

**REGIONAL DISTRICT OF NANAIMO**

**REGULAR BOARD MEETING  
TUESDAY, OCTOBER 25, 2011  
7:00 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

- 1. CALL TO ORDER**
  - 2. DELEGATIONS**
  - 3. BOARD MINUTES**
  - 6 - 17 Minutes of the regular Board meeting held October 4, 2011 and the Special Board meeting held October 11, 2011.
  - 4. BUSINESS ARISING FROM THE MINUTES**
  - 5. COMMUNICATIONS/CORRESPONDENCE**
  - 6. UNFINISHED BUSINESS**
- BYLAWS**
- For Adoption.**
- Bylaw No. 1285.15** - J.E. Anderson & Associates – 908 & 920 Little Mountain Road – Area ‘F’. (Electoral Area Directors except EA ‘B’ – One Vote)
- That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 1285.15, 2011” be adopted.*
- This bylaw rezones the subject properties from *R-2.54 (Rural Residential 2.54)* and *R-2 (Rural Residential 2)* to *R-2 (Rural Residential 2)* and *R-2.54 (Rural Residential 2.54)* to facilitate a lot line adjustment.
- 7. STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS**
  - 7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE**
  - 18 - 19 Minutes of the Electoral Area Planning Committee meeting held October 11, 2011. (for information)

## PLANNING

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

**Development Permit Application No. PL2011-157 – Kuun – Jameson Road – Area ‘H’.** (Electoral Area Directors except EA ‘B’ – One Vote)

*That Development Permit Application No. PL2011-157 to permit the construction of a dwelling unit and detached garage be approved subject to the conditions outlined in Schedules No. 1 to 4.*

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

**Development Variance Permit Application No. PL2011-149 – Muise – Creekside Place – Area C.** (Electoral Area Directors except EA ‘B’ – One Vote)

**Delegations wishing to speak to Development Variance Permit Application No. PL2011-149.** (maximum speaking time 5 minutes)

*That Development Variance Permit Application No. PL2011-149 to amend an existing covenant in order to permit a building strata on the subject property be denied.*

**Development Variance Permit Application No. PL2010-180 – JE Anderson & Associates – 1915 Cormorant Crescent – Area ‘E’.** (Electoral Area Directors except EA ‘B’ – One Vote)

**Delegations wishing to speak to Development Variance Permit Application No. PL2011-180.** (maximum speaking time 5 minutes)

*That Development Variance Permit Application No. PL2010-180, be approved subject to the conditions outlines in Schedules No. 1 - 4.*

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

20 - 22 Minutes of the Committee of the Whole meeting held October 11, 2011. (for information)

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

**Cedar Community Policing Office – Request for Annual Funding Assistance.** (All Directors – One Vote)

*That the request from the Cedar Community Policing Office for annual funding in the amount of \$2,000 be referred to the 2012 Annual Budget process for consideration.*

## **RECREATION AND PARKS SERVICES**

### **Nanoose Place Temporary Storage Trailer.** (All Directors – One Vote)

*That the Regional District of Nanaimo approve the temporary placement and use of a recreational trailer by the Nanoose Bay Lions Club located at the back of Nanoose Place for up to a maximum of three (3) years, effective October 1, 2011, and the Regional District follow up with the Nanoose Bay Activities and Recreation Society to discuss a long-term storage strategy for the site as part of the lease renewal.*

### **Cedar Heritage Centre Energy Assessment 2011.** (All Directors – One Vote)

*That the energy upgrades as recommended by City Green Solutions for the Cedar Heritage Centre be approved and funded through the Electoral Area 'A' Community Works Fund and any other available incentive programs that may be applicable.*

## **TRANSPORTATION AND SOLID WASTE SERVICES**

### **SOLID WASTE**

#### **Waste Stream Management License Application – DBL Disposal Services.** (All Directors – One Vote)

*That the Board receive the report on the Waste Stream Management License application from DBL Disposal Services Ltd. for information.*

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

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

- 1. That the minutes from the meeting of the Electoral Area 'A' Parks, Recreation and Culture Commission held September 22, 2011 be received for information.*
- 2. That the Regional District work with community members, user groups and the Ministry of Forests, Lands and Natural Resource Operations to develop a concept plan and management strategy for the Ritten Road Boat Launch for review by the Electoral Area 'A' Parks, Recreation and Culture Commission.*
- 3. That the Regional District proceed with the preparation of working drawings and tender documents, including a detailed cost estimate for the kiosk project (Morden Colliery Trail Entrance) and report back to the Electoral Area 'A' Parks, Recreation and Culture Commission and Board prior to tendering for construction.*
- 4. That staff review the extent of Regional District involvement regarding horseback riding in Hemer Provincial Park and ascertain the type of support the Regional District can provide with respect to Cedar Horse Club's request.*

## **BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

### **Snaw'Naw'As First Nations, Update Regarding Development and General Activities.** (All Directors – One Vote)

*That staff coordinate a meeting between the Swaw'Naw'As First Nations and the Regional District.*

### **7.3 EXECUTIVE STANDING COMMITTEE**

### **7.4 COMMISSIONS**

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

23 - 73 **Electoral Area 'B' Parks and Open Space Advisory Committee.** (All Directors – One Vote)

Minutes from the meeting of the Electoral Area 'B' Parks and Open Space Advisory Committee meeting held October 13, 2011 be received. (for information)

- 1. That the Islands Trust be advised that the Density Transfer application GB-RZ-2009 should not be approved as presented.*
- 2. That the Islands Trust be advised that the parkland donor parcel is unacceptable because the environmental impact to the parcel at Lock Bay that would be receiving the densities is too severe.*

74 - 75 **Electoral Area 'G' Parks and Open Space Advisory Committee.** (All Directors – One Vote)

Minutes from the meeting of the Electoral Area 'G' Parks and Open Space Advisory Committee held September 7, 2011. (for information)

## **8. ADMINISTRATOR'S REPORTS**

76 - 77 Nanoose Power Squadron 25<sup>th</sup> Anniversary Celebration – Request for Fly-By. (All Directors – One Vote)

78 - 82 Qualicum First Nation – Fire Protection Service Agreement. (All Directors – Weighted Vote)

83 - 85 French Creek Pollution Control Centre - Trickling Filter Ventilation & Piping Upgrade – Construction Award. (All Directors – Weighted Vote)

## **9. ADDENDUM**

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

11. **NEW BUSINESS**
12. **BOARD INFORMATION (Separate enclosure on blue paper)**
13. **ADJOURNMENT**
14. **IN CAMERA**

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



**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE REGULAR MEETING OF THE BOARD  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, OCTOBER 4, 2011 AT 7:07 PM IN THE  
RDN BOARD CHAMBERS**

**Present:**

Director J. Stanhope	Chairperson
Director J. Burnett	Electoral Area A
Director G. Rudischer	Electoral Area B
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director M. Lefebvre	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director J. Ruttan	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director J. Kipp	City of Nanaimo
Director D. Johnstone	City of Nanaimo
Alternate	
Director T. Greves	City of Nanaimo
Director M. Unger	City of Nanaimo

**Also in Attendance:**

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

**CALL TO ORDER**

The Chairperson welcomed Alternate Director Greves.

**DELEGATIONS**

**Bruce Halliday, Port Theatre, re Annual Update.**

Mr. Halliday provided a visual and verbal overview of the Port Theatre.

**Mary Wohlleben, Gabriola Island Museum Society, re Annual Update.**

Ms. Wohlleben provided a verbal overview of the Gabriola Island Museum Society.

**Ode Howard, Tammy Hudgeon, Neil Rich, re Gabriola Rod, Gun and Conservation Club.**

Mr. Howard, Ms. Hudgeon, Mr. Rich, and Ms. Visser spoke to the impact that the Club has had on their lives.

**LATE DELEGATIONS**

MOVED Director Kipp, SECONDED Director Bartram, that two late delegations be permitted to address the Board.

CARRIED

**Don Gately, Gabriola Rod, Gun and Conservation Club.**

Mr. Gately spoke about the negative medical impacts the Club has on local residents.

**Marie Brannstrom, Gabriola Rod, Gun & Conservation Club, re Firearms Related Noise – Area ‘B’.**

Ms. Brannstrom presented a verbal overview on the actions the Gabriola Rod, Gun & Conservation Club have taken to alleviate the complaints by neighbours of the Club.

**BOARD MINUTES**

MOVED Director Holme, SECONDED Director Ruttan, that the minutes of the regular Board meeting held August 23, 2011 and the Special Board meeting held September 13, 2011 be adopted.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**Kimberley Nemrava, BC and Yukon Canadian Red Cross Society, re Canadian Red Cross Water Safety and Swimming Delegation to China.**

MOVED Director Bartram, SECONDED Director Johnstone, that the correspondence from the BC and Yukon Canadian Red Cross Society be received.

CARRIED

**Correspondence from Residents of Jingle Pot Road re Tree Buffer at 3210 Jingle Pot Road (Shady Mile).**

MOVED Director Bartram, SECONDED Director Johnstone, that the correspondence from the concerned residents of Jingle Pot Road be received.

CARRIED

**BYLAWS**

**For Adoption.**

**Bylaw No. 500.368 - Pilcher & Associates Inc. - 2465 Apollo Drive – Area ‘E’.**

MOVED Director Holme, SECONDED Director Bartram, that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.368, 2011” be adopted.

CARRIED



**Bylaw No. 975.56 – Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw – Bylaw to exclude six properties from Pump and Haul Local Service Area in Electoral Areas ‘B’ and ‘F’.**

MOVED Director Westbroek, SECONDED Director Rudischer, that "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.56, 2011" be adopted.

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 13, 2011, be received for information.

CARRIED

**PLANNING**

**AMENDMENT APPLICATIONS**

**OCP Amendment Application No. PL2011-060 - Baynes Sound Investments – Area ‘H’.**

MOVED Director Bartram, SECONDED Director Holme, that the applications to amend the Regional Growth Strategy and the Electoral Area 'H' Official Community Plan be held in abeyance until after the Village Centre Study has been completed.

CARRIED

MOVED Director Bartram, SECONDED Director Burnett, that the proposal for creation of a new village centre in Deep Bay be considered in the Village Centre Study.

CARRIED

MOVED Director Bartram, SECONDED Director Holdom, that staff investigate establishing a fee for requested changes to the Regional Growth Strategy.

CARRIED

***DEVELOPMENT PERMIT APPLICATIONS***

**Development Permit Application No. PL2011-113 – Hay – 1483 Mason Trail – Area ‘G’.**

MOVED Director Bartram, SECONDED Director Burnett, that Development Permit Application No. PL2011-113 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Schedules No. 1 to 4.

CARRIED

**Development Permit Application No. PL2011-141 - Fern Road Consulting Ltd. – 865 Crocus Corner – Area ‘G’.**

MOVED Director Bartram, SECONDED Director Burnett, that Development Permit Application No. PL2011-141 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Schedules No. 1 to 3.

CARRIED

**Development Permit Application No. PL2011-122 - Request for Frontage Relaxation on Subdivision Application No. PL2009-721 and Request for Parkland – TimberWest - Nanaimo Lakes Road – Area ‘C’.**

MOVED Director Young, SECONDED Director Bartram, that Development Permit Application No. PL2011-122, in conjunction with a lot line adjustment subdivision, be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Young, SECONDED Director Bartram, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 14 be approved.

CARRIED

MOVED Director Young, SECONDED Director Bartram, that the offer to dedicate park land be accepted in the amount and location outlined in Schedule No. 2 and subject to the conditions outlined in Schedule No. 1.

CARRIED

**Development Permit Application No. PL2011-137 & Frontage Relaxation – Yamato Development – Boat Harbour Road – Area ‘A’.**

MOVED Director Burnett, SECONDED Director Bartram, that Development Permit Application No. PL2011-137 in conjunction with a five lot subdivision be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 2 be approved.

CARRIED

***DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS***

**Development Permit with Variance Application No. PL2011-127 – Whittall – 960 Woodpecker Place – Area ‘G’.**

MOVED Director Bartram, SECONDED Director Burnett, that Development Permit with Variance Application No. PL2011-127 be approved subject to the conditions outlined in Schedule 1.

CARRIED

**Development Permit with Variance Application No. PL2011-125 – Dorset - 1921 & 1949 Akenhead Road – Area ‘A’.**

MOVED Director Burnett, SECONDED Director Young, that Development Permit with Variance Application No. PL2011-125, in conjunction with a lot line adjustment subdivision, be approved subject to the conditions outline in Schedule No. 1.

CARRIED

**OTHER**

**Request for Parkland (Subdivision Application No. PL2011-079) – 0885538 BC Ltd – 564 Wembley Road – Area ‘G’.**

MOVED Director Bartram, SECONDED Director Holme, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lots 7, 8, 9 and 10 be approved.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that the request to accept the dedication of park land, as outlined in Schedule No. 1, be accepted.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that the Summary of the Public Information Meeting held on August 17, 2011, be received.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that correspondence be sent to the Ministry of Transportation & Infrastructure requesting to have the trees remain in the road allowance.

CARRIED

**Request for Frontage Relaxation on Subdivision Application No. PL2011-066 – Fern Road Consulting Ltd. – Wembley Road – Area ‘G’.**

MOVED Director Bartram, SECONDED Director Burnett, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 7 be approved.

CARRIED

**Temporary Use Permit (Renewal) Applications No. PL2011-146 and PL2011-147 – Earthbank Resources Systems & Fern Road Consulting – Hodges Road – Area ‘G’.**

MOVED Director Bartram, SECONDED Director Holme, that Temporary Use Permit (renewal) Applications No. PL2011-146 and PL2011-147 to continue to permit an existing commercial composting operation and accessory retail sales, for a period of three years after the expiration date of the original TUPs, be approved subject to the Conditions of Permit outlined in Schedule No. 2.

CARRIED

**COMMITTEE OF THE WHOLE STANDING COMMITTEE**

MOVED Director Kipp, SECONDED Director Lefebvre, that the minutes of the Committee of the Whole meeting held September 13, 2011 be received for information.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**South Wellington PAC, re Unsafe Buildings/Unsightly Premises at 2128 Minto Avenue – Area ‘A’.**

MOVED Director Burnett, SECONDED Director Young, that the correspondence from the South Wellington PAC be received.

CARRIED

***CORPORATE ADMINISTRATION SERVICES***

**Regional Services Review – Phase III Bylaws.**

MOVED Director Burnett, SECONDED Director Holdom, that the "Southern Community Economic Development Service Establishing Bylaw No. 1648" be introduced and read three times.

CARRIED

MOVED Director Westbroek, SECONDED Director Bartram, that the "Northern Community Economic Development Service Establishing Bylaw No. 1649" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kipp, that the "Drinking Water and Watershed Protection Service Amendment Bylaw No. 1556.01" be introduced and read three times.

CARRIED

MOVED Director Westbroek, SECONDED Director Holdom, that the “Regional District of Nanaimo District 69 Ice Arena Amendment Bylaw No. 1358.01” and the “Regional District of Nanaimo District 69 Swimming Pool Local Service Amendment Bylaw No. 889.01” be deferred for consideration until 2012 for the purpose of asking residents whether they support Electoral Area ‘E’ becoming a participant in the Ravensong Aquatic Centre service with cost allocations based on participating area usage.

CARRIED

**2011 Local Government Elections – Appointment of Chief Election Officer and Deputy Chief Election Officer.**

MOVED Director Bartram, SECONDED Director Holdom, that Maureen Pearse, Senior Manager of Corporate Administration, be appointed as the Chief Election Officer and Linda Burgoyne, Administrative Coordinator, be appointed as the Deputy Chief Election Officer for the purpose of conducting the November 19, 2011 local government elections and referendums.

CARRIED

**Islands Trust – Election Services Agreement.**

MOVED Director Rudischer, SECONDED Director Lefebvre, that the Chairperson and Senior Manager, Corporate Administration be authorized to sign the 2011 Election Services Agreement between Islands Trust and the Regional District of Nanaimo for the purpose of conducting the November 2011 Gabriola Island local trustee election on behalf of the Islands Trust.

CARRIED

***FINANCE AND INFORMATION SERVICES***

**FINANCE**

**Surveyor of Taxes Administration Fees.**

MOVED Director Holme, SECONDED Director Bestwick, that correspondence be sent to the Surveyor of Taxes outlining our concerns regarding the potential disparity between local government costs and Surveyor of Taxes costs to administer the tax collection service and seek assurance from the Surveyor of Taxes that the administration fees applied to rural property tax requisitions are reviewed regularly for reasonableness and that fee rates recover direct costs related to the Surveyor's office and do not generate additional "general" revenue for the Province.

CARRIED

**FIRE DEPARTMENTS**

**Fire Protection Service Contract – Big Qualicum Fish Hatchery.**

MOVED Director Bartram, SECONDED Director Lefebvre, that the contract between the Regional District of Nanaimo and Fisheries and Oceans Canada covering fire protection to building structures at the Big Qualicum Fish Hatchery be approved.

CARRIED

***DEVELOPMENT SERVICES***

**BYLAW ENFORCEMENT**

**Regulation of Nuisance Wildlife and Feral Animals.**

MOVED Director Burnett, SECONDED Director Young, that the Board receive this report on the regulation of nuisance wildlife and feral animals for information.

CARRIED

MOVED Director Burnett, SECONDED Director Holdom, that this issue be referred to the Agricultural Advisory Committee for its consideration in part of the development of the Agricultural Area Plan.

CARRIED

**Unsafe Buildings/Unsightly Premises – 2128 Minto Avenue – Area ‘A’.**

MOVED Director Burnett, SECONDED Director Young, that the Board declares that the accessory building and fire damaged residence at 2128 Minto Avenue, Lot A, Section 11, Range 6, Plan VIP57359, Cranberry Land District, create an unsafe condition pursuant to Section 73(1)(a) of the "Community Charter".

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the Board directs the owner of the property, pursuant to Section 72(2)(b) of the "Community Charter", to demolish and remove the accessory building and fire damaged dwelling from the property within thirty (30) days of service of the attached Resolution or the work will be undertaken by the Regional District of Nanaimo's agents at the owner's cost.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the Board directs the owner of the property, to remove from the premises those items as set out in the attached Resolution within thirty (30) days, or the work will be undertaken by the Regional District of Nanaimo's agents at the owner's cost.

CARRIED

**Unsafe Building – 1038 Horseshoe Road – Area ‘B’.**

MOVED Director Rudischer, SECONDED Director Bartram, that the Board declares that the building at 1038 Horseshoe Road, Lot 7, Section 18, Gabriola Island, Nanaimo District, Plan 21586, creates an unsafe condition pursuant to Section 73(1)(a) of the "Community Charter".

CARRIED

MOVED Director Rudischer, SECONDED Director Bartram, that the Board directs the owner of the property or agent, pursuant to Section 72(2)(b) of the "Community Charter", to demolish and remove the building and debris from the property within thirty 30 days of service of the attached Resolution or the work will be undertaken by the Regional District of Nanaimo's agents at the owner's cost.

CARRIED

***REGIONAL AND COMMUNITY UTILITIES***

**WASTEWATER**

**Bylaws No. 813.48 and 889.61 – Inclusion of Property into the French Creek and Northern Community Sewer Service Areas – Electoral Area ‘G’.**

MOVED Director Holme, SECONDED Director Bartram, that "French Creek Sewerage Facilities Local Service Boundary Amendment Bylaw No. 813.48, 2011" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that "Regional District of Nanaimo Northern Community Sewer Local Service Boundary Amendment Bylaw No. 889.61, 2011" be introduced and read three times.

CARRIED

**RISE & REPORT**

**BYLAW ENFORCEMENT**

**Regulation of Firearms Related Noise – Gabriola Island.**

MOVED Director Rudischer, SECONDED Director Holdom, that staff be directed to continue working with the community, GRGCC and other agencies to find a solution to noise concerns and provide the Board with a further report.

CARRIED

MOVED Director Rudischer, SECONDED Director Holdom, that the Board advise the Chief Firearms Officer of community concerns regarding the frequency and level of noise associated with the Gabriola Rod, Gun and Conservation Club, and forward a letter requesting consideration of reviewing the Club's license to address these concerns.

CARRIED

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

**District 69 Recreation Commission.**

MOVED Director Bartram, SECONDED Director Ruttan, that the minutes from the meeting of the District 69 Recreation Commission held September 15, 2011 be received for information.

CARRIED

**Emergency Management Select Committee.**

MOVED Director Bartram, SECONDED Director Biggemann, that the minutes from the meeting of the Emergency Management Select Committee held September 22, 2011 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Burnett, that staff be directed to prepare an application to the Investment Agriculture Foundation of BC for funding to determine suitable sites for mass livestock carcass disposal.

CARRIED

MOVED Director Bartram, SECONDED Director Burnett, that the Board approve the submission of the 2012/2013 Joint Emergency Preparedness Program grant applications.

CARRIED

MOVED Director Bartram, SECONDED Director Burnett, that staff be directed to apply for a grant under the Strategic Wildfire Prevention Initiative funding program to conduct an operational fuel management treatment in the Englishman River prescription area.

CARRIED

MOVED Director Bartram, SECONDED Director Burnett, that the Board approve RDN participation in the United Nations International Strategy for Disaster Reduction “Making Cities Resilient: My City is Getting Ready” campaign.

CARRIED

MOVED Director Bartram, SECONDED Director Burnett, that staff be directed to send a letter to the Ministry of Transportation and Infrastructure requesting information on their process for undertaking seismic upgrades of highways and infrastructure within the Regional District of Nanaimo.

CARRIED

**Sustainability Select Committee.**

MOVED Director Burnett, SECONDED Director Ruttan, that the minutes from the meeting of the Sustainability Select Committee held September 21, 2011 be received for information.

CARRIED

MOVED Director Burnett, SECONDED Director Holdom, that a Corporate Action Reserve Fund be created for the purpose of consolidating Climate Action Revenue Incentive Program rebate revenues, and that the allocation of rebate revenues be directed to capital investments or initiatives that result in direct corporate emission reductions.

CARRIED

MOVED Director Burnett, SECONDED Director Holdom, that staff be directed to develop and submit a regional proposal to the Provincial Woodstove Exchange Program.

CARRIED

**Transit Select Committee.**

MOVED Director Holdom, SECONDED Director Bestwick, that the minutes from the meeting of the Transit Select Committee held September 22, 2011 be received for information.

CARRIED

MOVED Director Holdom, SECONDED Director Ruttan, that BC Transit be advised that the Regional District of Nanaimo will be undertaking a financial analysis of the proposed expansions and will provide a response to BC Transit on the acceptance of the March 2012 5,000 hour conventional transit service expansion and 250 hour custom transit service hour expansion by November 30, 2011.

CARRIED

**ADMINISTRATOR'S REPORTS**

**Global Methane Initiative Partnership Expo – Vancouver, October 2012.**

MOVED Director Holdom, SECONDED Director Johnstone, that the Board provide a letter to Environment Canada providing a non-financial commitment in support of Vancouver as the venue for the GMI Partnership Expo as well as expressing interest in being a site visit host and willingness to participate in the local organizing committee.

CARRIED

**School District 68 & 69 – Election Services Agreements.**

MOVED Director Holdom, SECONDED Director Bestwick, that the Chairperson and Senior Manager, Corporate Administration be authorized to sign the 2011 Election Services Agreement between the Regional District of Nanaimo and School District 68 (Nanaimo-Ladysmith) for the purpose of conducting voting on behalf of the School Districts.

CARRIED

MOVED Director Holdom, SECONDED Director Bestwick, that the Chairperson and Senior Manager, Corporate Administration be authorized to sign the 2011 Election Services Agreement between the Regional District of Nanaimo and School District 69 (Parksville-Qualicum) for the purpose of conducting voting on behalf of the School Districts.

CARRIED

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Residents of Jingle Pot Road re Tree Buffer at 3210 Jingle Pot Road (Shady Mile).**

MOVED Director Young, SECONDED Director Bartram, that in response to the correspondence received regarding the “Shady Mile” area of Jingle Pot Road, staff be directed to investigate the issues surrounding the existing covenant on the property at 3210 Jingle Pot Road and report options available to the Board for enforcement of the covenant.

CARRIED

**BOARD INFORMATION**

**Electoral Area ‘A’ Skate Park Project.**

Director Burnett requested that staff look into the \$30 million grant program for the Electoral Area ‘A’ skate park project.

**ADJOURNMENT**

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

CARRIED

TIME: 8:32 PM

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CHAIRPERSON

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SR. MGR., CORPORATE ADMINISTRATION



**REGIONAL DISTRICT OF NANAIMO**  
**MINUTES OF THE SPECIAL BOARD**  
**OF THE REGIONAL DISTRICT OF NANAIMO HELD ON**  
**TUESDAY, OCTOBER 11, 2011 AT 7:28 PM IN THE**  
**RDN BOARD CHAMBERS**

**Present:**

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

**Also in Attendance:**

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

**BYLAWS**

**Public Hearing.**

**Report on the Public Hearings held October 5 and October 6, 2011 on Bylaw No. 1615 - Regional Growth Strategy.**

MOVED Director Westbrook, SECONDED Director Bartram, that the report of the Public Hearing conducted for "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011", be received as set out in Attachment 1 of this report.

CARRIED

MOVED Director Westbroek, SECONDED Director Bartram, that "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" be referred to member municipalities and adjacent regional districts for acceptance.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 7:31 PM

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CHAIRPERSON

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SR. MGR., CORPORATE ADMINISTRATION

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, OCTOBER 11, 2011 AT 6:30 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

Director D. Bartram	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G

**Also in Attendance:**

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

**LATE DELEGATION**

MOVED Director Burnett, SECONDED Director Young that a late delegation be permitted to address the Committee.

CARRIED

**Philip Muise, re Development Variance Permit Application No. PL2011-149 – Muise – Creekside Place – Area C.**

Mr. Muise requested that the covenant on the property not to permit a building strata be removed.

**MINUTES**

MOVED Director Stanhope, SECONDED Director Burnett, that the minutes of the regular Electoral Area Planning Committee meeting held September 13, 2011 be adopted.

CARRIED

**PLANNING**

***DEVELOPMENT PERMIT APPLICATIONS***

**Development Permit Application No. PL2011-157 – Kuun – Jameson Road – Area ‘H’.**

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. PL2011-157 to permit the construction of a dwelling unit and detached garage be approved subject to the conditions outlined in Schedules No. 1 to 4.

CARRIED

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

**Development Variance Permit Application No. PL2011-149 – Muise – Creekside Place – Area C.**

MOVED Director Young, SECONDED Director Burnett, that Development Variance Permit Application No. PL2011-149 to amend an existing covenant in order to permit a building strata on the subject property be denied.

CARRIED

**Development Variance Permit Application No. PL2010-180 – JE Anderson & Associates – 1915 Cormorant Crescent – Area ‘E’.**

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

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit Application No. PL2010-180, be approved subject to the conditions outlines in Schedules No. 1 - 4.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 6:38 PM

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CHAIRPERSON

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE COMMITTEE OF THE WHOLE  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, OCTOBER 11, 2011 AT 7:00 PM IN THE  
RDN BOARD CHAMBERS**

**Present:**

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

**Also in Attendance:**

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

**CALL TO ORDER**

The Chairperson asked for a minute of silence to mark the passing of former Director Berni Sperling of Electoral Area 'B'.

**DELEGATION**

**Brent Edwards, Snaw'Naw'As First Nations, Update Regarding Development and General Activities.**

Mr. Edwards presented a verbal overview of the Swaw'Naw'As First Nations, the current 5 year plan, and requested that local government work together to improve communications and to develop a protocol with the Nanoose First Nations.

## MINUTES

MOVED Director Holdom, SECONDED Director Ruttan, that the minutes of the regular Committee of the Whole meeting held September 13, 2011 be adopted.

CARRIED

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

#### **Cedar Community Policing Office – Request for Annual Funding Assistance.**

MOVED Director Burnett, SECONDED Director Young, that the request from the Cedar Community Policing Office for annual funding in the amount of \$2,000 be referred to the 2012 Annual Budget process for consideration.

CARRIED

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

#### **Nanoose Place Temporary Storage Trailer.**

MOVED Director Holme, SECONDED Director Ruttan, that the Regional District of Nanaimo approve the temporary placement and use of a recreational trailer by the Nanoose Bay Lions Club located at the back of Nanoose Place for up to a maximum of three (3) years, effective October 1, 2011, and the Regional District follow up with the Nanoose Bay Activities and Recreation Society to discuss a long-term storage strategy for the site as part of the lease renewal.

CARRIED

#### **Cedar Heritage Centre Energy Assessment 2011.**

MOVED Director Burnett, SECONDED Director Young, that the energy upgrades as recommended by City Green Solutions for the Cedar Heritage Centre be approved and funded through the Electoral Area 'A' Community Works Fund and any other available incentive programs that may be applicable.

CARRIED

### ***TRANSPORTATION AND SOLID WASTE SERVICES***

## SOLID WASTE

#### **Waste Stream Management License Application – DBL Disposal Services.**

MOVED Director Holdom, SECONDED Director Ruttan, that the Board receive the report on the Waste Stream Management License application from DBL Disposal Services Ltd. for information.

CARRIED

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

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

MOVED Director Burnett, SECONDED Director Young, that the minutes from the meeting of the Electoral Area 'A' Parks, Recreation and Culture Commission held September 22, 2011 be received for information.

CARRIED

MOVED Director Burnett, SECONDED Director Johnstone, that the Regional District work with community members, user groups and the Ministry of Forests, Lands and Natural Resource Operations to develop a concept plan and management strategy for the Ritten Road Boat Launch for review by the Electoral Area 'A' Parks, Recreation and Culture Commission.

CARRIED

MOVED Director Burnett, SECONDED Director Johnstone, that the Regional District proceed with the preparation of working drawings and tender documents, including a detailed cost estimate for the kiosk project (Morden Colliery Trail Entrance) and report back to the Electoral Area 'A' Parks, Recreation and Culture Commission and Board prior to tendering for construction.

CARRIED

MOVED Director Burnett, SECONDED Director Holdom, that staff review the extent of Regional District involvement regarding horseback riding in Hemer Provincial Park and ascertain the type of support the Regional District can provide with respect to Cedar Horse Club's request.

CARRIED

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Snaw'Naw'As First Nations, Update Regarding Development and General Activities.**

MOVED Director Westbroek, SECONDED Director Lefebvre, that staff coordinate a meeting between the Swaw'Naw'As First Nations and the Regional District.

CARRIED

**ADJOURNMENT**

MOVED Director Holdom, SECONDED Director Burnett, that this meeting terminate.

CARRIED

TIME: 7:27 PM

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CHAIRPERSON

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SR. MGR., CORPORATE ADMINISTRATION

## REGIONAL DISTRICT OF NANAIMO

### MINUTES OF THE ELECTORAL AREA 'B' PARKS AND OPEN SPACE ADVISORY COMMITTEE SPECIAL MEETING HELD THURSDAY, OCTOBER 13, 2011, 7:00PM AT GABRIOLA ISLAND WOMEN'S INSTITUTE HALL

**Attendance:** Gisele Rudischer, Director, RDN Board, Chair  
Nancy Crozier  
Catherine Williams  
Randolph Young  
Cameron Murray

**Staff:** Elaine McCulloch, Park Planner

**Regrets:** Laurie Burke

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#### CALL TO ORDER

Chair Rudischer called the meeting to order at 7:05pm.

#### COMMUNICATIONS/CORRESPONDENCE

MOVED N. Crozier, SECONDED R. Young, that the Communication K. Kazmierowski, Islands Trust, re: Gabriola Island Density Transfer application, be received.

CARRIED

#### REPORTS

##### **Williamson Density Transfer – Parks Implications**

Ms. McCulloch reviewed the Williamson Density Transfer – Parks Implications report and staff recommendation. She noted the proposed donation of parkland would conjoin Coats Marsh Regional Park with the 707 Community Park, would enhance the capture of groundwater, would improve trail possibilities for the 707 Community Park and would allow for a trail connection from North Road to South Road.

Ms. McCulloch advised the proposal was an early referral for Regional District comment and recommended the donor parcel be considered acceptable as community park land, while more information would be necessary to properly review the receiver parcel.

Chair Rudischer opened the floor for comments from the members of the Community in attendance, as follows:

- Ms. Jenny McLeod advised the neighbourhood at Daniel Way has experienced a groundwater shortage, which may be associated with a nearby commercial water extraction project.
- Mr. Edward Larsen-Jones described the shoreline form at Sandwell Park and the adjoining wetland as a special bird habitat. He stated his concern about the proximity to the wetland of the proposed development but that he would appreciate a new walking access provided from Daniel Way to Sandwell Park.
- Mr. Howard Houle appreciated the relationship of the proposed park donation and the significance of joining Coats Marsh Regional Park with the 707 Community Park.



However, he was concerned about the potential environmental impacts of the proposed development at Lock Bay. He also questioned the placement of a roadway to Sandwell Park, included in the Lock Bay subdivision proposal. He requested that the POSAC and the Islands Trust use caution in regards to this application.

- Ms. Jenna Springford advocated for watershed protection in the Daniel Way area, stating water purveyors in the area have affected the neighbouring wells. Ms. Springford was in favour of the parkland donation.
- Ms. Kathy Logan stated her concern about murky wells in the Daniel Way area and considered the issue to be associated with the commercial extraction of water in the area.

Chair Rudischer stated as she is running for election to the Islands Trust, she would refrain from the Committee's review of the density transfer.

Mr. Young noted the donor parcel of land would be a good way to connect Coats Marsh Regional Park with the 707 Community Park, however, he stated he had several issues with the initial plan for the Lock Bay subdivision. He noted that the Receiver Parcels have riparian protection area, identified as SPEAs in the Toth Environmental Study in which trail and road development is prohibited. He pointed out that the proposed road allowance goes right through one of these protected areas, therefore current road layout is unacceptable, however, beach access would remain a key issue in future plans. Mr. Young recommended retaining a trail system and environmentally sensitive area, such as the wetlands and beaver lodge, within the public domain as a reserve with park designation or with a GALTT conservancy covenant like Elder Cedar.

Mr. Murray thanked Ms. McCulloch for her thorough report and spoke in favour of the 72ha park donation to connect Coats Marsh Regional Park and the 707 Community Park and to allow for the extension of a trail system to South Road. Mr. Murray did question several aspects of the Lock Bay subdivision plan and suggested the first draft be modified to minimize road construction. He stated Sandwell Park could be expanded to include wetlands, water courses and to provide a neighbourhood trail system to join Daniel Way with Sandwell Park. In that regard he distributed a sketch map to illustrate such an alternative.

Ms. Crozier noted the subdivision application would require a development permit process. Ms. Crozier stated the salt water marsh merits protection and the proximity of wells may be problematic leading toward salt intrusion into the groundwater and therefore she was not in favour of the proposal. She also noted that she did not agree with the ultimate increase in densities this proposal would allow. She also expressed the view that the value of the proposed park land addition to the 707 Community Park did not outweigh the value of the rare salt marsh ecosystem in Lock Bay that would be impacted by this proposal.

Ms. Williams stated she also was not in favour of the proposal and suggested that there are other ways of attaining trail connectivity between 707 Community Park and Coats Marsh Regional Park.

MOVED R. Young, SECONDED C. Williams, that the Islands Trust be advised that the Density Transfer application GB-RZ-2009, should not be approved as presented.

CARRIED

MOVED C. Williams, SECONDED N. Crozier, that the Islands Trust be advised that the parkland donor parcel is unacceptable because the environmental impact to the parcel at Lock Bay that would be receiving the densities is too severe.

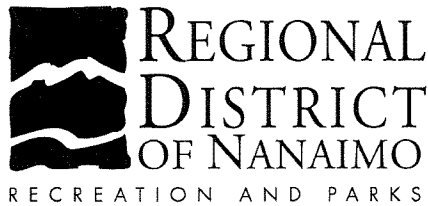
CARRIED

**ADJOURNMENT**

MOVED C. Williams, SECONDED N. Crozier, that the meeting be adjourned at 8:20pm.

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Chair



RDN REPORT		
CAO APPROVAL <i>DM</i>		
EAP		
COW		
OCT - 6 2011		
RHD		
BOARD	✓	Oct. 25/11
POSAC EA 'B' Oct. 13/11		

**MEMORANDUM**

**TO:** David Palidwor  
Acting Manager of Parks Services

**DATE:** October 7, 2011

**FROM:** Elaine McCulloch  
Parks Planner

**FILE:**

**SUBJECT:** Williamson Density Transfer - Parks Implications

**PURPOSE**

To provide park land comments to the Islands Trust regarding the ‘early referral’ of a Gabriola Island density transfer application that proposes to donate 72 hectares (178 acres) of Community Park to the Regional District of Nanaimo.

**BACKGROUND**

The Islands Trust has received a rezoning application that proposes to transfer nine residential densities from two Forestry-zoned properties to three Resource-zoned properties as per Gabriola Island Official Community Plan provisions. The transfer of density requires a rezoning of the “donor parcels” from Forestry (F) to Forestry/ Wilderness Recreation (FWR1). The applicant is proposing to dedicate these two parcels as an addition to the 707 Community Park (*Appendix I*).

The proposed density transfer would increase the density of the three Resource zoned receiver parcels from four (4) into a total of thirteen (13) and result in a rezoning of the area to Resource Residential (RR). The proponent wishes to ultimately subdivide these lands into a total of thirteen (13) lots for future development. The application also identifies a 5% (1.6 hectares) park land dedication in the area that fronts the beach (*Appendix II*). In their staff report, the Islands Trust suggests that this park land dedication could form a natural extension of Sandwell Provincial Park both ecologically and administratively. Further information and discussion with the Islands Trust and the Ministry of Environment (BC Parks) is required regarding the required park land dedication for this proposed rezoning and subdivision proposal as part of the application process.

The Island Trust’s official deadline for ‘early referral’ response is October 7<sup>th</sup>, 2011 however upon special request, the deadline has been extended to October 18<sup>th</sup>, 2011 thereby allowing the Electoral Area ‘B’ Parks and Open Space Advisory Committee (POSAC) time to review and provide comment on the associated RDN park land implications of this proposal.

A similar density transfer proposal led to the creation of 707 Community Park when in 2005 the Gabriola Island Local Trust Committee (LCT) approved a bylaw that permitted the transfer of 35 residential densities from 286 hectares (707 acres) of Forest-zoned lands, subsequently rezoning the land for Forestry-Wilderness Recreational use. The land was then transferred to the RDN on a freehold basis for the purpose of Community Park use in Electoral Area ‘B’.

The proposed 72 hectare (178 acre) addition to the 707 Community Park in the application would have the same Forestry-Wilderness Recreational zoning as the 707 Community Park and as such would have the same permitted uses of (a) forestry, (b) forest wilderness oriented recreation, (c) ecological reserves, (d) environmental protection. It should be noted that the Islands Trust is currently reviewing options for implementing park specific zoning such as *Passive Recreation Community Park*; this may result in the future rezoning of park land on Gabriola.

The two properties making up the proposed 72 ha (178 acre) park land dedication are primarily undeveloped second-growth forest land that was clear cut in the recent past. Based on the sensitive ecosystems mapping presented in the Islands Trust Report (*Appendix III*), there is evidence of a wetland complex along the eastern border with 707 Community Park. The lands also fall within the Coastal Douglas Fir Biogeoclimatic Zone. This rare ecotype represents less than 0.3% of the land area of the province. Within this zone there other variant ecosystems such as vernal pools and wetlands and many rare species. If this application were to proceed, further investigation into the environmental value and condition of the site would be recommended.

Given the topography of the proposed park lands, it can be extrapolated that the proposed donor lands, along with portions of the 707 Community Park, make up a significant portion of the upland watershed of Hoggan Lake and Coats Marsh, the latter of which is protected as a Regional Park. The proposed donor lands, in conjunction with the 707 Community Park and Coats Marsh Regional Park, play an important role in the capture and storage of groundwater on Gabriola Island. Protecting these lands as park not only potentially ensures future ground water storage capacity, it also provides greater integrity to the watershed functions of the adjacent Parks.

The proposed park lands have an existing trail network that locals use to unofficially connect between the 707 Community Park and Coats Marsh Regional Park. The acquisition of the proposed donor lands would legitimize these trails and provide a robust trail connection between the two parks. As identified in the 707 Community Park Management Plan, the acquisition of parkland to connect the 707 Community Park to Coats Marsh Regional Park is highly desirable as is the resolution of the current alignment of "Old Centre Rd Trail" which cuts across the donor lands in the north east corner of the property. The 707 Community Park Management Plan also highlights the need to provide a direct, off road multi-use trail connection between North and South Roads. The park boarders do not currently intersect with South Road, therefore the Management Plan recommends achieving this connection by working with the park neighbour to develop a formal access agreement. If the donor lands were to be acquired as park this permanent connection could be realized.

If the dedication of community park lands were to be accepted by the Regional District on behalf of the residents of Electoral Area 'B', it would be under the condition they be dedicated as free hold lands and that the parcels were cleared of any legal encumbrances.

## **ALTERNATIVES**

1. The Regional District agrees in principle that the 72 ha ‘donor parcels’ adjacent to the 707 Community Park would be suitable as Electoral Area ‘B’ Community Park Land and that further information and discussion with the Islands Trust and the Ministry of Environment is needed prior to park land dedication on the three proposed ‘receiver parcels’ adjacent to Sandwell Provincial Park.
2. The Regional District does not agree in principle that the ‘donor parcels’ as presented would be suitable as community park land.

## **FINANCIAL IMPLICATIONS**

The financial implications of accepting these ‘donor parcels’ as park land would result in additional staff time and resources to manage the lands which continue to be stretched amongst the seven Electoral Area Community Park systems. Some additional funds would be required for a legal review and Stage 1 Preliminary Site Investigation to determine whether there is potential for contamination in contravention of environmental regulations.

Operationally this land will need to be managed for due diligence i.e. inspection, upkeep and potential decommissioning of trails; hazard tree monitoring; garbage removal; signage upgrades; and wetland monitoring.

The 707 Community Park Management Plan 2010-2020 establishes the management direction to guide the operations, development and stewardship of the Park. If additional lands are added to the Park, Planning Staff time will be required in the 2015 Five Year Review of the 707 Community Park Management Plan and for the scheduled update in 2020.

## **SUSTAINABILITY IMPLICATIONS**

The addition of 72 hectares (178 acres) to the 707 Community Park supports a number of sustainability principles including watershed protection, active transportation, and the protection of sensitive ecosystems (e.g. Coastal Douglas Fir Ecosystem and wetlands).

## **CONCLUSION**

The Islands Trust has received a rezoning application that proposes to transfer nine residential densities from two Forestry-zoned properties (donor parcels) to three Resource-zoned properties (receiver parcels) as per Gabriola Island Official Community Plan provisions. The applicant is proposing to dedicate the ‘donor parcels’ (72 hectares) as an addition to the 707 Community Park.

The proponent wishes to rezone and ultimately subdivide the receiver parcels into a total of thirteen (13) lots for future development. The application identifies a 5% (1.6 hectares) parkland dedication in the area that fronts the beach adjacent to Sandwell Provincial Park. Further information and discussion with the Islands Trust and the Ministry of Environment (BC Parks) is required regarding the required park land dedication for these proposed rezoning and subdivision proposal as part of the application process.

The majority of the proposed park lands represent undeveloped second-growth forest land. However, there is a small wetland complex along the eastern boarder with 707 Community Park

identified in the sensitive ecosystem mapping for the area. The lands also fall within the rare Coastal Douglas Fir Biogeoclimatic Zone. If this application were to proceed, further investigation into the environmental value and condition of the site would be recommended.

The proposed park lands along with portions of the 707 Community Park are part of the upland watershed of Hoggan Lake and Coats Marsh. Protecting these lands as park not only potentially ensures future ground water storage capacity, it also provides greater integrity to the watershed functions of the existing adjacent park land.

The proposed park lands have an existing trail network that locals use that unofficially connects the 707 Community Park and Coats Marsh Regional Park. The acquisition of these lands would legitimize these trails and provide a robust trail connection between the two parks. The addition of these lands would also resolve the current trespass of "Old Centre Rd Trail" which cuts across the donor lands in the north east corner of the property. The current boundaries of the 707 Community Park do not provide connection to South Road. With the addition of the proposed park lands this connection could be achieved thereby allowing a formal cross island, multi-use trail connection between North and South Roads. It should be noted that the 707 Community Park Management Plan suggests working with park neighbours to develop a formal access agreement across their lands in order to achieve this key trail connection.

If the dedication of community park lands were to be accepted by the Regional District on behalf of the residents of Electoral Area 'B', it would be under the condition they be dedicated as free hold lands and that the parcels were cleared of any legal encumbrances.

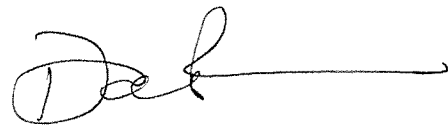
In summary, the proposed addition of land to the 707 Community Park would provide important environmental protection to sensitive ecosystems, provide greater integrity to the watershed functions of adjacent parks and provide important trail connections to Coats Marsh Regional Park.

**RECOMMENDATION**

The Regional District agrees in principle that the 72 ha 'donor parcels' adjacent to the 707 Community Park would be suitable as Electoral Area 'B' Community Park Land and that further information and discussion with the Islands Trust and the Ministry of Environment is needed prior to park land dedication on the three proposed 'receiver parcels' adjacent to Sandwell Provincial Park.



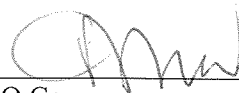
Report Writer



Manager Parks Services Concurrence

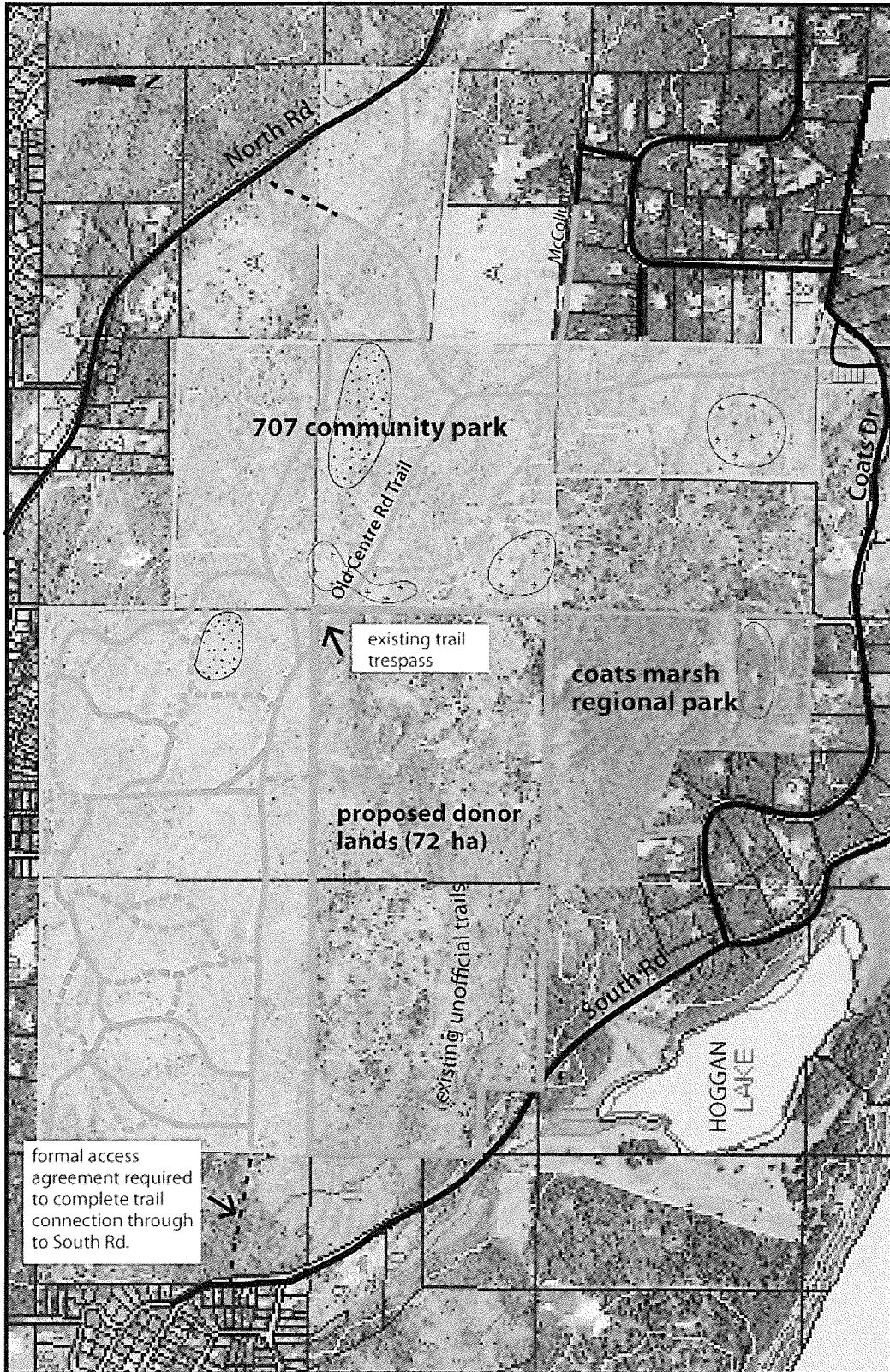


General Manager Concurrence

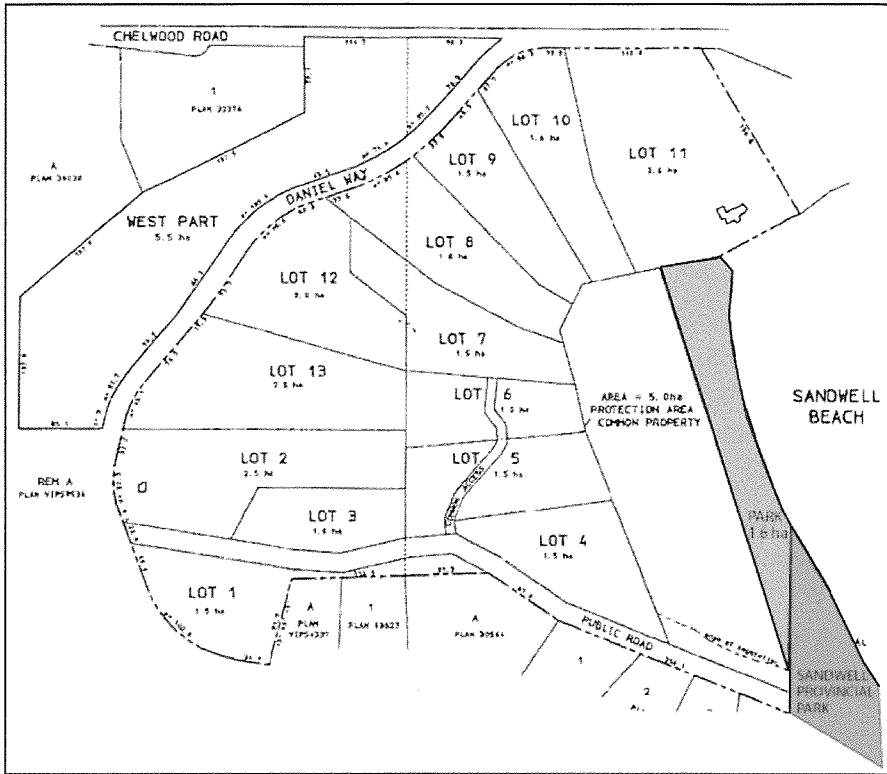


CAO Concurrence

**Appendix I – Proposed Donor Parcels / Community Park Land Dedication**



**Appendix II – Proposed Lot Configuration and Park Land Dedication on Receiver Parcels**



Excerpt from Islands Trust Staff Report, July 11, 2011, pg. 6



Orthophoto with proposed lot configuration overlaid.  
Not to scale - for illustrative purposes only



**Appendix III – Islands Trust Staff Report, July 11, 2011**



# STAFF REPORT

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**Date:** July 11, 2011

**File No.:** GB-RZ-2009.1  
(Williamson &  
Associates)

**To:** Gabriola Island Local Trust Committee  
For the meeting of July 28, 2011

**From:** Kaitlin Kazmierowski  
Island Planner

**CC:** Chris Jackson  
Regional Planning Manager

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**Re: Preliminary Staff Report for application GB-RZ-2009.1 (Williamson & Associates)**

**Owners:** Laird Scrimshaw, Leah Holland & William Lye, 0858317 BC Ltd., Inc. No. BC0858317, Potlatch Properties Ltd, Pilot Bay Holdings Ltd.

**Applicant:** Brian Henning for Williamson & Associates

**Locations:** Lot 2, Section 22 and 23, Gabriola Island, Nanaimo District, Plan VIP54644, Except that in Plan VIP60914, PID: 017 858 640 (Receiver)

Lot 1, Section 22, Gabriola Island, Nanaimo District, Plan VIP66042, PID: 023 931 167 (Receiver)

Part of NW ¼ of SW1/4 of Section 22, Gabriola Island, Nanaimo District, Except parts in Plan 22029, 30038, 32376 & VIP54644  
PID: 009 739 602 (Receiver)

SW ¼ of Section 14, Gabriola Island, Nanaimo District  
PID: 005 030 480 (Donor)

SE ¼ of Section 13, Gabriola Island, Nanaimo District, Except the SW ¼ of the SW ¼ of said SE ¼ PID: 006 654 941 (Donor)

## THE PROPOSAL:

This proposal seeks to transfer density from two Forestry (F) zoned properties to three Resource (R) zoned properties via a rezoning. The proponent wishes to transfer density in order to subdivide the three Resources lots into a total of 13 lots for future development. This staff report serves as a preliminary report to introduce the application to the LTC, present pertinent information for consideration, provide initial analysis and end with recommendations for next steps. It should be noted that additional questions, research and issues are anticipated to arise

in the future, and that this report serves as a first step in the process. In addition, supplementary reports provided by the applicant have been sent to the LTC under a separate cover, have been posted to the Gabriola LTC webpage, and are available at the Islands Trust Northern office for review. These reports are referenced and have informed the discussion and information presented below.

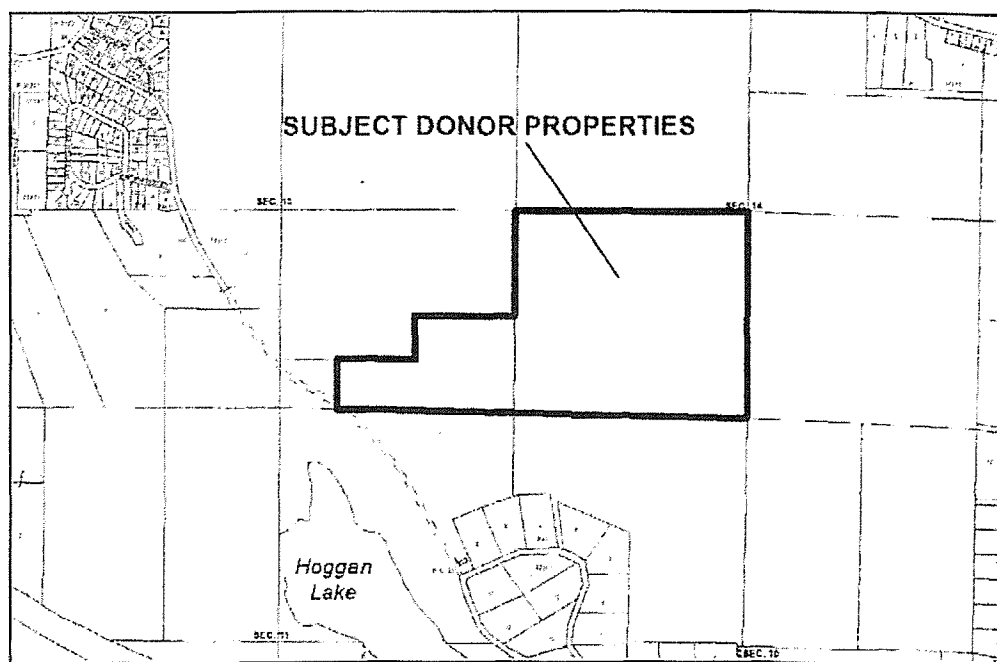
### **SITE CONTEXT:**

As this application involves the transfer of density from two parcels ("donor parcels") to three parcels ("receiver parcels"), the site context and analysis below are often divided according to this distinction.

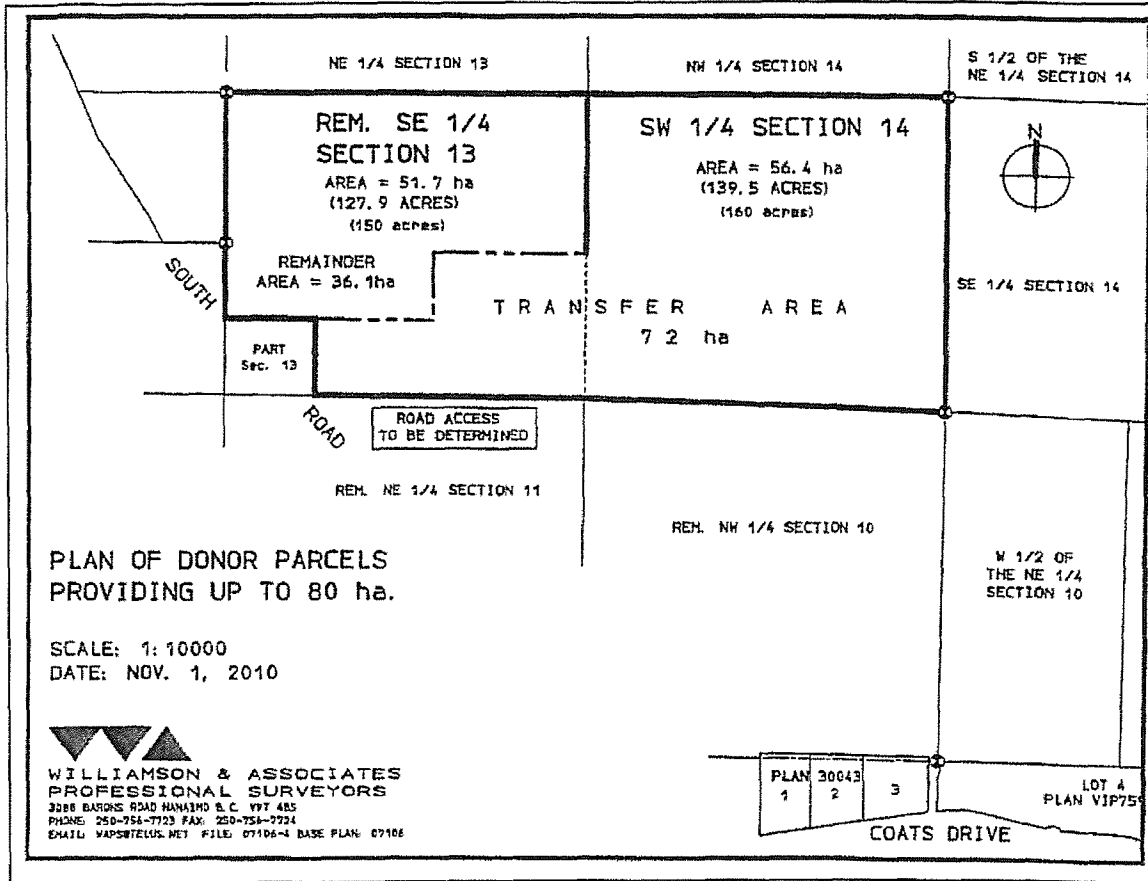
#### *Donor Parcels*

The donor parcels are located in the south western portion of Gabriola Island to the northeast of Hoggan Lake, directly south and adjacent to the 707 lands and directly west and adjacent to Coats Marsh Regional Park. Map 1 is a location map for the area and depicts the portion of the properties that is proposed for transfer. The total area proposed for density transfer is 72 hectares and comprises all of the eastern lot (56.4 ha), and 15.6 ha of the western lot. This transfer area translates to a total of 9 transferable densities and would result in a remainder Forestry (F) lot of 36.1 ha, which would be permitted one house and one accessory cottage.

Map 2 depicts the proposed area for density transfer. This transfer of density requires a rezoning of the transfer area from Forestry (F) to Forestry/ Wilderness Recreation (FWR1). Provisions for density transfer are in the Official Community Plan and are presented in more detail in this report.

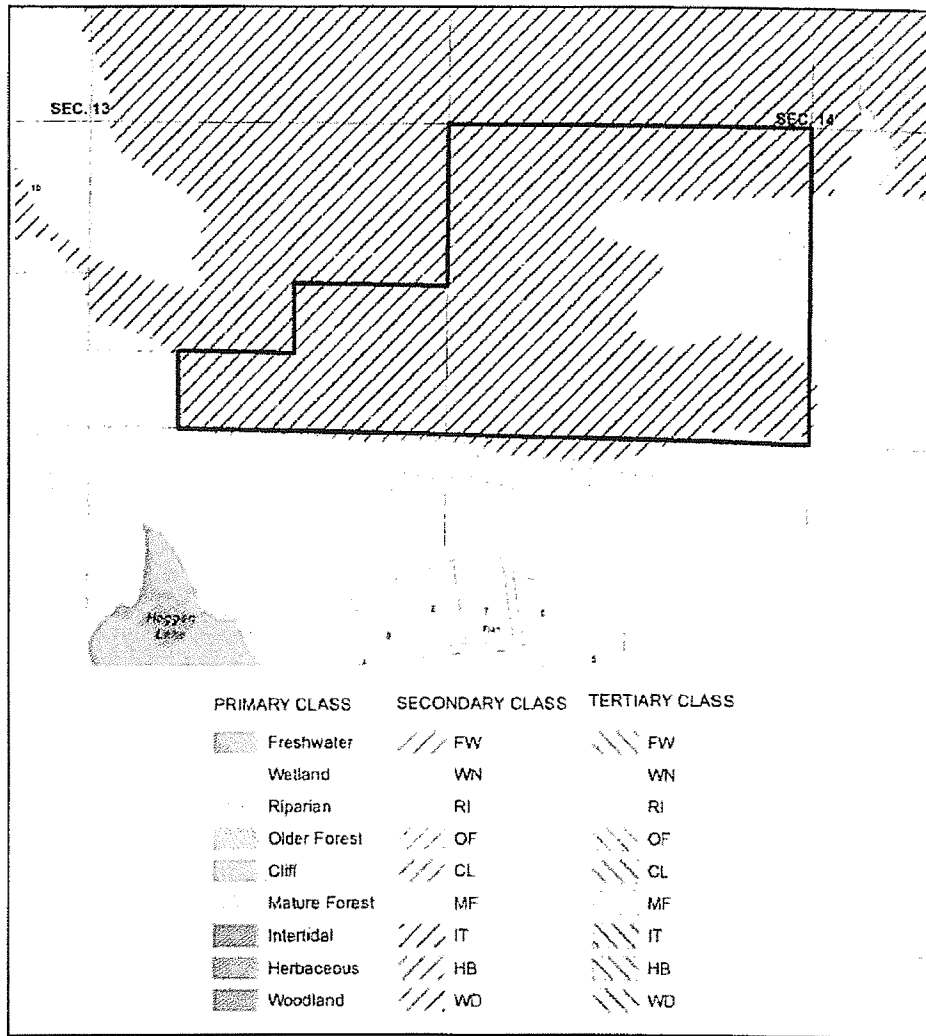


Map 1: Location of donor parcels



Map 2: Submitted site plan of donor parcels and transfer area

The undeveloped donor parcels have been clear-cut in the past and Islands Trust Sensitive Ecosystems Mapping indicates an interspersed areas of mature trees and woodland as well as a wetland ecosystem in the central and eastern portion of the proposed transfer area. Map 3 identifies the sensitive ecosystems mapped in this area.



Map 3: Sensitive Ecosystems Map of donor parcels

The applicant has suggested that the density transfer area could be added to the 707 lands as well as serve as an important connection from the 707 lands to South Road as well as through to Coats Marsh Regional Park. Further refinement of access to South Road for the remainder parcel will be required.

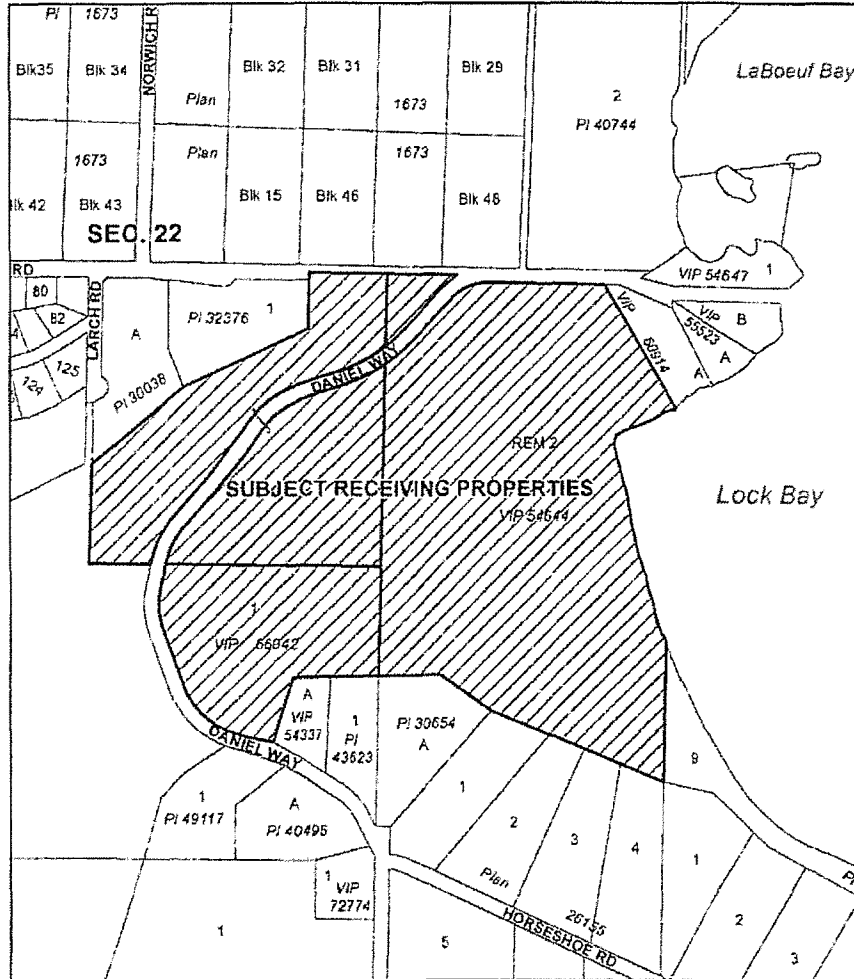
*Receiver Parcels*

The proposed density receiver parcels are zoned Resource (R) and located on the northeast coast of Gabriola Island, adjacent to Lock Bay to the east and Sandwell Provincial Park to the southeast. Chelwood Road lies to the north of the area and the western edge is bounded by Daniel Way. It should be noted that the area located on the west side of Daniel Way (except for the triangular area bounded by Daniel Way and Chelwood Road) is currently undergoing a separate subdivision process and is not intended to be part of this application.

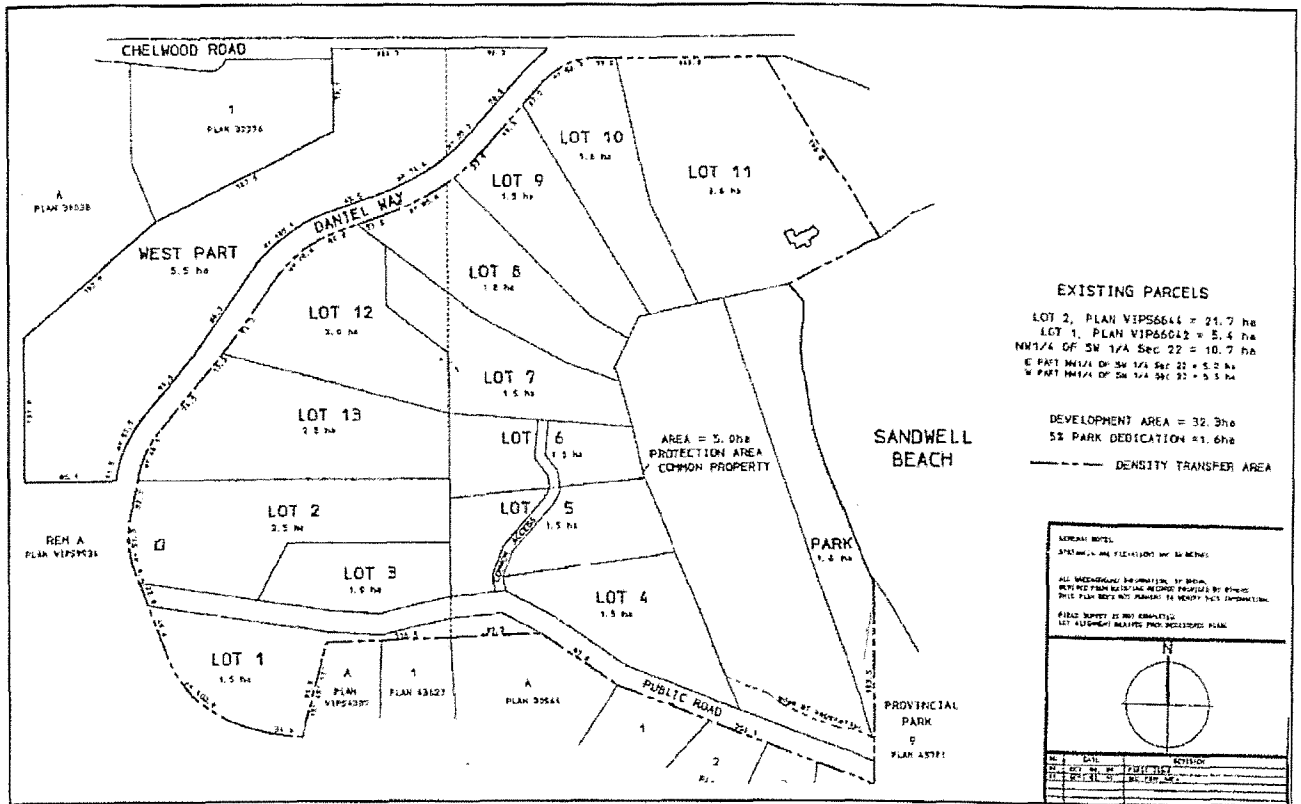
The receiver area is 32.2 hectares, with a density potential of four. The proposed density transfer would increase this number to 13, and result in a rezoning of the area to Resource

Residential (RR). Within the provisions of the RR zone, each proposed lot would be permitted a single dwelling, and proposed lots 2, 3, 11 and 12 would be permitted accessory cottages.

Map 5 depicts the configuration of the 13 proposed lots on the receiver parcels. Proposed lots range in area from 1 ha to 3.6 ha, with a 5 ha common property/ salt marsh protection area, and 1.6 ha parkland dedication along the waterfront. Two structures currently exist in the area; a residence on proposed lot 11 and a cabin on proposed lot 2. The applicant has indicated that both will be retained and that no further development is planned for proposed lot 11.



Map 4: Location of receiver parcels



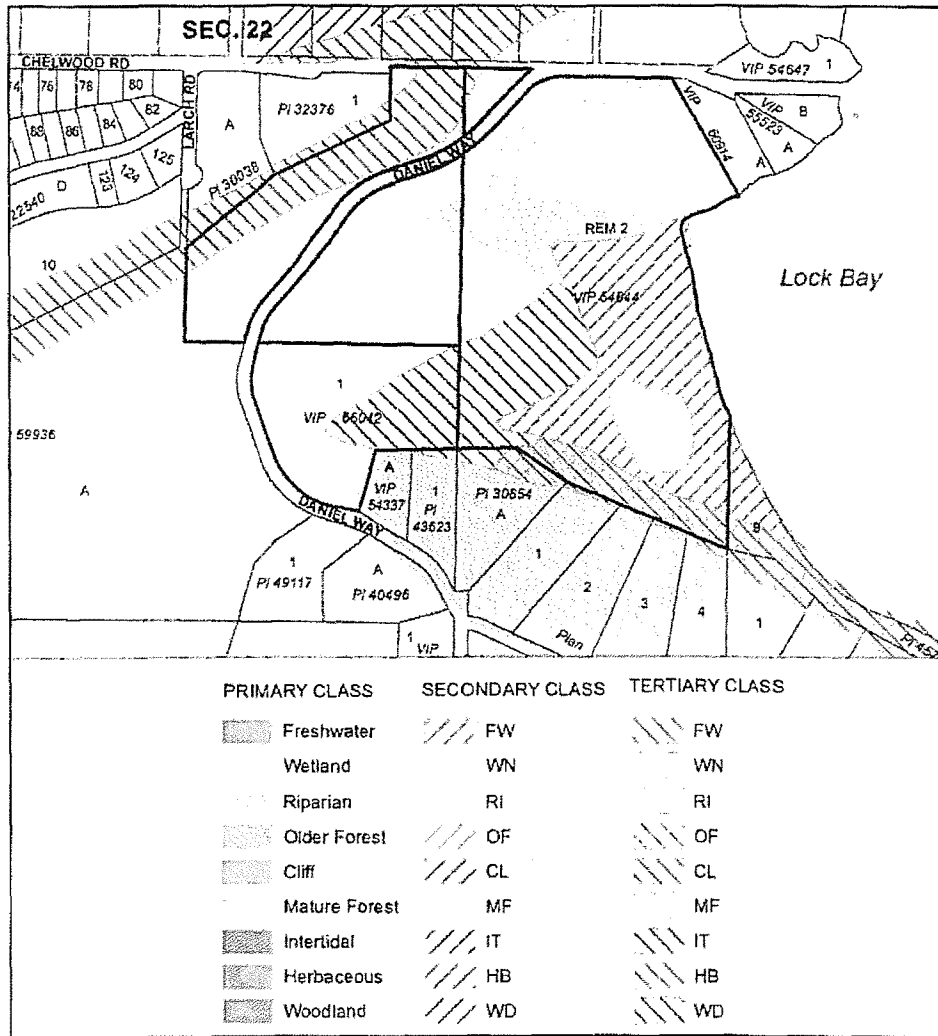
Map 5: Proposed lot configuration on receiver parcels

The area has undergone previous land alteration activities including timber harvesting in the 1920s and 1950s, gravel extraction, clearing, grubbing, and road and trail construction. The property rises up towards a central knoll which plateaus from the central portion of the area to its western boundary. The central knoll is flanked by two valleys to the north and south. The northern side of the knoll is a rocky bluff and the northern valley contains a watercourse that runs from the agricultural land to the northeast of the receiver area. The area is relatively flat in the northeast portion of the area past the watercourse and to the end of the property. The southern portion of the area slopes southeast towards a salt marsh and beach that comprise the eastern portion of the property. In addition to the salt marsh, a small pond has also been identified in the southeast corner of the property. The watercourses on the property will be discussed further in this report.

The applicant has also proposed a public road to follow the existing access road adjacent to the southerly boundary, and ending at Sandwell Provincial Park, thus creating a secondary access to the Park at its northern end. The applicant has stated that this road was previously constructed to remove gravel from the property. The applicant has also proposed a common access road for proposed lots 6 and 7 which stems from the proposed public road. Roads and their proposed locations are also included in Map 5.

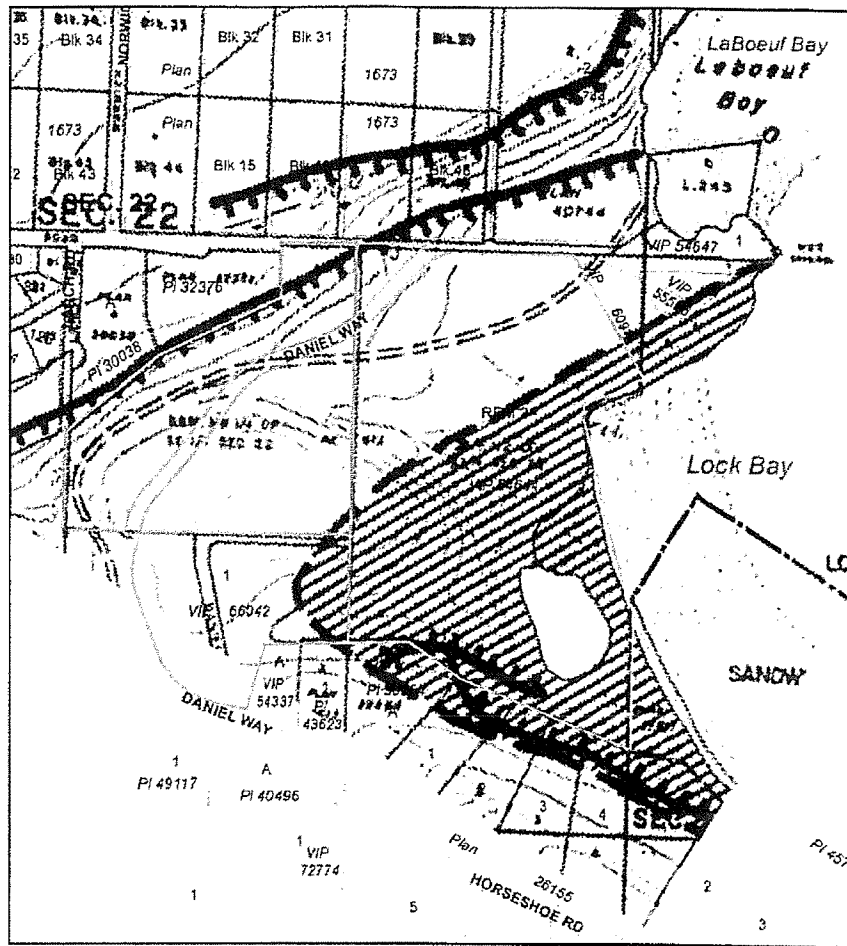
Several sensitive ecosystems and two Development Permit (DP) Areas have been identified in the area. Map 6 depicts the sensitive ecosystems mapping for the receiver parcels, and Map 7 indicates the locations of DP Area 2- Lock Bay (diagonal hache marks) and DP Area 6- Escarpment Areas. The sensitive ecosystems mapping indicates wetlands, cliff and mature

forest ecosystems throughout the south and western portions of the area, as well as along the northeastern edge.



Map 6: Sensitive Ecosystems Mapping for donor parcels





Map 7: Development Permit Areas on donor parcels

**CURRENT PLANNING STATUS OF SUBJECT LANDS:**

Trust Policy Statement:

Upon review, this application does not appear to directly contravene the directive policies within the Trust Policy Statement. Directive policies concerning the protection of sensitive ecosystems and significant natural and heritage sites, as well as those pertaining to the maintenance of a network of protected areas and the preservation of forest lands are important for this application. The application does address these via additional reports (presented below), park dedication, commitments to covenants and building schemes and through the proposed site plan and lot configurations.

Official Community Plan

The Gabriola Island Official Community Plan (OCP), Bylaw No. 166, 1997 provides land use guidelines on the current and proposed land use designations for the donor and receiver parcels in this application. These are explored below. The OCP also speaks to the general goals of preserving the natural environment and areas of sensitivity; preserving the rural character of the

Local Trust Area; ensuring opportunity for public access and enjoyment of the Local Trust Area; and ensuring gradual and appropriate change and growth that does not jeopardize future generation to make land use decisions.

#### *Donor Parcels*

Both donor parcels are designated as Forestry (F) in the OCP. The objectives and policies for this land use designation are attached to this report for information (Attachment 1). Density transfer provisions are provided within this section of the OCP and are expressed in excerpted policies g) through j) below:

- g) The Plan supports the retention of lands in the Forestry zone in large land holdings for sustainable forest management and/or to encourage their dedication for wilderness recreation or public recreational trail purposes. The concept of residential density being transferred from a parcel in the Forestry zone to a parcel in the Resource zone is supported subject to compliance with the policies in this plan.
- h) For every 8 hectares (19.76 acres) of land in the Forestry zone which an owner dedicates for wilderness recreation, the owner shall be entitled to transfer one residential density to land in the Resource zone which would be rezoned to Resource Residential.
- i) With respect to density transfer referred to in 5.2.g) above, the following criteria shall apply in considering whether or not a transfer shall be permitted:
  - i) The "Donor Parcel" shall be limited to land within the Forestry zone which will be rezoned Forestry/Wilderness Recreation;
  - ii) The "Receiver Parcel" shall be limited to land in the Resource zone which will be rezoned to Resource Residential;
  - iii) A Donor Parcel in the Forestry zone shall be dedicated for park or wilderness recreation, by means of a transfer of title for such purposes (to the Crown or other body, as specified by the Local Trust Committee at the time of rezoning) which shall be made prior to or concurrent with the rezoning of a Receiver Parcel to Resource Residential.
- j) Permitted uses in the Forestry/Wilderness Recreation zone shall be wilderness recreation, forestry, ecological reserve, and environmental protection.

In addition, this section also states that the minimum and average parcel size for subdivision in the Forestry zone shall be 60 hectares (148.2 acres) (policy b) and that subdivision in the Forestry zone shall not be supported, except for purposes of creating an ecological reserve (policy c).

#### *Receiver Parcels*

All three receiver parcels are designated as Resource (R) in the Gabriola Island Official Community Plan. The objectives and policies for this land use designation are attached to this report for information (Attachment 1). Provisions relating to the rezoning of Resource designated lands to Resource Residential (RR) lands are outlined in excerpted Resource policies f) and g) below:

- f) Approval of a rezoning to Resource Residential shall be subject to the following conditions:
  - i) Land shall only be rezoned to Resource Residential concurrent with the transfer of density from land being zoned Resource Conservation or Forestry/Wilderness Recreation (as the case may be) subject to:

- registration of a covenant on the Resource Conservation parcel for the purpose of restricting the subdivision of the parcel, or
  - the transfer of title in respect to Policy 5.1.f
- ii) For every 8 hectares (19.76 acres) of land rezoned to Resource Conservation, one residential density shall be transferred to land in the Resource zone which will be rezoned to Resource Residential.
- g) The following provisions shall apply to land in the Resource Residential zone:
- i) Permitted uses shall be one single family residential dwelling unit, horticulture, agriculture and home occupational uses.
  - ii) The minimum parcel size shall be 2.0 hectares (4.94 acres) and may be reduced to a minimum of 1.0 hectare (2.47 acres) on a site specific basis in which community sewer and community water systems may be required.
  - iii) The average parcel size shall be 8 hectares (19.76 acres), except that the average parcel size may be reduced to not less than 2.0 hectares to the extent necessary to accommodate the transfer of residential density from a parcel in the Resource or Forestry zone.
  - iv) The minimum average parcel size for each Resource Residential zone, created by density transfer, shall be calculated at the time of re-zoning by the following formula: the number of parcels allowed by current zoning plus the number of parcels transferred from elsewhere in the planning area divided into the total parcel area.

In addition, policy b) in this section of the OCP also speaks to the retention of large land holdings in the Resource designation for the protection of significant environmental features (including marshlands), archaeological sites and forested areas, and to maintain the area's rural character.

Other significant policies in the OCP that pertain to this application include:

General Land Use Policies:

- f) Applications for amendment to this OCP shall be required to include:
- i. details concerning the potential environmental impacts of the proposed development;
  - ii. a plan and specifications detailing how water supply and sewage disposal for the intended use are to be provided, and unless the development is residential and consists of less than five lots or dwelling units the plan and specifications must be prepared by a professional engineer; and
  - iii. such other requirements as may reasonably be deemed necessary in adequately reviewing the application.
- g) Development next to a watercourse shall be required to be undertaken in accordance with the guidelines as specified in the report *Land Development Guidelines for the Protection of Aquatic Habitat*, prepared by the Ministry of Environment, Lands and Parks (MELP) and Department of Fisheries and Oceans (1992), subject to the provisions of the Agricultural Land Commission Act and, when enacted for Gabriola Island, the B.C. Farm Practices Protection (Right to Farm) Act for land within the Agricultural Land Reserve.
- i) To avoid negative impacts on small streams and downstream properties, at the time of the development of new parcels of 2.0 hectares (4.94 acres) or smaller in areas designated as residential, an integrated storm water management plan should be designed, constructed and maintained by an appropriate authority

## General Residential Policies

- d) Future residential subdivisions should be designed to consider the natural contours of the land, existing natural landscapes, trail access and the design of adjacent subdivisions in order to promote development in harmony with the land and/or seascape.
- f) Achievement of the residential minimum parcel sizes specified in this section is conditional on Ministry of Health approval of on-site sewage disposal system for each parcel to be created.
- g) On parcels greater than 2.0 hectares (4.94 acres) or larger one cottage not exceeding 65 sq. metres (700 sq. ft.) shall be permitted accessory to a single family residential dwelling unit.
- h) In the case of a subdivision to create ten (10) or more parcels it shall be necessary for the developer to provide an adequate fire suppression water supply.

In addition, two Development Permit Areas (DPAs) exist within the receiver area. These are DP-2 Lock Bay Area, and DP-6 Escarpment Areas. No construction, structural alteration, addition (to a building or structure), subdivision or land alteration may take place before a Development Permit is obtained. The DPA guidelines for the receiver area are attached (Attachment 2). The applicant has indicated that DP applications will be made concurrently with this rezoning application.

### Land Use Bylaw:

The Gabriola Island Land Use Bylaw (LUB), No 177, 199 provides general siting and height provisions that have bearing on this application. These include:

#### B.2.1.1(a)

Despite all other siting references in this Bylaw, third party signs, fences, pump/utility houses, retaining walls, *structures* and *buildings*, excepting *boathouses*, must be sited a minimum of 7.5 metres (24.6 feet) from and 1.5 metres (4.9 feet) above the *natural boundary* of the sea and a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the *natural boundary* of any lake, stream, or wetland. Where the *frontage* on the sea is not adequately protected from erosion by natural bedrock or works as certified by a professional engineer, *buildings* and *structures* must be sited a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the *natural boundary* of the sea.

#### B.2.1.1 (b)

A septic sewage disposal field must be sited a minimum of 30 metres (98.4 feet) from the *natural boundary* of the sea, lake, stream or wetland.

#### B.2.1.2 (a)

No *building* may be sited less than 7.5 metres (24.6 feet) from the top edge of a *bluff* or ridge in "Development Permit Area No. 6: Escarpment Areas", as delineated in the Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997.

### *Donor Parcels*

The donor parcels are zoned Forestry (F). Permitted principal uses in this zone are: forestry and single family residential. Zoning regulations are attached to this report (Attachment 3). As outlined by the density transfer provisions in the OCP, should the proposed transfer proceed, the donor parcels would be rezoned to Forestry/ Wilderness Recreation 1 (FWR1). This zone permits the following principal uses: forestry, forest wilderness oriented recreation, ecological reserves and environmental protection. FWR1 zoning regulations are attached to this report (Attachment 3).

It should be noted that should this application process, it would result in the eastern donor lot being split zoned F/ FWR1. Article E.1.6.2 of the Gabriola LUB states, "Additional non-contiguous (split) lots capable of further subdivision under the lot area requirements of this Bylaw may not be created". The proposed split-zoned lot would not be capable of further subdivision as the minimum lot average and lot area for Forestry lots is 60 ha, while that for FWR1 lots is 286 ha.

### *Receiver Parcels*

The receiver parcels are zoned Resource (R). Permitted principal uses in this zone are: agriculture, forestry, single family residential, AM/FM towers (on lands show on Schedule C, Map 5), and shooting range (on lands shown on Schedule C, Map 4). Zoning regulations are attached to this report (Attachment 3). As outlined by the density transfer provisions in the OCP, should the proposed transfer proceed, the receiver parcels would be rezoned to Resource Residential 1 (RR1). This zone permits the following principal uses: single family residential, agriculture, and horticulture. This zone also permits accessory cottages not exceeding 65 m<sup>2</sup> on lots 2.0 ha or larger (Attachment 3). According to the submitted plan, this would permit accessory cottages on lots 2, 11, 12 and 13. Lots 2 and 11 already have existing dwellings, and the applicant has stated that these will be retained by the current owners.

### Islands Trust Fund:

As per the Islands Trust Fund Policy Manual, this application does not directly affect Trust Fund Board (TFB) interests as it does not directly affect TFB owned property or conservation covenants, does not affect property directly adjacent to TFB owned property or conservation covenants, and does not pertain to Crown Land within 100m of a TFB property or covenant. The Policy Manual does include provision that if planning staff consider that an application may affect the interests of the TFB, staff must advise the LTC of that possibility as soon as possible, so the LTC can consider and carry out any referral. Staff recommend that this application be sent to the Islands Trust Fund for early referral.

### Regional Conservation Plan:

The Islands Trust Fund Regional Conservation Plan (RCP) identifies areas of medium to high relative composition importance on the donor and receiver parcels. This indicates a medium to high occurrence of special habitats. The RCP also states that Gabriola is vulnerable to a loss of natural ecosystems to residential and associated uses. Gabriola saw a significant increase in the number of private dwellings between 2001 and 2006 compared with other areas in the Islands Trust region. In addition, Gabriola Island has been identified as an area of moderate conservation focus due to medium levels of unprotected high relative biodiversity composition value.

### Sensitive Ecosystems:

#### *Islands Trust Sensitive Ecosystems Mapping*

*Donor parcels:* Islands Trust Sensitive Ecosystems Mapping has identified a wetland ecosystem in the central and western portion of the donor lands as well as secondary ecosystems of Douglas fir, and woodland species such as shore pine and arbutus.

*Receiver parcels:* Islands Trust Sensitive Ecosystems Mapping has identified several sensitive and important ecosystems on the receiver parcels including a large tract of wetland, some mature forest, riparian ecosystems and young forest. A salt marsh and a pond are also present on the site.

*Consultant Report- Bio-inventory and Riparian Areas Assessment of the Sandwell Properties, Daniel Way, Gabriola Island, September 23, 2010*

Toth and Associates Environmental Services were contracted to provide a bio-inventory and RAR report of the receiver properties, and field surveys were conducted on April 30, 2010. The report states that old road grades, clearings and ditch networks were widespread on the property, indicating a past history of development disturbance.

The report identified 22 rare animal species, 10 rare plant species, and 11 rare ecological communities with potential to occur on the property. The report also identified the presence of an un-named creek and a pond; both of which were subject to a RAR assessment (see RAR analysis below). The report makes the following recommendations:

- Any physical development of the property, including land clearing should only be undertaken outside the breeding bird season from April- August.
- Trees should not be removed for aesthetic reasons, but could be modified to create additional wildlife habitat.
- Any development of access to Sandwell Provincial Park should include public facilities, signage and pet restrictions.
- Trail networks will need to be designed and located so that they do not create undue stress/ disturbance on wildlife, and should avoid areas of dense bush.
- Identified significant trees should be preserved, and where deemed safe by a certified arborist, an area of native vegetation equal to or greater than the drip line of the trees with >65 cm diameter-at-breast-height is recommended.
- A tree preservation plan, trailway plan, and detailed construction and environmental management plan should be developed prior to any physical development of the property, and delineation of areas planned for preservation prior to land clearing should be a requirement of the Development Permit.
- A 30m setback from the natural boundary of the salt marsh should be preserved as the area serves as significant wildlife habitat. Covenant or Development Permit restrictions prohibiting vegetation removing within this setback should be included. Minor "bending" of the setback area for siting flexibility of up to 10m should be permitted as long as the setback is increased elsewhere in the setback area.

### Hazard Areas:

Portions of the receiver properties fall within Development Permit Area 6- Escarpment Areas. A Geotechnical Hazards Assessment was conducted by Ground Control Geotechnical Engineering Ltd, and a site reconnaissance was carried out on April 30, 2010.

The report indicates that each proposed lot contains numerous suitable buildable areas for the intended residential use; however, once building sites are selected, the absence of geotechnical hazards should be confirmed at each specific location.

Two steep cliff locations were identified on site, both roughly 20m tall. Setbacks to building sites at the top or toe of bedrock slopes 45 degrees or greater are recommended, however no exact distance was provided. It was also recommended that soil slopes 30 degrees or steeper should be assumed to be unsuitable for development. In terms of flooding or ocean surges, proposed Lot 11 was identified as the only Lot that could be affected by these incidents; however the applicant has indicated that no further development on this lot is planned. In any case, a 15m setback from the natural boundary of the sea, and a 1.5m minimum elevation setback from the sea were also recommended.

### Archaeological Sites:

Six previously recorded archaeological sites were identified in proximity to the receiver area, two of which are located on site. Millennia Research Limited was contract by the applicant to conduct an Archaeological Overview Assessment (AOA) of the proposed receiver properties in order to assess the potential impacts and implications future development could have on any archaeological sites. A preliminary field reconnaissance was carried out on July 29, 2010 by the consultant and a representative from the Snuneymuxw First Nation. This primarily assessed the potential building sites on proposed lots. The final report dated August 31, 2010 was submitted to the Snuneymuxw First Nation and the Provincial Archaeology Branch. The report provides the following information and recommendations:

- Given the project area's proximity to the marshland, coast and unusual or significant previously recorded archaeological site, the area has considerable potential for archaeological sites.
- A desktop study identified approximately 17 ha of archaeological potential within the proposed development area. Based upon this and the project's location and physical environment, the archaeological potential in the area is rated as high.
- It is possible that small, discrete archaeological sites exist within the proposed development areas and therefore, there is potential to impact unrecorded sites during construction.
- There is only one potential building site (proposed Lot 3), identified thus far which may impact a bedrock outcrop with archaeological potential.
- It is possible that construction of any access roads or ancillary facilities throughout the development could impact cultural features or materials.
- It is recommended that an archaeological impact assessment (Section 14 Heritage Inspection Permit) be conducted for all proposed land-altering developments within the proposed area with the exception of proposed Lot 4 (due to previous considerable disturbance).

- No further archaeological work is recommended for proposed Lot 11, provided that there continues to be no plan for further development.

Covenants:

Several covenants exist on the properties involved in this application. They are listed below:

**Lot 2, Section 22 and 23, Gabriola Island, Nanaimo District, Plan VIP54644, Except that in Plan VIP60914. This is the receiver parcel that contains all waterfront property.**

**EF087215:** This covenant restricts any further subdivision of the hooked portion of the property found at the corner of Daniel Way and Chelwood Road.

**EF087209:** This covenant restricts the following: building construction and mobile home siting from within 15m of the natural boundary of the sea or of a natural watercourse; coastal floodplain setback may be reduced to 7.5m where the ocean frontage is adequately protected from natural erosion by a natural bedrock formation or works designed by a professional engineer; no area used for habitation, business or storage of goods may be situated less than 1.5m above the natural boundary of the sea; and no changes or disturbances to the vegetation within 15m of the centerline of the watercourse or within 7.5m of the bank of the watercourse, whichever is less, without written permission from the Ministry of Environment.

**Lot 1, Section 22, Gabriola Island, Nanaimo District, Plan VIP66042. This is the southern receiver parcel, bounded to the west by Daniel Way.**

**EM101563:** This covenant restricts any pruning, defoliation or alteration of plant life in the "covenant area", a 0.103 ha triangular portion of the property bounded by Daniel Way to the east and the northern property boundary. The construction of any building or structure in this area is also restricted.

**EL116974:** This covenant identifies a location in the receiver area where only sewage disposal and no other construction can occur. It also restricts subdivision without written consent of the Covenantee (the Crown).

**EF62843:** This covenant permits the subdivision of a lot that no longer exists.

**Part of NW ¼ of SW1/4 of Section 22, Gabriola Island, Nanaimo District, Except parts in Plan 22029, 30038, 32376 & VIP54644. This is the northwestern receiver parcel that is currently divided by Daniel Way.**

**CA1218883:** This covenant restricts vegetation disturbance and development in a 20m wide strip along the southern boundary between the two smaller receiver properties. It is likely a privacy screen.

**FB289064:** This is an easement that is located on the portion of this property currently subject to a subdivision. Should this subdivision be successful, this portion of the property will not be part of the receiver parcels.

**SE ¼ of Section 13, Gabriola Island, Nanaimo District, Except the SW ¼ of the SW ¼ of said SE ¼. This is the western donor parcel.**



**EK142278:** This is a previous Weldwood easement on this property and has no bearing on this application.

Should this application proceed, staff will work with the applicant to ensure that existing covenants remain relevant, and any new or modifying covenants are developed as deemed appropriate.

Riparian Areas Regulation (RAR):

*Donor Parcels*

The Donor Parcels are located within the Hoggan Lake watershed. This watershed has been identified by the Ministry of Environment as likely being RAR significant. A RAR assessment will have to be conducted before any future subdivision of donor properties can occur.

*Receiver Parcels*

The three receiver properties are not located within the Hoggan Lake watershed; however, contractor Toth and Associates Environmental Services identified two water courses on-site: an un-named stream that cuts through the middle of the site from west to east, and a pond located in the southeast portion of the site, just west of the salt marsh. Both water courses flow into the salt marsh that comprises of the majority of the waterfront portion of the property, and both watercourses were assessed under RAR on April 30, 2010.

*Creek*

The creek was noted as having several limitations to fish potential due to chronic siltation, cascade barriers and beaver dams. Three reaches of the stream were identified, and a Streamside Protection Enhancement Area (SPEA) ranging from 30m to 11.1m was determined (See attachment 4)

*Pond*

The pond appears to be the site of a former quarry, and fish were observed in the pond during the assessment. Fish access to the salt marsh is restricted due to a large accumulation of driftwood at the north end of the wetland. A 15m SPEA, increasing to 30m on the south side of the pond was identified (See attachment 4)

Greenhouse Gas Emissions Reduction:

To date, the applicant has not indicated any specific measures to address Greenhouse Gas (GHG) emission reduction. The Gabriola OCP contains provision for GHG reduction, and these are included in Attachment 5. The LTC may wish to explore options regarding the reduction of GHG emissions associated with the addition of 9 densities to the receiver parcels.

**COMMUNITY INFORMATION MEETING(S):**

Should this application proceed, staff anticipate that several Community Information Meetings will be required in order to facilitate an informed discussion regarding this complex application.

**RESULTS OF CIRCULATION:**

As this is a preliminary report, there has been no circulation at this time. Should the application proceed, circulation of notices will occur as per legislated process.

## STAFF COMMENTS:

The complex nature of this application raises many questions and considerations for staff.

### *Parks*

The applicant is proposing several important parks dedications. The donor parcels could be added to the 707 lands, and provide significant access and connection to South Road. In addition, this park dedication would connect the 707 with Coats Marsh Regional Park, thus providing another significant trail connection. Should this application proceed, discussion and early referral to the Regional District of Nanaimo should be considered.

The applicant is also proposing a parks dedication of 5% of the receiver area covering the beach. This could form a natural extension of Sandwell Provincial Park along the coast. Again, should this application proceed, discussion and early referral to BC Parks should be considered. The proposal also indicates the creation of a public road that could in effect create an additional access to Sandwell Provincial Park. The benefits of this should be discussed in the community as this could require additional parking, facilities, and signage, and may cause significant disruption to the ecosystems within the park.

### *Archaeological sites*

The receiver area has been given an Archaeological Overview Assessment, and several strong recommendations provide staff with a sense that should this application proceed, it must be done with the utmost caution and consideration for these cultural features during any land alteration, and not simply at the assessed potential building sites. The applicant has suggested that a covenant in favour of the RDN (whose jurisdiction includes building construction), may be appropriate in order to ensure additional archaeological reviews occur if development proceeds. Early referral of this application to the Archaeology Branch and the Snuneymuxw First Nation should be considered. Careful coordination between the applicant, staff, Snuneymuxw, RDN and the Ministry of Transportation and Infrastructure (MOTI) should be taken throughout the entire process, and during various types of land alteration and development.

### *Sensitive Ecosystems*

The submitted biological inventory suggests that there are many significant ecosystems on site, and recommends, among other things, that a tree preservation plan, trailway plan, and detailed construction and environmental management plan be developed prior to any physical development of the property, and delineation of areas planned for preservation prior to land clearing should be a requirement. In addition, the report recommended that no development of the property, including land clearing take place during bird breeding season from April-August. The applicant has indicated that these types of activities will be implemented through development covenants. In addition, a 5% parkland dedication (1.6 ha) as well as a 5 ha salt marsh protection area have been proposed in the submitted plan.

Staff strongly support the recommendations outlined in the biological inventory, and again, caution for a careful consideration of the sensitive and rare species and ecosystem that may be supported on this site. Referral to the Islands Trust Fund should be considered, as well as to local conservation groups. The nature of the recommendations from the biological inventory give staff a sense that the proposed site may not be the most suitable for development and increased density. Staff feel that a conversation in the community about ecological priorities and trade-offs is necessary before this application proceeds further. In addition to this, consideration of how proposed development could have a lighter footprint on the surrounding ecosystem has not yet been addressed, and is anticipated to become an important topic in the future.

### *Watercourses & Setbacks*

Setbacks (SPEAs) to the two RAR assessed watercourses on the property have been delineated, and future development will need to adhere to these. This can be accomplished by creating a Development Permit Area at the time of rezoning, by protecting the setback through a covenant and/or including site specific setbacks in the bylaw. The existing Lock Bay Development Permit Area provisions include a 30m no-disturbance setback from the natural boundary of the sea. In addition to this, the applicant has requested an additional setback of 30m from the salt marsh as per the consultant recommendations.

### *Plan and lot configuration*

Upon preliminary analysis, this proposal does not appear to contravene the OCP or LUB in terms of density transfer provisions and subdivision requirements. The creation of a split zone on the western donor parcel may be dealt with via successful subdivision or boundary adjustment of the 707 lands, and this will be explored further by staff. The proposal seeks to transfer density by the rezoning of Forestry lands to serve as potentially significant park land in terms of trails and connections, and also proposes the creation of new park land and protection of an important natural (salt marsh) feature by going above current regulation. The applicant has also stated that water from proposed building lots will be drawn from a combination of ground wells and rain water collection. The applicant suggests that as part of the development conditions registered through a building scheme covenant, there will be a requirement that every dwelling design include water storage in or adjacent to future buildings. This will be developed further with the applicant should this proposal proceed, and early referral to the Vancouver Island Health Authority (VIHA) should also be considered.

The geotechnical report stated that each proposed building site contains areas that are safe for building. In addition to the provisions in Development Permit Area 6- Escarpment Areas, it is recommended that the once building sites are selected, the absence of geotechnical hazards should be confirmed at specific locations not within the current DPA-6.

### **OPTIONS:**

Staff cautiously support the advancement of this application to the next stage in the process, namely, early referral and community discussion. Initial analysis of this application indicates that a range of conditions should be placed upon the receiver parcels and that very careful work and coordination must be carried out.

Several options are available to the LTC. These are listed below:

- 1) Proceed no further with this application and direct staff to close the file.
- 2) Defer the further consideration of this application to the next LTC.
- 3) Direct staff to send out early referrals to a variety of agencies and groups. Early referrals may include a copy of this report, consultant reports, and submitted site plans.
- 4) Direct staff to schedule a Community Information Meeting where community opinion can be heard and the applicant/ consultants can be available to answer questions. The LTC may choose to schedule this after receiving input from early referrals.

### **RECOMMENDATIONS**

THAT the Gabriola Island Local Trust Committee directs staff to refer this application to the Gabriola Island Advisory Planning Commission.

THAT the Gabriola Island Local Trust Committee directs staff to send an early referral for this application to the Regional District of Nanaimo Parks Department, BC Parks, Islands Trust Fund, Snuneymuxw First Nation, Vancouver Island Health Authority, Ministry of Transportation and Infrastructure, and any local conservation groups that may share an interest.

List of Attachments:

**Attachment 1:** Gabriola Island Official Community Plan policies for Forestry (F) and Resource (R) land use designations

**Attachment 2:** Gabriola Island Official Community Plan Development Permit Provisions for DP 2- Lock Bay Area & DP 6- Escarpment Areas

**Attachment 3:** Gabriola Island Land Use Bylaw regulations for Forestry (F), Forestry/Wilderness Recreation 1(FWR1), Resource (R), and Resource Residential 1(RR) zones

**Attachment 4:** Determined Streamside Protection Enhancement Areas (SPEAs) for watercourses identified on receiver parcels

**Attachment 5:** Gabriola Island Official Community Plan Climate Change Adaptation and Greenhouse Gas Emission Reduction policies

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Respectfully Prepared and Submitted by:



July 21, 2011

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Kaitlin Kazmierowski  
Island Planner

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Date

Concurred in by:

*Chris Jackson*

July 21, 2011

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Chris Jackson, MCIP  
Regional Planning Manager

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Date

**Attachment 1**

**Gabriola Island Official Community Plan policies for Forestry (F) and Resource (R) land use designations**

## Section 5 - Resource Lands

This part of the Community Plan provides details pertaining to three types of resource lands: Resource, Agriculture and Forestry. The intent in all three land use designations is to identify lands which due to their location, site characteristics and resource capability are considered to be best suited to resource uses.

### 5.1 Resource

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Background: The Resource land use designation identifies lands which are not within the Provincial Agricultural Land Reserve (ALR) or the former Forest Land Reserve (FLR). The Resource designation and zone is characterized by predominantly large undeveloped parcels generally characterized as being 8.0 hectares (19.76 acres) or larger and may also contain features of environmental, social, or cultural significance.

In keeping with the objective of maintaining a rural landscape in the planning area the intent is to retain much of the land in this designation in large parcels. Yet, as provided for in the policies below, residential density allowed on a parcel in the Resource zone may be transferred to another parcel in the Resource zone.

#### Resource Objectives

1. To preserve large parcels of land in a largely unsubdivided state;
2. To maintain representative areas of rural landscape on Gabriola;
3. To provide transitional areas between the residential and forestry and agricultural parts of the community.

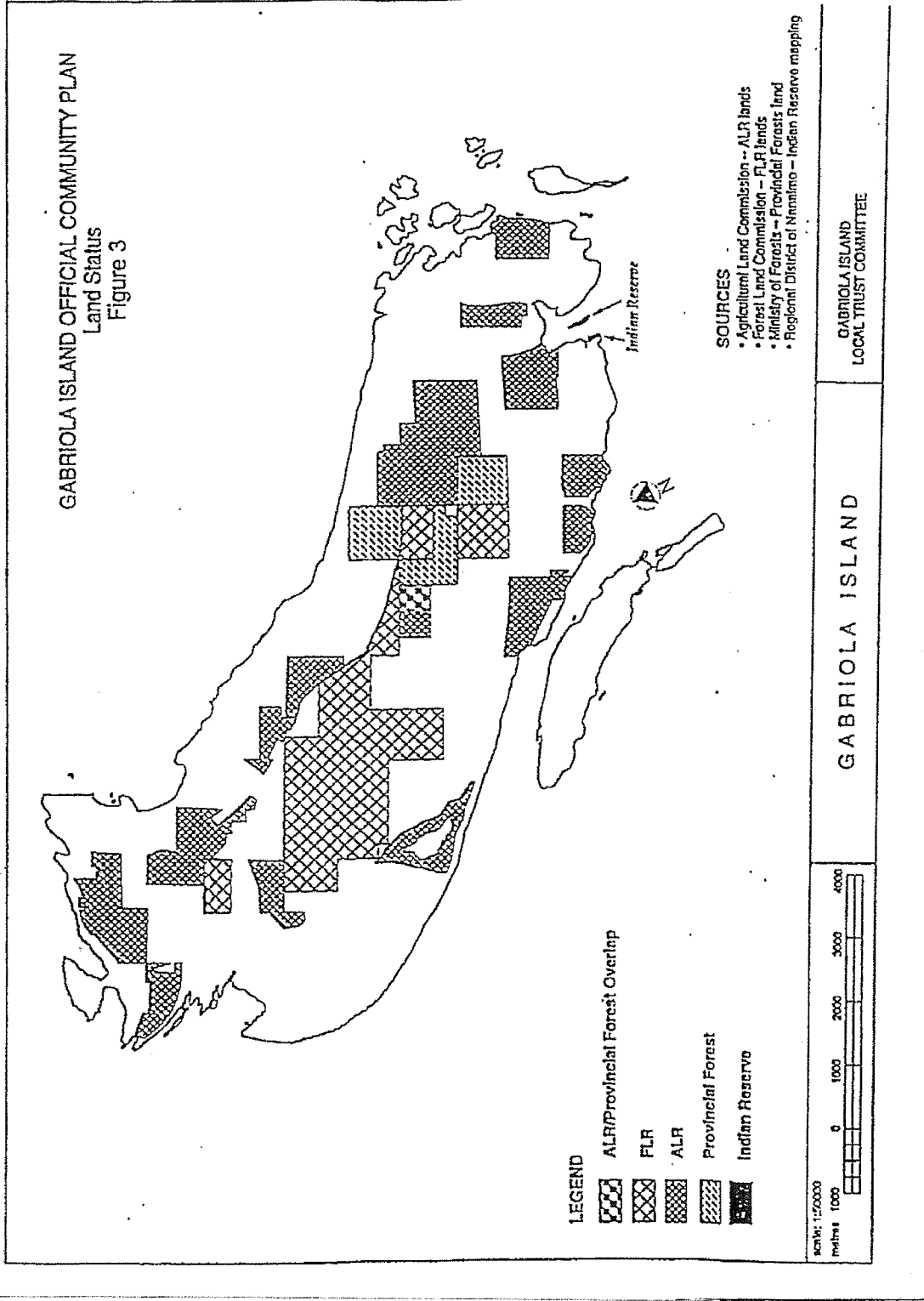
#### Resource Policies

- a) The average parcel size in the Resource zone shall be 8.0 hectares (19.76 acres) and the minimum parcel size shall be 2.0 hectare (4.94 acres). In the case of a parcel serviced by community water and a community sewer the minimum parcel size shall be 1.0 hectares (2.47 acres).
- BL 249 b) In the Resource zone the following uses shall be permitted: one single family residential dwelling unit, horticulture, agriculture, silviculture, forestry and home occupations and the existing AM/FM tower and shooting range.
- c) The retention of lands in the Resource zone in large land holdings so as to protect significant environmental features (including marshlands), archeological sites and forested areas and maintain the area's rural character is supported. Provision is made for 8.0 hectare (19.76 acre) residential density being transferred from one parcel in the Resource zone to another parcel in the Resource zone.
- d) The zoning bylaw shall make provision for three zones in the Resource designation: Resource (R), Resource Conservation (RC) and Resource Residential (RR).
- e) With respect to density transfer referred to in 5.1.c) above, the following criteria shall apply in considering whether or not a transfer shall be permitted:
  - i) The "Donor Parcel" shall be limited to land within the Resource zone which will be rezoned Resource Conservation;
  - ii) The "Receiver Parcel" shall be limited to land in the Resource zone which will be rezoned to Resource Residential.
  - iii) In cases where land in the Resource zone is rezoned to Resource Conservation and the density of the Donor Parcel is concurrently transferred to a Receiver Parcel, adoption of the rezoning bylaw shall be conditional on compliance with the policies of this Plan (i.e. registration of required covenant(s), etc.).
  - iv) In a case where a Donor Parcel in the Resource zone is dedicated for park or wilderness recreation or land in the Forestry zone is dedicated for wilderness

recreation, the dedication, by means of a transfer of title for such purposes (to the Crown or other body, as specified by the Local Trust Committee at the time of rezoning), shall be made prior to or concurrent with the rezoning of a Receiver Parcel to Resource Residential.

- f) Approval of a rezoning to Resource Residential shall be subject to the following conditions:
- i) Land shall only be rezoned to Resource Residential concurrent with the transfer of density from land being zoned Resource Conservation or Forestry/Wilderness Recreation (as the case may be) subject to:
    - registration of a covenant on the Resource Conservation parcel for the purpose of restricting the subdivision of the parcel, or
    - the transfer of title in respect to Policy 5.1.f
  - ii) For every 8 hectares (19.76 acres) of land rezoned to Resource Conservation, one residential density shall be transferred to land in the Resource zone which will be rezoned to Resource Residential.
- g) The following provisions shall apply to land in the Resource Residential zone:
- i) Permitted uses shall be one single family residential dwelling unit, horticulture, agriculture and home occupational uses.
  - ii) The minimum parcel size shall be 2.0 hectares (4.94 acres) and may be reduced to a minimum of 1.0 hectare (2.47 acres) on a site specific basis in which community sewer and community water systems may be required..
  - iii) The average parcel size shall be 8 hectares (19.76 acres), except that the average parcel size may be reduced to not less than 2.0 hectares to the extent necessary to accommodate the transfer of residential density from a parcel in the Resource or Forestry zone.
  - iv) The minimum average parcel size for each Resource Residential zone, created by density transfer, shall be calculated at the time of re-zoning by the following formula: the number of parcels allowed by current zoning plus the number of parcels transferred from elsewhere in the planning area divided into the total parcel area.
- h) Permitted uses in the Resource Conservation zone shall be, park, wilderness recreation, forestry, ecological reserve, and environmental protection.
- i) Publicly owned sand and gravel deposits are designated on Schedule "B".

Figure 3 Land Tenure





## 5.2 Forestry

BL 240

Background: The Forestry designation on Gabriola is used primarily to identify lands which due to their suitability for the growing of trees were previously in the Forest Land Reserve. Small-scale forestry operations and wilderness recreation are considered to be the most appropriate means through which these forest lands may be retained for economic timber production on a sustained yield basis while at the same time providing the Island with the environmental, recreational and social benefits which can be derived from these properties.

In keeping with the objective of maintaining a rural landscape in the planning area the intent is to retain much of the land in this designation in large parcels. Yet, as provided for in the policies below, the residential density previously permitted (Gabriola Island Subdivision Bylaw No 8) with a parcel in the Forestry zone may be transferred to another parcel in the Resource zone.

### Forestry Objectives

- 1) To preserve large contiguous areas of forested land;
- 2) To support forestry practices which are compatible with and complementary to the values of conservation and sustainability;
- 3) To support timber production while retaining the environmental and recreational values of forested land;
- 4) To protect the groundwater resource and recharge areas;
- 5) To encourage the use of forested land for purposes of recreation, wildlife habitat and maintaining the island's biological diversity.

### Forestry Policies

- a) The principal uses in the Forestry zone shall be forestry uses.
- b) The minimum and average parcel size in the Forestry zone shall be 60 hectares (148.2 acres).
- c) The subdivision of land, in the Forestry zone, shall not be supported, except for purposes of creating an ecological reserve.
- d) The zoning bylaw shall make provision for two forestry zones: Forestry and Forestry/Wilderness Recreation;
- e) All lands in the Forestry designation shall, at the time a zoning bylaw is adopted to reflect this plan, be placed in the Forestry zone.
- (f) The following provisions shall apply to the Forestry zone:
  - i) The principal use shall be forestry;
  - ii) One single family residential dwelling unit per parcel shall be permitted; and
  - iii) The minimum and average parcel size shall be 60 hectares (148.2 acres).
- g) The Plan supports the retention of lands in the Forestry zone in large land holdings for sustainable forest management and/or to encourage their dedication for wilderness recreation or public recreational trail purposes. The concept of residential density being transferred from a parcel in the Forestry zone to a parcel in the Resource zone is supported subject to compliance with the policies in this plan.
- h) For every 8 hectares (19.76 acres) of land in the Forestry zone which an owner dedicates for wilderness recreation, the owner shall be entitled to transfer one residential density to land in the Resource zone which would be rezoned to Resource Residential.
- i) With respect to density transfer referred to in 5.2.g) above, the following criteria shall apply in considering whether or not a transfer shall be permitted:

- i) The "Donor Parcel" shall be limited to land within the Forestry zone which will be rezoned Forestry/Wilderness Recreation;
  - ii) The "Receiver Parcel" shall be limited to land in the Resource zone which will be rezoned to Resource Residential;
  - iii) A Donor Parcel in the Forestry zone shall be dedicated for park or wilderness recreation, by means of a transfer of title for such purposes (to the Crown or other body, as specified by the Local Trust Committee at the time of rezoning) which shall be made prior to or concurrent with the rezoning of a Receiver Parcel to Resource Residential.
- j) Permitted uses in the Forestry/Wilderness Recreation zone shall be wilderness recreation, forestry, ecological reserve, and environmental protection.

## Forestry Principles

### Principles of Sustainable Forestry Practices

Forestry practices will:

1. Protect, maintain, and/or restore fully functioning ecosystems.
2. Maintain and/or restore surface and groundwater quality, quantity and timing of flow, including aquatic and riparian habitat.
3. Maintain and/or restore natural processes of soil fertility, productivity and stability.
4. Maintain and/or restore a natural balance and diversity of native species of the area, including flora, fauna, fungi and microbes, for purposes of the long term health of ecosystems.
5. Encourage a natural regeneration of native species to protect valuable native gene pools.
6. Not include the use of chemical fertilizers or pesticides.
7. Protect to archaeological, cultural and historically significant sites.

### Critical Elements of Forest Sustainability

1. All forest ecosystem activities shall be based on addressing forest needs first.
2. Only trees selected for removal through natural selection process are candidates to take from the forest.
3. The removal of forest goods and products or other activities must retain the ecological or structural functions of all forest elements.
4. Product removal and other activities shall not substantially alter the structural integrity or connectivity of the forest.
5. Product removal and other activities shall not cause any known ecological functions to be placed at risk.
6. Soil and water conditions shall not be altered by human activities to the extent that existing naturally associated species will be unable to survive.
7. Canopy dominants (the tallest trees in the canopy of a natural forest) shall be maintained, as they add an important structural element to the forest.
8. Suitable diversity shall be left on each site to retain the ecological functions.
9. Ecotones (transitional areas, where different kinds of native ecosystems join) shall be maintained with suitable habitat for all naturally associated species.
10. Artificial edges shall not be created which destroy the structural integrity of interior forest habitat.
11. The integrity of all species' relationships shall be retained throughout the stands.

**Attachment 2**

**Gabriola Island Official Community Plan Development Permit Provisions for**

**DP 2- Lock Bay Area**

**DP 6- Escarpment Areas**

## **DP-2 Lock Bay Area**

Development Permit Area 2 (Schedule C) is designated according to Section 879 (1) (a) of the *Municipal Act*. Lock Bay has been identified as a unique beach of sand and gravel isolating a marsh of about 40 acres (Special Areas and Features Inventory, 1995).

### **Objective**

*To protect these natural areas from the impact of land development.*

### **Development Guidelines**

1. There shall be no disturbance of the vegetation or use of chemicals within 30 metres of the natural boundary of the sea except in accordance with any conditions specified in the permit.
2. Garry oak meadows and similar indigenous species shall be identified and their habitats protected from disturbance.
3. There shall be no alteration or disturbance causing a negative impact to the foreshore habitat.
4. Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.
5. An assessment of the environmental impact, including mitigation measures required shall be required prior to any new developments or the expansion of an existing development.
6. Existing trees and vegetation shall be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.
7. Septic systems shall not be constructed within 30 metres of the natural boundary of a watercourse (including a body of water or the sea).
8. Areas subject to flooding shall be subject to a 30 metre setback from the natural boundary of the sea, unless waived by the Ministry of Environment, Lands and Parks.
9. Where this Area includes trees that bear the nests of eagles, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment, Lands and Parks or the Canadian Wildlife Service.

## **DP-3 Hoggan Lake Area**

Development Permit Area 3 (Schedule C) is designated according to Section 879 (1) (a) of the *Municipal Act*. The Hoggan Lake area has been identified as having moderate to high wildlife, freshwater and vegetation natural features and as an area with good bird populations.

A setback of 15 metres measured from the natural boundary of the lake shall be left in a natural condition to be effective as cover, protection and food source. Riparian habitat is essential in maintaining the quality of aquatic habitat for the following reasons:

- a large supply of food material originates from outside the lake;
- mature trees adjacent to the lake provide a large organic debris that helps with bank stability, cover and habitat for young fish;
- shade from adjacent vegetation regulates water temperature and hence dissolved oxygen saturation;
- filtering of sediment and pollution from run-off.

### **Objective**

*The objective of this area is to protect this natural feature from the impacts of land development.*

### **Development Guidelines**

1. Garry oak meadows and similar indigenous species shall be identified and their habitats protected from disturbance.
2. Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.

## **Objective**

*To provide a refuge for the naturally existing species; to provide opportunities for a wide-range of multi-use non-consumptive recreational activities; and to provide an educational opportunity for people to learn about the marine environment.*

## **Development Guidelines**

1. Other than within existing marine lease areas, applicants shall provide an assessment of environmental impacts and mitigation measures prior to any alteration to marine uses.
2. There shall be no alteration or disturbance which would cause a negative impact to the foreshore habitat.

## **7.2 Development Permits for the Protection of Development from Hazardous Conditions**

### **DP-6 Escarpment Areas**

#### **Location and Justification**

Development Permit Area 6 (Schedule C) is designated according to Section 879 (1) (b) of the *Municipal Act*. Escarpment areas are areas where a land slope of greater than 80 per cent exists. The British Columbia Soil Survey (1990) identified numerous areas of escarpment on Gabriola Island where the slope is greater than 80 per cent. These escarpment areas may not be suitable for development as they may be subject to erosion, land slip, rock falls or subsidence, or other hazards.

#### **Objective**

*To protect development from natural hazards, including terrain instability, erosion, land slippage, rock falls, subsidence, debris flows and flooding or changes to stormwater runoff due to development on or in proximity to lands with excessive slope conditions.*

#### **Development Guidelines**

1. There shall be no construction of buildings, septic tanks, drainage and deposit fields, irrigation or water systems unless a geotechnical engineer recommends that such construction may occur without subjecting land in the escarpment area to increased slope instability.
2. There shall be no removal of trees or vegetation unless a geotechnical engineer recommends that such removal may occur without subjecting land in the escarpment area to increased slope instability.
3. In cases when the Nanaimo Regional District building inspector requires a report from a geotechnical engineer, which outlines precautionary measures to be taken in avoiding a hazardous situation, a development permit under this section shall not be required.

## **7.3 Development Permits to Establish Objectives and Guidelines for the Form and Character of Commercial, Industrial and Multiple Family Residential Development**

### **DP-7 The Village Centre**

Development Permit Area 7 (Schedule C) is designated according to Section 879 (1) (e) of the *Municipal Act*. The character of Folklife Village should set the tone for development in the Village Centre.

**Attachment 3**

**Gabriola Island Land Use Bylaw regulations for Forestry (F), Forestry/ Wilderness  
Recreation 1(FWR1), Resource (R), and Resource Residential 1(RR) zones**

**D.2.2 Forestry(F)****D.2.2.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the *Forestry* (F) zone:

*Principal Permitted Uses*

- i *forestry*
- ii *single family residential*

**b. Permitted Accessory Uses**

- i *home occupations* subject to Section B.3
- ii *cottage residential\**, on *lots* 2.0 hectares (4.94 acres) or larger, subject to Subsection B.6.3
- iii *limited milling and planing* of timber grown on the same *lot*
- iv *forestry* research and education

**D.2.2.2 Buildings and Structures**

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the *Forestry* (F) zone:

**a. Permitted Buildings and Structures**

- i Maximum of:
  - one *single family dwelling* per *lot*;
  - one *accessory cottage* dwelling per *lot*, not exceeding 65.0 square metres (699.7 square feet) on *lots* 2.0 hectares (4.94 acres) or larger\*; and
  - three *buildings* per *lot* that exclude a *cottage*, *pump/utility house* and woodshed, and that are *accessory* to all dwellings.
- ii Portable sawmills\*
- iii Other non-residential *buildings* and *structures* to accommodate:
  - *forestry* and *forestry* research and education\*; and
  - shooting range, on lands as shown on Schedule C, Map 4.

\* For information purposes only - on land situated within the Forest Land Reserve this use and these *buildings* and *structures* may be subject to approval of the Forest Land Commission under the "Forest Land Commission Act"

**D.2.2.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the *Forestry* (F) zone:

BL 250

**a. Buildings and Structures Siting Requirements**

- i On *lots* less than 1.0 hectares (2.47 acres), except for a sign, fence, or pump/utility house, the minimum *setback* for *buildings* or *structures* is:
  - 6.0 metres (19.7 feet) from any *front lot line*;
  - 4.5 metres (14.8 feet) from any *exterior side lot line*; and
  - 1.5 metres (4.9 feet) from any *interior lot line*.
- ii On *lots* 1.0 hectares (2.47 acres) or larger, except for a sign, fence, or pump/utility house, the minimum *setback* for *buildings* or *structures* is:



- 10.0 metres (32.8 feet) from any *lot line*.
- iii Despite items D.2.2.3a.i and D.2.2.3a.ii:
  - the minimum *setback* for greenhouses is 20.0 metres (65.6 feet) from any *lot line*, except for greenhouses not exceeding 46.0 square metres (495.2 square feet) in *floor area* or for larger greenhouses illuminated during hours of darkness where fencing, screening, shade cloth or other surfacing is used to cover all glare emitting surfaces, in which cases the minimum *setbacks* of items D.2.2.3a.i and D.2.2.3a.ii apply.
- b. **Lot Coverage Limitations**
  - i The maximum combined *lot coverage* by *buildings* and *structures* is 10 percent of the *lot area*.
- c. **Lot Area Requirements for Subdivision**
  - i The minimum *lot area* and the minimum average *lot area* is 60.0 hectares (148.26 acres).

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## D.2.3 Forestry/Wilderness Recreation 1(FWR1)

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BL 236

### D.2.3.1 Permitted Uses

In addition to the uses permitted in Article B.1.1.1, the following uses and no others are permitted in the Forestry/Wilderness Recreation 1 (FWR1) zone:

- a. Permitted Principal Uses
  - i. forestry
  - ii. forest wilderness oriented recreation
  - iii. ecological reserves
  - iv. environmental protection

### D.2.3.2 Buildings and Structures

The buildings and structures permitted in Article B.1.1.2, plus the following buildings and structures and no others are permitted in the Forestry/Wilderness Recreation 1 (FWR1) zone:

- a. Permitted Buildings and Structures
  - i. Structures to accommodate passive outdoor recreational activities;
  - ii. Portable sawmills; and,
  - iii. Other non-residential buildings and structures to accommodate environmental protection projects, forestry and forestry research and education.

### D.2.3.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Forestry/Wilderness Recreation 1 (FWR1) zone:

- a. Buildings and Structure Height Limitations
  - i. The maximum height of all buildings and structures is 9.0 metres (29.5 feet);
- b. Buildings and Structures Siting Requirements
  - i. The minimum setback for buildings and structures, except a sign, fence, or pump/utility house, is 10.0 metres (32.8 feet) from any *lot line*.
- c. Lot Area Requirements for Subdivision
  - i. The minimum average lot area and the minimum lot area are 286 hectares (707 acres).

## D.2.4 Resource(R)

### D.2.4.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Resource (R) zone:

BL 193

#### Permitted *Principal* Uses

- i *agriculture*, including the sale of agricultural products grown or raised on the *lot* but excluding animal husbandry on *lots* less than 2.0 hectares (4.94 acres)
- ii *forestry*
- iii *single family* residential
- iv AM/FM Towers on lands shown on Schedule C, Map 5
- v shooting range, on lands as shown on Schedule C, Map 4

#### b. Permitted *Accessory* Uses

- i *home occupations accessory* to a residential use, subject to Section B.3
- ii *cottage* residential, on *lots* 2.0 hectares (4.94 acres) or larger, subject to Section B.6.3
- iii boarding and breeding kennels, *accessory* to a residential use, on *lots* 2.0 hectares (4.94 acres) or larger
- iv boarding and riding stables, on *lots* greater than 2.0 hectares (4.94 acres)

### D.2.4.2 Buildings and Structures

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Resource (R) zone:

#### a. Permitted *Buildings* and *Structures*

- i Maximum of:
  - one *single family dwelling* per *lot*;
  - one *accessory cottage* dwelling per *lot*, not exceeding 65.0 square metres (699.7 square feet) on *lots* 2.0 hectares (4.94 acres) or larger;
  - three *buildings* per *lot* that exclude a *cottage*, *pump/utility house* and woodshed, and that are *accessory* to all dwellings; and
  - one *produce stand* per *lot*, not exceeding 20.0 square metres (215.3 square feet) in *floor area*, *accessory* to an agricultural use.
- ii Other non-residential *buildings* and *structures* to accommodate:
  - *agriculture*, *forestry*, boarding and breeding kennels, and boarding and riding stables; and
  - AM/FM Towers on lands shown on Schedule C, Map 5

For Information purposes only - Farm status under the BC Assessment Act is not required for the construction of *buildings* or *structures* for an agricultural use.

### D.2.4.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Resource (R) zone:

BL 250

#### a. *Buildings* and *Structures* Siting Requirements

- i On *lots* less than 1.0 hectare (2.47 acres), except for a sign, *fence*, or *pump/utility house*, the minimum *setback* for *buildings* or *structures* is:

BL 250

- 6.0 metres (19.7 feet) from the *front lot line*;
  - 4.5 metres (14.8 feet) from any *exterior side lot lines*; and
  - 1.5 metres (4.9 feet) from any *interior lot lines*.
- ii On *lots* 1.0 hectare (2.47 acres) or larger, except for a sign, *fence*, or *pump/utility house*, the minimum *setback* for *buildings* or *structures* is:
- 10.0 metres (32.8 feet) from any *lot line*.
- iii Despite items D.2.4.3a.i and D.2.4.3a.ii:
- the minimum *setback* for boarding or breeding kennels is 30.0 metres (98.4 feet) from any *lot line*;
  - the minimum *setback* for greenhouses is 20.0 metres (65.6 feet) from any *lot line*, except for greenhouses not exceeding 46.0 square metres (495.2 square feet) in *floor area* or for larger greenhouses illuminated during hours of darkness where fencing, screening, shade cloth or other surfacing is used to cover all glare emitting surfaces, in which cases the minimum *setbacks* of items D.2.4.3a.i and D.2.4.3a.ii apply; and
  - the minimum *setback* for agricultural waste storage is 30.0 metres (98.4 feet) from any *lot line*.
- b. **Lot Coverage Limitations**
- i The maximum combined *lot coverage* by *buildings* and *structures* is 10 percent of the *lot area*.
- c. **Lot Area Requirements for Subdivision**
- i The minimum average *lot area* is 8.0 hectares (19.77 acres).
- ii The minimum *lot area* is 2.0 hectare (4.94 acres), excepting that the minimum *lot area* is 1.0 hectare (2.47 acres) where serviced by a *community water system* and a *community sewer system*.

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## D.2.5 Resource Conservation(RC)

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For Information Purposes Only - As no land is yet zoned RC, the provisions for this zone cannot legally be included in this Bylaw. In recognition of the Gabriola Official Community Plan Bylaw 166 Policy 5.1(d), relating to the establishment of such zones, Appendix B contains certain provisions in order that interested parties may anticipate conditions under which the density transfer allowed by Policy 5.1(c) may be realised. Appendix B is for information purposes only.

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## D.2.6 Resource Residential 1(RR 1)

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BL 236

### D.2.6.1 Permitted Uses

In addition to the uses permitted in Article B.1.1.1, the following uses and no others are permitted in the Resource Residential 1 (RR1) zone:

- a. Permitted Principal Uses
- i. single family residential
  - ii. agriculture
  - iii. horticulture
- b. Permitted Accessory Uses
- i. home occupation, subject to Section B.3
  - ii. cottage residential on lands shown on Schedule C, Map 14
  - iii. processing and sale of agricultural products, limited to those grown or raised on the lot

**D.2.6.2 Buildings and Structures**

The buildings and structures permitted in Article B1.1.2, plus the following buildings and structures and no others are permitted in the Resource Residential 1 (RR1) zone:

- a. Permitted Buildings and Structures
  - i. Maximum of:
    - one single family dwelling per lot;
    - three buildings per lot that exclude a cottage, pump/utility house and woodshed, and that are accessory to all dwellings;
    - one produce stand per lot, not exceeding 20.0 square metres (215.3 square feet) in floor area, accessory to an agricultural use; and,
    - one accessory cottage dwelling per lot, not exceeding 65.0 square metres (699.7 square feet), provided that the lot is 2.0 hectares (4.94 acres) or larger, the accessory cottage is located within the area shown on Schedule C, Map 14, and that the area of the lot within Schedule C, Map 14 is 2.0 hectares (4.94 acres) or larger.
  - ii. Other non-residential buildings and structures to accommodate:
    - agriculture and horticulture.

**D.2.6.3 Regulations**

The general regulations in Part B, plus the following regulations apply in the Resource Residential 1 (RR1) zone:

BL 250

- a. Buildings and Structures Siting Requirements
  - i. On lots less than 2.0 hectare (4.94 acres), except for a sign, fence, or pump/utility house, the minimum setback for buildings or structures is:
    - 6.0 metres (19.7 feet) from all lot lines.
  - ii. On lots 2.0 hectare (4.94 acres) or larger, except for a sign, fence, or pump/utility house, the minimum setback for buildings or structures is:
    - 10.0 metres (32.8 feet) from all lot lines.
  - iii. Despite items D.2.6.3.b.i. and D.2.6.3.b.ii.:
    - the minimum setback for greenhouses is 20.0 metres (65.6 feet) from any lot line, except for greenhouses not exceeding 46.0 square metres (495.2 square feet) in floor area or for larger greenhouses illuminated during hours of darkness where fencing, screening, shade cloth or other surfacing is used to cover all glare emitting surfaces, in which cases the minimum setbacks of items D.2.6.2.b.i. and D.2.6.2.b.ii apply;
- b. Lot Coverage Limitations
  - i. The maximum combined lot coverage by buildings and structures is 10 percent of the lot area.
- c. Lot Area Requirements for Subdivision
  - i. The minimum average lot area is 2.35 hectares (5.81 acres), and for calculation purposes the minimum average includes roads within this zone.
  - ii. The minimum lot area shall be 1 hectare (2.47 acres).

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**D.2.7 Gravel Pit(GP)**

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**D.2.7.1 Permitted Uses**

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Gravel Pit (GP) zone:

**Attachment 4**

**Determined Streamside Protection Enhancement Areas (SPEAs) for watercourses  
identified on receiver parcels**



Figure 6. Setbacks and Features

**Attachment 5**

**Gabriola Island Official Community Plan Climate Change Adaptation and Greenhouse  
Gas Emission Reduction policies**

## Section 9 – Climate Change Adaptation and Greenhouse Gas Emission Reduction

**Background:** Climate change refers to the increasing concentration of heat-trapping greenhouse gases (GHGs) in the atmosphere as the result of human activities— primarily the burning of fossil fuels and large-scale deforestation. A 2007 report from the Intergovernmental Panel on Climate Change reveals that between 1970 and 2004, GHG emissions have increased by 70%. This dramatic rise in atmospheric GHG concentrations has in turn triggered an increase in the average temperatures of near-surface air and ocean water, with temperatures projected to rise 1.1° to 6.4° C over the next century. Although seemingly slight, these temperature changes will have dramatic and negative impact on ecological systems around the globe.

In response to climate change issues, the provincial government gave Royal Assent to Bill 27 [*Local Government (Green Communities) Statutes Amendment Act, 2008*] on May 29, 2008. Bill 27 amends the *Local Government Act* and other Provincial regulations to provide new tools for local governments. Most significantly, Bill 27 requires that all local governments include GHG emission reduction targets—and policies and actions to achieve those targets— in their Official Community Plans.

The following targets, objectives, policies and actions are the first step to ensuring that the reduction of GHG emissions specifically, and the impact of climate change in general, become part of the planning process for the Gabriola Planning Area.

### Climate Change Adaptation and Greenhouse Gas Emission Reduction Objectives

1. *To establish climate change as a fundamental factor in land use decision-making, while adhering to the Islands Trust Policy Statement.*
2. *To support efforts and policies that help the community adapt to climate change impacts.*
3. *To work with others to support actions that limit emissions.*
4. *To reduce greenhouse gas emissions by 33% by 2020 and 85% by 2050 from 2007 levels. Within the local trust area this reduction will be achieved by actions resulting from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land use policies and regulations.*

*Note: 2008 data is provided in the Island Futures Society Report titled GHG Emissions Gabriola Island.*

### Climate Change Adaptation and Greenhouse Gas Emission Reduction Policies

- a) The Local Trust Committee should continue to work with the Trust Fund Board and other conservation organizations to promote land conservation as a cost effective and important climate change mitigation strategy.
- b) The Local Trust Committee should consider the development of new criteria for assessing official community plan or land use bylaw amendment applications from the perspective of climate change adaptation and greenhouse gas emission reduction.
- c) The Local Trust Committee should consider new development permit area guidelines that promote low impact land uses, alternative transportation, energy conservation, water conservation, and the reduction of greenhouse gas emissions.
- d) The Local Trust Committee should encourage small scale local food production as a significant step to reducing food transportation costs and reducing greenhouse gas emissions created by food transport.



- e) The Local Trust Committee should identify significant unfragmented forest ecosystems within the planning area and ensure that these areas are noted on mapping both for their environmental values as well as carbon sequestration areas.
- f) The Local Trust Committee should consider amendments to Village Commercial zoning and the Village Development Permit Area guidelines to increase walkability.
- g) The Local Trust Committee should consider amendments to commercial parking regulations to encourage public transit, smaller vehicles, non-polluting vehicles, and permeable parking surfaces.
- h) The Local Trust Committee should consider amending the Land Use Bylaw to measure the footprint of buildings and structures from the interior walls instead of the outer perimeter of the foundation of the building, so increased insulation is encouraged.
- i) The Local Trust Committee should consider amending the Land Use Bylaw to consider setbacks from the ocean in relation to sea level rise.
- j) The Local Trust Committee should develop improved methods of determining and assessing the energy efficiency and climate change impacts of proposed development when it is processing land use applications. Application checklists should be revised to include climate change and greenhouse gas emission reduction and adaptation criteria, such as energy efficiency, renewable energy, and carbon sequestration impacts.

*Note: These policies are not intended to discourage the clearing of land within the Agricultural Land Reserve for agricultural purposes.*

#### **Climate Change Adaptation and Greenhouse Gas Emission Reduction Advocacy Policies**

A number of climate change adaptation and greenhouse gas emission reduction actions are identified that can only be achieved through cooperation and initiatives resulting from individuals and the community, the actions of other levels of government, technological changes, and changes to land use policies and regulations.

- k) The following activities are encouraged as possible actions that can be taken to reduce greenhouse gas emissions:
  - i) Islands Trust Natural Area Protection Tax Exemption Program should be widely advertised, including the Islands Trust website, to ensure all residents are aware of the benefits (both financial and from an environmental perspective) of protecting natural areas.
  - ii) Provincial agencies, when considering changes to infrastructure on the Islands, are strongly encouraged to take a "small ecological footprint" approach to any proposals for park, road, ferry, dock, or infrastructure development. The investigation of opportunities to share resources or develop common facilities is strongly encouraged.
  - iii) The Province is strongly encouraged to support water conservation, rainwater catchment, and alternative forms of septic treatment, as stated in the Water Supply section of this Plan.
  - iv) The use of electric vehicles is strongly encouraged on Gabriola Island. Provincial agencies are encouraged to consider amendments to traffic regulations that facilitate the use of electric vehicles.
  - v) The Province is encouraged to implement sustainable, ecologically safe forestry practices as requirements on public and private lands.
  - vi) BC Ferries is encouraged to retain signage in the ferry line up indicating that Gabriola Island is an idle-free zone.
  - vii) The Local Trust Committee encourages the Islands Trust to add a "carbon neutral calculator" to the Islands Trust website to assist residents in calculating their personal and household greenhouse gas emissions. Ideally, residents should be provided with a printout that

compiles a list of suggested personal actions that could be taken to reduce emissions, tailored to the individual conditions entered into the calculator.

- viii) The Local Trust Committee encourages the development of public transit, cycling and walking trails to permit non-automobile based forms of travel, as stated in the Transportation section of this Plan.
- ix) Residents are encouraged to work beyond the requirements of Provincial and National Building Codes and find new ways to incorporate high energy efficiency into building design and construction. In addition, residents are encouraged to seek out new ways of reducing their own greenhouse gas emissions through alternative transportation methods, reduced use of fossil-fuel burning engines or generators, and increased use of alternative energy sources.
- x) Residents are encouraged to avoid backyard burning, and the Regional District of Nanaimo is encouraged to support recycling of organic debris to reduce fire hazard.
- xi) Residents and businesses are encouraged to minimize soil disturbance, since Gulf Island soils are especially high in carbon and their disturbance is a significant contributor to greenhouse gas emissions.
- xii) Community groups are encouraged to develop and manage a website to encourage ride sharing both on the Island and for traveling to and from the Island.
- xiii) When landscaping or replanting, community groups, individuals, businesses and government agencies should consult experts regarding native tree species that most effectively sequester carbon or that should be planted to adapt to future conditions from climate change.
- xiv) The production of renewable energy for local consumption on Gabriola Island is encouraged, and residents with successful and appropriate alternative energy production methods are encouraged to share their methods with other residents.

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA 'G' PARKS AND OPEN SPACE ADVISORY  
SPECIAL COMMITTEE MEETING  
WEDNESDAY, SEPTEMBER 7, 2011, 11:30AM  
OCEANSIDE PLACE**

**Attendance:** Brian Coath, Chair  
Joe Stanhope, Director, RDN Board  
Jacqueline Thomson  
Minnie Corbett  
Sarah Quinn

**Staff:** Elaine McCulloch, Parks Planner  
Lainya Rowett, Planner

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**CALL TO ORDER**

Chair Coath called the meeting to order at 11:30am.

**NEW BUSINESS**

**Proposed Park Land Dedication in Conjunction with Proposed Subdivision of Lot 2, District Lot 81, Nanoose District, Plan 30553; That Part of Lot 1, District Lot 81, Nanoose District, Plan 6179 Lying to the West of the Westerly Boundary of Plan 814 RW; and Lot 1, District Lot 81, Nanoose District, Plan 14626 – 702 and 714 Wembley Road, and 916 Island Highway West - Electoral Area 'G'**

A site meeting was held September 7, 2011, at Riley Road with the applicant to view the potential application and park land proposal.

MOVED B. Coath, SECONDED M. Corbett, that the proposed 5% park land dedication in conjunction with proposed subdivision of 702 and 714 Wembley Road and 916 Island Highway West be accepted, with the condition the park be located at the end of the proposed cul-de-sac and that it is contiguous with Riley Road Community Park.

CARRIED

**Proposed Park Land Dedication in Conjunction with Proposed Subdivision of Lot A, District Lot 181, Nanoose District, Plan EPP10954 - Folio No. 769.009004.260 / PID No. 028-490-126 711 and 713 Marnier Way, San Pareil - Electoral Area 'G'**

A site meeting was held September 7, 2011, at Mariner Way with the applicant to view the potential application and waterfront parkland proposal. Concerns about the proposal, received by email from an adjacent neighbour, were read aloud by Ms. McCulloch. In an effort to address these concerns, the committee requested the applicant submit two alternate park locations for park and planning staff to review.

MOVED M. Corbett, SECONDED B. Coath, that the proposed 5% parkland dedication in conjunction with proposed subdivision of 711 and 713 Mariner Way be accepted in principle with

the condition that staff review the alternate park land locations to be submitted by the applicant and make a final recommendation to Planning.

CARRIED

**ADJOURNMENT**

MOVED M. Corbett, SECONDED J. Thomson, that the meeting be adjourned at 12:11pm.

CARRIED

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Chair



RDN REPORT		
CAO APPROVAL <i>(Signature)</i>		
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OCT 17 2011		
RHD		
BOARD	✓	Oct. 25/11

# MEMORANDUM

**TO:** Carol Mason  
Chief Administrative Officer

**DATE:** October 17, 2011

**FROM:** Linda Burgoyne  
Administrative Coordinator

**SUBJECT:** Nanoose Power Squadron 25<sup>th</sup> Anniversary Celebration

**PURPOSE:**

The Nanoose Power and Sail Squadron is requesting the Regional District of Nanaimo provide a letter of support for their application to the Royal Canadian Air Force for a fly-by over Nanoose Bay as part of their 25<sup>th</sup> Anniversary celebration being held on May 27, 2012.

**BACKGROUND:**

The Nanoose Power and Sail Squadron was established on February 8, 1992, when members of the Ballenas Squadron, established five-years earlier, began a new squadron in Nanoose Bay. There are currently 180 members. It serves members in the Nanoose Bay area as well as Lantzville, Errington and Coombs providing recreational boating and radio courses. The Squadron is part of the Canadian Power and Sail Squadrons which are a nationwide organization of recreation boating enthusiasts dedicated to the advance of safe and pleasurable boating through education. They are a non profit, non regulatory charitable organization and all teaching and administrative work is done by volunteers.

The Nanoose Power and Sail Squadron is planning their 25th Anniversary celebration on May 27, 2012 at Nanoose Bay. As part of the celebration the Commander of the Squadron will be applying to the Royal Canadian Air Force to request a low level fly-by over the waters of Nanoose Bay. The fly-by will be performed over water only coming in and departing by sea and will be done by either a DeHavilland Buffalo Search and Rescue Aircraft or a Cormorant Rescue Helicopter. The total flight time will be approximately 2-minutes. Due to the lower level flight at 500 feet, which is less than the required 1,000 feet flight height, the Squadron is required to include the written permission of the local government in their application to the Royal Canadian Air Force.

Also included in their anniversary celebrations the Canadian Coast Guard will be participating with their vessel, the “Cape Cockburn”, and will be doing water rescue and safety demonstrations.

**ALTERNATIVES:**

1. That this request be approved and a letter be provided advising that the Regional District of Nanaimo supports the fly-by on May 27, 2012.
2. That the request be denied.

**FINANCIAL IMPLICATIONS:**

There are no financial implications.

**SUSTAINABILITY IMPLICATIONS:**

This event supports the organization's volunteer work and brings out area residents for an informative celebration.

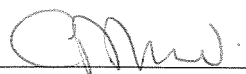
**SUMMARY:**

The Nanoose Power and Sail Squadron is planning their 25th Anniversary celebration on May 27, 2012 at Nanoose Bay. As part of the celebration the Commander of the Squadron will be applying to the Royal Canadian Air Force to request a low level fly-by at 500 feet over the waters of Nanoose Bay. The Squadron is required to include the written permission of the local government in their application to the Royal Canadian Air Force.

**RECOMMENDATION:**

That the Regional District of Nanaimo provide a letter of support to the Nanoose Power and Sail Squadron for their application to the Royal Canadian Air Force to request permission for an aircraft fly-by during their 25<sup>th</sup> Anniversary celebration on May 27, 2012.

  
Report Writer

  
CAO Concurrence



RDN REPORT		
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BOARD	✓	Oct.25/11

# MEMORANDUM

**TO:** Carol Mason  
Chief Administrative Officer

**DATE:** October 10, 2011

**FROM:** Nancy Avery  
General Manager, Finance & Information Services

**File:**

**SUBJECT:** Qualicum First Nation – Fire Protection Service Agreement

**PURPOSE:**

To obtain approval for a fire protection service agreement covering the Qualicum First Nation lands within the Bow Horn Bay Fire Protection Service Area.

**BACKGROUND:**

The Bow Horn Bay Fire Department has provided fire protection services to the Qualicum First Nation for more than ten years. The contract was renewed in 2004 when the Regional District became the local government body for the fire protection service area. Staff reviewed the contract this year and noted that it did not have a specific fee adjustment mechanism and the fee of \$1,500 had not changed since 2004.

Staff met with representatives earlier this year and proposed a new contract fee of \$2,221 commencing in 2012. The fee rate was calculated by applying the change in annual requisition for the fire department from 2004 to 2011. The contract also includes a fee adjustment clause which will change the fee by the amount of the change in the requisition for the Bow Horn Bay Fire department.

The revised terms have been accepted by the Qualicum First Nation and the agreement is presented for the Regional Board’s approval.

**ALTERNATIVES:**

1. Approve the fire protection service agreement covering the Qualicum First Nations lands within the Bow Horn Bay fire protection service area, as presented.
2. Consider and recommend alternative terms.

**FINANCIAL IMPLICATIONS:**

Alternative 1

There are approximately 38 structures on the reserve lands as well as a large open waterfront campground area. The fee rate results in an average cost per structure of \$58 – or an average property value of \$108,000. This is lower than the average assessed property value across the Bow Horn Bay fire protection services area, but appears reasonable based upon the condition of the structures known to be on the reserve lands. As noted above, the fee will increase annually at the same rate as the property tax requisition increases for the whole service.

Alternative 2

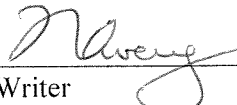
Consideration was given to a per call rate but it was felt that this did not adequately address the fixed capital and operating investment in the fire protection services. Staff have no further recommendations to make with respect to an alternative fee calculation at this time.

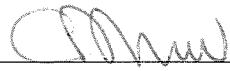
**SUMMARY/CONCLUSIONS:**

The Bow Horn Bay Fire Department has provided fire protection services to the Qualicum First Nations lands within its boundaries for more than ten years. Staff reviewed the fee rate earlier this year, noting that it had not changed since 2004 and that the contract did not describe a rate change/update mechanism. The renewal contract proposes a new rate of \$2,221 commencing in 2012, with the rate increasing at the same rate as the tax requisition for the Bow Horn Bay Fire Department. The Qualicum First Nation has accepted the new terms and accordingly staff are presenting the contract for the Regional Board's approval.

**RECOMMENDATION:**

1. That the fire protection service agreement between the Regional District of Nanaimo and the Qualicum First Nation lands located within the Bow Horn Bay fire protection service area be approved as presented.

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

  
\_\_\_\_\_  
CAO Concurrency



**FIRE PROTECTION SERVICE AGREEMENT**

**THIS AGREEMENT** made this \_\_\_\_ day of \_\_\_\_, 2011

BETWEEN:

**QUALICUM FIRST NATION**  
5850 River Road  
Qualicum Beach, B.C.  
V9K 1Z5  
(hereinafter called the “QFN”)

OF THE FIRST PART

AND:

**REGIONAL DISTRICT OF NANAIMO**  
6300 Hammond Bay Road  
Nanaimo, B.C.  
V9T 6N2  
(hereinafter called the “District”)

OF THE SECOND PART

**WHEREAS** the District established the service of fire protection under the “Bow Horn Bay Fire Protection Service Area Establishment Bylaw No. 1385, 2004”;

**AND WHEREAS** Section 176(1)(b) authorizes regional districts to enter into agreements with a public authority respecting the undertaking, provision and operation of these services;

**AND WHEREAS** THE QFN has requested that fire protection be provided to the lands occupied by the Qualicum First Nation more particularly described as Plan 58072, Q1R, District Lot 254, Alberni Land District;

**NOW THEREFORE** the parties hereto covenant and agree as follows:

1. In this Agreement:

“**Fire Chief**” means the Fire Chief or his/her delegate of the Bow Horn Bay Fire Protection Society operating under contract to the Regional District of Nanaimo.

“**Service Area**” means the boundaries established under the Bow Horn Bay Fire Protection Service Area Establishment Bylaw No. 1385, 2004 and subsequent amendments.

2. The District hereby agrees to provide fire suppression services through the Bow Horn Bay Fire Protection Society to the property described above when requested to do so and when, in the opinion of the Fire Chief or his/her delegate, it is safe to do so without endangering the fire protection services for the Service Area within the District.

3. **Fees Payable**

- (1) The annual fee will be calculated by applying the increase in the tax requisition for the Bow Horn Bay Volunteer Fire Department to the prior years' fee amount, rounded to the nearest whole dollar.
- (2) The fee for 2012 is established at \$2,221.00. Fees for years following 2012 will be calculated as outlined under 5 (1) above.
- (3) Each year, on or before December 1<sup>st</sup> the District will advise the QFN of the fee calculation for the next year.
- (4) Fees for the current year will be invoiced by the Regional District of Nanaimo on or about June 1<sup>st</sup> each year and are payable within 30 days following the invoice date.

4. **Terms of Service**

- (1) The fire fighting equipment and personnel of the fire department shall remain under the sole control of the Fire Chief or his/her delegate at all times.
- (2) The Fire Chief retains the authority to recall the personnel or equipment under his command to the District when he/she determines it is necessary.
- (3) The District shall not be liable for any damages, expenses or losses occurring by reason of suspension or discontinuation of the services herein agreed to be provided by the District where such suspension or discontinuance is caused by circumstances beyond the control of the District.
- (4) This agreement for service shall not be construed as placing a greater liability on the District in respect of the QFN than the liability that exists in the law between the District and a property owner in the Service Area.

5. **Indemnity**

The QFN hereby agrees to indemnify the District, its servants, agents or employees from any claims, demands, actions or causes of action which may be made against the District arising out of or in consequence of any loss (including without limitation, loss of life), injury or damage of all and every description to person or property caused in whole or in part or in any way contributed to by any act or omission of the District, its servants, agents or employees, in the performance of this agreement or provision of fire protection to the property in question or in the purported performance or purported provision of fire protection to the property in question or in failing to perform this agreement.

6. **Insurance**

- (1) In order to meet any obligations arising out of Section 7, the QFN will provide evidence that it has in force, a policy of general commercial liability insurance, including personal injury, bodily injury, death, and property damage in the amount of not less than \$2,000,000 per occurrence and the policy will include the Regional District as an additional insured on that policy of insurance.
- (2) All policies of insurance under Section 8 shall contain a cross liability clause and shall contain a clause requiring the insurer not to cancel or change the insurance without first

giving the Regional District 30 days written notice. The QFN shall be responsible for any deductible amounts payable under the insurance policy required under this agreement.

**7. Term of Agreement**

- (1) This agreement shall take effect as and from June 1<sup>st</sup>, 2011 and shall remain in effect for a term of one year.
- (2) This agreement will renew each year automatically for further one year terms unless either party wishes to terminate the agreement in accordance with Section 12 hereof.

**8. Termination**

Notwithstanding anything in this agreement contained to the contrary, this agreement may be terminated by the District or the QFN following 30 days notice by either party delivered in writing by registered mail to the other.

- 9. This agreement shall be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

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

For the )  
**QUALICUM FIRST NATION** )  
 )  
 )  
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 )  
\_\_\_\_\_)  
Chief )  
 )  
 )  
\_\_\_\_\_)  
Officer Responsible for Corporate )  
Administration )

For the )  
**REGIONAL DISTRICT OF NANAIMO** )  
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\_\_\_\_\_)  
Chairperson )  
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\_\_\_\_\_)  
Senior Manager, Corporate Services )



RDN REPORT	
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# MEMORANDUM

**TO:** John Finnie, General Manager  
Regional and Community Utilities

**DATE:** October 18, 2011

**FROM:** Sean De Pol  
Manager, Wastewater Services

**FILE:** 5330-20-FCPC-TF

**SUBJECT:** **French Creek Pollution Control Centre  
Trickling Filter Ventilation & Piping Upgrade  
Construction Award**

## PURPOSE

To consider awarding the construction contract and project management services for the French Creek Pollution Control Centre (FCPCC) Trickling Filter Ventilation & Piping Upgrade Project.

## BACKGROUND

The trickling filters (TFs) at the French Creek Pollution Control Center (FCPCC) were constructed in the mid-1990s and serve as the main wastewater process units for achieving secondary treatment. There are three key issues surrounding the current operation of the trickling filters:

1. Odour
2. Trickling filter effluent distribution
3. Trickling filter corrosion

### *Odour*

Currently, air from the headworks and primary clarifiers is blown up through the TF media to provide process air for the trickling filters. The air off the trickling filters is discharged to atmosphere. A periodic source of odor from the FCPCC is the foul air off the trickling filters. Upgrading the TF ventilation system by reversing the air flow down through the TF media will improve odour conditions at FCPCC.

To change the operation to downdraft ventilation, new fans, ductwork and controls are required. Air drawn down through the TF media will be scrubbed and discharged to atmosphere through an exhaust stack.

### *Trickling Filter Effluent Distribution*

Presently, primary effluent is pumped to the trickling filters (4 cells) and distributed over the top of the trickling filter media. Under low flow conditions the trickling filter cells are unevenly distributed resulting in an inadequate level of treatment. To ensure complete wetting of the media and even flow distribution, new control valves are required to enable continuous cycling of flows to each TF cell (one cell at a time) over the course of a day.

*Tricking Filter Corrosion*

The trickling filter distribution piping, ventilation ductwork, supports and metal roof structure are badly corroded due to the wet atmosphere inside the trickling filters. Replacing the ductwork with non-ferrous materials (e.g. aluminum), replacing the pipework with stainless steel and recoating the underside of the metal roof will extend the life of the structure and lessen both operation and maintenance costs.

The following two bids were received for the FCPCC Tricking Filter Ventilation & Piping Upgrade:

- Archie Johnstone Plumbing and Heating Ltd. \$ 426,870
- Torry and Sons Plumbing & Heating Ltd. \$ 436,000

Our consultant has evaluated the tenders and the documentation has been verified. The low bidder for the project is Archie Johnstone Plumbing and Heating Ltd. Our consultants recommend the award of the project to Archie Johnstone Plumbing and Heating Ltd. and staff support this recommendation

The total cost for the completion of the FCPCC Tricking Filter Ventilation Upgrade is as follows:

Detailed Design and Tendering Services (Completed)	\$ 44,770
Construction Contract	\$ 426,870
Construction Services	\$ 40,000
SCADA Programming	\$ 10,000
Equipment Procurement	\$ 50,000
Nonrefundable HST (1.75% of project costs)	\$ 14,000
Project Contingency	\$ 65,000
<b>Total Project Cost</b>	<b>\$ 650,640</b>

**FINANCIAL IMPLICATIONS**

*Alternative 1*

The total budget for the FCPCC Tricking Filter Ventilation & Piping Upgrade Project is \$800,000. Archie Johnstone Plumbing and Heating Ltd.'s price for the construction of this project is \$426,870. Based on the expected total project cost of \$650,640 there is adequate money in the 2011 budget for completion of this project.

*Alternative 2*

If the contract for the FCPCC Tricking Filter Ventilation & Piping Upgrade Project is not awarded at this time, the project will be delayed resulting in ongoing operational issues with the FCPCC tricking filters. A delayed award may also create safety concerns associated with corrosion of infrastructure. Staff are not recommending this alternative.

**SUMMARY/CONCLUSIONS**

The upgrade of the trickling filter ventilation and piping systems is a high priority for the operations of the FCPCC. The detailed design for the upgrade has been completed by our consulting engineers and reviewed with RDN staff.


A competitive public tendering process was completed on October 12, 2011. Of the two bids that were received, the lowest compliant bid was by Archie Johnstone Plumbing and Heating Ltd. for a value of \$426,870. The work involves replacing existing Trickling Filter (TF) process air ducting with new aluminum ducting, fans and an exhaust stack; replacing TF effluent piping with new stainless steel piping; electrical and instrumentation works; and start-up and commissioning.

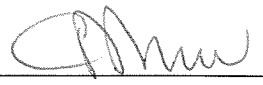
The total cost to complete the Trickling Filter Ventilation and Piping Upgrade Project including construction, engineering, equipment and contingency will be \$650,640. This cost is within the \$800,000 project budget.

**RECOMMENDATION**

That the Board award the construction contract for the Trickling Filter Ventilation and Piping Upgrade Project at the French Creek Pollution Control Centre to Archie Johnstone Plumbing and Heating Ltd. for the tendered price of \$426,870.

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

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

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