stalls for the approximately 140 square meter Liquor store;
- A Type 3 deceleration lane is to be constructed for eastbound traffic entering the subject property. The deceleration lane may require design by a professional engineer as well as as-built drawings upon completion.
- The Ministry reserves the right to restrict traffic to "right in /right out only" movement should it be required in the future.

Tim Silbernagel

Development Approvals Tech

Ministry Of Transportation

Nanaimo District Office

8/11/2009

From: Veronica [veronica9@shaw.ca]
Sent: Thursday, July 30, 2009 4:49 PM
To: Cormie, Susan
Cc: lwb@shaw.ca; Harry and Elaine Miller; sharoncg@shaw.ca
Subject: Proposed Pub Re-Location

Attachments: Susan Cormie.doc
Hi Susan,

Please find attached letter concerning proposed Pub Re-Location.

Best Regards,

Veronica & Nathen Greene

Regional District of Nanaimo
6300 Hammond Bay Rd.
Nanaimo, B.C.

July 30th, 2009

Attention: Susan Cormie

Dear Susan,

I was at the public meeting last night regarding re-location of Frontiersman Pub & Liquor Store. While I was doing my best to compile a letter stating facts and doing my best not get “emotional” as Bob Lloyd puts it, I realized that I really needed to present my original letter.

It is not so much the emotion that the letter is written with but more the true facts that I now feel need to be known. Yes, there is emotion. I do live right next door, like my husband stated “it is hard not to be emotional” as the wrong decision will affect us directly and the most.

I did state that yes, I have on occasion attended the “Front” for a beverage and an evening of dancing. I do not drink much, nor do I drink and drive. I have on many occasions driven complete strangers home, once all the way to upper Corcan Rd. to avoid having that person drive. She thought I was nuts. I thought it was the decent thing to do.

I would now like to share some of what has happened while I was having that “quiet beverage”, all being recent events, it was what you would call “serendipity”.

I maintain the very nature of this business is of a vital concern to our peace and quiet and the lifestyle we live at 2474 Alberni Hwy. The patrons and employees can go to the bar and leave we would be stuck with the atmosphere full-time.

This past April I was in the “Front” with friends. At 11:30pm a customer whom obviously had too much to drink fell down the full length of a long table (7') in the process hitting his head on more than one of the metal chairs. As a waitress walked by I pointed it out to her, thinking she would help him or something (silly me!). She nonchalantly waved her hand and stated “Aw, he'll be o.k.” Hmmm. Yes, his resolve was strong, he managed to get up and yes, the waitress continued to serve him – “Serving It Right” ARE WE REALLY????

In the month of May just past, I again was sitting outside at a picnic table having a beverage. As it was not a busy time, I noticed through the fence enclosing the smoking area, a truck pull up on the opposite side of highway, it parked. Two young guys got out and crossed the highway. They walked up to the above mentioned fence and climbed over and that was their entrance to the bar. They jumped the fence with ease.

I ask you, who is to say that patrons with even less brain matter induced with again “the drug of their choice” will not be scaling the fence to our property because they “think” it's an ok thing to do, a different route home or who knows? I too have things of value, like I said, it is my privacy. The right to be in my own home, be safe, my humble abode away from the chaos of what a “bar” attracts?

The planner mentioned when we asked about fencing that maybe a Cypress Cedar Hedge may be suitable for isolation of the bar from our property. We disagree whole-heartedly. We feel the first thing that needs to be established before anything goes on at said site, any construction of any sort that a 10' high

Concrete fence be erected and that being the same type/style used by Highway Dept. in Nanaimo to shield residents from traffic noise on the Island Hwy. We would want this fence to be set-back from property line so that it would create a buffer zone of 10 – 15' from the property line complete with hedge on "bar" side this would be to avoid hearing vehicles coming and going as well the buffer zone would create a "green zone" for vegetation and allow the old growth trees to exist in between the properties on the fence line as they do now.

As recent as July 17th as a patron of the "Front", I was present to see the waitress ask a customer to leave because of the "No Shirt, No Shoes, No Service" policy. This was around dinner time. He verbally abused the staff and I think myself and again my 2 friends (as we were practically the only other females in there) Cursing us as "f 'n bitches" (keep in mind we had said nothing to this man about his lack of shoes) all the way to his vehicle. He got in his vehicle, cursing at the top of his lungs still with the same verbal abuse. He proceeded to rip up the bar parking lot complete with rocks and dust flying, doing "doughnut after doughnut after doughnut" He then sped down the road. I hear the staff called 911 but I have it on good authority that the RCMP never found him and he continued on his rampage.

So again, I ask you...would anybody want this sort of antics next door to them, next door to the master bedroom or their kitchen window. Pavement or no pavement. The behavior and clientele will not change. This is what alcohol does to people it is their "drug of choice".

If I knew that we would have been in this current situation now I would have taken better notes over the years, there have been many incidents of varying degrees, which includes drug use in smoking area and in the parking lot from loud rowdy customers. However, I think your getting the idea and maybe can see our concerns.

If developer is planning on being respectful, how about the already disrespect shown by someone hired by himself?

On April 13th at 5:45 AM, I was awakened by the sound of a gas weed trimmer. I looked out to see that there was a person trimming the weeds around the perimeter of the said building where the bar is proposed to be. He continued until 6:25 completely oblivious to the fact that he was making a hell of a racket and disturbing anyone's sleep. My 3 small dogs started their "alert type" barking and he just continued his task of weed trimming.

Less than a week later at 6 AM I again am alerted by my dog's barking that something was happening. Yes, this is why I have dogs, which by the way are very well trained.

Alert barking is something a homeowner wants and the RCMP admits it is the best deterrent for intruders. Now there is a person "poking around" at 6 AM, while "poking around" is ok on your own property, what is so important at 6 AM??? That needs to be taken care of??? I looked out to see a man faced in the direction of our bedroom- I found that to be a little unnerving as my husband works abroad and is away from home for long periods of time.

This past Sun July 26th, at 6:15 AM again I was awakened at to the sound of a hammering noise. I looked out to see a man putting back up the sign "For Sale" next door that had fallen down. I also heard my neighbor Elaine Miller across the street attempting to have a conversation with said man, Elaine was wondering, like me, if he had any idea of the time? His response was "Early morning"; he paused and then walked down the highway.

So I ask you, Susan, is this the type of business that you might want next door to you or someone you know? Is this what good citizens that pay taxes, lead a decent clean life with integrity and hold down steady jobs deserve?

This would change the atmosphere of the neighborhood completely and by the RDN's bylaw and zoning rules for C3 (commercial property) it is non-conforming as you stated it is not the required 1Ha it is .7 This fact alone we feel should disqualify this application as this property is smaller than required and will be burdened with an immense amount of sewage disposal and there is not yet a sewage system set up to the French Creek Sewage Treatment Plant from the Coombs Village Centre.

I appreciate you taking the time to read my letter, it is obvious now that if I had attempted to express these thoughts and incidents during the Public Meeting, Wed. July 29th it would have been not only longer than the allotted 10 mins but certainly would have been overshadowed by the heckling from the support group of Bob Lloyd's plan.

Best Regards,

Veronica & Nathen Greene

From: Harry and Elaine Miller [ee.miller@shaw.ca]
Sent: Monday, August 03, 2009 11:54 PM
To: lwb@shaw.ca; gholme@shaw.ca
Cc: Cormie, Susan; pthompson@rdn.ca
Subject: Re-location of Frontiersman Pub & Retail Liquor Store
Regional District of Nanaimo

Public Hearing July 29, 2009 Re-location of Frontiersman Pub & Liquor Store

I would like to thank the RDN for providing the opportunity for the residents of Coombs to express their many valid concerns, and for the entertainment provided by others. It was a good turn out on a hot evening, although I think the heat (or something) was getting to some people.

I would just like to ask if I missed something during the evenings events. I believe the topic of the hearing was the **re-location**, which to me is the physical property site, 2484/2494 Alberni Hwy. Correct?

Mr. Lloyd's supporters spoke of losing the pub, losing their jobs, what a great guy he is, did anyone support the location????? The one and only supporter that **resides** near the proposed site expressed concern for losing her job.

As was pointed out at the Public Hearing, we are not opposed to the pub. We are opposed to the **location** of the proposed pub.

One more thought, if I may. Mr. Lloyd's group that attended the Public Hearing is representative of the Frontiersman Pub clientele. Although a small group, fairly well behaved. Now imagine, a much larger group (120 seats) with **many** more drinks, a few young hell raisers, a few bikers, perhaps some loud rock music, cars screeching, loud bikes roaring. All this is happening right next door to you. The patrons can come and go anytime they like - **you can't**. Seven nights a week til 1 a.m. Would you want this next door to you?

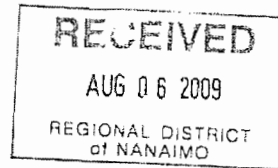
Please advise the time and date of the next meeting when the RDN will be discussing the relocation request, and the outcome of the Public Hearing.

Thank you.

Elaine Miller

Aug.-4-09

Bob Lloyd
Frontiersman Pub and Liquor Store
PO Box 188,
2280 Alberni Hyw.,
Coombs, BC., V0R1M0



Regional District of Naniamo
6300 Hammond Bay Rd.,
Naniamo, BC., V9T6N2

Attn: Ms Susan Commorie

Re: Response to Public Hearing for the relocation of Liquor Licence

Dear Ms. Commorie;

I would like to comment on the public hearing in writing (now that much of the emotion of the moment has subsided) and to clarify a few points.

We are currently awaiting the updated engineering report on the sewage disposal system's design parameters, once the house and related buildings are removed. As we tried to make clear at the hearing, this report will establish the maximum seating capacity of the pub. It is highly unlikely the property will support a capacity greater than our current 120 seat licence. In the event it did, cost constraints prevent going beyond this seating capacity. The current guesstimate is in the range of 85 seats. Once this maximum is established, parking and the eventual highway access improvements can be finalized. As the budget numbers for these items become clearer, a scaled down seating capacity will most likely result.

We have faith that concerns raised at the hearing regarding water supply, sewage treatment and how they may impact the neighbours will be adequately addressed by the professionals contracted to design these systems.

We believe the assumption traffic in the general area will dramatically increase is mistaken. Yes, there will be more traffic turning into the property. The recommendations of the Highways Department are meant to address this issue. Current pub customers routinely pass the property (coming and going). Truck traffic to the site will not change from the current two liquor deliveries and three food deliveries per week. If we are successful in our pressure on Highways to reduce the posted speed limit (and increase enforcement of this limit) the end result of our relocation may well improve safety in the area.

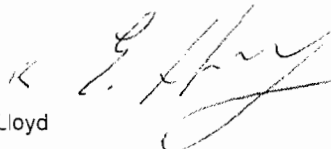
We feel most of the issues raised at the hearing were of a zoning nature. The locals feel this is a residential area, therefore unsuitable for a pub. Rural residential might be a more accurate description. Within a kilometre in either direction predominantly more business exist than residences. Those most affected by the possibility of a pub using this site, (the neighbours on both sides and the one across the highway) have had ten years to address this issue. To say there are better locations for this pub does not take into consideration that we explored all the options available (for sale or lease) and the only property meeting all the requirements was this one.

We are pleased we had the opportunity to hear the issues (particularly from the three neighbours directly affected). Aside from water and sewage treatment, traffic safety, noise and security are the remaining issues. Traffic we have commented on, noise we are addressing with design and construction modifications and the security issue is mainly with the adjoining property to the east, which we will address with fencing and landscape elements (in consultation with them).

Concerns or comments regarding our client base, aside from their political incorrectness and cultural insensitivity, are misguided. A new facility, with a Bistro focus, can only aid in broadening our customer base. Indeed, we will implement reduced patio hours to discourage unacceptable activity and aid in reducing our sound signature in the later evening hours.

We feel anything other than a positive recommendation to the Liquor Control Board is unacceptable. Anything causing further delays jeopardizes the viability of our business (which consensus supports in the Coombs area), jeopardizes the 20 jobs the pub provides, and jeopardizes the continuing support for local charities and clubs. The weather window for the installation of a sewage treatment system is rapidly closing. Relocation to the proposed property is the only option and construction must begin as soon as possible.

Thank you for your careful consideration.



Bob Lloyd

Frontiersman Pub and Liquor Store

From: Harry and Elaine Miller [ee.miller@shaw.ca]

Sent: Tuesday, August 04, 2009 12:39 AM

To: lwb@shaw.ca; gholme@shaw.ca

Cc: Cormie, Susan; Thompson, Paul

Subject: Lewkowich Engineering Associates Ltd. Study

Excuse me for being so picky, but **ANOTHER** error on the January 12, 2009 Engineering study:

Project: **2494** Alberni Highway is incorrect. This address is the existing house.

Also, item #1 states: "One is located at 2494 Alberni Highwaythe second well is located on the adjacent property (**2474** Alberni Highway). INCORRECT - wrong address!! 2474 is Veronica & Nathen Greene's address.

Elaine Miller

From: Mary Pat Thompson [mpstar55@telus.net]

Sent: Thursday, August 06, 2009 5:49 AM

To: cheryl.caldwell@gov.bc.ca; lwb@shaw.ca; gholme@shaw.ca; Cormie, Susan; Thompson, Paul; linda.sturtridge@gov.bc.ca

Cc: 'Sharon'

Subject: Frontiersman Pub

Attachments: _AVG certification_.txt; Good Evening.docx

Please find my presentation to the RDN public hearing re. the Frontiersman Pub attached to this e-mail.

Good Evening. I am pleased to be here and to have an opportunity to provide my perspective on the issue that we are addressing tonight-the relocation of the Frontiersman Pub.

By way of introduction to those who do not already know me, I have been a resident of Coombs, living on the same property on Schidler Road since 1978. I was a much younger person when I was privileged to acquire a stable property and home for my children. During my time on Schidler Road I raised three children and have seen numerous changes in conditions for better or worse to the Coombs community. I have done two extensive stints on the board of the C/H Volunteer Firefighters, held various offices in the Parent's group at French Creek School and operated a home business here for 10 years. I am currently an instructor at North Island College.

Coombs was a very free spirited and independent community when I first came here. When Coombs became a part of RDN land use regulations I was living and working away from the community and did not become aware of much of the changes that occurred. I knew that the zoning of my area now included a light industrial designation as well as residential (though it had been residential for a very long time, with a couple of businesses appearing) and made the assumption that sensitive planning was being done in accordance with the needs and wishes of community members (especially those who have paid taxes and worked for the good of the community over the years) When the issue of the pub relocation arose I was dismayed to find that the input of local residents with concerns about the relocation was not called for until tonight. In conversation with Bob Lloyd last month he made the statement that if he had known that there was going to be community reaction to his proposal he would not have chosen to locate and invest in the property that he did. My point is that I feel there needs to be a better focus on the human needs of people when making decisions that affect the everyday conduct of their lives. If we wish to live in an ethical inclusive society we must encourage the stability of families and communities-not only for ourselves but for others. .)

Every resident of this district should be aware of and concerned about the fact that we also do not have a comprehensive future plan to meet the needs of the residents and businesses for water. In the Coombs area we are dependent on wells and the aquifer that is being assaulted by development, largely without regard to the future. The draw down of this pub, not to mention the septic needs that would have to be accommodated on a relatively small property need intense scrutiny. Certainly, a public water system would facilitate development.

In addition, I have grave concerns about the traffic and highway access that would be available for this business. It is obvious in Coombs that there has been no

planning in regards to highway access for businesses and the nature of this particular business, the sale of alcohol, requires a focused thoughtful plan.

The designation of our neighborhood as light industrial/commercial residential needs to be balanced with what sort of business is permitted to operate. Certainly those with regular business hours do not pose the kind of problems that arise when a business operates until late at night or early morning every day of the week. As a drug and alcohol counselor I am fully aware of the dangers and difficulties that are prevalent around the sale of alcohol.

In conclusion, I must affirm that I wish Bob Lloyd well in his efforts to create happiness and the causes of happiness in his life and that of others. I wish him health and prosperity and I would hope that he is able to establish his business in a suitable location with plenty of room for patrons to enjoy, with clean manageable premises, with safety and harmony. I also hope that for those of us who are committed to living in our community and come home to houses that are near 2484/94 Alberni every night, that we may enjoy the continued use of our homes in peace and safety. I support the relocation of the Frontiersman Pub-but to a location that is well suited to the business.



RDN REPORT	
CAO APPROVAL	
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BOARD	✓ Aug 25 '09

MEMORANDUM

TO: Paul Thorkelsson
General Manager Development Services

DATE: August 18, 2009

FROM: Tom Armet
Manager, Building and Bylaw Services

FILE:

SUBJECT: Building Permit Processing Times

PURPOSE

To provide the Board with an update on the current status of building permit processing time in the Regional District of Nanaimo.

BACKGROUND

As the Board is aware, a significant drop in building permit revenues in the last quarter of 2008 and the first quarter of 2009 precipitated the elimination of three staff positions in the building inspection service area. Development activity in the RDN rose sharply in May-June and the pace of applications for building permits similarly increased. In July, two building inspectors unexpectedly left the department on extended sick leave creating a significant impact on department operations. At that time, a small number of permits faced a significant delay in processing and speculation arose that the permit processing time could be as high as 10 to 12 weeks in the RDN. The 12 week figure appears to have grown a life of its own, been propagated by some local industry groups and, as a result, generated considerable distress within the construction industry and media attention.

Currently, the Building Department has received 426 permit applications to date compared to 491 permits in 2008. These permits represent an overall value of construction of \$36 million in contrast to \$54 million for the same period last year. This is a significant situation with remaining implications on the budget for this service area. Although permit application activity has remained brisk in the second half of 2009, this activity has not translated into corresponding increases to revenue. It appears this is attributable to larger number of smaller and lower value projects being undertaken within the building inspection service area this year.

To address the reduced staffing levels and vigorous permit activity levels, a number of internal adjustments were made and some staff are working overtime to conduct inspections and process permit applications. This is a short term, non-sustainable approach until such time as staffing levels return to normal.

DISCUSSION

In response to the recent media coverage and comments made by industry representatives staff have undertaken a review of our building permit files to determine the turn-around times individually and as an average. The data for this review was retrieved from our permitting database (CityView) as of the February implementation and is influenced by factors such as staff availability and project complexity. The following table illustrates the month by month average turn-around times on all classes of building permits.

February	March	April	May	June	July
5.5 weeks	5.5 weeks	5.2 weeks	5.3 weeks	5.2 weeks	4 weeks

As is the case with any averaging of data there are always ‘outliers’ in the data pool. This is certainly the case here as there are permits that have significantly shorter or longer processing times - some permits are taking 7 to 8 weeks to process while relatively minor permits are being issued within 2 weeks. Typically permits that are taking significantly longer than the average to process are more complex and/or have particular application specific issues that need to be considered during review. Building Department staff are tracking permits in process carefully to ensure processing is occurring as quickly and efficiently as possible. In addition, staff are working with applicants to ensure that complete applications are being received, further limiting the possibility of delays in the processing of permits.

Although our permit processing time has, in some instances been delayed, a 10 to 12 week turn-around time is not representative of permit processing time at the RDN. Delays to some permits have occurred, however staff are working diligently to limit delays and ensure processing occurs as quickly as possible during this challenging period.

ALTERNATIVES

This report is presented for Board information only.

FINANCIAL IMPLICATIONS

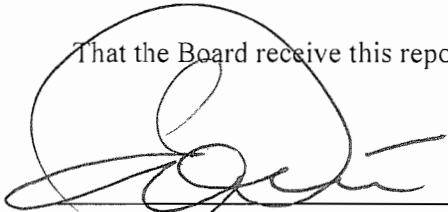
There are no financial implications in receiving this report.

CONCLUSION


As the Board is aware, the Building Department has been experiencing delays in the processing of permit applications as a result of recent unexpected staff shortages during a period of increased building permit activity. The building community and general public has expressed concern that building permit approvals are taking up to 12 weeks and the issue has been widely reported in the print media. A review of our permit turn-around times has confirmed in some cases approvals are taking 7 to 8 weeks with averages in the range of 5 weeks.

RECOMMENDATION

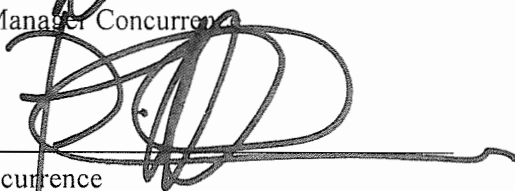
That the Board receive this report on the current status of Building Permit wait times for information.



Report Writer



General Manager Concurrence



CAO Concurrence