

**REGIONAL DISTRICT OF NANAIMO**

**REGULAR BOARD MEETING  
TUESDAY, OCTOBER 26, 2010  
7:00 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

- 1. CALL TO ORDER**
  - 2. DELEGATIONS**
  - 3. BOARD MINUTES**  
10 - 19 Minutes of the regular Board meeting held September 21, 2010 and the Special Board meeting held October 12, 2010.
  - 4. BUSINESS ARISING FROM THE MINUTES**
  - 5. COMMUNICATIONS/CORRESPONDENCE**  
20 - 22 **Dave Cunningham, Telus**, re City of Nanaimo Proposed 911 Call Answer Levy.  
23 - 24 **David Farnes, Canadian Wireless Telecommunications Association**, re City of Nanaimo Proposed 911 Call Answer Levy.  
25 **A. Laudadio**, re Development Permit with Variances Application No. PL2010-109 – Fern Road Consulting Ltd. – Mariner Way – Area ‘G’.  
26 **B. Morrow**, re Development Permit with Variances Application No. PL2010-109 – Fern Road Consulting Ltd. – Mariner Way – Area ‘G’.  
27 **Donna Smith, District of Lantzville**, re Request to Renew Service Agreements.
  - 6. UNFINISHED BUSINESS**
- BYLAWS**
- Public Hearing & Third Reading.**
- 28 - 32 **Report of the Public Hearing held October 18, 2010 on Bylaw No. 500.363 - Timberlake Jones Engineering Ltd. – 1790 Claudet Road – Area ‘E’.** (Electoral Area Directors except EA ‘B’ – One Vote)

1. *That the Report of the Public Hearing held October 18, 2010 on Bylaw No. 500.363 be received.*
2. *That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.363, 2010" be read a third reading.*

This bylaw rezones the Area 'E' subject property from Resource Management 3 (RM3), Subdivision District 'B' to Rural 5 (RU5), Subdivision District 'CC' to permit a 2 lot subdivision.

33 - 60

**Report of the Public Hearing held October 7, 2010 on Bylaw No. 500.355 - Keith Brown & Associates - Fielding Road - Area 'A'.** (Electoral Area Directors except EA 'B' – One Vote)

1. *That the Report of the Public Hearing held October 7, 2010 on Bylaw No. 500.355 be received.*
2. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.355, 2010" be read a third reading.*

This bylaw rezones the Area 'A' subject property from Residential 2 (RS2) to Industrial I (IN 1) to permit a light industrial development.

#### **For Adoption.**

##### **Whiskey Creek Water Service**

**Bylaw No. 1605 – Establishes the Whiskey Creek Water Service in a Portion of Area 'F'.** (All Directors – One Vote)

*That the "Whiskey Creek Water Service Establishment Bylaw No. 1605, 2010" be adopted.*

**Bylaw No. 1606 – Authorizes Borrowing in Relation to the Whiskey Creek Water Service.** (All Directors – Weighted Vote)

*That the "Whiskey Creek Water Service Loan Authorization Bylaw No. 1606, 2010" be adopted.*

##### **Southern Community Restorative Justice Contribution Service**

**Bylaw No. 1490.01 – Amends the Southern Community Restorative Justice Contribution Service by Adding Victim Services and Increasing the Requisition Limit.** (All Directors – One Vote)

*That the "Southern Community Restorative Justice and Victims Services Support Service Amendment Bylaw No. 1490.01, 2010" be adopted.*

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

**7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE**

61 - 63 Minutes of the Electoral Area Planning Committee meeting held October 12, 2010.  
(for information)

**COMMUNICATIONS/CORRESPONDENCE**

**Linda Addison, re OCP Amendment to Support Zoning Amendment Application No. PL2009-778 – Addison – 2610 Myles Lake Road – Area ‘C’.** (All Directors – One Vote)

*That the correspondence from Linda Addison be received.*

**PLANNING**

***AMENDMENT APPLICATIONS***

**OCP Amendment to Support Zoning Amendment Application No. PL2009-778 – Addison – 2610 Myles Lake Road – Area ‘C’.** (Electoral Area Directors except EA ‘B’ – One Vote)

*That this application be deferred to the November 9, 2010 Electoral Area Planning Committee.*

***DEVELOPMENT PERMIT APPLICATIONS***

**Development Permit Application No. PL2010-164 – Empey – 2618 East Side Road – Area ‘H’.** (Electoral Area Directors except EA ‘B’ – One Vote)

- 1. That the 4<sup>th</sup> paragraph in Schedule No. 1 be deleted.*
- 2. That Development Permit Application No. PL2010-164, to permit fill to be placed within 15 metres of the natural boundary of Horne Lake, be approved pursuant and subject to the conditions outlined in revised Schedules No. 1 – 3, as amended.*

***DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS***

**Development Permit with Variances Application No. PL2010-109 – Fern Road Consulting Ltd. – Mariner Way – Area ‘G’.** (Electoral Area Directors except EA ‘B’ – One Vote)

**Delegations wishing to speak to Development Permit with Variance Application No. PL2010-109.**

1. *That the request to vary the minimum setback from the interior side lot line be denied.*
2. *That Development Permit with Variance and Site Specific Exemption Application No. PL2010-109 to permit the construction of a dwelling unit with a variance to the height be approved subject to the conditions outlined in Schedules No. 1- 3.*

#### **DEVELOPMENT VARIANCE PERMIT APPLICATIONS**

**Development Variance Permit Application No. PL2010-173 – JE Anderson & Associates – 2257 & 2291 Yellow Point Road – Area ‘A’.** (Electoral Area Directors except EA ‘B’ – One Vote)

**Delegations wishing to speak to Development Variance Permit Application No. PL2010-173.**

*That Development Variance Permit Application No. PL2010-173 to relax the minimum setback requirements for nine existing greenhouses be approved subject to the conditions outlined in Schedule No. 1.*

**Development Variance Permit Application No. PL2010-188 – Fern Road Consulting Ltd. – 1969 Seahaven Road – Area ‘E’.** (Electoral Area Directors except EA ‘B’ – One Vote)

**Delegations wishing to speak to Development Variance Permit Application No. PL2010-188.**

*That Development Variance Permit Application No. PL2010-188 to permit the construction of a dwelling unit with height and setback variances be approved subject to the conditions outlined in Schedules No. 1- 3.*

#### **OTHER**

**Request for Frontage Relaxation on Subdivision Application No. PL2010-141 – JE Anderson & Associates – 1954 & 1984 Shasta Road – Area ‘A’.** (Electoral Area Directors except EA ‘B’ – One Vote)

*That the request to relax the minimum 10% perimeter frontage requirements for proposed Lot 1 be approved.*

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

64 - 67

Minutes of the Committee of the Whole meeting held October 12, 2010. (for information)

## ***FINANCE AND INFORMATION SERVICES***

### **FINANCE**

#### **Proposed Fire Services Advisory Committee.** (All Directors – One Vote)

- 1. That the Board establish an advisory committee to be known as the Electoral Areas Fire Services Advisory Committee.*
- 2. That the terms of reference attached to this report be approved in principle and be forwarded to the first meeting of the Committee for review.*

#### **Bylaw 1259.06 – Amends Select Planning Services Fees.**

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

- 1. That "Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.06, 2010" be introduced and read three times.*

(Electoral Area Directors except EA ‘B’ – 2/3 Weighted)

- 2. That "Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.06, 2010" be adopted.*

## ***DEVELOPMENT SERVICES***

### **PLANNING**

#### **Final Report on Green Building Speakers’ Series & Green Skyline Tour.** (All Directors – One Vote)

*That this report be received for information.*

#### **Energy Manager’s Update.** (Chris Midgley – verbal report)

## ***REGIONAL AND COMMUNITY UTILITIES***

### **WASTEWATER**

#### **Liquid Waste Management Planning Service – Educational Awareness Program for the Disposal of Residential Chemicals.** (All Directors – One Vote)

*That the staff report on the Residential Source Control Awareness Program for the disposal of residential chemicals be received for information.*

**Bylaws No. 813.46, 889.58 and 1062.03 – Extend the Boundaries of the French Creek & Northern Community Sewer Services and the French Creek Village Streetlighting Service to Include Area ‘G’ Properties (516 and 564 Wembley Road).** (All Directors – One Vote)

1. *That "French Creek Sewerage Facilities Local Service Boundary Amendment Bylaw No. 813.46, 2010" be introduced and read three times.*
2. *That "Regional District of Nanaimo Northern Community Sewer Local Service Boundary Amendment Bylaw No. 889.58, 2010" be introduced and read three times.*
3. *That "French Creek Village Streetlighting Service Boundary Amendment Bylaw No. 1062.03, 2010" be introduced and read three times.*

**WATER**

**French Creek Water Service - Release of Reserve Funds for Well Redevelopment Project.** (All Directors – One Vote)

*That the expenditure of up to \$40,000 from French Creek reserves for the redevelopment of French Creek Well #7 be approved.*

**Drinking Water & Watershed Protection Service – Innovative Options & Opportunities for Water Use and Re-Use Integration.** (All Directors – One Vote)

*That the Board receive the Innovative Options and Opportunities for Water Use and Re-Use Integration staff report for information.*

**COMMISSION, ADVISORY & SELECT COMMITTEE**

**District 69 Recreation Commission.** (Parksville, Qualicum Beach, EA’s ‘E’, ‘F’ ‘G’ & ‘H’ – Weighted Vote)

1. *That the minutes of the District 69 Recreation Commission meeting held September 16, 2010 be received for information.*
2. *That the Qualicum and District Curling Club’s funding request of \$25,000 from the District 69 Recreation Community Grant program be denied.*
3. *That the Qualicum and District Curling Club be advised that there may be favourable financing available through the Municipal Finance Authority (MFA) as the facility is owned by the Town of Qualicum Beach.*
4. *That the Qualicum and District Curling Club’s funding request be referred back to staff for consideration in the upcoming budget deliberations.*

**Electoral Area ‘A’ Parks, Recreation and Culture Commission.** (All Directors – One Vote)

1. *That the minutes of the Electoral Area ‘A’ Parks, Recreation and Culture Commission meeting held September 15, 2010 be received for information.*
2. *That the \$48,000 funding request from the Cedar Community Hall Board for hall improvements be referred to staff for a report on funding options with consideration given to recreation and parks budget priorities in Electoral Area ‘A’.*
3. *That Regional District staff meet with School District 68 administration and discuss land tenure options in order to develop a community park and playground in Cassidy at the original Waterloo School site.*

**Regional Agricultural Advisory Committee.** (All Directors – One Vote)

*That the minutes of the Regional Agricultural Advisory Committee meeting held September 24, 2010 be received for information.*

**Sustainability Select Committee.** (All Directors – One Vote)

1. *That the minutes of the Sustainability Select Committee meeting held September 15, 2010 be received for information.*
2. *That the Board approve the Green Building Action Plan as presented.*

**7.3 EXECUTIVE STANDING COMMITTEE**

**7.4 COMMISSIONS**

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

68 - 69 **Grants-in-Aid Advisory Committee.**

Minutes of the Grants-in-Aid Advisory meeting held October 13, 2010. (for information)

**District 68** (Nanaimo, Lantzville, EAs ‘A’, ‘B’, ‘C’ – Weighted Vote)

*That the following grants be awarded:*

<i>Name of Organization</i>	<i>Amount Recommended</i>
<i>Gabriola Island Community Hall Association</i>	<i>\$ 1,350</i>
	<i><u>\$ 1,350</u></i>

*That the remaining funds from the District 68 General Grants-in-Aid 2010 Budget totalling \$3,678, be carried over to the 2011 Budget.*

**District 69** (Parksville, Qualicum Beach, EAs 'E', 'F', 'G' 'H' – Weighted Vote)

*That the following grants be awarded:*

<b><i>Name of Organization</i></b>	<b><i>Amount Recommended</i></b>
<i>Errington Elementary School Parent Advisory Committee</i>	<i>\$ 1,000</i>
<i>Forward House Community Society</i>	<i>\$ 800</i>
<i>Nanoose Bay Catspan</i>	<i>\$ 1,500</i>
<i>Oceanside Building Learning Together Society</i>	<i>\$ 3,200</i>
<i>Oceanside Community Network</i>	<i>\$ 750</i>
<i>Parksville &amp; District Association for Community Living</i>	<i><u>\$ 2,380</u></i>
	<i><u>\$ 9,630</u></i>

**Emergency Management Select Committee.** (All Directors – One Vote)

70 - 90

Minutes of the Emergency Management Select Committee meeting held October 19, 2010. (for information)

- 1. That the Emergency Management Select Committee Terms of Reference be amended to include the Municipal Director from the District of Lantzville as a member of the Committee.*
- 2. That Director Haime be appointed by the Board Chairperson as a member of the Emergency Management Select Committee.*
- 3. That staff be directed to prepare an application to the Investment Agriculture Foundation of British Columbia for funding to conduct a Farm Animal Mass Carcass Disposal Plan table top exercise.*
- 4. That the Joint Emergency Preparedness Program applications be approved and signed.*

(All Directors – Weighted Vote)

- 5. That the Emergency Reception Center License of Use Agreement between the Regional District of Nanaimo and the Cedar Community Association for a five (5) year term, commencing November 1, 2010 and ending October 31, 2015, be approved.*
- 6. That the Emergency Receipt Center License of Use Agreement between the Regional District of Nanaimo and the Lighthouse Community Center Society for a five (5) year term, commencing November 1, 2010 and ending October 31, 2015, be approved.*

**8. ADMINISTRATOR'S REPORTS**

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RDN Energy (Electricity) Policy. (All Directors – One Vote)



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

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

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE REGULAR MEETING OF THE BOARD  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, SEPTEMBER 21, 2010 AT 7:00 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

Director J. Stanhope	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director E. Mayne	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director J. Ruttan	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director J. Kipp	City of Nanaimo
Director D. Johnstone	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. Sherry	City of Nanaimo

**Also in Attendance:**

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

**DELEGATIONS**

**Eileen Leachman, Qualicum & District Curling Club, re Support for Funding Request.**

Ms. Leachman was not in attendance.

**LATE DELEGATIONS**

MOVED Director Holme, SECONDED Director Biggemann, that one late delegation be permitted to address the Board.

CARRIED

**Charles Verne, re Acquisition of Whiskey Creek Water Works – Request for Exemption from Parcel Tax and User Fees.**

Mr. Verne requested exemption from the parcel tax and user fees since he is not connected to the system.

**BOARD MINUTES**

MOVED Director McNabb, SECONDED Director Johnstone, that the minutes of the regular Board meeting held August 24, 2010 be adopted.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**Laurie Gourlay, President, MISSI, re Nanaimo Airport Lands.**

MOVED Director Holme, SECONDED Director Burnett, that the correspondence from Laurie Gourlay be received.

CARRIED

**UNFINISHED BUSINESS**

**BYLAWS**

**Public Hearing & Third Reading.**

**Report of the Public Hearing held September 8, 2010 on Bylaw No. 500.357 – Maibach - 2115 South Wellington Road - Area ‘A’.**

MOVED Director Burnett, SECONDED Director Young, that the Report of the Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held September 8, 2010 as a result of public notification of “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.357, 2010” be received.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that Schedule No. 1 be amended to add the words “and areas where heavy machinery will be parked” after the word “pit” in the 3<sup>rd</sup> condition.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.357, 2010” be given 3<sup>rd</sup> reading, as amended.

CARRIED

**Report of the Public Hearing held September 8, 2010 on Bylaw No. 500.358 – Atkey and Polgari - 2800 Kilpatrick Road - Area ‘C’.**

MOVED Director Young, SECONDED Director Burnett, that the Report of the Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held September 8, 2010 as a result of public notification of “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.358, 2010” be received.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.358, 2010” be given 3<sup>rd</sup> reading.

CARRIED

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

**ELECTORAL AREA PLANNING STANDING COMMITTEE**

MOVED Director Bartram, SECONDED Director Holme, that the minutes of the Electoral Area Planning Committee meeting held September 14, 2010, be received for information.

CARRIED

**PLANNING**

***AMENDMENT APPLICATIONS***

**Bylaw No. 500.363 for Zoning Amendment Application No. PL2009-751 – Timberlake Jones Engineering Ltd. – 1790 Claudet Road – Area ‘E’.**

MOVED Director Holme, SECONDED Director Bartram, that Application No. PL2009-751 to rezone the subject property from Resource Management 3 (RM3) Subdivision District 'B' to Rural 5 (RU5) Subdivision District 'CC' be approved subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.363, 2010" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.363, 2010" be delegated to Director Holme or his alternate.

CARRIED

***DEVELOPMENT PERMIT APPLICATIONS***

**Development Permit Application No. PL2010-121 – David Ingram & Rebekah Baldwin – 886 Terrien Way – Area ‘G’.**

MOVED Director Bartram, SECONDED Director Holme, that Development Permit Application No. PL2010-121, to permit the construction of an addition to an existing dwelling unit, be approved subject to the conditions outlined in Schedules No. 1 - 3.

CARRIED

**Development Permit Application No. PL2010-130 – Robert Hill – San Malo Crescent – Area ‘G’.**

MOVED Director Bartram, SECONDED Director Holme, that the application for Development Permit No. PL2010-130, to permit the construction of a single dwelling unit be approved subject to the conditions outlined in Schedules No. 1-3.

CARRIED

**Development Permit Application No. PL2010-146 & Request for Frontage Relaxation – Fern Road Consulting Ltd. – Miller Road Strata – Area ‘G’.**

MOVED Director Bartram, SECONDED Director Holme, that Development Permit Application No. PL2010-146, in conjunction with a six lot bare land strata conversion subdivision be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that the request to relax the minimum 10% perimeter frontage requirements for proposed Lots B, C and D be approved.

CARRIED

**OTHER**

**Bylaws No. 500.346, 500.359, 500.360, 500.361 and 500.362 - Electoral Area ‘G’ Official Community Plan Implementation.**

MOVED Director Bartram, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.346, 2008" be removed from the table.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.346, 2008" be abandoned.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.359, 2010" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.360, 2010" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.361, 2010" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.362, 2010" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that staff proceed with the consultation strategy outlined in the staff report prior to the public hearing.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaws No. 500.359, 500.360, 500.361 and 500.362, 2010 proceed to public hearing and be delegated to Director Stanhope or his alternate.

CARRIED

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

MOVED Director Holme, SECONDED Director Bestwick, that the minutes of the Committee of the Whole meeting held September 14, 2010, be received for information.

CARRIED

## **FINANCE AND INFORMATION SERVICES**

### *FINANCE*

**Bylaws No. 1607, 1608 & 1609 - Establishes Reserve Funds for the San Pareil Water Service, the Drinking Water & Watershed Protection Service and the Area 'G' Community Parks Service.**

#### **San Pareil Water Service.**

MOVED Director Holme, SECONDED Director Bartram, that "San Pareil Water Capital Reserve Fund Establishment Bylaw No. 1607, 2010" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that "San Pareil Water Capital Reserve Fund Establishment Bylaw No. 1607, 2010" be adopted.

CARRIED

#### **Drinking Water & Watershed Protection Service.**

MOVED Director Holme, SECONDED Director Bartram, that "Drinking Water and Watershed Protection Reserve Fund Establishment Bylaw No. 1608, 2010" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that "Drinking Water and Watershed Protection Reserve Fund Establishment Bylaw No. 1608, 2010" be adopted.

CARRIED

#### **Area 'G' Community Parks Service.**

MOVED Director Holme, SECONDED Director Bartram, that "Electoral Area 'G' Community Parks Reserve Fund Establishment Bylaw No. 1609, 2010" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that "Electoral Area 'G' Community Parks Reserve Fund Establishment Bylaw No. 1609, 2010" be adopted.

CARRIED

## **REGIONAL AND COMMUNITY UTILITIES**

### *ENGINEERING*

#### **Streetlighting Services - Proposed Expansion Policy.**

MOVED Director Bartram, SECONDED Director Holme, that this item be referred to the servicing service bylaw process.

CARRIED

***WATER***

**Final Report - 2010 Toilet Replacement Incentive Program.**

MOVED Director Holme, SECONDED Director Johnstone, that the Board receive the Toilet Replacement Incentive Program Update report for information.

CARRIED

**Proposed Whiskey Creek Water Service - Request for Exemption from Parcel Tax and User Fees.**

MOVED Director Biggemann, SECONDED Director Burnett, that the request for exclusion of 874 Carson Road from the proposed Whiskey Creek Water Service area be denied.

CARRIED

**Bylaws No. 1605 & 1606 - Establish the Whiskey Creek Water Service in a Portion of Area 'F' & Authorize Borrowing in Relation to the Service.**

MOVED Director Biggemann, SECONDED Director Holme, that the Board approve the acquisition of the Whiskey Creek Water System and adjustment of the 2011 water and sewer utilities budgets to include an additional utility technician position effective July 2011 to accommodate additional operation and maintenance requirements associated with the Whiskey Creek Water Service and the Nanoose Bay Peninsula Water Treatment Plant.

CARRIED

MOVED Director Biggemann, SECONDED Director Johnstone, that the "Whiskey Creek Water Service Establishment Bylaw No. 1605, 2010" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Biggemann, SECONDED Director Holme, that the "Whiskey Creek Water Service Loan Authorization Bylaw No. 1606, 2010" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

**TRANSPORTATION AND SOLID WASTE SERVICES**

***SOLID WASTE***

**Solid Waste Disposal Service - Award of Contract for Bird Control at the Regional Landfill.**

MOVED Director Westbroek, SECONDED Director Holdom, that the Board award the contract for bird control services at the Regional Landfill to PK Bird Control Services for a period of two years commencing November 1, 2010 at a total cost of \$347,730.

CARRIED

**Solid Waste Collection & Recycling Service - Review of Glass Drop-Off Options.**

MOVED Director Westbroek, SECONDED Director Johnstone, that drop-off locations for non-deposit container glass be provided at the Church Road Transfer Station, the Parksville Bottle & Recycling Depot, the Nanaimo Recycling Exchange, Gabriola Island Recycling Organization and the Regional Landfill.

CARRIED

**NEW BUSINESS**

**Transporting Animals in the Front Seat of Vehicles.**

MOVED Director Holme, SECONDED Director Johnstone, that this item be removed.

CARRIED

**ADMINISTRATOR'S REPORTS**

**Bylaw No. 1611 - Establishes a Call Answer Levy for the District 68 E-911 Call Service.**

MOVED Director Burnett, SECONDED Director Bestwick, that "911 Call Answer Levy Bylaw No. 1611, 2010" be introduced and read three times.

DEFEATED

**NEW BUSINESS**

**Qualicum & District Curling Club, re Support for Funding Request.**

This issue will be coming forward to the October Committee of the Whole meeting.

**Pacific Carbon Trust – Option for Financial Reserves.**

MOVED Director Westbroek, SECONDED Director Holdom, that staff investigate alternate methods of placing carbon offset money from carbon neutral operation requirements into reserves for GHG and carbon reduction projects within the RDN.

CARRIED

**Bylaw No. 1611 - Establishes a Call Answer Levy for the District 68 E-911 Call Service.**

Director Holdom asked that staff look at leveling the playing field between land line and cell phone companies for the 911 Call Service levy and to reconsider setting set aside the taxation issue.

**UBCM – Small Water Systems Working Group**

MOVED Director Holme, SECONDED Director Burnett, that Director Bartram be nominated as a Local Government representative to sit on the UBCM Small Water Systems Working Group.

CARRIED



**ADJOURNMENT**

MOVED Director Holme, SECONDED Director Johnstone, that pursuant to Sections 90(1)(e) and (g) of the Community Charter the Board proceed to an In Camera meeting to consider items related to land and legal issues.

CARRIED

TIME: 7:47 PM

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CHAIRPERSON

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SR. MGR., CORPORATE ADMINISTRATION

**REGIONAL DISTRICT OF NANAIMO**  
**MINUTES OF THE SPECIAL BOARD**  
**MEETING HELD ON TUESDAY, OCTOBER 12, 2010 AT 7:38 PM**  
**IN THE RDN BOARD CHAMBERS**

**Present:**

Director D. Bartram	Chairperson
Director J. Burnett	Electoral Area A
Director G. Rudischer	Electoral Area B
Director M. Young	Electoral Area C
Alternate	
Director F. Van Eynde	Electoral Area E
Director L. Biggemann	Electoral Area F
Alternate	
Director L. Derkach	Electoral Area G
Director E. Mayne	City of Parksville
Alternate	
Director J. Wilson	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director J. Ruttan	City of Nanaimo
Alternate	
Director M. Unger	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director J. Kipp	City of Nanaimo
Director D. Johnstone	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. Sherry	City of Nanaimo

**Also in Attendance:**

P. Thorkelsson	A/C Chief Administrative Officer
M. Pearse	Senior Manager, Corporate Administration
N. Avery	General Manager, Finance & Information Services
J. Finnie	General Manager, Regional & Community Utilities
D. Trudeau	General Manager, Transportation & Solid Waste
T. Osborne	General Manager, Recreation & Parks
N. Hewitt	Recording Secretary

**COMMUNICATIONS/CORRESPONDENCE**

**Brent Strank, re Development Variance Permit Application No. PL2009-805 – Fern Road Consulting Ltd. – 6360 Island Highway West – Area ‘H’.**

MOVED Director Ruttan, SECONDED Director Biggemann, that the correspondence from Brent Strank be received.

CARRIED

## **DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS**

### **Development Permit with Variances Application No. PL2010-080 – Philip Muise – Elm Road – Area ‘A’.**

Mr. Muise spoke in support of his application.

MOVED Director Burnett, SECONDED Director Young, that Development Permit with Variance Application No. PL2010-080 to permit the construction of a single dwelling unit be approved subject to the conditions outlined in Schedules No. 1-3.

CARRIED

## **DEVELOPMENT VARIANCE PERMIT APPLICATIONS**

### **Development Variance Permit Application No. PL2009-805 – Fern Road Consulting Ltd. – 6360 Island Highway West – Area ‘H’.**

Mr. Strank of 3874 Charlton Drive voiced concerns with respect to the application and the watercourse flowing into his property.

MOVED Director Burnett, SECONDED Director Wilson, that the amendment to Development Variance Permit Application No. PL2009- 805 be referred back to staff.

CARRIED

## **ADMINISTRATOR’S REPORTS**

### **Southern Community Transit Service – Special Event Busing Request from VIU.**

MOVED Director Burnett, SECONDED Director Ruttan, that the application made by Vancouver Island University for the RDN to provide free bus service between the hours of 9:30am and 2:30pm to and from the VIU campus on "The Power to Change Day", October 21, 2010, be approved.

CARRIED

## **NEW BUSINESS**

### **Rabbits – Electoral Area ‘F’.**

MOVED Director Biggemann, SECONDED Director Young, that a letter be written to the Ministry of Environment with respect to the rabbits being released on property in Electoral Area ‘F’.

CARRIED

## **ADJOURNMENT**

MOVED Director Burnett, SECONDED Director Van Eynde, that pursuant to Sections 90(1)(e) of the Community Charter the Board proceed to an In Camera meeting to consider items related to land issues.

CARRIED

TIME: 7:45 PM

---

CHAIRPERSON

---

SR. MGR., CORPORATE ADMINISTRATION



Dave Cunningham  
VP Government Relations

CAO'S OFFICE		
CAO	GMR&PS	
GMDS	GMT&SWS	
GMF&IS	GMR&CS	
OCT 18 2010		
SMCA	BOARD	
CHAIR		

TELUS  
3, 555 Robson Street  
Vancouver, British Columbia  
Canada V6B 3K9  
telus.com  
604 697 8043 Telephone  
604 431 6758 Facsimile  
dave.cunningham@telus.com

September 23, 2010

Mayor John Ruttan and Members of Council  
City of Nanaimo  
455 Wallace Street  
Nanaimo, BC V9R 5J6  
Canada

Dear Mayor Ruttan and Members of Council:

I am writing to express our deep concern with draft By-law No. 7114, which proposes the introduction of a call answer levy to recover the costs of providing 911 service in the City of Nanaimo.

While we at TELUS recognize and understand your desire to recover costs associated with the delivery of 911 service, there is critical information the City of Nanaimo should be aware of before Council gives final approval to this By-law on October 4.

Overall, we are deeply concerned that approaching this on a municipal basis would be extraordinarily difficult and costly to administer, particularly if other municipalities adopt different levies of their own. A provincial approach – as has been taken in Quebec, Nova Scotia, PEI, New Brunswick and Saskatchewan – is much easier to administer as we already have systems in place to deal with variances in taxation and other charges among the provinces.

Indeed, many members of our industry, including but not limited to new wireless companies and smaller Voice-over IP providers, will presumably be affected by this proposed by-law, and may not even be aware of the proposed change or have sufficient time to implement it. Moreover, the proposed change also affects other neighbouring municipalities. While we can only speak to our own situation, we believe most carriers would face the following challenges (technical or otherwise):

1. **Our systems are not set up to enable levies to be charged on a municipal basis. Developing a billing system to administer a municipal 911 levy could potentially cost in excess of \$500,000.**
  - o TELUS does not currently have the systems in place that would allow us to administer a 911 levy on a municipal basis, as proposed in the by-law.
  - o To be able to administer a municipal or regional levy, we would need to build a special billing system for the affected municipality.
  - o A preliminary estimate suggests the cost could be in excess of \$500,000. It would also likely take at least a year to build such a system, assuming the necessary technical support was readily available for the project.
  - o The estimated \$.07 in the proposed rate that TELUS would receive for billing and collection of this fee is not anticipated to be enough to cover the costs of administering the fee.

2. **It may not be possible to accurately identify which of our customers are residents of the affected municipality, in order to charge the levy to the right residents.**
  - We do not have systems in place to break out our customers by municipality.
  - Billing addresses are not necessarily an accurate indicator of where a customer resides. In fact, the vast majority of wireless customers do not receive a paper bill at all.
  - The 250 area code is too broad to be able to break out which numbers belong to residents of Nanaimo as opposed to a neighbouring municipality.
  - It is also unclear how we would deal with pre-paid subscribers (who pay upfront, not on a monthly basis) on either the monthly levy or the \$30 fee.
  
3. **There are many complicating issues with instituting a \$30 charge per 911 call, including the possibility it could deter people from calling 911.**
  - If we are technically unable to implement a 911 levy within the timelines set out in the by-law, the default appears to be that we would be charged \$30 per 911 call made by our customers.
  - Given other such taxes and levies are passed on to service-providers' customers, we would need to provide appropriate notice to our customers of this potential new charge.
  - We are very concerned that this \$30 charge will deter people from calling 911, particularly in situations where they assume someone else has already done so, such as traffic accidents.
  - Some of the calls could be made by tourists or other customers that do not reside in Nanaimo and take issue with having to pay a levy instituted by your municipality.
  
4. **We believe a province-wide approach makes much more sense, and we extend an offer of assistance to work with your municipality and the Union of BC Municipalities to work with the provincial government for province-wide legislation.**
  - This would prevent the emergence of a costly patchwork of different systems for different municipalities, which would not only be an administrative nightmare but also needlessly expensive.
  - At the end of the day, it will be your taxpayers and our customers who shoulder the burden of that excess administration so it is within all of our interests to keep the administration of a 911 levy as efficient as possible.
  
5. **We need clarity on how this proposed levy interfaces with your request to increase the 911 levy on wireline customers.**
  - We are uncertain how this new charge would affect the increase being requested with regard to the levy on wireline customers.

Ultimately, we seek the most practical solution that would be in the best interests of affected residents, small business owners, local government, and carriers responsible for the administration of such levies.

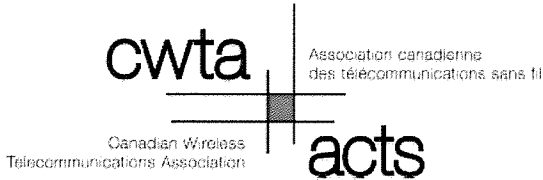
To this end, we strongly urge you to defer this By-law so we can work out some of the issues identified in this letter, as well as work with the UBCM and the Province on a province-wide solution that would work for all municipalities and taxpayers in BC.

Sincerely,



Dave Cunningham

cc: Hon. Michael de Jong, Attorney General and Acting Solicitor General and Minister of Public Safety  
David Morhart, Deputy Solicitor General and Deputy Minister of Public Safety  
Hon. Ben Stewart, Minister of Community and Rural Development  
Dale Wall, Deputy Minister of Community and Rural Development  
Bernard Lord, President and CEO, Canadian Wireless Telecommunications Association  
Gary MacIsaac, Executive Director, Union of BC Municipalities  
Chair and Board, Regional District of Nanaimo  
Carol Mason, Chief Administrative Officer, Regional District of Nanaimo  
Chair and Board, Cowichan Valley Regional District  
Warren Jones, Chief Administrative Officer, Cowichan Valley Regional District  
Al Kenning, City Manager, City of Nanaimo



CAO'S OFFICE			
CAO	<input checked="" type="checkbox"/>	GMR&PS	<input type="checkbox"/>
GMDS	<input type="checkbox"/>	GMT&SWS	<input type="checkbox"/>
GMF&IS	<input type="checkbox"/>	GMR&CS	<input type="checkbox"/>
OCT 18 2010			
SMCA	<input type="checkbox"/>	BOARD	<input checked="" type="checkbox"/>
CHAIR	<input type="checkbox"/>	Info	<input type="checkbox"/>

September 29, 2010

Mayor John Ruttan and Members of Council  
 City of Nanaimo  
 455 Wallace Street  
 Nanaimo, British Columbia V9R 5J6

Dear Mayor Ruttan and Members of Council:

I am writing to echo the concerns expressed by TELUS with respect to draft By-law No. 7114, which proposes to introduce a call answer levy intended to fund the provision of 9-1-1 call taking and fire dispatch services in the City of Nanaimo.

The Canadian Wireless Telecommunications Association (CWTA) is the authority on wireless issues, developments and trends in Canada. It represents cellular, PCS, messaging, mobile radio, fixed wireless and mobile satellite carriers as well as companies that develop and produce products and services for the industry.

We recognize the challenges local governments face when working to provide funding for services like 9-1-1, but a scenario where individual municipalities act on their own would create an unworkable administrative nightmare.

Some specific technical issues include:

- The billing systems of our members are not configured to apply fees or charges on a municipal basis
- It is not likely to be possible to properly identify which customers are residents of the applicable municipality
- There is no mechanism to apply a municipal levy on prepaid customers

Furthermore, CWTA believes there are many complications with the introduction of a per-call \$30 charge for every call placed to 9-1-1, including charging for calls placed by non-residents.

We believe a province-wide approach—such as has been implemented in New Brunswick, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan—avoids technical limitations of the telecommunications networks, provides greater transparency and equity for residents and wireless subscribers across the province, and is much simpler to administer for industry and governments.

We therefore request you to defer this By-law so that we may work with the UBCM and the Province on a province-wide solution that would work for all municipalities and taxpayers in British Columbia.

Sincerely,



David Farnes  
Vice President, Industry and Regulatory Affairs

cc: Hon. Michael de Jong, Attorney General and Acting Solicitor General and Minister of Public Safety  
David Morhart, Deputy Solicitor General and Deputy Minister of Public Safety  
Hon. Ben Stewart, Minister of Community and Rural Development  
Dale Wall, Deputy Minister of Community and Rural Development  
Dave Cunningham, Vice President, Government Relations, TELUS  
Gary MacIsaac, Executive Director, Union of BC Municipalities  
Chair and Board, Regional District of Nanaimo  
Carol Mason, Chief Administrative Officer, Regional District of Nanaimo  
Chair and Board, Cowichan Valley Regional District  
Warren Jones, Chief Administrative Officer, Cowichan Valley Regional District  
Al Kenning, City Manager, City of Nanaimo



RDN Nanaimo

This is to say that Anette Laudadio  
c/o Michael Laudadio of 807

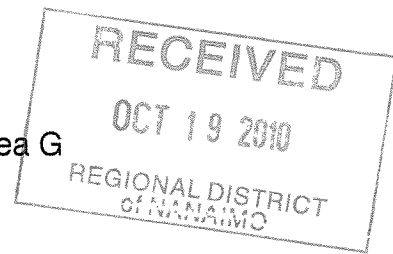
Mariner Way, Parksville is the neighboring lot to Lot 1, Plan

VIP71847 Mariner Way, Parksville. He has no real concerns

regarding the roof overhang encroaching into the setback area.



---



Development Permit for Application No PL2010-109, Lot 1 Mariner Way, Area G

I have reviewed the information that you forwarded.

There are building regulations in place that should be adhered to when designing a home.

If your regulations are incorrect then they should be adjusted. Variances should only be applied where safety is an issue.

1) The height request to increase to 9.6 meters from the regulation 8.0 meters is an increase of 5.2ft. This will increase the shadow pattern on neighbours yards thus directly affecting their enjoyment of their properties.

2) Side setback request to 1.5 meters (6.5 ft to 4.875 ft.) is a future safety problem that can be prevented. Fire is a major hazard and no adjustment to your rules should increase this hazard to our community.

3) The dotted line on the beach side stating limit on development permit area appearing on schedule #1 indicates that it has been exceeded.

I recommend that these requests be denied since they do not meet the building regulations for this area.

Yours truly,

A handwritten signature in black ink, appearing to read "B. Morrow". The signature is written in a cursive style with a large initial "B".

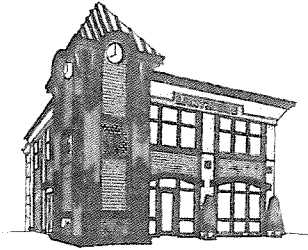
B. Morrow

819 Mariner Way

Parksville, B.C.

V9P1S3

October 19, 2010



# District of Lantzville

Incorporated June 2003

CAO'S OFFICE	
CAO	GMR&PS
GMDS	GMT&SWS
GMF&IS	GMR&CS
OCT 13 2010	
SMCA	BOARD
CHAIR	Correspondence

October 1, 2010

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

**Attention: Maureen Pearse, Senior Manager of Corporate Administration**

Dear Ms. Pearse

**Re: Request to Renew Service Agreements**

Pursuant to 'Part 2 – Renewal' of the service agreements identified below, please accept this correspondence as the District of Lantzville's formal request to renew the agreements between the Regional District of Nanaimo and the District of Lantzville for an additional two year term commencing January 1<sup>st</sup>, 2011 and terminating December 31<sup>st</sup>, 2012 as follows.

- Animal Control Services
- Building Inspection
- Bylaw Enforcement
- House Numbering
- GIS/Mapping
- Noise Regulation
- Nuisance Control; and
- Unsightly Premises
- Emergency Planning Services

While the District continues to investigate the ability to provide these services directly, we continue to face numerous challenges that prevent us from doing so. We are hopeful that the Regional District of Nanaimo will entertain our request and continue to provide these services on our behalf. Should you wish to meet with regards to our request please contact me to make the appropriate meeting arrangements.

Yours truly

**Donna Smith**  
**Deputy Director of Corporate Administration**  
**District of Lantzville**

File: 2240-20-01

G: Corr/10/rdn.agreementrenewals

C: T. L. Graff, CAO, District of Lantzville

C. Mason, CAO, Regional District of Nanaimo

T. Armet, Manager, Building, Bylaw and Emergency Planning Services, Regional District of Nanaimo

Phone: (250) 390-4006 • Fax: (250) 390-5188

Email: [district@lantzville.ca](mailto:district@lantzville.ca) • Website: [www.lantzville.ca](http://www.lantzville.ca)

P.O. Box 100, 7192 Lantzville Road, Lantzville, B.C. V0R 2H0



MEMORANDUM		CAO APPROVAL	✓
EAP			
COW			
OCT 1 2010			
RHD			
BOARD	✓	Oct 26 '10	

## MEMORANDUM

**TO:** Dale Lindsay  
Manager, Current Planning

**DATE:** October 19, 2010

**FROM:** Kristy Marks  
Planner

**FILE:** PL2009-751

**SUBJECT:** Amendment Bylaw No. 500.363 - Pope  
Lot 4, District Lot 84, Nanoose District, Plan 47545  
1790 Claudet Road  
Electoral Area 'E'

### PURPOSE

To receive the report of the Public Hearing containing the summary of the minutes and submissions of the Public Hearing held on October 18, 2010 and further, to consider Bylaw No. 500.363, 2010, for third reading.

### BACKGROUND

Bylaw No. 500.363 was introduced and read two times on September 21, 2010. This was followed by a Public Hearing held on October 18, 2010. The summary of the minutes and submissions is attached for the Board's consideration (*see Attachment No. 2*).

The purpose of this zoning amendment bylaw is to rezone the subject property from Resource Management 3 (RM3), Subdivision District 'B' (8.0 ha minimum parcel size) to Rural 5 (RU5), Subdivision District 'CC' (4.0 ha minimum parcel size) in order to facilitate a two lot subdivision (*see Attachment No. 1 for location of subject property*).

### ALTERNATIVES

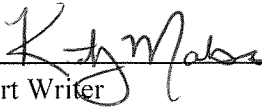
1. To receive the report of the Public Hearing and give third reading to "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.363, 2010".
2. To receive the report of the Public Hearing and deny "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.363, 2010".

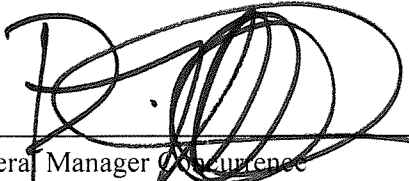
### SUMMARY

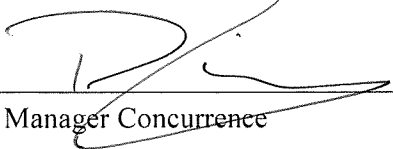
The purpose of Bylaw No. 500.363, 2010 is to rezone the subject property to facilitate a two lot subdivision. The amendment bylaw was introduced and read two times on September 21, 2010 and preceded to Public Hearing on October 18, 2010. The requirements set out in the Conditions of Approval (*see Schedule No. 1*) are to be completed by the applicant prior to the Board's consideration of the bylaw for adoption. Therefore, staff recommends that Bylaw No. 500.363, 2010, be read a third time.

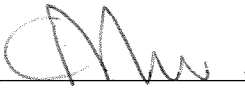
**RECOMMENDATIONS**

1. That the report of the Public Hearing held October 18, 2010 on Bylaw No. 500.363 be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.363, 2010" be read a third time.

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

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

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

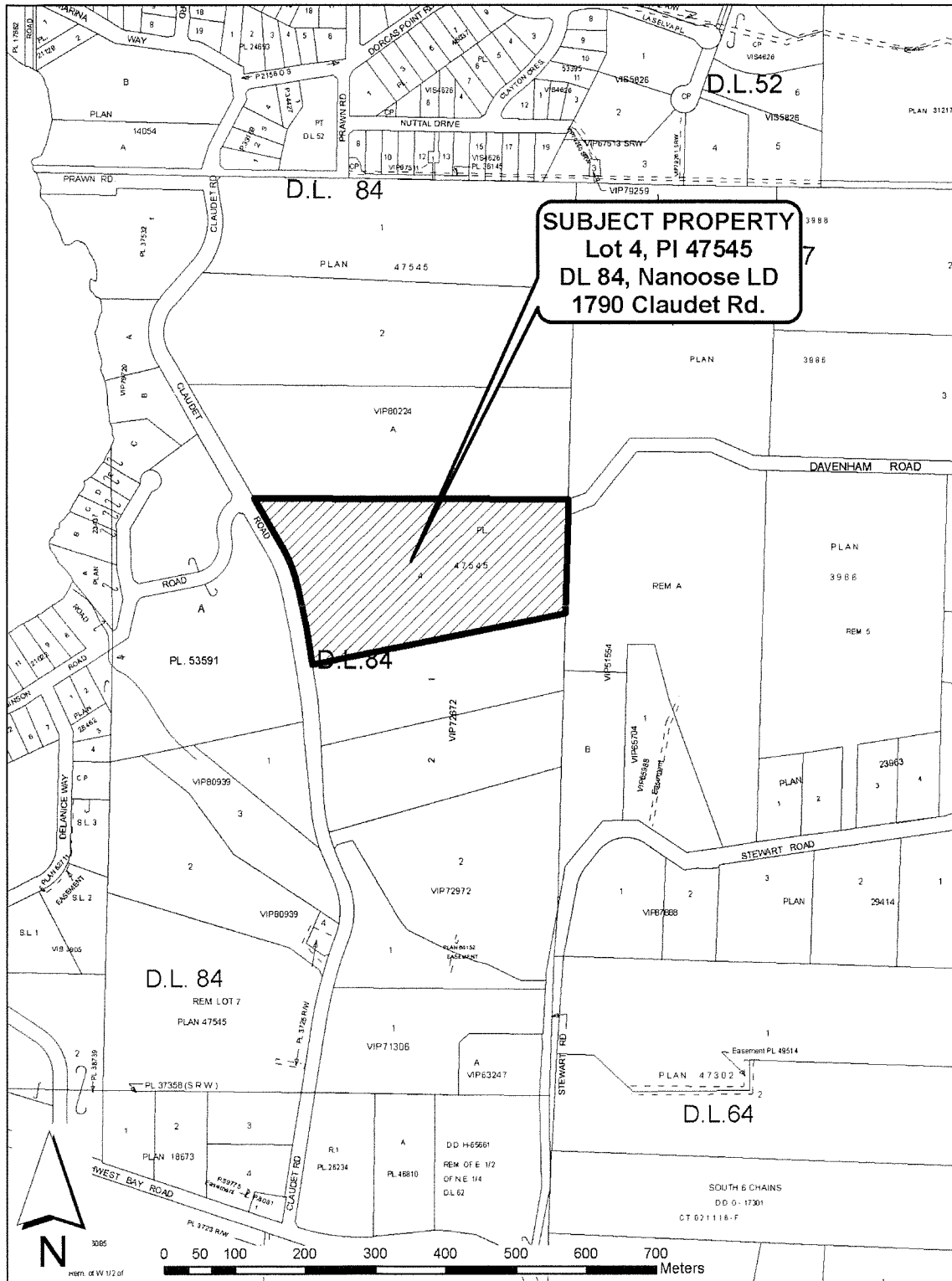
  
\_\_\_\_\_  
CAO Concurrence

**Schedule No. 1**  
**Conditions of Approval**

The applicant is to prepare and register the following documents to the satisfaction of the Regional District prior to consideration of fourth reading. Draft documents are to be forwarded to the RDN for review prior to registration at Land Title Office, Victoria:

1. A section 219 covenant stating that no subdivision shall occur until such time that a report from a Professional Engineer with current standing in BC has been completed to the satisfaction of the Regional District of Nanaimo confirming that the well to serve the proposed new parcel has been drilled and has been pump tested and certified including well head protection, and that the potable well water meets the Canadian Drinking Water Standards with respect to quality.
2. A section 219 covenant declaring the number of parcels to be created, restricting each parcel to one dwelling unit only and prohibiting further subdivision of the land, including subdivision pursuant to the *Strata Property Act*.
3. A statutory right of way in the northwest corner of the subject property in favour of the Regional District of Nanaimo for the purpose of extending a trail network.

### Attachment No. 1 Location of Subject Property



**Attachment No. 2**  
**Summary of the Public Hearing**  
**Held at Nanoose Library Centre, 2489 Nanoose Road, Nanoose**  
**October 18, 2010 at 7:30 pm**  
**To Consider Regional District of Nanaimo Land Use and Subdivision**  
**Amendment Bylaw No. 500.363 2010**

**Summary of Minutes and Submissions**

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

**PRESENT:**

George Holme  
Kristy Marks

Chairperson, Director, Electoral Area 'E'  
Planner

There were four people in attendance.

The Chairperson called the Hearing to order at 7:30 p.m., introduced those present representing the Regional District, and outlined the procedures to be followed during the Hearing.

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

The Chairperson called for formal submissions with respect to Bylaw 500.363, 2010.

The Chairperson called for further submissions for the second time.

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

There being no further submissions, the Chairperson adjourned the Hearing at 7:35 p.m.

Certified true and accurate this 19<sup>th</sup> day of October, 2010.

---

Kristy Marks  
Recording Secretary





EAP	
COW	
OCT 17 2010	
RHD	
BOARD	✓ Oct 26 '10

# MEMORANDUM

**TO:** Dale Lindsay  
Manager, Current Planning

**DATE:** October 18, 2010

**FROM:** Susan Cormie, Senior Planner

**FILE:** PL2009-211

**SUBJECT:** Amendment Bylaw 500.355, 2010 - Keith Brown & Associates Ltd.  
Lot 2, Section 14, Range 6, Cranberry District, Plan 7832 - Fielding Road  
Electoral Area 'A'

## PURPOSE

To receive the report of the second Public Hearing containing the summary of the minutes and submissions of the Public Hearing held on October 7, 2010 and further, to consider Bylaw No. 500.355, 2010, for 3<sup>rd</sup> reading.

## BACKGROUND

The corresponding amendment bylaw was introduced and given 1<sup>st</sup> and 2<sup>nd</sup> reading on May 25, 2010 and proceeded to Public Hearing on June 9, 2010. The Board received the Summary of the Minutes and Submissions and gave 3<sup>rd</sup> reading to the amendment bylaw on June 22, 2010. At that time, the Board amended the Conditions of Approval to secure additional requirements to provide landscaping and screening adjacent to the east property lot line and to restrict the hours of operation of future businesses (*see Schedule No. 1 for Amended Conditions of Approval*).

Following 3<sup>rd</sup> reading, the applicant's agent raised concerns with the additional condition to restrict the hours of operation of future businesses and requested an opportunity to provide new information. As a result of this request, the Board at its regular meeting held on August 24, 2010 rescinded 3<sup>rd</sup> reading and instructed staff to arrange a second Public Hearing. The second Public Hearing was held on October 7, 2010. The summary of the minutes and submissions is attached for the Board's consideration (*see Attachment No. 2*).

The purpose of this zoning amendment bylaw is to rezone the subject property from Residential 2 to Industrial 1 in order to permit a light industrial development (*see Attachment No. 1 for location of subject property*).

## ALTERNATIVES

1. To receive the report of the second Public Hearing and give 3<sup>rd</sup> reading to "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.355, 2010" with the Conditions of Approval as directed by the Board at its meeting of June 22, 2010 (*Schedule No. 1*).
2. To receive the report of the second Public Hearing and give 3<sup>rd</sup> reading to "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.355, 2010" with revised conditions, as directed by the Board.
3. To receive the report of the second Public Hearing and deny "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.355, 2010".

**SUMMARY**

The purpose of Bylaw No. 500.355, 2010 is to rezone the subject property to facilitate a light industrial development. The amendment bylaw was introduced and given 1<sup>st</sup> and 2<sup>nd</sup> reading on May 25, 2010 and proceeded to Public Hearing on June 9, 2010. The Board received the Summary of the Minutes and Submissions and gave 3<sup>rd</sup> reading to the amendment bylaw on June 22, 2010 with Amended Conditions of Approval (*see Schedule No. 1*). Following 3<sup>rd</sup> reading, the applicant's agent raised concerns with the additional condition concerning hours of operation and as a result of this request, the Board rescinded 3<sup>rd</sup> reading and instructed staff to arrange a second public hearing. The second public hearing was held on October 7, 2010; the summary of the minutes and submissions is attached for the Board's consideration (*see Attachment No. 2*).

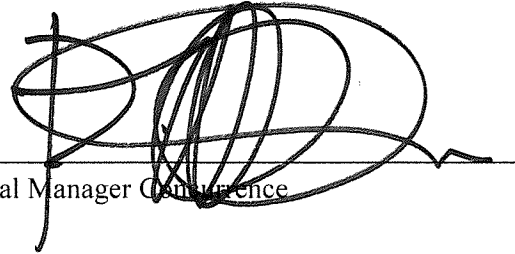
The attached Conditions of Approval (*Schedule 1*) include those items originally recommended by staff and those additional items that were included by the Board at its meeting of June 22, 2010. Unless further direction is provided by the Board the existing Conditions of Approval will remain as the requirements necessary for consideration of final adoption of the associated Amendment Bylaw 500.

**RECOMMENDATIONS**

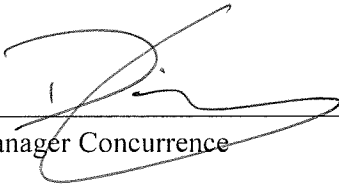
1. That the report of the Public Hearing held October 7, 2010 on Bylaw No. 500.355, 2010 be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.355, 2010" be read a third time.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

**Schedule No. 1**  
**Amended Conditions of Approval as per June 22, 2010 Board**  
**Zoning Amendment Application No. PL2009-211**

The applicant is to provide the following documentation prior to the Amendment Application being considered for 4<sup>th</sup> reading:

**1. Development Covenant:**

Applicant to prepare a section 219 covenant to secure the following conditions. This covenant is to be prepared and registered to the satisfaction of the Regional District of Nanaimo (RDN), prior to consideration of 4<sup>th</sup> reading.

*a. Storm Water Management System:*

- i) No use shall be placed nor any development of the land shall occur prior to the acceptance of a detailed storm water management system by the RDN which has been prepared and designed a Professional Engineer with current standing in BC and expertise in storm water management, at the owner's expense. This detailed storm water management system shall be designed to reflect the maximum allowable development of the site and to ensure that no drainage or storm water run off will impact the neighbouring parcels or the adjacent wetland. This storm water management system is subject to the review and satisfaction of the Regional District of Nanaimo. If the detailed storm water management system is designed with runoff to the adjacent parcels, the applicant must secure by way of an easement or right-of-way, registered at Land Title Office, Victoria, BC and prior to any use of the land and/or occupancy of any future buildings, the right to utilize adjacent parcels for drainage purposes. The owner's Professional Engineer must submit sealed and stamped as-constructed drawings for all drainage works certifying completion of all works to the Regional District prior to any use and/or occupancy of the land or future buildings.

*b. Landscaping:*

- i) The owner will provide a minimum 5.0 metre wide landscape buffer adjacent to Fielding Road constructed to the Landscape Standards as per Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. Detailed landscape plans must be submitted as part of a development permit application for any development proposed to be constructed on the land or where a development permit is not required, prior to any use being placed on the land. The landscape plans are subject to the review and satisfaction of the Regional District of Nanaimo.
- \* ii) The owner will provide a landscape and screening buffer adjacent to the east parent parcel property line. Detailed landscape plans must be submitted as part of a development permit application for any development proposed to be constructed on the land or where a development permit is not required, prior to any use being placed on the land. The landscape plans are subject to the review and satisfaction of the Regional District of Nanaimo.

*c. On Site Septic Disposal:*

- i) The applicant will install an engineered (minimum Type 2 Standard) septic disposal system prior to the use of the subject property.

**2. Section 219 Covenant for Mine Assessment**

The applicant, at the applicant's expense, is to prepare and register a section 219 covenant that registers the Geotechnical Report entitled Proposed Light Industrial Building Lot 2 Fielding Road, Cedar BC Mine Assessment dated April 21, 2008 prepared by Lewkowich Geotechnical Engineering Ltd. and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of any potential hazard.

**3. On-Site Potable Water Supply:**

Applicant to submit written confirmation that potable water source approval from the Vancouver Island Health Authority (VIHA) has been granted for the development.

\* **4. Hours of Operation Covenant:**

The applicant, at the applicant's expense, is to prepare and register a section 219 covenant restricting the Hours of Operation for all businesses and business-related activities shall be limited from 7:00 am – 7:00 pm on weekdays and 8:00 am – 6:00 pm on Saturdays only. This covenant is to be prepared and registered to the satisfaction of the Regional District of Nanaimo (RDN), prior to consideration of 4<sup>th</sup> reading.

*\*Additional Conditions of Approval as directed by the Board at its regular Meeting of June 22, 2010.*



**Attachment No. 2**  
**Summary of the Public Hearing**  
**Held at Cranberry Community Hall, 1555 Morden Road, South Wellington**  
**October 7, 2010 at 7:00 pm**  
**To Consider Regional District of Nanaimo Land Use and Subdivision**  
**Amendment Bylaw No. 500.355 2010**

**Summary of Minutes and Submissions**

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

**PRESENT:**

Joe Burnett	Chairperson, Director, Electoral Area 'A'
Susan Cormie	Senior Planner

There were 11 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 Bylaw including a summary of the proposal.

The Chairperson read into the minutes the submissions received prior to the opening of the Public Hearing which are attached to and form part of these minutes.

The Chairperson called for formal submissions with respect to Bylaw 500.355, 2010.

Dan Gellein, 1711 Akenhead Road, spoke that this property should not be rezoned as the nearby ALR lands could be impacted and there are substantial industrial lands available for development. Mr. Gellein noted that the industrial lands are encroaching into the rural residential lands. Mr. Gellein also noted that if the property is to be rezoned, then a number of restrictions should be applied including buffer strips, downcast lighting, and controlling storm water. Mr. Gellein also stated that these types of development negatively affect agricultural operations and livestock due to added runoff, noise, and lights and we just need to say no to the development.

Marjorie Stupich, 1287 Scotchtown Road, stated that she was a longtime resident and a concerned citizen who is concerned with zoning changes being done while the OCP is being reviewed. Ms. Stupich stated that no more land needs to be rezoned to industrial and that there is considerable undeveloped industrial land in South Wellington now. Ms. Stupich questioned how many industrial units were proposed. Ms. Stupich expressed concern with the increase in traffic at the Morden Road intersection due to increase in development. Ms. Stupich also commented that the owner could sell the property and the public would have no say in what was built.

Ed Braun, owner, stated that he surveyed the neighbours and noted that all owners including two residences on Fielding Road support the use with unrestricted hours of operation. Mr. Braun stated that they cannot make the development viable for new owners with restricted hours and cannot compete with other industrial developments that do not have such restrictions. Mr. Braun also commented that the development will block noise from the highway for the other neighbours and that the type of development being proposed will not add to the noise levels. Mr. Braun concluded that the current OCP and draft OCP supports industrial use for this parcel.

Keith Brown, agent for owner, answered Ms. Stupich's question concerning number of industrial units being changed from 15 to 12. Mr. Brown read his submission which is attached to and forms part of these

minutes. Mr. Brown also submitted a number of letters in support of the proposal, which are attached to and form part of these minutes.

Doug Catley, 2165 Nictash Place, stated that he has concerns with the proposal for a number of reasons including water availability, traffic, noise pollution, light pollution, air quality, and hours of operation. Mr. Catley stated that in the community, there is a growing concern for the residential rural preservation and the rural flavor is affected when industrial uses are allowed. Mr. Catley stated that the community wants to maintain its residential rural lands and the priority for the community needs to be clear. Mr. Catley concluded by stating he is against this zoning amendment application.

Dave McNaught, representative for the Finning Property, spoke in favour of the zoning amendment and no restricted hours of operation.

Dan Gellein, 1711 Akenhead Road, stated that he is strongly concerned about the hours of operation and the close proximity to the rural residential areas. Mr. Gellein stated that his parcel is located within the Agricultural Land Reserve (ALR) and the Agricultural Land Commission has guidelines for buffering from ALR lands, which should be used. Mr. Gellein also commented that there is already noise from the highway; why should they have more noise.

Marjorie Stupich, 1287 Scotchtown Road, asked if the businesses will be open 24 hours per day.

Doug Catley, 2165 Nictash Place, spoke to the hours of operation and noted that there are two communities – one who runs the businesses and one who lives in the community and it is the neighbours that are affected by businesses. Mr. Catley stated that a resident has different concerns than a business person.

Ed Braun, owner, stated that under the ALC regulations you can operate a tractor 24 hours a day, so it is unfair to say that industrial uses need restrictions for hours of operation. Mr. Braun stated that most of the businesses, such as small welding and fabrication shops, would be indoors and would keep normal business hours.

Dan Gellein, 1711 Akenhead Road, stated that agricultural operations occur during the daylight hours. Mr. Gellein commented that noise can affect agricultural uses and that this property should not be rezoned.

Doug Catley, 2165 Nictash Place, asked what light industrial means.

The Chairperson read the bylaw definition of light industrial use.

Keith Brown, agent, stated that the OCP supports this use and this property is an excellent site for future industrial uses.

Dan Gellein, 1711 Akenhead Road, recommended that due to the close proximity to ALR lands, the guidelines recommended by the Agricultural Land Commission should be followed.

Doug Catley, 2165 Nictash Place, stated that he agreed that 10 years ago this might be a good location for industrial uses, but things have changed and concerns such as environmental and social impacts are important. Mr. Catley stated now is the time to say no.

Dave McNaught, representative for the Finning Property, commented that the Finning property is an enhancement for the area and people will work here and come to live in this community which is a benefit for South Wellington.

Marjorie Stupich, 1287 Scotchtown Road, asked where are the workers now; they are not living in this community.

Doug Catley, 2165 Nictash Place, commented that people will no longer want to live here as the area is becoming less rural.

Ed Braun, owner, stated that this property will add to the tax base for the area and that you need more than residential taxes to make a viable community.

Doug Catley, 2165 Nictash Place, commented that you cannot sell your community for tax dollars.

Dan Gellein, 1711 Akenhead Road, commented that his land is only suitable for agriculture uses and it needs to be protected from industrial uses. Mr. Gellein commented that with climate change, there will be a shift to agricultural food production and our farm land is going to become more valuable as time goes on.

The Chairperson called for further submissions for the first time.

The Chairperson called for further submissions for the second time.

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

There being no further submissions, the Chairperson adjourned the Hearing at 7:57 p.m.

Certified true and accurate this 7<sup>th</sup> day of October, 2010.



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Susan Cormie,  
Recording Secretary

**Submissions**  
**Attached to and Forming Part of the Summary of Minutes and Submissions**  
**Amendment Bylaw No. 500.355 2010**

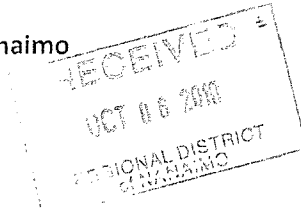
**Fielding Road Properties Ltd.**

555 Pembroke St., Victoria, BC V8T 1H3

Regional District of Nanaimo

6300 Hammond Bay Road

Nanaimo, BC, V9T 6N2



28 September 2010

Attn: RDN Planning Department

Re: Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.355, 2010-09-28

Dear Sirs/ Mesdames,

We are the Owners of the adjacent Property ( Lot 1, Section 14, Range 6 Cranberry District) to the south of the proposed property being rezoned (Lot 2, Section 14, Range 6 Cranberry District, Plan7832).

We write this letter in support of the proposed Rezoning to Industrial 1 (IN1) to facilitate the development of a phased Multiple Bay Light Industrial Park. We further support the rezoning to include unrestricted hours of operation. We believe that more business use in this area, such as that proposed will help reduce or eliminate undesirable activities in the neighbourhood which have been plaguing our property of late such as theft and vandalism.

Sincerely,

A handwritten signature in black ink, appearing to be "John Knappett".

John Knappett, P.Eng.

President

Cc: Ed Braun

Phone 250-475-6333

Fax 250-475-6444

email :john@knappett.com

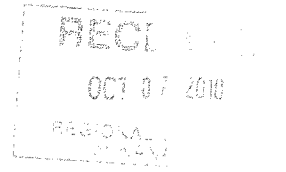


**Fielding Road Industrial Park**

September 13, 2010

Regional District of Nanaimo

ATTN: Dale Lindsey



Re: Zoning amendment application # ZA0902 in conjunction with Lot 2 section 14, range 6, Cranberry district, plan 7832

In response to proposed covenants of the regular board meeting held on June 22, 2010. File # PL-2009-211.

**Storm Water Management System**

As provided to your office a copy of our storm water management plan prepared by John Morley, professional engineer.

This plan clearly shows how the storm water will be managed, by catch basin, containment berms filled with shot rock and soil. The storm water will be slowly released from the containment berm will be held on the above mentioned property by means of the bio swale that runs the entire length of the east side of the property along the fence line. Excess water will be retained in the storm water retention bio swale. As showed on the engineered stamped and dated drawing of the Layout of the storm water management works.

This Storm Water management Plan was prepared by John Morley one of the leading storm water management professional engineers on Vancouver Island.

Thus to have the storm water management system reengineered in full seems to be a misuse of time and money.

**Hours of Operation Covenant**

Restricting the hours of operation for all businesses and business related activities is not acceptable as the service commercial industrial/industrial properties existing throughout the Fielding Road area have no restrictions on hours of operations.

Thus the Fielding Road Industrial Park should be given the same opportunity to provide its future occupants every choice in these challenging economic times in order to be efficient and competitive. No hours of operation restrictions is the only way this can be achieved.

A handwritten signature in cursive script, appearing to read "E. Braun".

**KEITH BROWN ASSOCIATES LTD.**  
5102 Somerset Drive Nanaimo, BC V9T 2K6  
Tel. 250-758-6033 Cel. 250-741-4776 Fax 250-758-9961

October 6, 2010

File No. 870.08

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

**Attention: Mr. Joe Burnett, Director Electoral Area 'A'**  
**Chair, RDN's Public Hearing**

**SUBJECT: "LAND USE & SUBDIVISION AMENDMENT BYLAW NO. 500.355, 2010"**

This letter serves to provide clarification on several issues as a result of the previous Public Hearing. We submit that:

The OCP designates the Fielding Road area for service commercial/industrial uses. For the most part, this is a non-residential area and is appropriately designated. The OCP encourages service commercial/industrial growth in this Fielding Road area providing a range of uses to serve the communities.

As a result of the previous Public Hearing on the subject application a condition of covenant was required limiting the hours of operation. Non-restrictive hours of business operation are needed to ensure viability and sustainability for the small businesses that will be locating within the development. We note that the RDN's Bylaw No. 1046 regulates or prohibits objectionable noise within Electoral Area 'A' (copy enclosed).

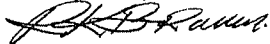
Site servicing reports have been prepared for the proposed development and have been vetted by the RDN's Engineering/Planning staff and other provincial agencies. These related to the storm water management system, drilled water well, and an engineer designed sewage system.

The objectives of the Storm Water Management Plan nullifies the impacts that the proposed development would have on the downstream water courses. Onsite storage of storm water and bio-swales are included in the Storm Water Management Plan for the development site.

Further, the easterly boundary (rear) of the property required a landscape buffer. However, there may be a new public road constructed to the rear extending from the "Sandstone" development planned within the City of Nanaimo. We submit that such road access would be beneficial for traffic circulation and that any buffering along the rear boundary should allow for a future access if such road were constructed.

To summarize the land use and site utility planning clearly respond to questions raised in the overall RDN review process. We therefore seek the Regional Board's approval of the Rezoning Application as submitted. In support of the application we are enclosing 12 letters from businesses in the area providing support for the application.

Thank you for your consideration.



R.K. Brown,  
Consultant Planner

Enc.

p.c. Mr. Edmund Braun  
Mr. Wayne Green

**Fielding Road Industrial Park**  
Nanaimo, BC

Re: Zoning Amendment Application No. ZA0902

September 23, 2010

We ask for your support to overturn the HOURS OF OPERATION COVENANT as requested by the Regional District of Nanaimo (RDN).

This covenant would restrict the small business operators of the Industrial park from being competitive in these tough economic times.

**The Hours of Operation Covenant reads**

The applicant is to prepare and register a section 219 covenant restricting the Hours of Operation for all businesses and business-related activities shall be limited from 7:am-7:pm on weekdays and 8:00-6:00pm on Saturdays only. This covenant is to be prepared and registered to the satisfaction of the Regional District of Nanaimo (RDN), prior to consideration of 4<sup>th</sup> reading.

I am in support of Zoning Application No. ZA0902 and overturning the Hours of operation covenant as mentioned above.

Business Name: Schoolhouse Rd Developments / Burbank Development Ltd  
Address: 7025 Auld's Rd Lantzville BC  
Phone No: 250.390.1748  
Your Name: (print) David McNaught  
Signature: David McNaught Date: Oct 6 10

**THANK YOU FOR YOUR SUPPORT**

\* Owner of "Finning Property"

**Fielding Road Industrial Park**  
Nanaimo, BC

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I am in support of Zoning Application No. ZA0902 and overturning the Hours of operation covenant as mentioned above.

Business Name: \_\_\_\_\_

Address: 2003 BROTHERS RD.

Phone No: 250-758-2329

Your Name: (print) BRIAN BOND

Signature: Brian Bond Date: Oct. 4/2010

**THANK YOU FOR YOUR SUPPORT**

## Fielding Road Industrial Park

Nanaimo, BC

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Business Name:

Address:

Phone No:

Your Name: (print)

Signature:

\_\_\_\_\_  
1788 FIELDING RD  
250-716-1735 cell # 250-327-7979  
SHERLEY STAIRS (NEE) SPENCER  
[Signature] Date: Sept 23/10

**THANK YOU FOR YOUR SUPPORT**

**Fielding Road Industrial Park**  
Nanaimo, BC

Re: Zoning Amendment Application No. ZA0902

September 23, 2010

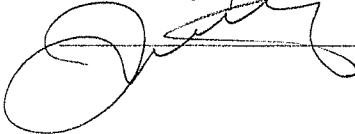
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I am in support of Zoning Application No. ZA0902 and overturning the Hours of operation covenant as mentioned above.

Business Name: Arntec  
Address: 1848 Schoolhouse Rd  
Phone No: 250-754-1238  
Your Name: (print) Loane Mitty  
Signature:  Date: \_\_\_\_\_

**THANK YOU FOR YOUR SUPPORT**

**Fielding Road Industrial Park**  
Nanaimo, BC

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I am in support of Zoning Application No. ZA0902 and overturning the Hours of operation covenant as mentioned above.

Business Name: CORGAN CONTRACTING LTD  
Address: 1920 BALSAM RD. NANAIMO BC  
Phone No: 250-754-7260  
Your Name: (print) DAVE GREGSON  
Signature:  Date: SEPT 4, 2010

**THANK YOU FOR YOUR SUPPORT**



## Fielding Road Industrial Park

Nanaimo, BC

Re: Zoning Amendment Application No. ZA0902

September 23, 2010

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Business Name:

Thermaxcat Equipment LTD

Address:

1531 Harold Rd Nanaimo.

Phone No:

250 591 8808

Your Name: (print)

Gerry Giesbrecht

Signature:

 Date: Sept 23 2010

**THANK YOU FOR YOUR SUPPORT**

## Fielding Road Industrial Park

Nanaimo, BC

Re: Zoning Amendment Application No. ZA0902

September 23, 2010

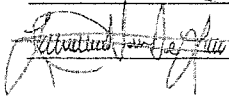
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I am in support of Zoning Application No. ZA0902 and overturning the Hours of operation covenant as mentioned above.

Business Name: Brandt Tractor  
Address: 1830 Schoolhouse Rd Nanaimo BC. V9K 1T4  
Phone No: (250) 754-7735  
Your Name: (print) Lawrence Van De Leun  
Signature:  Date: Sept 24, 2010

THANK YOU FOR YOUR SUPPORT

09/21/2010 15:11 200/035279  
27 Sep 10 00:00 Maria Braun

(250) 758-8828

PAGE 02/02

p2

**Fielding Road Industrial Park**  
Nanaimo, BC

Re: Zoning Amendment Application No. ZA0902

September 23, 2010

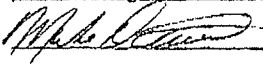
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I am in support of Zoning Application No. ZA0902 and overturning the Hours of operation covenant as mentioned above.

Business Name: COASTAL INSTALLATIONS Prefab L.T.O.  
Address: 1868 Fielding RD Nanaimo B.C.  
Phone No: 1-250-616-8041  
Your Name: (print) MIKE DAVIES.  
Signature:  Date: SEP 24-2010

THANK YOU FOR YOUR SUPPORT

**Fielding Road Industrial Park**  
Nanaimo, BC

Re: Zoning Amendment Application No. ZA0902

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Business Name: ARON LACKIE

Address: 1730 FIELDING RD

Phone No: (250) 751-3994

Your Name: (print) ARON LACKIE

Signature:  Date: \_\_\_\_\_

**THANK YOU FOR YOUR SUPPORT**

**Fielding Road Industrial Park**  
Nanaimo, BC

Re: Zoning Amendment Application No. ZA0902

September 23, 2010

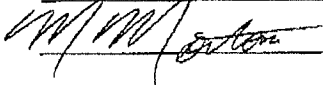
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I am in support of Zoning Application No. ZA0902 and overturning the Hours of operation covenant as mentioned above.

Business Name: Mid Island Fence Products  
Address: 1882 Schoolhouse Rd.  
Phone No: (250) 741-1450  
Your Name: (print) Michael Morton  
Signature:  Date: Sept 24/10

**THANK YOU FOR YOUR SUPPORT**

**Fielding Road Industrial Park**  
Nanaimo, BC

Re: Zoning Amendment Application No. ZA0902

September 23, 2010

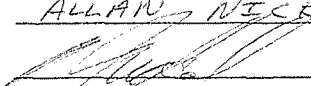
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I am in support of Zoning Application No. ZA0902 and overturning the Hours of operation covenant as mentioned above.

Business Name: NICKEL BROS  
Address: 1990 BALSAM RD NANAIMO  
Phone No: 250 753-2268  
Your Name: (print) ALLAN NICKEL  
Signature:  Date: SEPT 27 10

**THANK YOU FOR YOUR SUPPORT**

**Fielding Road Industrial Park**  
Nanaimo, BC

Re: Zoning Amendment Application No. ZA0902

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I am in support of Zoning Application No. ZA0902 and overturning the Hours of operation covenant as mentioned above.

Business Name: MacNott Enterprises Ltd.  
Address: 1820 + 1800 Schoolhouse Rd.  
Phone No: 250-714-1112  
Your Name: (print) John MacNott  
Signature:  Date: 10-7-10

**THANK YOU FOR YOUR SUPPORT**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1046**

**A BYLAW TO REGULATE OR PROHIBIT  
OBJECTIONABLE NOISE WITHIN  
ELECTORAL AREA 'A'**

WHEREAS the Regional District of Nanaimo has established an extended service for noise control under Section 789(1)(b) of the Municipal Act;

AND WHEREAS the Board believes that:

- (a) certain sounds are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public; and
- (b) it is desirable to regulate or prohibit them;

AND WHEREAS it is not the intent of the Board to prevent or prohibit those sounds customarily emitted or usually associated with the normal conduct of reasonable daily activity at reasonable times;

AND WHEREAS the advertising provisions under Section 817.1 of the Municipal Act have been met;

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

1. **INTERPRETATION**

In this bylaw:

**“Board”** means the Board of Directors of the Regional District of Nanaimo.

**“Bylaw Enforcement Officer”** includes a Peace Officer and a person appointed by the Board as a Bylaw Enforcement Officer.

**“Continuous Noise”** means any noise or sound continuing for a period of more than three (3) minutes or during periods totalling more than three (3) minutes in any fifteen (15) minute period of time.

**“District”** means the Regional District of Nanaimo.

**“Motor Vehicle”** includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or traction engine, farm tractor or self-propelled implement of husbandry.



**“Persistent”** means enduring or constantly repeated.

**“Real Property”** means land other than a highway, together with all improvements which have been so affixed to the land as to make them in law a part of the land and includes land without improvements.

**“Residential Premises”** means land upon which is located a building or structure, including a mobile home used seasonally or permanently for human occupancy.

2. **TITLE**

This bylaw may be cited as the “Regional District of Nanaimo Electoral Area ‘A’ Noise Control Regulatory Bylaw No. 1046, 1996”.

3. **JURISDICTION**

This bylaw is applicable to and enforceable within Electoral Area ‘A’ as defined by Letters Patent.

4. **OBJECTIONABLE AND DISTURBING NOISES**

The acts listed in Schedule ‘A’ to this bylaw are considered by the Board to cause noises or sounds which are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in the neighbourhood or vicinity of those acts.

5. **GENERAL PROHIBITION**

No person, being the owner, tenant or occupier of real property, shall allow or permit the real property to be used so that noise which occurs on or is emitted from that real property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.

6. **PROHIBITION BY TIME OR PLACE**

Without limiting Section 5 of this bylaw, no person shall commit, cause or permit the commission of an act listed in Schedule ‘A’ to this bylaw which results in the emission of a continuous noise which is audible at a residential premises in the vicinity or in a public place during the period of time specified in respect of that act in Schedule ‘A’;

7. **EXCEPTIONS**

The prohibitions contained in Sections 5 and 6 of this bylaw do not apply to the emission of sound in connection with an act listed in Schedule ‘B’.

8. **INSPECTION AND ENTRY**

A Bylaw Enforcement Officer is hereby authorized to enter, at all reasonable times, on any property subject to the regulations or direction of the Board, to ascertain whether the regulations or directions of this bylaw are being observed.

9. **SCHEDULES**

Schedules 'A' and 'B' form a part of and are enforceable in the same manner as this bylaw.

10. **PENALTY**

- (a) A person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw, shall be liable on summary conviction for the first offence, to a penalty of not less than \$100 and not more than \$2,000, and for a second or subsequent offence, to a penalty of not less than \$250 and not more than \$2,000.
- (b) In the case of a continuing violation, each day that a violation continues to occur shall constitute a separate offence.

11. **SEVERABILITY**

If any provision of this bylaw is held to be beyond the power of the Regional District by any Court of competent jurisdiction, then the provision may be severed from the remainder of the bylaw without affecting the validity of any other provision.

12. **REPEAL**

"Regional District of Nanaimo Electoral Area 'A' Noise Control Bylaw No. 875, 1993" is hereby repealed.

Introduced and read three times this 9th day of July, 1996.

Advertised in accordance with Section 817.1 of the Municipal Act this 30th day of January, 1997.

Adopted this 11th day of February, 1997.

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CHAIRPERSON

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SECRETARY

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

**SCHEDULE 'A'**

**PROHIBITIONS OF TIME**

Act	Prohibited Period of Time
1. The operation of an electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and designed for the production, reproduction or amplification of sound, including but not limited to radios, record players, compact disc players, televisions, receivers and audio and video tape players.	At all times
2. The operation of an auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law.	10:00 p.m. to 8:00 a.m.
3. Persistent barking, calling, whining or other similar persistent sound made by a domestic pet, other animal or bird, kept or used for a purpose other than agriculture.	At all times
4. Persistent yelling, shouting and hooting.	At all times
5. The operation of a motor vehicle other than on a highway or other place intended for its operation.	11:00 p.m. to 8:00 a.m.
6. The operation of a motor vehicle on a highway in a manner which results in tires squealing, racing its engine or without effective unmodified exhaust or intake muffling device which is in good working order and in constant operation.	At all times
7. The operation of a mechanical device, including but not limited to power saws and compressors.	10:00 p.m. to 7:00 a.m.

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Chairperson

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Secretary

## **SCHEDULE 'B'**

### **EXCEPTIONS**

Sound emitted in connection with:

1. Emergency Measures Undertaken

- (a) for the immediate health, safety or welfare of any person or persons, or
- (b) for the preservation or restoration of property

unless the sound is of a longer duration or of a nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.

2. Works or activity associated with and necessarily incidental to:

- (a) construction, erecting, reconstructing, altering, repairing or demolishing of buildings, structures or things;
- (b) excavating, grading or filling land;
- (c) installing, altering, repairing or removing public facilities or utilities;
- (d) repairing or raising a highway; or
- (e) well drilling.

between 7:00 a.m. and 10:00 p.m. on any day.

3. Traditional, religious or other activities listed below:

- (a) fireworks;
- (b) special events held under Regional District of Nanaimo Special Events Bylaw No. 1010, 1996;
- (c) church bells.

4. Shouting in relation to games played in ~~60~~ community park.

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, OCTOBER 12, 2010, AT 6:30 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

Director D. Bartram	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Alternate	
Director F. Van Eynde	Electoral Area E
Director L. Biggemann	Electoral Area F
Alternate	
Director L. Derkach	Electoral Area G

**Also in Attendance:**

P. Thorkelsson	A/C Chief Administrative Officer
M. Pearse	Senior Manager, Corporate Administration
D. Lindsay	Manager, Current Planning
P. Thompson	Manager, Long Range Planning
N. Hewitt	Recording Secretary

**DELEGATIONS**

**Linda Addison, re OCP Amendment to Support Zoning Amendment Application No. PL2009-778 – Addison – 2610 Myles Lake Road – Area ‘C’.**

Ms. Addison requested that this application be deferred to the November 9, 2010 Electoral Area Planning Committee.

**Ken Woodward, re Community Concerns Regarding Possible Closure of Boat Launch Facility at Schooner Cove Marina.**

Mr. Woodward spoke in support of the retention of the boat launch facility at the Schooner Cove Marina.

**MINUTES**

MOVED Director Burnett, SECONDED Director Van Eynde, that the minutes of the regular Electoral Area Planning Committee meeting held September 14, 2010 be adopted.

CARRIED

## COMMUNICATIONS/CORRESPONDENCE

### **Linda Addison, re OCP Amendment to Support Zoning Amendment Application No. PL2009-778 – Addison – 2610 Myles Lake Road – Area ‘C’**

MOVED Director Burnett, SECONDED Director Young, that the correspondence from Linda Addison be received.

CARRIED

## PLANNING

### *AMENDMENT APPLICATIONS*

### **OCP Amendment to Support Zoning Amendment Application No. PL2009-778 – Addison – 2610 Myles Lake Road – Area ‘C’.**

MOVED Director Young, SECONDED Director Burnett, that this application be deferred to the November 9, 2010 Electoral Area Planning Committee.

CARRIED

### *DEVELOPMENT PERMIT APPLICATIONS*

### **Development Permit Application No. PL2010-164 – Empey – 2618 East Side Road – Area ‘H’.**

MOVED Director Burnett, SECONDED Director Young, that the 4<sup>th</sup> paragraph in Schedule No. 1 be deleted.

CARRIED

MOVED Director Burnett, SECONDED Director Van Eynde, that Development Permit Application No. PL2010-164, to permit fill to be placed within 15 metres of the natural boundary of Horne Lake, be approved pursuant and subject to the conditions outlined in revised Schedules No. 1 – 3, as amended.

CARRIED

### *DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS*

### **Development Permit with Variances Application No. PL2010-109 – Fern Road Consulting Ltd. – Mariner Way – Area ‘G’.**

MOVED Director Derkach, SECONDED Director Biggemann, that staff be directed to complete the required notification.

CARRIED

MOVED Director Derkach, SECONDED Director Biggemann, that the request to vary the minimum setback from the interior side lot line be denied.

CARRIED

MOVED Director Derkach, SECONDED Director Biggemann, that Development Permit with Variance and Site Specific Exemption Application No. PL2010-109 to permit the construction of a dwelling unit with a variance to the height be approved subject to the conditions outlined in Schedules No. 1- 3.

CARRIED

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

**Development Variance Permit Application No. PL2010-173 – JE Anderson & Associates – 2257 & 2291 Yellow Point Road – Area ‘A’.**

MOVED Director Burnett, SECONDED Director Young, that staff be directed to complete the required notification.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that Development Variance Permit Application No. PL2010-173 to relax the minimum setback requirements for nine existing greenhouses be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

**Development Variance Permit Application No. PL2010-188 – Fern Road Consulting Ltd. – 1969 Seahaven Road – Area ‘E’.**

MOVED Director Van Eynde, SECONDED Director Derkach, that staff be directed to complete the required notification.

CARRIED

MOVED Director Van Eynde, SECONDED Director Derkach, that Development Variance Permit Application No. PL2010-188 to permit the construction of a dwelling unit with height and setback variances be approved subject to the conditions outlined in Schedules No. 1- 3.

CARRIED

***OTHER***

**Request for Frontage Relaxation on Subdivision Application No. PL2010-141 – JE Anderson & Associates – 1954 & 1984 Shasta Road – Area ‘A’.**

MOVED Director Burnett, SECONDED Director Van Eynde, that the request to relax the minimum 10% perimeter frontage requirements for proposed Lot 1 be approved.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 6:45 PM

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CHAIRPERSON

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE COMMITTEE OF THE WHOLE  
MEETING HELD ON TUESDAY, OCTOBER 12, 2010 AT 7:00 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

Director D. Bartram	Chairperson
Director J. Burnett	Electoral Area A
Director G. Rudischer	Electoral Area B
Director M. Young	Electoral Area C
Alternate	
Director F. Van Eynde	Electoral Area E
Director L. Biggemann	Electoral Area F
Alternate	
Director L. Derkach	Electoral Area G
Director E. Mayne	City of Parksville
Alternate	
Director J. Wilson	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director J. Ruttan	City of Nanaimo
Alternate	
Director M. Unger	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director J. Kipp	City of Nanaimo
Director D. Johnstone	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. Sherry	City of Nanaimo

**Also in Attendance:**

P. Thorkelsson	A/C Chief Administrative Officer
M. Pearse	Senior Manager, Corporate Administration
N. Avery	General Manager, Finance & Information Services
J. Finnie	General Manager, Regional & Community Utilities
D. Trudeau	General Manager, Transportation & Solid Waste
T. Osborne	General Manager, Recreation & Parks
N. Hewitt	Recording Secretary

**ELECTION**

In the absence of the Chairperson and Deputy Chairperson the Acting Chief Administrative Officer requested a motion to appoint an Acting Chairperson for this evenings meetings.

MOVED Director Burnett, SECONDED Director Sherry, that Director Bartram be appointed as the Acting Chairperson.

CARRIED



## **CALL TO ORDER**

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

## **DELEGATIONS**

### **Eileen Leachman, Qualicum & District Curling Club, re Support for Funding Request.**

Ms. Leachman provided a verbal overview of the Qualicum & District Curling Club and requested funding for the newly purchased ice plant.

## **MINUTES**

MOVED Director Van Eynde, SECONDED Director Johnstone, that the minutes of the regular Committee of the Whole meeting held September 14, 2010 be adopted.

CARRIED

## ***FINANCE AND INFORMATION SERVICES***

### **FINANCE**

#### **Proposed Fire Services Advisory Committee.**

MOVED Director Burnett, SECONDED Director Sherry, that the Board establish an advisory committee to be known as the Electoral Areas Fire Services Advisory Committee.

CARRIED

MOVED Director Burnett, SECONDED Director Sherry, that the terms of reference attached to this report be approved in principle and be forwarded to the first meeting of the Committee for review.

CARRIED

#### **Bylaw 1259.06 – Amends Select Planning Services Fees.**

MOVED Director Mayne, SECONDED Director Haime, that "Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.06, 2010" be introduced and read three times.

CARRIED

MOVED Director Mayne, SECONDED Director Haime, "Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.06, 2010" be adopted.

CARRIED

## ***DEVELOPMENT SERVICES***

### **PLANNING**

#### **Final Report on Green Building Speakers' Series & Green Skyline Tour.**

MOVED Director Burnett, SECONDED Director Derkach, that this report be received for information.

CARRIED

**REGIONAL AND COMMUNITY UTILITIES**

**WASTEWATER**

**Liquid Waste Management Planning Service – Educational Awareness Program for the Disposal of Residential Chemicals.**

MOVED Director Holdom, SECONDED Director Johnstone, that the staff report on the Residential Source Control Awareness Program for the disposal of residential chemicals be received for information.

CARRIED

**Bylaws No. 813.46, 889.58 and 1062.03 – Extend the Boundaries of the French Creek & Northern Community Sewer Services and the French Creek Village Streetlighting Service to Include Area ‘G’ Properties (516 and 564 Wembley Road).**

MOVED Director Derkach, SECONDED Director Young, that "French Creek Sewerage Facilities Local Service Boundary Amendment Bylaw No. 813.46, 2010" be introduced and read three times.

CARRIED

MOVED Director Derkach, SECONDED Director Young, that "Regional District of Nanaimo Northern Community Sewer Local Service Boundary Amendment Bylaw No. 889.58, 2010" be introduced and read three times.

CARRIED

MOVED Director Derkach, SECONDED Director Young, that "French Creek Village Streetlighting Service Boundary Amendment Bylaw No. 1062.03, 2010" be introduced and read three times.

CARRIED

**WATER**

**French Creek Water Service - Release of Reserve Funds for Well Redevelopment Project.**

MOVED Director Derkach, SECONDED Director Kipp, that the expenditure of up to \$40,000 from French Creek reserves for the redevelopment of French Creek Well #7 be approved.

CARRIED

**Drinking Water & Watershed Protection Service – Innovative Options & Opportunities for Water Use and Re-Use Integration.**

MOVED Director Sherry, SECONDED Director Burnett, that the Board receive the Innovative Options and Opportunities for Water Use and Re-Use Integration staff report for information.

CARRIED

**COMMISSION, ADVISORY & SELECT COMMITTEE**

**District 69 Recreation Commission.**

MOVED Director Van Eynde, SECONDED Director Young, that minutes of the District 69 Recreation Commission meeting held September 16, 2010 be received for information.

CARRIED

MOVED Director Van Eynde, SECONDED Director Mayne, that the Qualicum and District Curling Club's funding request of \$25,000 from the District 69 Recreation Community Grant program be denied.

CARRIED

MOVED Director Van Eynde, SECONDED Director Young, that the Qualicum and District Curling Club be advised that there may be favourable financing available through the Municipal Finance Authority (MFA) as the facility is owned by the Town of Qualicum Beach.

CARRIED

MOVED Director Wilson, SECONDED Director Derkach, that the Qualicum and District Curling Club's funding request be referred back to staff for consideration in the upcoming budget deliberations.

CARRIED

**Electoral Area 'A' Parks, Recreation and Culture Commission.**

MOVED Director Burnett, SECONDED Director Young, that minutes of the Electoral Area 'A' Parks, Recreation and Culture Commission meeting held September 15, 2010 be received for information.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the \$48,000 funding request from the Cedar Community Hall Board for hall improvements be referred to staff for a report on funding options with consideration given to recreation and parks budget priorities in Electoral Area 'A'.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that Regional District staff meet with School District 68 administration and discuss land tenure options in order to develop a community park and playground in Cassidy at the original Waterloo School site.

CARRIED

**Regional Agricultural Advisory Committee.**

MOVED Director Burnett, SECONDED Director Johnstone, that the minutes of the Agricultural Advisory Committee meeting held September 24, 2010 be received for information.

CARRIED

**Sustainability Select Committee.**

MOVED Director Holdom, SECONDED Director Mayne, that the minutes of the Sustainability Select Committee meeting held September 15, 2010 be received for information.

CARRIED

MOVED Director Burnett, SECONDED Director Holdom, that the Board approve the Green Building Action Plan as presented.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 7:37 PM

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CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE MEETING OF THE GRANTS-IN-AID ADVISORY COMMITTEE  
HELD ON WEDNESDAY, OCTOBER 13, 2010 AT 2:00 PM  
IN THE REGIONAL DISTRICT OFFICES

**Present:** M. Young Chairperson  
T. Westbrook Director, District 69  
F. Van Eynde Citizen Advisory Group  
B. Erickson Citizen Advisory Group  
L. Burgoyne Administrative Assistant

**Absent:** G. Turgeon Citizen Advisory Group

**DISTRICT 68**

Funds available: \$ 5,028.00

MOVED T. Westbrook, SECONDED F. Van Eynde, that the following grants be awarded:

<b>Name of Organization</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
Gabriola Island Community Hall Association	\$ 1,350	<u>\$ 1,350</u>

CARRIED

The Committee agreed that the following comments be conveyed to the applicants:

**Gabriola Island Community Hall Association** – grant funding is approved to purchase flooring and panelling materials to upgrade two storage rooms at the Community Hall.

MOVED T. Westbrook, SECONDED F. Van Eynde, that the remaining funds from the District 68 General Grants-in-Aid 2010 Budget totalling \$3,678, be carried over to the 2011 Budget.

CARRIED

**DISTRICT 69**

Funds available: \$ 9,630.00

MOVED T. Westbrook, SECONDED F. Van Eynde, that the following grants be awarded:

<b>Name of Organization</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
Errington Elementary School Parent Advisory Committee	2,000	1,000
Forward House Community Society	2,364	800
Nanose Bay Catspan	5,540	1,500
Oceanside Building Learning Together Society	2,275	Denied
Oceanside Building Learning Together Society	3,200	3,200
Oceanside Building Learning Together Society	4,705	Denied
Oceanside Building Learning Together Society	3,000	Denied
Oceanside Community Network	750	750
Parksville & District Association for Community Living	3,684	<u>2,380</u>
		<u>\$ 9,630</u>

CARRIED

The Committee agreed that the following comments be conveyed to the applicants:

**Errington Elementary School Parent Advisory Committee** – grant funding was approved to purchase program equipment, kitchen equipment, and dishes. The Committee members wished to advise the organization that while the Grant-in-Aid program supported capital expenditures, it did not support funding the school’s lunch program and that the organization will have to seek funding for this program elsewhere.

**Forward House Community Society** – grant funds to be used towards the replacement of several leaking single pane windows in the organization’s facility.

**Nanoose Bay Catspan** – funding approved to be used towards the organizations feral cat spaying and neutering programs.

**Oceanside Building Learning Together Society** – This organization submitted a total of four applications for general grant-in-aid funding, but due to the number of grant applications received and the funds available the Committee was unable to approve three of the four requests.

**Oceanside Building Learning Together Society** – grant funding to be used towards the purchase of eight early learning educational theme kits for the organization’s play houses in their Storybook Village learning program.

**Oceanside Community Response Network (Gatekeepers Program)** – funds approved to be used towards the production and distribution to the community of printed materials regarding the organization’s programs concerning the intervention of cases of potential abuse, neglect and self-neglect of vulnerable adults.

**Parksville & District Association for Community Living** – funds approved to be used towards the purchase of two new computer systems to allow the organization to work more efficiently in providing services to adults with developmental disabilities.

**ADJOURNMENT**

The meeting adjourned at 2:30 PM.

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CHAIRPERSON

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE EMERGENCY MANAGEMENT SELECT COMMITTEE  
MEETING HELD ON TUESDAY, OCTOBER 19, 2010 AT 2:00 PM  
IN THE RDN COMMITTEE ROOM**

**Present:**

Director D. Bartram	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

**Also in Attendance:**

C. Mason	Chief Administrative Officer
P. Thorkelsson	General Manager, Development Services
T. Armet	Manager - Building, Bylaw and Emergency Planning Services
J. Drew	Emergency Services Coordinator
M. Sparks	Recording Secretary

**CALL TO ORDER**

The meeting was called to order at 2:02 p.m. by the Chair.

**MINUTES**

MOVED Director Holme, SECONDED Director Burnett that the minutes of the Emergency Management Select Committee held on April 13, 2010, be adopted.

CARRIED

**BUSINESS ARISING FROM THE MINUTES**

**REPORTS**

**Amendment to Emergency Management Select Committee (EMSC) Terms of Reference**

MOVED Director Rudischer, SECONDED Director Young, that the Emergency Management Select Committee Terms of Reference be amended to include the Municipal Director from the District of Lantzville as a member of the Committee.

CARRIED

MOVED Director Rudischer, SECONDED Director Young, that Director Haime be appointed by the Board Chairperson as a member of the Emergency Management Select Committee.

CARRIED

**Farmed Animal Mass Carcass Disposal Table Top Exercise Funding Application**

MOVED Director Burnett, SECONDED Director Holme, that staff be directed to prepare an application to the Investment Agriculture Foundation of British Columbia for funding to conduct a *Farm Animal Mass Carcass Disposal Plan* table top exercise.

CARRIED

**2011/2012 JEPP Grant Applications**

MOVED Director Burnett, SECONDED Director Rudischer, that the Joint Emergency Preparedness Program applications be approved and signed.

CARRIED

**Renewal of Cedar and Lighthouse Reception Centere License of Use Agreements**

MOVED Director Holme, SECONDED Director Burnett, that the Emergency Reception Center License of Use Agreement between the Regional District of Nanaimo and the Cedar Community Association for a five (5) year term, commencing November 1, 2010 and ending October 31, 2015, be approved.

CARRIED

MOVED Director Holme, SECONDED Director Burnett, that the Emergency Receipt Center License of Use Agreement between the Regional District of Nanaimo and the Lighthouse Community Center Society for a five (5) year term, commencing November 1, 2010 and ending October 31, 2015, be approved.

CARRIED

**Emergency Program Coordinator Verbal Update**

Discussion regarding the potential for Emergency Planning to access funding through the Climate Action Revenue Incentive Program (CARIP) or Community Works grant.

MOVED Director Holme, SECONDED Director Burnett, that the Emergency Program Verbal Update be received for information.

CARRIED

**ADJOURNMENT**

MOVED Director Holme, SECONDED Director Burnett, that this meeting be adjourned.

CARRIED

TIME: 2:39 p.m.

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CHAIRPERSON



RDN REPORT	
CAO APPROVAL <del>###</del>	
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BOARD	
EMSC OCT 19/2010	

# MEMORANDUM

**TO:** Tom Armet, Manager,  
Building, Bylaw & Emergency Planning Services

**DATE:** October 12, 2010

**FROM:** Jani M. Drew, Emergency Coordinator

**FILE:** 7130-03-01 EMSC

**SUBJECT:** Amendment to Emergency Management Select Committee Terms of Reference

## PURPOSE

To amend the Emergency Management Select Committee (EMSC) Terms of Reference to include municipal representation from the District of Lantzville.

## BACKGROUND

In September 2009, the Board approved the establishment of the Emergency Management Select Committee to provide advice and recommendations to the RDN Board on issues related to emergency preparedness and response and recovery from emergencies or disasters in the Electoral Areas. Under the Terms of Reference, Committee membership is comprised of the seven Electoral Area Directors representing the Electoral Area Emergency Planning function.

The RDN provides emergency planning services by agreement to the District of Lantzville at the same level that is provided to the Electoral Areas and at an equivalent rate to that charged to all participants in the service. The inclusion of the Lantzville Municipal Director will provide equitable and consistent representation on the Committee and key input on emergency management issues affecting the District of Lantzville and adjacent Electoral Areas.

Although Section 795 of the *Local Government Act* provides the authority to appoint non-Board members, staff is recommending that the EMSC Terms of Reference be amended to include the District of Lantzville Municipal Board Director as a member of the Committee (attached appendix A).

## ALTERNATIVES

1. Amend the Emergency Management Select Committee Terms of Reference to include the Municipal Director from the District of Lantzville as a Committee member.
2. Not approve the amendment and provide staff with further direction.



**FINANCIAL IMPLICATIONS**


There are no financial implications with amending the EMSC Terms of Reference.


**SUMMARY**

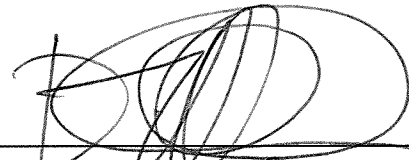
The membership of the Emergency Management Select Committee is comprised of the seven Electoral Area Directors and provides advice and recommendations to the Board on emergency planning issues affecting the Electoral Areas and District of Lantzville. Although the District of Lantzville is a full participant in the service by agreement, they are not represented on the Committee. The inclusion of the Lantzville Municipal Board Director will provide equitable and consistent representation on the Committee and key input on emergency management issues affecting the District of Lantzville and adjacent Electoral Areas. Staff is recommending that the EMSC Terms of Reference be amended to include the District of Lantzville Municipal Director as a member of the Committee.


**RECOMMENDATION**

1. That the Emergency Management Select Committee Terms of Reference be amended to include the Municipal Director from the District of Lantzville as a member of the Committee.
2. That Director Haime be appointed by the Board Chairman as a member of the Emergency Management Select Committee.

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

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

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

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

## ATTACHMENT “A”

### EMERGENCY MANAGEMENT SELECT COMMITTEE TERMS OF REFERENCE

#### PURPOSE

The Emergency Management Committee is a select committee of the Regional District of Nanaimo (RDN) Board which provides advice and recommendations to the RDN Board on issues related to emergency management, preparedness, mitigation, response and recovery from emergencies or disasters.

#### MEMBERSHIP

The Committee shall be comprised of Directors appointed by the Board as follows:

- Those Electoral Area Directors that are participants in the Emergency Management Service; and
- The Municipal Board Director representing the District of Lantzville.

Chair shall be appointed by the Regional Board Chair pursuant to the Board Procedure Bylaw.

#### PROCEDURES

The *Regional District of Nanaimo Board Procedures Bylaw No. 1512, 2006*” applies to all meetings of the Committee:

- The Committee will meet four times a year or as required.
- A quorum of 50% plus one of the Committee membership is required to conduct Committee business.
- Staff will be assigned to support the Committee including the coordination of agendas, minutes and staff contacts for Committee members.

#### COMMITTEE ROLES AND RESPONSIBILITIES

The Emergency Management Select Committee’s mandate is to provide advice and recommendations to the RDN Board on issues related to emergency management: preparedness, mitigation, response and recovery from emergencies or disasters. Topics may include matters related to emergency management and community disaster resiliency initiatives in the electoral areas and service contract areas. The Committee is the forum to which staff report on:

- *Hazards and Planning:* Hazard Vulnerability Risk Analysis and updates, Emergency Plan developments and updates, hazard specific plans, communications strategies and operational guidelines.
- *Emergency Response Operations:* Operational readiness of: Emergency Coordination and Reception Center facilities, staff/volunteers, related equipment, stakeholder partnerships, and mutual aid.

- *Training and Exercises:* Development and delivery of staff, agency and public training programs. Development of and delivery of exercises to test plans.
- *Recovery and Mitigation:* Development of business continuity plans, implementation of mitigation activities.

The Committee's responsibilities are:

- Consider staff reports on emergency management and make recommendations to the RDN Board;
- At its discretion, hear and consider public delegations on matters within the scope of its mandate and, where appropriate, make recommendations to the RDN Board arising out of such delegations;
- Follow up on matters referred to the Committee by the RDN Board and report back to the Board as required.



RDN REPORT	
CAO APPROVAL <i>EH</i>	
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<i>EMSC OCT 12/2010</i>	

# MEMORANDUM

**TO:** Tom Armet, Manager,  
Building, Bylaw & Emergency Planning Services

**DATE:** October 12, 2010

**FROM:** Jani M. Drew, Emergency Coordinator

**FILE:** 1855-03-CAR

**SUBJECT:** Farmed Animal Mass Carcass Disposal Table Top Exercise Funding Application

## PURPOSE

To obtain Board approval to apply for funding from the Investment Agriculture Foundation of BC (IAFBC) to conduct a table top exercise of the Farm Animal Mass Carcass Disposal Plan.

## BACKGROUND

In 2008 the RDN applied for and received funding from the IAFBC to prepare a *Farmed Animal Mass Carcass Disposal Plan*. The funding became available after a massive Avian flu (H5N1) outbreak that affected many farms in the lower mainland area. Coordination amongst jurisdictions working to contain and manage the outbreak proved problematic and they encountered many challenges, including the timely disposal of mass carcasses. The RDN’s Hazard Vulnerability Risk Analysis indicates we are at ‘moderate’ risk of a foreign animal disease event. Creating a *Farmed Animal Mass Carcass Disposal Plan* was an important step in preparing for an outbreak event and planning for recovery.

The IAFBC recently made funding available to local authorities with existing disposal plans to test them. This practical next step is a good fit with the Emergency Planning Business Plan for 2011, which includes a focus on livestock evacuation. The exercise will involve RDN Emergency Operations Center staff, industry stakeholders and representatives from IAFBC and other authorities in a workshop/discussion based format to collectively work through an event requiring mass disposal. As part of preparing for the exercise, a working group comprised of Electoral Area industry representatives will be organized. It will be important to have their input into selecting the type of scenario that will be designed, and to establish and identify local resources and disposal capacity.

The Agricultural Advisory Committee (AAC) has received a copy of the disposal plan and will be able to provide valuable information and key contacts required to prepare for and conduct the table top exercise. It is important to note that emergency management experience is not required for stakeholder participation – the format will be more workshop-oriented than a traditional table top exercise. The Peace River Regional District conducted an exercise in October 2008 and found that this approach was highly successful.

A letter from the IAFBC requires the signature of a ‘designated signing officer’ by the RDN and must be submitted by the end of October, 2010.

**ALTERNATIVES**

1. To approve an application to the Investment Agriculture Foundation of BC for funding for a *Farm Animal Mass Carcass Disposal Plan* table top exercise.
2. To not approve the application for IAFBC funding.

**FINANCIAL IMPLICATIONS**

The cost of a Farm Animal Mass Carcass Disposal Plan table top exercise is \$7,905 and the RDN will receive 100% reimbursement from IAFBC. Should the exercise highlight certain disposal options, there may be potential for further funding for environmental studies that examine local landfill capacity for controlled waste disposal, and for various permits.

**SUSTAINABILITY IMPLICATIONS**

A large scale animal disease event can have a severe impact on the local economy, watersheds and public health. The testing of our disposal plan will strengthen our response and recovery capabilities and minimize the regional impacts of such an event.

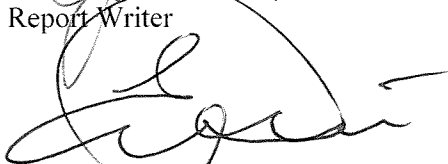
**SUMMARY**

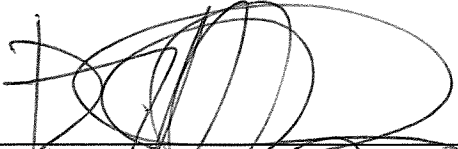
The IAFBC has made 100% funding available to local authorities that have existing *Farm Animal Mass Carcass Disposal Plans*. The funding is intended to test disposal plans in a table top exercise/workshop format. Since the RDN's HVRA indicates our risk of a foreign animal disease outbreak is 'moderate', it is prudent to continue to prepare for such an event. The exercise also provides an opportunity to connect with stakeholders and industry representatives that will be important in livestock evacuation planning, a 2011 Business Plan activity. The exercise will also continue the emergency planning linkage with the Agricultural Advisory Committee.

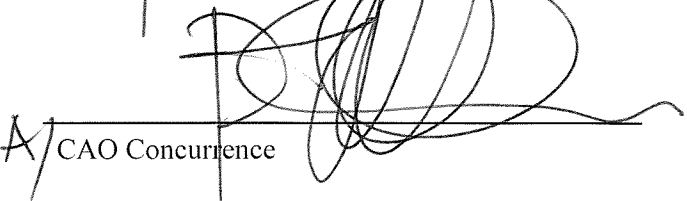
**RECOMMENDATION**

That staff be directed to prepare an application to the Investment Agriculture Foundation of British Columbia for funding to conduct a *Farm Animal Mass Carcass Disposal Plan* table top exercise.

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

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

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

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

**COMMENTS:**



RDN REPORT	
CAO APPROVAL <i>[Signature]</i>	
EAP	
COW	
OCT 12 2010	
RHD	
BOARD	
<i>EMSC OCT 19/2010</i>	

# MEMORANDUM

**TO:** Tom Armet, Manager,  
Building, Bylaw & Emergency Planning Services

**DATE:** October 12, 2010

**FROM:** Jani M. Drew,  
Emergency Coordinator

**FILE:** 1855-04

**SUBJECT: 2011/2012 JEPP Grant Applications**

### PURPOSE:

To obtain Board support for submission of JEPP grant applications.

### BACKGROUND:

The Joint Emergency Preparedness Program (JEPP) was introduced by Public Safety Canada (PSC), as a cost sharing arrangement with the provinces and territories 30 years ago to encourage them to undertake emergency preparedness projects that support national objectives and priorities. The RDN Emergency Program has utilized this funding program to enhance program objectives since 2003. The following projects will serve to improve operational readiness of the RDN to respond to emergencies or disasters. However, it is important to note that in July 2010, Public Safety Canada and Emergency Management British Columbia (EMBC) announced that JEPP funding across Canada was being cut and BC's allocation would be reduced by 35%.

The applications require the signatures of the Board Chairperson and the General Manager of Finance and Information Services and must be submitted electronically to Emergency Management BC prior to October 31st, 2010.

### Project #1 – Reception Center Operational Supplies

The RDN has seven (7) emergency Reception Centers designated in the Emergency Plan: Gabriola Island Rollo Seniors Center and the Community Association, Cedar Community Hall, Cranberry Hall, Nanoose Place, Lighthouse Community Center and the Bowser Legion. Discussions are continuing with the Arrowsmith Agricultural Association for the establishment of a Reception Center in Coombs.

Each reception center must be fully operational and over time basic supplies have been purchased for each site. The purchase of interior and exterior signage and British Columbia Emergency Management System (BCERMS) vests for Emergency Social Services (ESS) volunteers will improve operational readiness, provide basic equipment required to activate a reception center, and will enhance the RDN's ability to assist the public during an emergency or evacuation.

### Project #2– Emergency Generator for Cedar Reception Center

The Cedar Reception Center (RC) was established in 2005 and basic supplies and signage have been purchased. This Reception Center is close to the Nanaimo River, where the RDN has conducted multiple flood evacuations and alerts. Having an RC that is operable during a power outage is critical in effective emergency response.

**Project #3 – Staff Training-Communicating in a Crisis**

Public information management is critical to the RDN's ability to successfully respond to emergencies. The course provides training to local government Emergency Operations Center (EOC) staff in media relations and public information management during a crisis. The training will focus on communicating with stakeholders, special and vulnerable populations, and managing situations in isolated communities. Staff will learn about crisis phases and how to implement an effective crisis communications plan. An exercise involving a public information call center will also be conducted.

**Project #4 – Hazard Vulnerability Risk Analysis Update**

The RDN used provincial funding to hire a consultant to produce a Hazard Vulnerability Risk Analysis (HVRA) in 2006, and an update in 2009. The objective an HVRA is to investigate prominent natural and human-caused events and to identify any threats that may require a timely and coordinated response to protect lives, property, and to reduce economic losses. The HVRA provides critical information necessary to update the Emergency Plan, allocate resources for risk mitigation, enhance community preparedness, and to prepare a cost effective budget.

The HVRA to date has not included the public consultation portion – this next phase of development will focus on one Electoral Area (this process will serve as a 'template experience' for the remaining EA's). Community stakeholders need access to adequate quantitative and qualitative data. Any analysis of risk must take into account how it is perceived by the people directly affected by risk as well as by the individuals and organizations involved in responding to it. Corollary benefits include a linkage to another Emergency Planning priority – the development of Natural Hazards Risk Tolerance Criteria. A consultant will be hired to work with RDN staff and key stakeholders to develop and update our existing HVRA.

**Project #5 – Mobile Amateur Radio Equipment for the Gabriola Island (Rollo) Emergency Reception Center**

A mobile amateur radio is required for the Gabriola Island Emergency Reception Center, and the proposal meets the JEPP requirements for the 'Telecommunications Systems' category. Should the application be approved, the RDN will have an amateur radio that will be compatible with existing frequencies and systems, including an antenna on the RC roof and will be able to communicate with the RDN EOC, and disaster relief stakeholder agencies etc. The equipment selected reflects the best practices consensus of area Amateur Radio Associations (NARA and MIRA). This integrated communications network will allow voice communication and sending and receiving electronic data using a free *Airmail* program from EMBC. The purchase of this radio system for Gabriola Island completes the plan to install emergency radio communications at all District 68 RCs. Having communications capacity when landline and cell phones are unavailable will improve the ability of the RDN to provide Emergency Social Services to evacuees on Gabriola Island.

**ALTERNATIVES:**

1. That the Board approve the Joint Emergency Preparedness Program applications.
2. That the Joint Emergency Program applications be amended prior to approval.

**FINANCIAL IMPLICATIONS**

The funding program is a 50/50 cost share, cost recovery model. The total cost for the projects (excluding the Cedar RC generator) is \$17,913. The RDN's portion of approximately \$8,960 has been reflected in the 2011 provisional budgeting for Emergency Planning.

The full cost of \$45,788 for the Cedar Reception Center generator has also been factored into the 2011 budget as the JEPP grant may not receive approval due to reduced funding allocations at the federal level. Should the grant be approved, the cost of the generator will be reduced by 50% (\$22,350).

**SUSTAINABILITY IMPLICATIONS**

Funding for emergency planning projects strengthens the capacity to respond to and recover from emergencies or disasters that affect the social and economic health of our region.

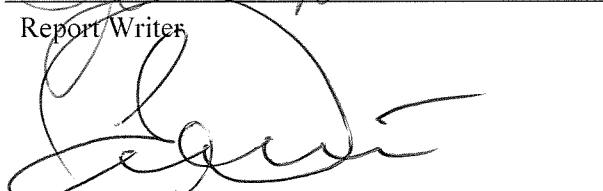
**SUMMARY**

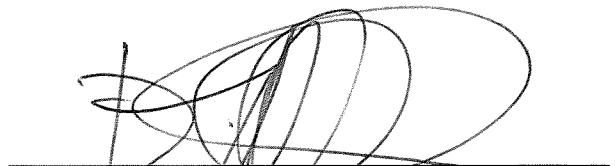
The above projects are key to improving operational readiness, a primary measurement indicator of the success of the emergency program. Utilizing the JEPP funding program is one of the remaining outside funding sources for Emergency Program core operational project initiatives and staff is recommending that the applications receive Board approval.

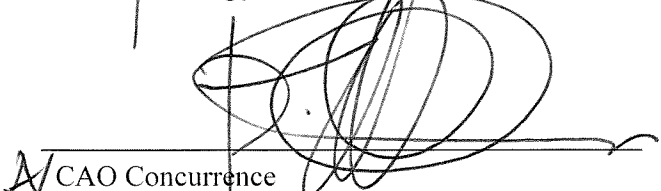
**RECOMMENDATION**

That the Joint Emergency Preparedness Program applications be approved and signed.

  
Report Writer

  
Manager Concurrence

  
General Manager Concurrence

  
CAO Concurrence





RDN REPORT	
CAO APPROVAL <del>PH</del>	
EAP	
COW	
OCT 12 2010	
RHD	
BOARD	

*EMSO OCT 19/2010*

# MEMORANDUM

**TO:** Tom Armet, Manager,  
Building, Bylaw & Emergency Planning Services

**DATE:** October 12, 2010

**FROM:** Jani M. Drew,  
Emergency Coordinator

**FILE:** 7130-01 AGREE

**SUBJECT: Renewal of Cedar and Lighthouse Reception Center License of Use Agreements**

## PURPOSE

To obtain Board direction on the renewal of Cedar and Lighthouse Emergency Reception Center License of Use Agreements.

## BACKGROUND

In October 2004 and June 2005 respectively, the RDN designated the Lighthouse Community Center and Cedar Community Hall as Emergency Reception Centers. Since the initial agreements were signed, the RDN Emergency Program has utilized the Reception Centers for activation drills, Emergency Social Services (ESS) exercises and public awareness events. Reception center supplies and storage units have been purchased for these facilities. Joint Emergency Preparedness (JEPP) grants have also been used to purchase certain basic operational supplies required to serve the needs of evacuees in the event of a local emergency or disaster.

There is a continued need to use the facilities as Emergency Reception Centers in those communities and there are no other facilities suitable for use as Reception Centers. A copy of the updated License of Use Agreement for Cedar for an additional five year term is appended to this report as Attachment "A", and a similar Agreement for Lighthouse is appended as Attachment "B".

## ALTERNATIVES

1. Approve the Emergency Reception Center License of Use Agreements for Lighthouse Community Center and Cedar Community Hall for a further five year term.
2. Do not approve the agreements and provide staff with further direction.

## FINANCIAL IMPLICATIONS

The license fee for each Agreement is one dollar a year for the five year term, payable in advance (total cost \$10.00). The Emergency Planning budget will continue to annually update and expand general reception center supplies and equipment.

## SUSTAINABILITY IMPLICATIONS


The RDN Emergency Preparedness Plan is an integral component of the Board's Strategic Plan to enhance the social and economic well-being of residents. Emergency Reception Centers, established under this plan, provide safe shelter and assistance for residents in the event of an emergency or disaster.


**SUMMARY**

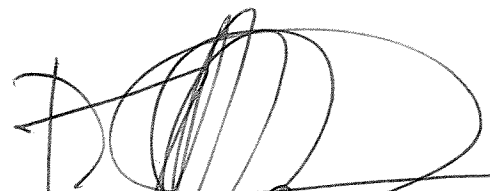
The RDN Emergency Program has established agreements for seven Emergency Reception Centers throughout the Regional District for the provision of temporary shelter and assistance to evacuees in the event of a local emergency or disaster. The current agreements for the Cedar and Lighthouse Reception Centers are expired and staff has prepared the necessary documents to renew these agreements for the Board's approval.

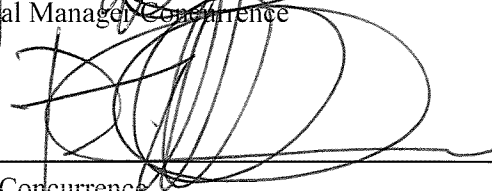
**RECOMMENDATIONS**

1. That the Emergency Reception Center License of Use Agreement between the Regional District of Nanaimo and the Cedar Community Association for a 5 year term, commencing November 1, 2010 and ending October 31, 2015, be approved.
2. That the Emergency Reception Center License of Use Agreement between the Regional District of Nanaimo and the Lighthouse Community Center Society for a 5 year term, commencing November 1, 2010 and ending October 31, 2015, be approved.

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

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

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

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

**Attachment "A"**

**LICENCE OF USE**

THIS AGREEMENT dated for reference the \_\_\_ day of \_\_\_\_\_, 2010.

BETWEEN:

**CEDAR COMMUNITY ASSOCIATION**

2388 Cedar Rd.  
Cedar, BC V9X 1K3

**(hereinafter called the "Association")**

OF THE FIRST PART

AND:

**REGIONAL DISTRICT OF NANAIMO**

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

**(hereinafter called the "Regional District")**

OF THE SECOND PART

**WHEREAS:**

**A.** The Association is the registered owner in fee simple of lands legally described as:

Lot 1, Section 9, Range 2, Cedar District, Plan 2791

(the "Lands")

**B.** The Regional District wishes to be granted this License to Use the Lands in the Event of an Emergency as defined in the *Emergency Program Act*, RSBC 1996, Chapter 111 and the Society has agreed;

**NOW THEREFORE THIS AGREEMENT WITNESSES** that in consideration of the fee paid by the Regional District to the Association and in consideration of the premises and covenants and agreements contained in this Agreement, the Regional District and the Association covenant and agree with each other as follows:

**1. RIGHT TO OCCUPY**

The Association, subject to the performance and observance by the Regional District of the terms, conditions, covenants and agreements contained in this Agreement grants to the Regional District a right by way of license for the Regional District, its agents, employees and invitees to use the Lands in the event of an Emergency for the purpose of an Emergency Reception Center and for occasional practice drills with sufficient notice, including all necessary ancillary uses such as parking and for no other purpose.

**2. RESERVATION OF RIGHTS**

The Association reserves to itself the right for the Association, its agents, employees, contractors and invitees to have full and complete access to the Lands to carry out any operations associated with the Association's use of the Lands at all times, except in the case of an emergency.

**3. LICENSE FEE**

In consideration of the right to use, the Regional District shall pay to the Association a license fee of \$1.00 per year payable in advance. Such license fee shall be payable on the 1<sup>st</sup> day of the Term.

**4. TERM**

The Term of the License granted under this Agreement shall be five (5) years commencing on the 1<sup>st</sup> day of November, 2010 and ending on the 31<sup>st</sup> day of October, 2015.

**5. CONSTRUCTION**

The Regional District shall not construct or place any buildings or structures or make any improvements on the Lands.

**6. INSURANCE**

The Regional District will take out and maintain during the term of the License, a policy of general public liability insurance against claims for bodily injury, death or property damage arising out of the use of the Lands by the Regional District in the amount of not less than two million dollars per single occurrence with such greater amount as the Association may from time to time designate, naming both the Association and the Regional District as an additional insured thereto and shall provide the Association with a certified copy of such policy or policies.

**7. INDEMNIFICATION**

The Regional District releases and will indemnify and save harmless the Association, its officers, employees and agents from and against all lawsuits, damages, costs, expenses, fees or liabilities which the Regional District or anyone else may incur, suffer or allege by reason of the use of the Lands by the Regional District, its agents, employees or invitees, or the carrying on upon the Lands of any activity in relation the Regional District's use of the Lands.

**8. NOTICES**

It is hereby mutually agreed that notice required to be given under this Agreement shall be deemed to be sufficiently given if mailed from any government post office in the Province of British Columbia by prepaid registered mail addressed as follows:

- a) if to the Association:  
  
2388 Cedar Rd.  
Cedar, BC V9X 1K3
  
- b) if to the Regional District:  
  
6300 Hammond Bay Road  
Nanaimo, B.C. V9T 6N2

Or at the address a party may from time to time designate, and then the notice shall be deemed to have been received forty-eight hours after the time and date of mailing. If, at the time of mailing the notice, the delivery of mail in the Province of British Columbia has been interrupted in whole or in part by reason of a strike, slow-down, lock-out or other labour dispute, then the notice may only be given by actual delivery of it.

## 9. REGULATIONS

The Regional District will indemnify the Association from all lawsuits, damages, loss, costs or expenses the Association may incur by reason or non-compliance by the Regional District with any legal requirements. The Regional District acknowledges and agrees that in the event that the Lands or any building, structure or improvement on the Lands is damaged while the Regional District is exercising its rights to use the Lands under this Agreement, then the amount of the cost of repair, restoration shall be a debt due from the Regional District to the Association.

## 10. RENEWAL

This Agreement may be renewed at the option of the parties and on terms and conditions agreed to by the parties, for a further five year term.

## 11. MISCELLANEOUS

- a) This Agreement shall not be interpreted as granting any interest in the Lands to the Regional District.
- b) Waiver of any default by a party shall not be interpreted or deemed to be a waiver of any subsequent default.

## 12. INTERPRETATION

- a) That when the singular or neuter is used in this Agreement they include the plural or the feminine or the masculine or the body politic where the context or the parties require.
- b) The headings to the clauses in this Agreement have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.
- c) That this Agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors, administrators and permitted assignees.



**Attachment "B"**

**LICENCE OF USE**

THIS AGREEMENT dated for reference the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

BETWEEN:

**LIGHTHOUSE COMMUNITY CENTRE SOCIETY**

240 Lions Way  
Qualicum Beach, BC  
V9K 2E2

**(herein called the "Society")**

OF THE FIRST PART

AND:

**REGIONAL DISTRICT OF NANAIMO**

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

**(herein after called the "Regional District")**

OF THE SECOND PART

**WHEREAS:**

- A. The Regional District is the registered owner in fee simple of lands legally described as:
- Lot 1, District Lot 32, Newcastle District, Plan 42674
- (the "Lands")
- B. The Regional District wishes to be granted this License to Use the Lands in the Event of an Emergency as defined in the *Emergency Program Act*, RSBC 1996, Chapter 111 and the Society has agreed;

**NOW THEREFORE THIS AGREEMENT WITNESSES** that in consideration of the fee paid by the Regional District to the Society and in consideration of the premises and covenants and agreements contained in this Agreement, the Regional District and the Society covenant and agree with each other as follows:

**1. RIGHT TO OCCUPY**

The Society, subject to the performance and observance by the Regional District of the terms, conditions, covenants and agreements contained in this Agreement grants to the Regional District a right by way of license for the Regional District, its agents, employees and invitees to use the Lands in the event of an Emergency for the purpose of an Emergency Reception Center, including all necessary ancillary uses such as parking and for no other purpose, and for occasional drills with sufficient notice.

**2. RESERVATION OF RIGHTS**

The Society reserves to itself from the grant and the covenants made by it to the Regional District under clause 1.1 above, the right for the Society, its agents, employees, contractors and invitees to have full and complete access to the Lands to carry out any operations associated with the Society's use of the Lands at all times.

**3. LICENSE FEE**

In consideration of the right to use, the Regional District shall pay to the Society a license fee of \$1.00 per year payable in advance. Such license fee shall be payable on the 1<sup>st</sup> day of the Term.

**4. TERM**

The Term of the License granted under this Agreement shall be five (5) years commencing on the 1<sup>st</sup> day of November, 2010 and ending on the 31<sup>st</sup> day of October, 2015.

**5. CONSTRUCTION**

The Regional District, on behalf of the Emergency Preparedness Program, shall not construct or place any buildings or structures or make any improvements on the Lands.

**6. INSURANCE**

The Regional District will take out and maintain during the term of the License, a policy of general public liability insurance against claims for bodily injury, death or property damage arising out of the use of the Lands by the Regional District in the amount of not less than two million dollars per single occurrence with such greater amount as the Society may from time to time designate, naming both the Society and the Regional District as an additional insured thereto and shall provide the Society with a certified copy of such policy or policies.

**7. INDEMNIFICATION**

The Regional District releases and will indemnify and save harmless the Society, its officers, employees and agents from and against all lawsuits, damages, costs, expenses, fees or liabilities which the Regional District or anyone else may incur, suffer or allege by reason of the use of the Lands by the Regional District, its agents, employees or invitees, or the carrying on upon the Lands of any activity in relation the Regional District's use of the Lands.

**8. NOTICES**

It is hereby mutually agreed that notice required to be given under this Agreement shall be deemed to be sufficiently given if mailed from any government post office in the Province of British Columbia by prepaid registered mail addressed as follows:



- a) if to the Society:  
  
240 Lions Way  
Qualicum Beach, B.C. V9K 2E2
  
- b) if to the Regional District:  
  
6300 Hammond Bay Road  
Nanaimo, B.C. V9T 6N2

Or at the address a party may from time to time designate, and then the notice shall be deemed to have been received forty-eight hours after the time and date of mailing. If, at the time of mailing the notice, the delivery of mail in the Province of British Columbia has been interrupted in whole or in part by reason of a strike, slow-down, lock-out or other labour dispute, then the notice may only be given by actual delivery of it.

## **9. REGULATIONS**

The Regional District will indemnify the Society from all lawsuits, damages, loss, costs or expenses the Society may incur by reason or non-compliance by the Regional District with any legal requirements. The Regional District acknowledges and agrees that in the event that the Lands or any building, structure or improvement on the Lands is damaged while the Regional District is exercising its rights to use the Lands under this Agreement, then the amount of the cost of repair, restoration shall be a debt due from the Regional District to the Society.

## **10. RENEWAL**

This Agreement may be renewed at the option of the parties and on terms and conditions agreed to by the parties, for a further five year term.

## **11. MISCELLANEOUS**

- a) This Agreement shall not be interpreted as granting any interest in the Lands to the Regional District.
- b) Waiver of any default by a party shall not be interpreted or deemed to be a waiver of any subsequent default.

## **12. INTERPRETATION**

- a) That when the singular or neuter is used in this Agreement they include the plural or the feminine or the masculine or the body politic where the context or the parties require.
- b) The headings to the clauses in this Agreement have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.
- c) That this Agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors, administrators and permitted assignees.
- d) This Agreement shall be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

- e) All provisions of this Agreement are to be construed as covenants and agreements as though the word importing covenants and agreements were used in each separate paragraph.

**IN WITNESS WHEREOF** the parties hereto have set their hands and seals as of the day and year first above written.

**For the REGIONAL DISTRICT OF NANAIMO**

by its authorized signatories:

\_\_\_\_\_)  
Carol Mason ) (Seal)  
Chief Administrative Officer )  
)  
)  
)  
)  
)  
\_\_\_\_\_)  
Maureen Pearse )  
Senior Manager, Corporate Administration )

**For the LIGHTHOUSE COMMUNITY CENTRE SOCIETY**

by its authorized signatories:

\_\_\_\_\_)  
Authorized Signatory ) (Seal)  
)  
)  
)  
\_\_\_\_\_)  
Authorized Signatory )



RDN MEMO	
CAO APPROVAL	
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**MEMORANDUM**

**TO:** Paul Thorkelsson  
General Manager, Development Services

**DATE:** October 8, 2010

**FROM:** Chris Midgley  
Manager, Energy and Sustainability

**FILE:** 6780-50

**SUBJECT: RDN Energy Policy (Electricity)**

**PURPOSE**

To present the corporate RDN Energy Policy (Electricity) for Board consideration.

**BACKGROUND**

As a result of participation in the BC Hydro Energy Manager program, the RDN has committed to numerous actions aimed at conserving electricity in RDN facilities. Among these actions is the adoption and implementation of an energy policy that targets a reduction in electricity usage.

In 2009, the RDN, as a corporate organization, consumed slightly more than 12.3 million kilowatt-hours of electricity across almost 80 BC Hydro accounts. This level of consumption cost approximately \$830,000, and generated over 270 tonnes of GHG emissions. An Energy Management Assessment held in early 2009 estimated the potential for a 7%-12% reduction in electricity consumption across all RDN facilities. Consequently, the attached policy establishes a 10% reduction target below 2009 levels to be achieved over a five year period beginning in 2010.

Based on the 2009 consumption numbers indicated above, successful implementation of this policy would result in a 1.2 million kilowatt-hour reduction in energy use in RDN facilities, with an annual savings of \$83,000 in 2014.

The attached policy was originally presented to the Sustainability Select Committee (SSC) in May of 2010. The policy was included as an appendix to a report summarizing the first Quarterly Update of the Energy Manager Program and was received for information only. The policy is now being brought forward for adoption at the Regular Board Meeting.

**ALTERNATIVES**

1. That the RDN Energy Policy (Electricity) be adopted.
2. That alternate direction be given to staff.

**FINANCIAL IMPLICATIONS**

No additional staff resources are required to implement the RDN Energy Policy (Electricity). Staff time is covered through grant contributions from BC Hydro for participation in the Energy Manager Program.

When capital investments are necessary, incentive programs to support product purchases will be explored. By 2014, it is anticipated that up to \$83,000 in annual energy saving will be possible.

Though the policy has not been formally adopted by the Board, staff have been active in identifying options to improve the energy efficiency of RDN facilities. So far in 2010, energy savings of over 1,000 kilowatt hours of electricity per day are already evident and verifiable through new energy monitoring software. If these efficiencies persist on an annual basis, efforts to date will take the RDN 25% of the way to the 1.2 million kilowatt hour target.

### **SUSTAINABILITY IMPLICATIONS**


The RDN Energy Policy (Electricity) is intended to make corporate operations more energy efficient. Implementation will result in less electricity consumed, 27 fewer tonnes of greenhouse gases emitted, and moderately significant financial savings. This policy establishes a cost-effective way to move the organization closer to achieving corporate Carbon Neutral Operations, which in turn advances the Board strategic priority of Climate and Energy, particularly the objective “to support energy efficiency measures within the RDN organization that will lead to carbon neutral operations,” (Integrated Solutions for a Sustainable Future, p. 13).

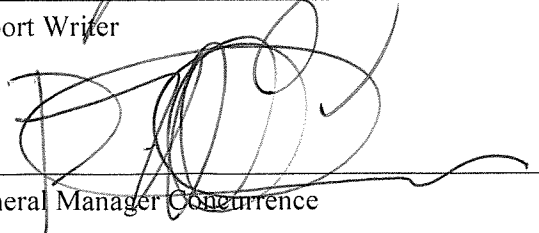
### **SUMMARY**

Staff developed the RDN Energy Policy (Electricity) in early 2010 and presented the policy to the SSC and Board for information purposes. This report now brings the policy forward for adoption. The policy is intended to make corporate operations more energy efficient, and targets a 10% reduction in electricity consumption below 2009 levels by 2014. This reduction will reduce RDN corporate emissions by 27 tonnes, and save up to \$83,000 annually, based on 2009 electricity rates.

### **RECOMMENDATION**

That the RDN Energy Policy (Electricity) be adopted.

  
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Report Writer

  
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General Manager Concurrence

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CAO Concurrence

# REGIONAL DISTRICT OF NANAIMO

## P O L I C Y

SUBJECT:	<i>Energy Policy (Electricity)</i>	POLICY NO:
		CROSS REF.:
EFFECTIVE DATE:	November 1, 2010	APPROVED BY: Board
REVISION DATE:		PAGE: 1 of 3

### PURPOSE

The purpose of this policy is to establish organization-wide direction to conserve energy at all RDN facilities and in all RDN departments; to ensure that opportunities to reduce energy use in new and existing RDN facilities are recognized and acted upon; to formalize opportunities to raise awareness about energy and energy issues among staff; and to strengthen financial stability by building resilience against energy price volatility through the reduction of energy use in Regional District of Nanaimo facilities.

This policy forms the basis of the Regional District of Nanaimo’s strategic approach to energy management. It is intended to contribute to the RDN’s goal of carbon neutral operations, and fulfills requirements of participation in the BC Hydro Energy Manager Program

### POLICY

#### 1. Targeted Reduction

- Taking 2009 consumption rates for all facilities as the baseline, the RDN will target a 10% reduction in electricity consumption at existing facilities to be achieved incrementally over a five year period beginning in 2010.
- For new facilities, an energy performance target, measured in kilowatt hours per square metre, will be established at the outset of the design process, in keeping with the Green Building Policy for RDN Facilities. This target should be consistent with the targets to achieve carbon neutral buildings outlined in the Green Building Policy for RDN Facilities, and at a minimum should demonstrate electricity consumption at a level of 10% better than existing comparable facilities.

#### 2. Understanding Performance and Recognizing Opportunities

- The RDN will establish a program of assessing the performance of buildings, facilities and systems through ongoing energy monitoring and yearly facility audits.
- Each year, beginning in 2011, audits will be conducted on facilities that demonstrate poorer than average energy performance. Upgrades that demonstrate sufficient energy savings, and having simple payback periods of 10 years or less under current energy prices will be considered necessary. Additional financial metrics, including life cycle analysis and internal rate of return shall be used for more comprehensive upgrades and when considering systems for new facilities.

#### 3. Awareness and Training

- All staff will have access to outreach programs designed to raise awareness and understanding of issues relating to energy use and consumption. Practical opportunities for staff to reduce electricity consumption at the office and at home will be provided.

- Energy conservation and management shall be included in RDN job descriptions.
- Training and staff capacity building will be provided to select members who have the ability, knowledge and opportunity to effectively manage energy at high consumption facilities. Site supervisors and superintendents at industrial (wastewater and solid waste) and recreational facilities will be given priority training in energy management.

#### **4. Accountability**

- The Energy Manager will be responsible for coordinating all programs relating to energy management, and assist with Senior Management with responsibilities relating to energy management.
- As a whole, the RDN will publicly report on energy use and optimization annually. The Board of Directors will be made aware of energy issues and related activities through the Select Sustainability Committee.
- General Managers will be responsible for understanding energy consumption relating to the functions they administer.
- All managers will report on new activities, capital projects and services, that increase energy consumption within the organization, as well as measures implemented to reduce energy use.
- At the discretion of General Managers, appropriately trained site supervisors and superintendents will be afforded the authority to undertake activities to reduce energy consumption at their respective facilities, recommend energy audits and oversee implementation of measures identified in audits.

#### **5. Monitoring and Feedback**

- Energy use at select, high consumption RDN facilities will be monitored using real-time, interval data.
- Energy use at all other RDN facilities will be monitored on a monthly basis.
- An RDN Energy Use Update will be provided to the Select Sustainability Committee on a quarterly basis.
- Electricity consumption rates that deviate from expected norms will be forwarded to the Energy Manager, the General Manager responsible, the Departmental Manager, and site supervisor as available. All reasonable efforts will be made to identify the cause and rectify the situation. If necessary, an energy audit will be arranged.
- Staff and public feedback on energy conservation opportunities will be solicited on an annual basis. Activities undertaken will be reported back.
- Energy performance and conservation measures, Regional District success stories in conservation, and other items such as incentive programs will be reported to the public annually through the RDN website, newsletters, and other avenues for outreach deemed appropriate.