

REGIONAL DISTRICT OF NANAIMO

**REGULAR BOARD MEETING
TUESDAY, OCTOBER 23, 2012
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

- 1. CALL TO ORDER**
- 2. DELEGATIONS**
- 8 - 10 **PRESENTATION - Dale Littlejohn, Community Energy Association**, re Honourable Mention – 2012 Climate & Energy Action Award.
- 3. BOARD MINUTES**
- 11 - 19 Minutes of the regular Board meeting held Tuesday, October 2, 2012 (All Directors – One Vote).
- 4. BUSINESS ARISING FROM THE MINUTES**
- 5. COMMUNICATIONS/CORRESPONDENCE**
- 20 - 21 **Dr. Paul Hasselback, Vancouver Island Health Authority**, re Local Health Area Profiles.
- 6. UNFINISHED BUSINESS**
- 22 - 27 **Zoning Amendment Application No. PL2011-089 – Bylaw 500.375 – Robert Kitching – 3519 Halberg Road, Electoral Area ‘A’** (Electoral Area Directors Except EA ‘B’ – One Vote).

That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.375, 2012” be adopted.
- 28 **Bylaw 1259.09, 2012 - A Bylaw to Amend Planning Services Fees & Charges Bylaw** (All Directors - Weighted Vote).

That “Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.09, 2012” be adopted.

29 - 35

Development Variance Application No. PL2012-098 – Kevin & Wendy May – Lot 1, District Lot 29, Nanoose District, Plan EPP14273 – Electoral Area ‘G’. (Electoral Area Directors Except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Variance Permit Application No. PL2012-098.

That Development Variance Permit Application No. PL2012-098 to reduce the minimum required setback from an interior side lot line (east side) from 2.0 metres to 1.0 metre be approved subject to the conditions outlined in Schedules 1 and 2.

Development Variance Permit Application No. PL2012-058 — Elizabeth Mycock – 1694, 1696 and 1731 Errington Road, Area 'F' (Electoral Area Directors Except EA ‘B’ – One Vote).

Delegations wishing to speak to Development Variance Permit Application No. PL2012-058.

That Development Variance Permit Application No. PL2012-058 be approved subject to the conditions outlined in Schedule 1.

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

7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

36 - 38

Minutes of the Electoral Area Planning Committee meeting held Tuesday, October 9, 2012 (for information) (All Directors – One Vote).

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2012-100 - Kjell, Olive, David, and Penny Aalhus - 5996 Island Hwy W, Electoral Area ‘H’ (Electoral Area Directors, except EA ‘B’ – One Vote).

That Development Permit No. PL2012-100 to permit a resort vehicle park consisting of ten (10) recreational vehicle sites and improvements to two existing dwellings to create an office/washroom facility, caretaker’s residence and landscaping and signage improvements be approved subject to the conditions outlined in Schedules 1 to 4.

Development Permit Application No. PL2012-121 - Beverly Briggs - 4803 Ocean Trail, Electoral Area 'H' (Electoral Area Directors, except EA 'B' – One Vote).

That Development Permit No. PL2012-121 to permit the construction of an addition to a single family dwelling be approved subject to the conditions outlined in Schedules 1 to 3.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2012-108 - Melvyn Scott - 1061 Troy Place, Electoral Area 'G' (Electoral Area Directors, except EA 'B' – One Vote).

Delegations wishing to speak to Development Variance Permit Application No. PL2012-108.

That Development Variance Permit No. PL2012-108 to reduce the minimum front line setbacks from 8.0 metres to 5.0 metres for a proposed dwelling unit, and to reduce the minimum rear lot line setback from 2.0 metres to 0.0 metres for an existing retaining wall be approved subject to the conditions outlined in Schedules 1 and 2.

Development Variance Permit Application No. PL2012-115 - Trevor & Bonnie Demynn - 1809 Northwest Bay Road, Electoral Area 'E' (Electoral Area Directors, except EA 'B' – One Vote).

Delegations wishing to speak to Development Variance Permit Application No. PL2012-115.

That Development Variance Permit No. PL2012-115 to reduce the minimum required setback from the front lot line from 8.0 metres to 6.6 metres be approved subject to the conditions outlined in Schedules 1 and 2.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. PL2012-083 – D & D Pacific Developments Ltd., Inc. No. BC0934466 - 3745 Melrose Road, Electoral Area 'F' (Electoral Area Directors, except EA 'B' – One Vote).

Delegations wishing to speak to Development Permit with Variance Application No. PL2012-083.

That Development Permit with Variance No. PL2012-083 to permit subdivision of the subject property be approved subject to the conditions outlined in Schedules 1 and 2.

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

39 - 41 Minutes of the Committee of the Whole meeting held Tuesday, October 9, 2012 (for information) (All Directors – One Vote).

STRATEGIC AND COMMUNITY DEVELOPMENT

ENERGY AND SUSTAINABILITY

Board Strategic Plan (All Directors – One Vote).

That the Board Strategic Plan be approved as presented.

CURRENT PLANNING

Agricultural Area Plan (All Directors – One Vote).

1. *That the “Growing Our Future Together – Regional District of Nanaimo Agricultural Area Plan” (AAP) dated August, 2012 be adopted.*
2. *That staff be directed to develop an AAP Action Plan for the Board’s consideration within the 2013 budget process.*

REGIONAL AND COMMUNITY UTILITIES

Nash Creek Fishery Enhancement (All Directors – One Vote).

That the Board direct staff to initiate joint discussions with the Department of Fisheries and Oceans, Ministry of Environment and the Nile Creek Enhancement Society (NCES) with a goal of advancing a cooperative approach to fishery enhancements on Nash Creek that would serve the interests of NCES, address the current water licensing issues and not require the RDN to establish a new service for this activity.

RECREATION AND PARKS

PARK SERVICES

Community Parks and Trails Strategy – Northern Electoral Areas (Electoral Areas E, F, G, and H – Weighted Vote).

That the Terms of Reference for the Community Parks and Trails Strategy for Electoral Areas E, F, G and H be approved.

COMMISSION, ADVISORY & SELECT COMMITTEE

District 69 Recreation Commission (All Directors – One Vote)

That the minutes of the District 69 Recreation Commission meeting held Thursday, September 20, 2012 be received for information

7.3 COMMISSIONS

7.4 SCHEDULED ADVISORY AND SELECT COMMITTEES

Regional Parks and Trails Select Committee

42 - 44 Minutes of the Regional Parks and Trails Select Committee meeting held Tuesday, October 2, 2012 (for information) (All Directors – One Vote).

San Pareil Boardwalk (All Directors – One Vote).

That letters be written to the Minister of Forest, Lands and Natural Resource Operations and the Minister of Environment regarding the rebuilding of the boardwalk at San Pareil that will provide more details of the proposed structure and the environmental benefits of its placement within the Englishman River estuary.

Morden Colliery Historic Provincial Park – Tipple Restoration (All Directors – One Vote).

That staff meet with BC Parks to review possible partnership funding opportunities with the Province of BC for restoration of the tipple at Morden Colliery Historic Provincial Park.

Northern Community Economic Development Select Committee.

45 - 47 Minutes of the Northern Community Economic Development Select Committee meeting held Tuesday, October 9, 2012 (for information) (All Directors – One Vote).

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

- 1. That funding for phase II of the Commerce Ambassador Program from the Qualicum Beach Chamber of Commerce be deferred to the Spring 2013 Select Committee NCED meeting.*
- 2. That the funding for the Marketing the Arts in Oceanside from Oceanside Community Arts Council be denied.*

3. *That the LCBA Trade Show from the Lighthouse Country Business Association be awarded full funding in the amount of \$3,000.*
4. *That the Lighthouse Country Village Signs for Qualicum Bay, Bowser, Deep Bay and Horne/ Spider Lakes area application from Lighthouse Country Business Association be deferred until the Oceanside Tourism Association's re-branding process currently underway is completed so as to ensure consistency between Lighthouse Country Village signage and the Oceanside re-branding.*
5. *That the funding for the Public Picnic and Rest Area from the North Island Wildlife Recovery Association be denied.*
6. *That the funding for Museum Analysis/ Feasibility Study for Proposed Museum Expansion and Sustainability from the Qualicum Beach Historical and Museum Society be denied.*
7. *That the Mid-Island Bluegrass Society request for funding be denied and that staff include the necessary electrical upgrade proposed for the Lion's Community Park in the Electoral Area 'H' Community Park Budget.*

Sustainability Select Committee.

48 – 55

Minutes of the Sustainability Select Committee meeting held October 17, 2012 (for information) (All Directors – One Vote).

Rainwater Harvesting Best Practices Guidebook (All Directors – Weighted).

That the Committee endorse the Regional District of Nanaimo Rainwater Harvesting Best Practices Guidebook and forward the Guidebook to the Board for adoption.

Partnership with British Columbia Irrigation Association (All Directors – Weighted).

That the Board support the Certified Irrigation Technician training partnership with the Irrigation Industry Association of BC to a maximum of \$3,000.

8. ADMINISTRATOR'S REPORTS

55 – 61

Liquor Licence Amendment Application No. PL2012-101 – 697655 B.C. Ltd. – Lot A, District Lot 39, Nanoose District, Plan VIP55692 – Rocking Horse Pub – 2038, Rocking Horse Place, Electoral Area 'E' (All Directors – One Vote).

1. *That the Board consider any written submissions or comments from the public.*
2. *That the Board adopt the resolution attached to this report as Schedule 1.*

62 – 77

Witchcraft Lake Regional Trail – City of Nanaimo Licence of Use Agreement.

That the Licence of Use Agreement with the City of Nanaimo for the Witchcraft Lake Regional Trail be approved as attached in Appendix 1 (All Directors – One Vote).

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

That pursuant to Section 90(1)(e) of the Community Charter, the Board proceed to an In Camera meeting to consider land issues.

O'Halloran, Matt

From: Dale Littlejohn <dlittlejohn@communityenergy.bc.ca>
Sent: Wednesday, October 03, 2012 2:52 PM
To: O'Halloran, Matt
Subject: RE: Nanaimo Board meeting

Matt,

I will be making the presentation on behalf of the Community Energy Association.

I'd like to confirm a few things:

1. Location, I'm assuming 6300 Hammond Bay Road
2. Timing: I'm assuming delegations are near the front. (I am planning my travel from Vancouver and the ferry landing at departure bay at 6:40pm looks a bit tight to make it for a 7pm presentation so I could book the one that docks at 4:40pm)
3. Will the Climate and Energy Action Award plaque be available for a photo opportunity? What we usually do is do a short presentation then re-present the plaque to congratulate the Board

...Dale.

Dale Littlejohn
Executive Director, Community Energy Association
www.communityenergy.bc.ca
dlittlejohn@communityenergy.bc.ca
T: 604-628-7076 C: 604-785-5130 F: (888)864-3358

From: O'Halloran, Matt [<mailto:MOhalloran@rdn.bc.ca>]
Sent: September-20-12 4:43 PM
To: Patricia Bell
Subject: RE: Honourable Mention - 2012 Climate & Energy Action Awards

Thanks Patricia,

I've added this presentation to the Agenda for October 23, 7:00pm. If you require anything additional for the presentation (laptop/projector, etc) please do not hesitate to get in touch.

Matthew O'Halloran
Legislative Coordinator
Regional District of Nanaimo
250-390-6569
www.rdn.bc.ca



Mike Bernier
 Mayor, City of Dawson Creek
 Mayor.Bernier@dawsoncreek.ca
 Tel: 250-782-3203

September 26, 2012

Chair Stanhope and Board of Directors
 Regional District of Nanaimo
 6300 Hammond Bay Road,
 Nanaimo, BC V9T 6N2

RDN CAOS OFFICE			
CAO	<input checked="" type="checkbox"/>	GM R&P	
GMS&CD		GM T&SW	
GM R&CU		DF	
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DCS		BOARD	<input checked="" type="checkbox"/>
CHAIR		Info.	

Dear Chair and Board:

Re: Honourable Mention, Corporate Operations – 2012 Climate & Energy Action Awards

On behalf of the Community Energy Association, the Province of British Columbia, the Union of BC Municipalities, BC Hydro and FortisBC, I am pleased to award the Regional District of Nanaimo an **Honourable Mention for Corporate Operations** for the **2012 Climate & Energy Action Awards**, in recognition of the regional memorandum of understanding for corporate emission reduction projects.

From an array of compelling 2012 Climate & Energy Action Award applications, the Regional District’s application was selected by the judging panel for an Honourable Mention in the Corporate Operations category because:

- of the leadership shown to achieve a visionary collaboration and binding commitment, and
- the creative response to carbon neutrality and corporate offsets, to keep climate action funds within the region.

Regional District of Nanaimo’s approach to regional collaboration and corporate greenhouse gas reductions is an important example for other local governments in BC. I know that the Honourable Terry Lake, Minister of Environment, was pleased to present the award to you at the 2012 Union of BC Municipalities Convention. Community Energy Association will showcase this initiative on our website and through the range of services we provide to BC local governments.

The Community Energy Association would like to congratulate the Board in person and are working with regional district staff to arrange a delegation. We have enclosed the *2012 Climate & Energy Action Awards News Release* for your information and use.

Once again, congratulations on the leadership you have shown, and we look forward to keeping in close touch as your energy planning and implementation efforts continue.

Yours sincerely,

Mike Bernier
 Co-Chair Community Energy Association and Mayor City of Dawson Creek

Encl: *2012 Climate & Energy Action Awards News Release*

cc: Honourable Terry Lake, Minister of Environment

[1]

Embargoed for Release September 26, 2012, 4:45 pm

BC LOCAL GOVERNMENTS TAKE THE LEAD ON ENERGY ACTION

Minister Terry Lake presents Surrey, Nakusp and City of North Vancouver with Climate & Energy Action Awards. City of North Vancouver, Regional District of Nanaimo and City of Rossland receive Honourable Mentions.

[Victoria] The Honourable Terry Lake, Minister of Environment presented awards recognizing the leadership of Surrey, Nakusp and City of North Vancouver at the Union of B.C. Municipalities convention. I want to thank these communities because they are leading examples of the impressive momentum that there is in local governments across B.C. in the quest to reduce the size of their carbon footprint," said Minister Lake. "Local governments that become more energy-efficient are showing they can save money while addressing climate change."

The City of Surrey won in the *Community Planning and Development* category for the planning and development of Surrey City Centre. Over the past ten years, City Centre has transformed into a high-density, transit-oriented community – changes that have been driven by vision, commitment and investment. In accepting the award, Mayor Watts said "As we create the second metropolitan centre of the region, it's important to shape growth and advance new clean technologies. Our new district energy system, zoning regulations and sustainable transportation infrastructure will help us create healthier communities."

The Village of Nakusp won in the *Corporate Operations* category. The Village has implemented renewable energy retrofit projects, reduced GHG emissions and reduced energy costs. Capturing latent heat from hot springs water, installing 6,500 W of solar power, and a completing a micro hydro project are just a few of the projects undertaken. "As a small community, Nakusp has limited resources," said Karen Hamling, Mayor of Nakusp. "These successful renewable energy projects have reduced operating costs, moved us closer to achieving carbon neutral operations and demonstrated leadership."

The City of North Vancouver won the *Public Sector Collaboration* category for the Lonsdale Energy Corporation and School District 44 Education Service Centre/Arts for Kids project, which showcases a geothermal heat pump system and recycling of surplus heat. By saving energy and reducing greenhouse gases, the project allows more of SD 44's budget to be directed towards its education mission, while allowing Lonsdale Energy Corporation to integrate heat recovery and geo-exchange systems into its district energy system. "The City's district energy vision is one of flexibility and responsiveness, using the most appropriate energy source at all times," said Mayor Darrell Mussatto. "This project serves as a model of collaboration and renewable energy to other school districts and communities throughout BC."

"The awards draw attention to the diverse challenges of achieving energy sustainability – and to the creativity and tenacity of those who are overcoming them," said Mike Bernier Co-chair, Community Energy Association and Mayor of the City of Dawson Creek.

Honourable Mentions were awarded to:

- City of North Vancouver for its energy efficient buildings density bonusing initiative.
- Regional District of Nanaimo for a regional memorandum of understanding for corporate emission reduction projects.
- City of Rossland for the Rossland Energy Diet.

The awards are organized annually by the Community Energy Association in partnership with the Province of British Columbia, Union of B.C. Municipalities, B.C. Hydro and FortisBC.

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REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR BOARD MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, OCTOBER 2, 2012 AT 7:00 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

Director J. Stanhope	Chairperson
Director D. Brennan	Deputy Chairperson
Director A. McPherson	Electoral Area A
Director H. Houle	Electoral Area B
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director J. Fell	Electoral Area F
Director W. Veenhof	Electoral Area H
Director B. Dempsey	District of Lantzville
Director J. Ruttan	City of Nanaimo
Director G. Anderson	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director T. Greves	City of Nanaimo
Director D. Johnstone	City of Nanaimo
Director J. Kipp	City of Nanaimo
Alternate	
Director C. Burger	City of Parksville
Director D. Willie	Town of Qualicum Beach

Regrets:

Director M. Lefebvre	City of Parksville
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Also in Attendance:

P. Thorkelsson	A/ Chief Administrative Officer
J. Harrison	Director of Corporate Services
M. Donnelly	A/Gen. Mgr., Regional & Community Utilities
Tom Osborne	Gen. Mgr. Recreation & Parks
D. Trudeau	Gen. Mgr. Transportation & Solid Waste
Wendy Idema	Director of Finance
J. Hill	Mgr. Administrative Services
T. Nohr	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Director Burger to the meeting.

DELEGATIONS

Mike Nunn and Darren Oswald, re request to install a seasonal dock at 3030 Yellow Point Road, Electoral Area 'A'.

Mr. Nunn requested approval to install a seasonal dock at 3030 Yellow Point Road. The Board advised Mr. Nunn that an application for rezoning is required.

Joanne McLeod, RDN Agricultural Advisory Committee, re Agricultural Area Plan.

Joanne McLeod and Colin Springford spoke in support of the "Growing Our Future Together, Regional District of Nanaimo, Agricultural Area Plan".

LATE DÉLEGATIONS

Laurie Gourlay, re Consultant's Report and RDN's jurisdiction over 'non-aeronautical lands' of the Nanaimo Airport.

MOVED Director Young, SECONDED Director Bestwick, that Laurie Gourlay be permitted to address the Board.

CARRIED

Mr. Gourlay spoke in opposition to the June, 2012 Consultant's report "Nanaimo Airport Land Use".

BOARD MINUTES

MOVED Director Johnstone, SECONDED Director Brennan, that the Minutes of the regular Board meeting held August 28, 2012, be adopted.

CARRIED

UNFINISHED BUSINESS

BYLAW ADOPTION

Amendment Bylaw No. 500.378 – Zoning Amendment Application No. PL2012-014 – Carey Development Ltd – Lot A, District Lot 76, Newcastle District, Plan VIP74503, Electoral Area 'G'

MOVED Director Holme, SECONDED Director Fell, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.378, 2012" be adopted.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

Minutes of the Electoral Area Planning Committee held Tuesday, September 11, 2012.

MOVED Director Holme, SECONDED Director McPherson, that the Minutes of the Electoral Area Planning Committee meeting held Tuesday, September 11, 2012 be received for information.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2012-066 – Ron Ashmore – 302 Waters Road, Electoral Area ‘G’.

MOVED Director Holme, SECONDED Director Veenhof, that Development Permit Application No. PL2012-066 to permit the construction of a detached garage be approved subject to the conditions outlined in Schedules 1 to 3.

CARRIED

Development Permit Application No. PL2012-008 – 3301 Andres Road - Electoral Area ‘C’.

MOVED Director Young, SECONDED Director Fell, that Development Permit Application No. PL2012-008 for property addressed as 3301 Andres Road in Electoral Area ‘C’, be approved subject to the conditions outlined in Schedule 1.

CARRIED

Development Permit Application No. PL2011-104 – 0763634 BC Ltd. – Lot A, Section 13, Range 7, Cranberry District, Plan VIP83828 – Harold Road and Schoolhouse Road – Electoral Area ‘A’.

MOVED Director McPherson, SECONDED Director Holme, that Development Permit Application No. PL2011-104 to permit construction of covered storage units for recreational vehicles and boats be approved subject to the conditions outlined in Schedule 1.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2012-098 – Kevin & Wendy May – Electoral Area ‘G’.

MOVED Director Holme, SECONDED Director Young, that Development Variance Permit Application No. PL2012-098 be referred back to staff.

CARRIED

Development Variance Permit Application No. PL2012-112 – Van Dyk – 1820 Settler Road – Electoral Area ‘F’.

MOVED Director Fell, SECONDED Director Veenhof, that Development Variance Permit No. PL2012-112 be approved subject to the conditions outlined in Schedule 1.

CARRIED

Development Variance Permit Application No. PL2012-090 – Barrie Cook – 2182 Yellow Point Road – Electoral Area ‘A’.

MOVED Director McPherson, SECONDED Director Fell, that Development Variance Permit Application No. PL2012-090 be approved subject to the conditions outlined in Schedule 1.

CARRIED

OTHER

Amendment Bylaw No. 500.372 – Zoning Amendment Application No. PL2011-070 – 639582 BC Ltd. Lot A, District Lot 28, Nanoose District, Plan VIP60624 – 1395 Island Highway West – Electoral Area ‘G’.

MOVED Director Holme, SECONDED Director McPherson, that Zoning Amendment Application No. PL2011-070 to amend the existing Commercial 3 (CM3) zoning of the subject property to permit an additional FAR of 0.1 for “outdoor sales” use (within a building) only, up to a total maximum Floor Area Ratio (FAR) of 0.2 for the property, be approved subject to the conditions outlined in Schedule 1.

CARRIED

MOVED Director Holme, SECONDED Director Fell, that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.372, 2012” be introduced and read two times.

CARRIED

MOVED Director Holme, SECONDED Director McPherson, that the public hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.372, 2012” be delegated to Director Stanhope or another Area Director.

CARRIED

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement PL2012-081 – 2956 and 2962 Ridgeway Road – Electoral Area ‘C’.

MOVED Director Young, SECONDED Director Fell, that the request to relax the minimum 10% perimeter frontage requirement for proposed lot A in conjunction with a subdivision application, be approved.

CARRIED

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement PL2012 – 048 - Deas – 2900 Leon Road – Electoral Area ‘H’.

MOVED Director Veenhof, SECONDED Director Holme, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lots 4 to 7, inclusive, be approved.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

Minutes of the Committee of the Whole meeting held Tuesday, September 11, 2012.

MOVED Director Anderson, SECONDED Director Kipp, that the minutes of the Committee of the Whole meeting held Tuesday, September 11, 2012 be received for information.

CARRIED

FINANCIAL SERVICES

Proposed Schedule to Adopt the 2013 to 2017 Financial Plan.

MOVED Director Holme, SECONDED Director Houle, that the following schedule for the review and adoption of the 2013 to 2017 financial plan be approved:

November 20, 2012	Information seminar to Board for 2013 preliminary budget.
November 27, 2012	Presentation of 2013 preliminary budget at Board meeting.
January 29, 2013	2013 to 2017 financial plan presentation at Special Committee of the Whole.
February 18, 2013	Publication of budget edition of Regional Perspectives.
March 12, 2013	Introduce bylaw to adopt 2013 to 2017 financial plan.
March 26, 2013	Adopt financial plan bylaw.

CARRIED

REGIONAL AND COMMUNITY UTILITIES

WASTE WATER SERVICES

Bylaw No. 1004.06 – A bylaw to amend the boundaries of the Duke Point Sewer Service to include the property at 500 Duke Point Highway (within the City of Nanaimo).

MOVED Director Brennan, SECONDED Director Anderson, that “Duke Point Sewer Service Amendment Bylaw No. 1004.06, 2012” be introduced and read three times.

CARRIED

Greater Nanaimo Pollution Control Centre Sedimentation Tank 4 Project Construction Award.

MOVED Director Greves, SECONDED Director Houle, that the Board award the construction contract for the new Primary Sedimentation Tank 4 at the Greater Nanaimo Pollution Control Centre to Palladian Developments Inc. for a value of \$2,205,744.50.

CARRIED

MOVED Director Anderson, SECONDED Director Houle, that the Board award the engineering services during the construction of Primary Sedimentation Tank 4 and the SCADA programming services to AECOM for a total value of \$198,000.

CARRIED

MOVED Director Brennan, SECONDED Director Johnson, that the funds from the Southern Community Development Cost Charge Reserve Fund be used for the Greater Nanaimo Pollution Control Centre Primary Sedimentation Tank 4 Project.

CARRIED

STRATEGIC AND COMMUNITY DEVELOPMENT

LONG RANGE PLANNING

Nanaimo Airport Land Use Process.

MOVED Director McPherson, SECONDED Director Brennan, that the final report from City Spaces Consulting on phase one of the Nanaimo Airport Land Use Process be received.

CARRIED

MOVED Director McPherson, SECONDED Director Fell, that in accordance with standard practice and process in respect of community planning for Electoral Areas that staff be directed to enter into discussions with the Nanaimo Airport Commission with the aim of reaching agreement on future land use and protection of the Cassidy aquifers in the form of a Draft Memorandum of Understanding as a proposed amendment to the Area 'A' Official Community Plan with input from and review by the Area 'A' OCP Citizens Advisory Group for subsequent approval by the Electoral Area Planning Committee.

CARRIED

A recorded vote was requested

The motion was CARRIED with Directors Stanhope, Fell, Holme, McPherson, Veenhof, and Young voting in the affirmative. No negative votes were cast.

CURRENT PLANNING

Agriculture Area Plan – Completion of Final Draft.

MOVED Director Johnstone, SECONDED Director Fell, that the "Growing Our Future Together – Regional District of Nanaimo Agriculture Area Plan" (AAP) dated August 2012 be referred to the October 9th, 2012 Committee of the Whole meeting.

CARRIED

Proposed Amendments to “Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002.

MOVED Director Holme, SECONDED Director Willie, that “Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.09, 2012” be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Veenhof, that application fees in the amount of \$36,875 for the Lakes District and \$4,000 for Schooner Cove amendment applications (No. PL2012-097 and No. PL2012-097) be refunded to Bentall Kennedy (Canada) LP should “Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.09, 2012” be adopted.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Wendy Pratt, Nanaimo Community Hospice, re Proposed Hospice Expansion.

MOVED Director Brennan, SECONDED Director Young, that the request for financial assistance from the Nanaimo Community Hospice be forwarded for consideration to the 2013 financial budget

CARRIED

COMMISSIONS

Electoral Area ‘A’ Parks, Recreation, and Culture Commission.

MOVED Director McPherson, SECONDED Director Kipp, that the minutes of the Electoral Area ‘A’ Parks, Recreation and Culture Commission meeting held Wednesday, September 19, 2012 be received for information.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that the staff be directed to meet with Cedar School and Community Enhancement Society to discuss possible amendments to their current License of Use Agreement for the Cedar Heritage Centre and report back on proposed amendments for Commission and Board review and consideration.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEES

Electoral Area ‘B’ Parks and Open Spaces Advisory Committee.

MOVED Director Houle, SECONDED Director Veenhof, that the minutes of the Electoral Area ‘B’ Parks and Open Spaces Advisory Committee meeting held Tuesday, May 29, 2012 be received for information.

CARRIED

ADMINISTRATOR'S REPORTS

Local and Long Distance Calling Services Contract.

MOVED Director Johnstone, SECONDED Director Brennan, that the Board award the contract for Local and Long Distance Services to Telus for a period of five years for \$289,440.

CARRIED

Wide Area Network Internet Services Contract.

MOVED Director Veenhof, SECONDED Director Houle, that the Board award the contract for the provision of Wide Area Network and Internet services to Telus for a period of five years commencing immediately at a total cost of \$355,440.

CARRIED

Wireless Devices Services Contract.

MOVED Director Brennan, SECONDED Director Ruttan, that the Board award the contract for the provision of wireless devices and services to Telus for a period of three years at an approximate total cost of \$207,600.

CARRIED

French Creek Pollution Control Centre Outfall Diffuser Replacement Tender Award.

MOVED Director Houle, SECONDED Director Burger, that the Board award the French Creek Pollution Control Centre Outfall Diffuser Replacement Project to Can-Dive Construction Ltd. for the tendered price of \$540,300.

CARRIED

Liquor License Amendment Application No. PL2012-103 – BCIMC Realty Corp. – 3730 Fairwinds Drive, Electoral Area 'E'.

MOVED Director Holme, SECONDED Director Bestwick, that the Board consider any written submissions or comments from the public.

CARRIED

MOVED Director Holme, SECONDED Director Johnstone, that the Board adopt the resolution attached to this report as Schedule 1.

CARRIED

NEW BUSINESS

Draft Letter of Understanding and Protocol Agreement between the Gabriola Island Local Trust Committee and the Regional District of Nanaimo.

MOVED Director Houle, SECONDED Director Young, that staff review the draft letter of understanding and the draft protocol agreement dated June, 2006 between the Gabriola Island Local Trust committee and the Regional District of Nanaimo and report back to the Board.

CARRIED

Web - Based Video Streaming of RDN Board Meetings.

MOVED Director Houle, SECONDED Director Young, that staff be directed to investigate the costs associated with the implementation of web - based video streaming of RDN Board meeting and report back to the Board as part of the 2013 budget discussions.

CARRIED

ADJOURNMENT

MOVED Director Holme, SECONDED Director Johnstone, that pursuant to Sections 90(1)(a),(c), (e), and (f) of the Community Charter, the Board proceed to an In Camera meeting to consider Board nominations, as well as labour, land, and legal issues.

CARRIED

TIME: 8:23 PM

RISE AND REPORT

Construction at 3677 Nautilus Road.

MOVED Director Holme, SECONDED Director Veenhof, that no further enforcement action be undertaken by staff regarding the construction at 3677 Nautilus Road.

CARRIED

TIME: 9:11 PM

CHAIRPERSON

CORPORATE OFFICER

From: Lawson, Christal [<mailto:Christal.Lawson@viha.ca>]
Sent: Monday, October 15, 2012 11:08 AM
To: Nohr, Tamie
Subject: Chair and Board of Directors

Good Morning,

Please find attached a letter to the Chair and Board of Directors from Dr. Paul Hasselback, Medical Health Officer for Central Island. As per Section 83(1)(c) of the *Public Health Act*, which states “a local government must do all of the following: (c) consider advise or other information provided to the local government by a health officer,” we trust that this correspondence would be received formally by the Chair and Board of Directors in an open meeting.

Thank you

Christal Lawson

MHO Administrative Assistant
Vancouver Island Health Authority, Central Island
3rd Floor, 6475 Metral Drive
Nanaimo, BC V9T 2L9
Tel: 250-739-6304
Fax: 250-755-3372
Email: christal.lawson@viha.ca

**Office of the
Chief Medical
Health Officer**

October 15, 2012

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

SOUTH ISLAND

Richard Stanwick
Chief Medical Health
Officer
MD MSc FRCPC FAAP
250.519.3406

Murray Fyfe
MD MSc FRCPC
430 – 1900 Richmond
Avenue
Victoria, BC V8R 4R2
250.519.3406

Dee S. Hoyano
MD FRCPC
430 – 1900 Richmond
Avenue
Victoria, BC V8R 4R2
250.519.3406

**CENTRAL
ISLAND**

Paul Hasselback
MD MSc FRCPC
3rd Fl, 6475 Metral Dr.
Nanaimo, BC V9T 2L9
250.755.6304

NORTH ISLAND

Charmaine Enns
MD MHSc FRCPC
355-11th Street
Courtenay, BC V9N 1S4
250.331.8591

Dear Chair Stanhope and Board of Directors:

Re: Local Health Area Profiles

Each of our communities has a unique and changing profile of social, environmental and economic conditions including factors such as income, housing, education and social support levels. These conditions, often referred to as the determinants of health, influence the health and wellbeing of people who live in our communities. In turn, the health of our residents can affect a community's economic and social wellbeing.

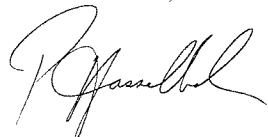
You may therefore be interested in reviewing, on a periodic basis, recent data on demographic, social and economic measures, health status and health care service use for your area. The Vancouver Island Health Authority (VIHA) has committed to producing summary documents with this information on an annual basis. The documents are called Local Health Area (LHA) Profiles and one has been produced for each of Vancouver Island's 14 LHAs. The LHA Profiles can be found on our webpage at the following link:
http://www.viha.ca/mho/stats/lha_profiles.htm

The statistical information in these profiles is compiled from a variety of sources, including BC Statistics, BC Vital Statistics, the Ministry of Health and the Canadian Institute of Health Information.

These profiles are meant to provide some insight into factors that are contributing to or affecting health. Addressing these broad factors, however, requires partnerships between community groups, governments at all levels, organizations, members of the public and others. Developing partnerships is essential.

It is hoped that you find the information in these profiles useful. I would like the opportunity to meet again with council to present some of the data publically and discuss local implications. I would also be pleased as well to meet with members of the administration in support of their work.

Yours in Health,



Paul Hasselback, MD, MSc, FRCPC
Medical Health Officer



RDN REPORT	
D/ CAO APPROVAL [initials]	
EAP	
COW	
OCT 12 2012	
RHD	
BOARD	✓

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: October 11, 2012

FROM: Lainya Rowett
Senior Planner

FILE: PL2011-089

SUBJECT: Zoning Amendment Application No. PL2011-089 – Bylaw 500.375
Robert Kitching
Lot A, District Lot 7, Bright District, Plan 30903 – 3519 Hallberg Road
Electoral Area 'A'

PURPOSE

To consider Amendment Bylaw No. 500.375, 2012 for adoption.

BACKGROUND

In 2011, the Regional District of Nanaimo received an application from Robert Kitching to amend the existing Public 1 Zone for the subject property located at 3519 Hallberg Road in order to allow “school accommodation” as a permitted accessory use in conjunction with an existing private school, the Western Maritime Institute (see Attachment 1 for subject property map and Schedule 1 for site plan).

The proposed Amendment Bylaw No. 500.375, 2012 (Schedule 2) received first and second reading on April 24, 2012. A Public Hearing was held on June 7, 2012; subsequently the Bylaw received third reading on June 26, 2012. Following the close of a Public Hearing no further submissions or comments from the public or interested persons can be accepted by members of the Board, as established by provincial case law. Having received the minutes of the Public Hearing eligible Board members may vote on the Bylaw.

As a condition of rezoning approval, and prior to the adoption of the Bylaw, the applicant was required to complete the following:

1. Register a Section 219 Restrictive Covenant to require re-evaluation of the existing sewage system by a Professional Engineer, at the time of submitting a building permit application, for any new development in excess of school accommodation for twenty people. The covenant must also require the development to comply with the recommendations of this engineering evaluation to the satisfaction of the General Manager of Strategic and Community Development of the Regional District.
2. Register a Section 219 Restrictive Covenant to ensure that the subject property is developed in accordance with recommendations contained in the Hydrogeological Assessment prepared by GW Solutions and dated September 2011, as amended.
3. Obtain a valid access permit from the Ministry of Transportation and Infrastructure.

With respect to condition 1 above, the applicant has registered a Section 219 Restrictive Covenant (CA2779178) requiring re-evaluation of the existing septic system, as described, and use of the property in accordance with such an evaluation.

With respect to condition 2 above, the applicant has registered a Section 219 Restrictive Covenant (CA2779180) requiring use and development of the lands in accordance with the recommendations contained in the Hydrogeological Report, as amended.

It is noted that the existing well, constructed in 1979, does not meet the current well standards according to the BC Ground Water Protection Regulations (November 2005). In particular, the regulations now prohibit construction of well pits as they can increase the risk of contamination to groundwater and can be a safety hazard. In this case, the applicant's Engineer has confirmed that the existing well is located in a well pit; however, due to the very permeable and grassed surface around the well, and slight rise up to the well, the well pit does not act as a low point where run-off converges so there is no pooling of rain water around the wellhead. Therefore, the applicant's Professional Engineer has concluded that the existing well has been constructed and maintained adequately given the local conditions at the wellhead and in the near vicinity; the well is safe for the proposed use; and the well does not pose a risk for groundwater contamination.

Given the existing well construction, there is a discrepancy with Board Policy No. B1.21 *Groundwater – Application requirements for rezoning of un-serviced lands* which requires confirmation that the well meets the current standards. Engineering staff recommend the well be retrofitted and upgraded to meet the current standards; however, the following reasons are provided to consider maintaining the existing well:

- It would be very onerous for the applicant to have to upgrade the existing well.
- The applicant's Professional Engineer has deemed the existing well safe and adequate for the proposed uses, which include the existing private school and only one accessory use.
- The Professional Engineer has also concluded that work to alter the wellhead or area immediately surrounding the wellhead may jeopardize the performance of the wellhead and introduce a risk of groundwater contamination through the well.
- There is no concern, in the Professional's opinion, of contamination of the existing well given local conditions.
- Staff have confirmed that the existing well has source approval from the Vancouver Island Health Authority, as the well previously served a public elementary school on the property.
- The Professional Engineer's report is included in the Section 219 covenant registered on the property title to restrict the use and development of the land.

Consequently, this adoption report is not introducing any new information as the well report and addendum were received prior to the Public Hearing. Instead, this report recommends supporting the bylaw adoption despite the discrepancy in the existing well construction because the intent of the Board Policy B1.21 concerning rezoning of un-serviced lands has been met.

With respect to condition 3 above, the applicant has obtained a valid highways access permit from the Ministry of Transportation and Infrastructure for the existing/proposed commercial use (private school).

ALTERNATIVES

1. To adopt "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.375, 2012".
2. To not approve the Bylaw and provide alternate direction.

SUMMARY/CONCLUSIONS

The purpose of Bylaw No. 500.375, 2012 is to amend the existing Public 1 Zone for the subject property located at 3519 Hallberg Road in order to allow "school accommodation" as a permitted accessory use in conjunction with an existing private school, the Western Maritime Institute. The Amendment Bylaw was introduced and read two times on April 24, 2012, and the Public Hearing was held on June 7, 2012. The Bylaw received third reading June 26, 2012, following which the applicant proceeded to complete the Conditions of Approval. Given that the applicant's Engineer has confirmed that the existing well is suitable and adequate for the existing and proposed uses, and the applicant has met the Conditions of Approval, staff recommends that the Board adopt Bylaw No. 500.375, 2012.

RECOMMENDATION

That the "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.375, 2012" be adopted.

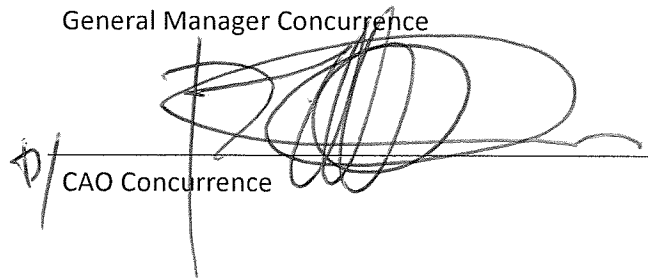


Report Writer

General Manager Concurrence

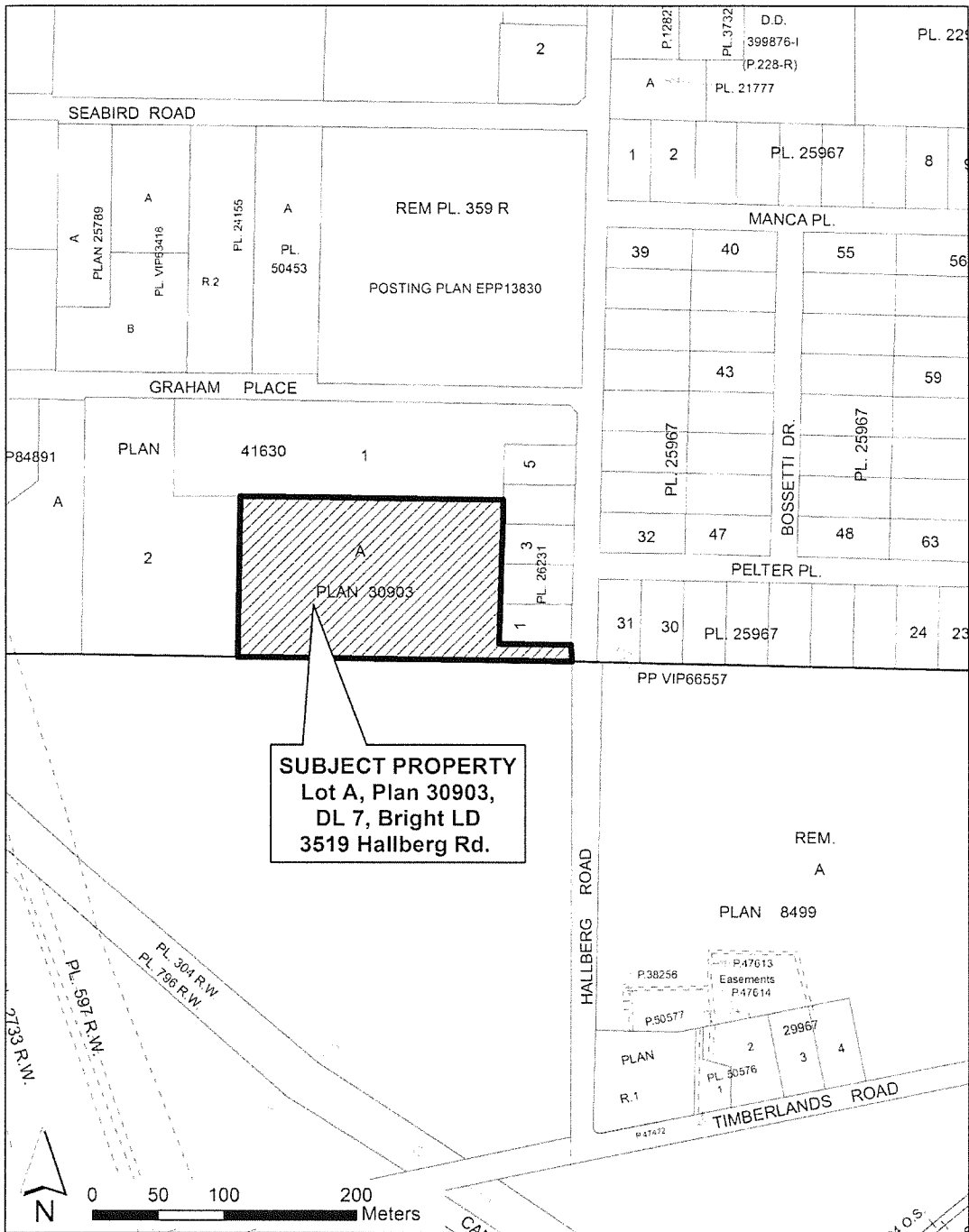


Manager Concurrence

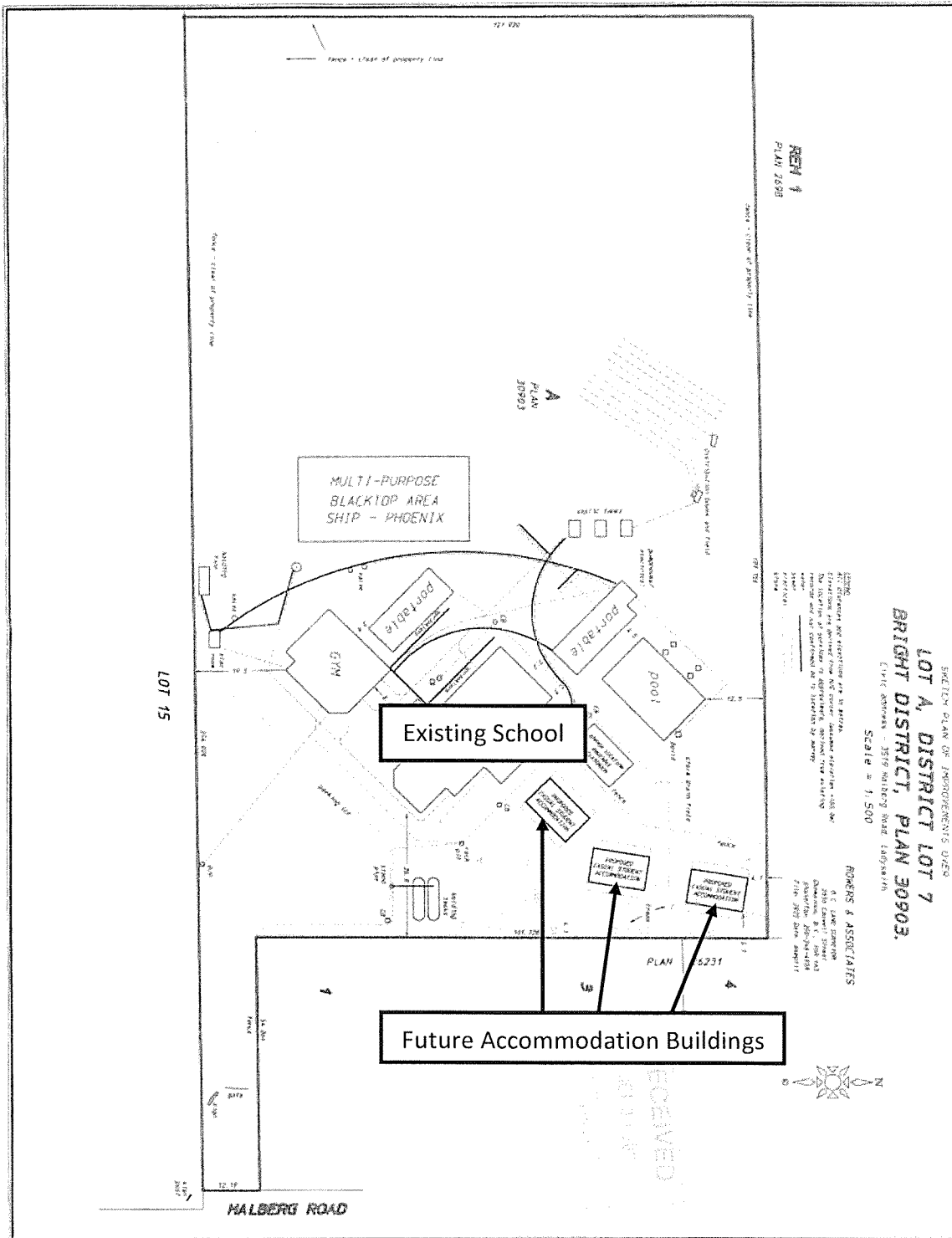


CAO Concurrence

Attachment 1 Location of Subject Property



Schedule 1
Site Plan



**Schedule 2
Proposed Amendment Bylaw No. 500.375, 2012**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.375**

**A Bylaw to Amend Regional District of Nanaimo
Land Use and Subdivision Bylaw No. 500, 1987**

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

A. This Bylaw may be cited as “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.375, 2012”.

B. “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 - PART 3 LAND USE REGULATIONS, Section 3.4.41 Public 1 Zone”, is hereby amended as follows:

1. By adding the following after “Permitted Uses, f) School”:

Notwithstanding the provisions outlined above, the following Accessory Use shall be permitted in conjunction with a school for the parcel legally described as Lot A, District Lot 7, Bright District, Plan 30903:

School Accommodation, as defined in this zone.

2. By adding an “Other Regulations” section after the “Minimum Setback Requirements” section:

Other Regulations

a) For the purposes of this zone, and for the parcel legally described as Lot A, District Lot 7, Bright District, Plan 30903, *School Accommodation* means a building or buildings used for temporary lodging or dormitory units for not more than 30 people who require accommodation in conjunction with a school use.

b) *School Accommodation* must be located within the same parcel as the school it serves, and shall not be used as a dwelling unit(s) or provide any other form of permanent or temporary accommodation, except as defined in this zone, and may not be subdivided pursuant to the *Strata Property Act*.

Introduced and read two times this 24th day of April 2012.

Public Hearing held this 7th day of June 2012.

Read a third time this 26th day of June 2012.

Approved by the Minister of Transportation and Infrastructure pursuant to the **Transportation Act** this 5th day of July 2012.

Adopted this ____ day of _____ 201__.

Chairperson

Corporate Officer

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1259.09

**A BYLAW TO AMEND PLANNING SERVICES
FEES & CHARGES BYLAW**

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

- A. This Bylaw may be cited as “Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No 1259.09, 2012”
- B. “Regional District of Nanaimo Planning Services Fees and Charges Bylaw 1259, 2002”, is hereby amended as follows:
 - 1. By deleting subsection 1.a.i and replacing it with the following:
 - 1.a.i) for a residential use, \$100.00 per dwelling unit for the first 20 dwelling units, \$50 per dwelling unit in excess of 20 dwelling units and up to 200 dwelling units and where there are more than 200 dwelling units, \$25.00 per dwelling unit thereafter;.

Introduced and read three times this 2nd day of October 2012.

Adopted this xx day of October 2012.

Chairperson

Corporate Officer



**REGIONAL
DISTRICT
OF NANAIMO**

RDN REPORT	
CAC APPROVAL <input checked="" type="checkbox"/>	
EAP	
COW	
OCT 1-2 2012	
RHD	
BOARD	<input checked="" type="checkbox"/>

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: October 11, 2012

FROM: Robert Stover
Planning Technician

FILE: PL2012-098

SUBJECT: Development Variance Permit Application No. PL2012-098 – Kevin & Wendy May
Lot 1, District Lot 29, Nanoose District, Plan EPP14273
Electoral Area 'G'

PURPOSE

To consider an application for a Development Variance Permit to allow for the construction of a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Kevin and Wendy May to allow for a setback variance in relation to the construction of a dwelling unit on the subject property. The subject property is approximately 732 m² in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for location of subject property).

The subject property is currently vacant and is bordered by Cavin Road to the north, and developed residential lots to the east, west, and south.

This application was considered by the Board of the Regional District of Nanaimo at its regular meeting on October 2, 2012, and the application was subsequently referred back to staff. Staff worked with the applicants to examine possible alternatives to requesting the variance while maintaining the original house design. As a result, the applicant is requesting the same variance as discussed in the following sections of this report.

Proposed Variance

The applicants propose to construct a two-storey dwelling unit on the subject property (see Schedule 2 for site plan). A statutory right-of-way for maintenance of drainage works of approximately 4.0 metres in width runs along the west side of the property. The minimum setback requirement from the western interior side lot line in the RS1 zone is 2.0 metres. The statutory right-of-way extends 2.0 metres beyond the minimum setback from the interior side lot line, which creates constraints for the siting of the proposed dwelling unit, as no structures can be erected within the right-of-way. The applicants are requesting to a variance to reduce the minimum setback requirement from the interior side lot line

along the eastern boundary from 2.0 metres to 1.0 metre to allow for the construction of the proposed dwelling unit.

ALTERNATIVES

1. To approve the Development Variance Permit No. PL2012-098 subject to the conditions outlined in Schedules 1 and 2.
2. To deny the Development Variance Permit No. PL2012-098.

LAND USE IMPLICATIONS

Development Implications

The applicants are requesting a variance to reduce the minimum required setback from the interior side lot line (east boundary) from 2.0 metres to 1.0 metres for a proposed dwelling unit as shown on the site plan attached as Schedule 2. The applicants have provided a letter of rationale for the variance, outlining the limitations on the building envelope by the existing 4.0 metre wide statutory right-of-way along the western boundary which prohibits any buildings in the right-of-way area.

The applicants engaged the Ministry of Transportation and Infrastructure (MOTI) to explore the possibility of reducing the width of the right-of-way from 4.0 metres to 3.0 metres in order to avoid the variance request. MOTI staff have indicated that the existing right-of-way for maintenance of drainage works is the result of MOTI's relaxation of a typical 6.0 metre wide requirement, and that this 4.0 metre wide right-of-way cannot be reduced any further. As a result, the right-of-way will continue to encumber a portion of the lot. Approval of the proposed variance would allow for the maximum use of the property without encroaching into the right-of-way area. All other bylaw requirements of the RS1 zone will be met.

The applicants also propose to site the dwelling unit in a way to maximize privacy for the property owner to the east by locating the garage on the west side of the property, and minimizing the number of windows facing the east property line (see Schedule 3).

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, staff reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the proposed development will utilize an existing serviced lot within the Growth Containment Boundary.

Public Consultation Process

To complete the required public notification process, pursuant to the Local Government Act, direct notices of the proposal were mailed to property owners and tenants located within a 50.0 metre radius of the subject property. Although there was no change in the proposed variance, the public was re-notified to ensure that members of the public had sufficient opportunity to comment on the proposed variance, prior to the Board's consideration of the application.

SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to reduce the minimum required setback from an interior side lot line from 2.0 metres to 1.0 metre along the east property line to allow for the construction of a dwelling unit. The application was referred back to staff at the October 2, 2012 Board meeting. Staff explored possible alternatives with the applicants to avoid a variance request while maintaining the original house design. Through consultation with MOTI staff, it was determined that the existing 4.0 metre wide drainage right-of-way must be maintained. As a result, the requested variance remains unchanged. The applicants have submitted a site plan, elevation drawings of the proposed dwelling unit, and a letter of rationale in support of the application. Given that the requested variance would create a reasonable building envelope without negatively impacting the surrounding properties, staff recommends the Board approve the proposed Development Variance Permit.

RECOMMENDATIONS

That Development Variance Permit Application No. PL2012-098 to reduce the minimum required setback from an interior side lot line (east side) from 2.0 metres to 1.0 metre be approved subject to the conditions outlined in Schedules 1 and 2.

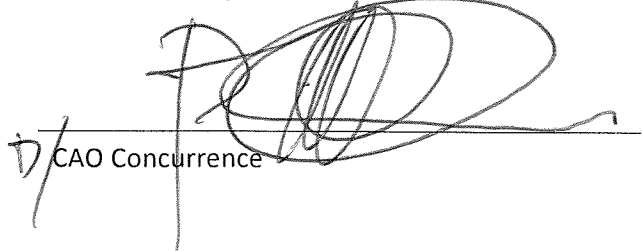


Report Writer

General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule 1
Term and Conditions of Development Variance Permit

The following sets out the terms and conditions of Development Variance Permit Application No. PL2012-098:

Bylaw No. 500, 1987 Variances:

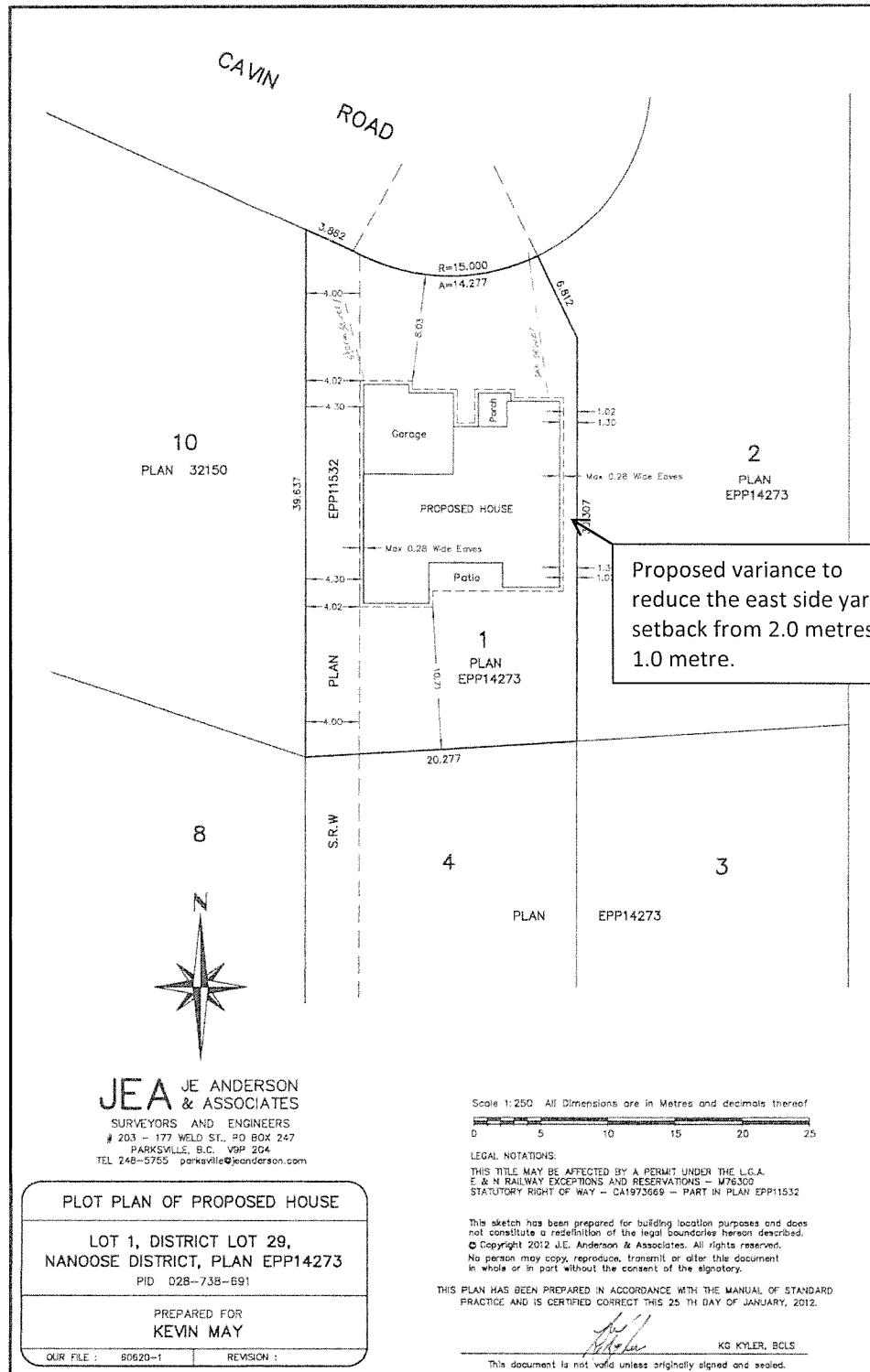
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. **Section 3.4.61 Minimum Setback Requirements** is requested to be varied by reducing the minimum required setback from an interior side lot line (east side) from 2.0 metres to 1.0 metres for a proposed dwelling unit as shown on Schedule 2.

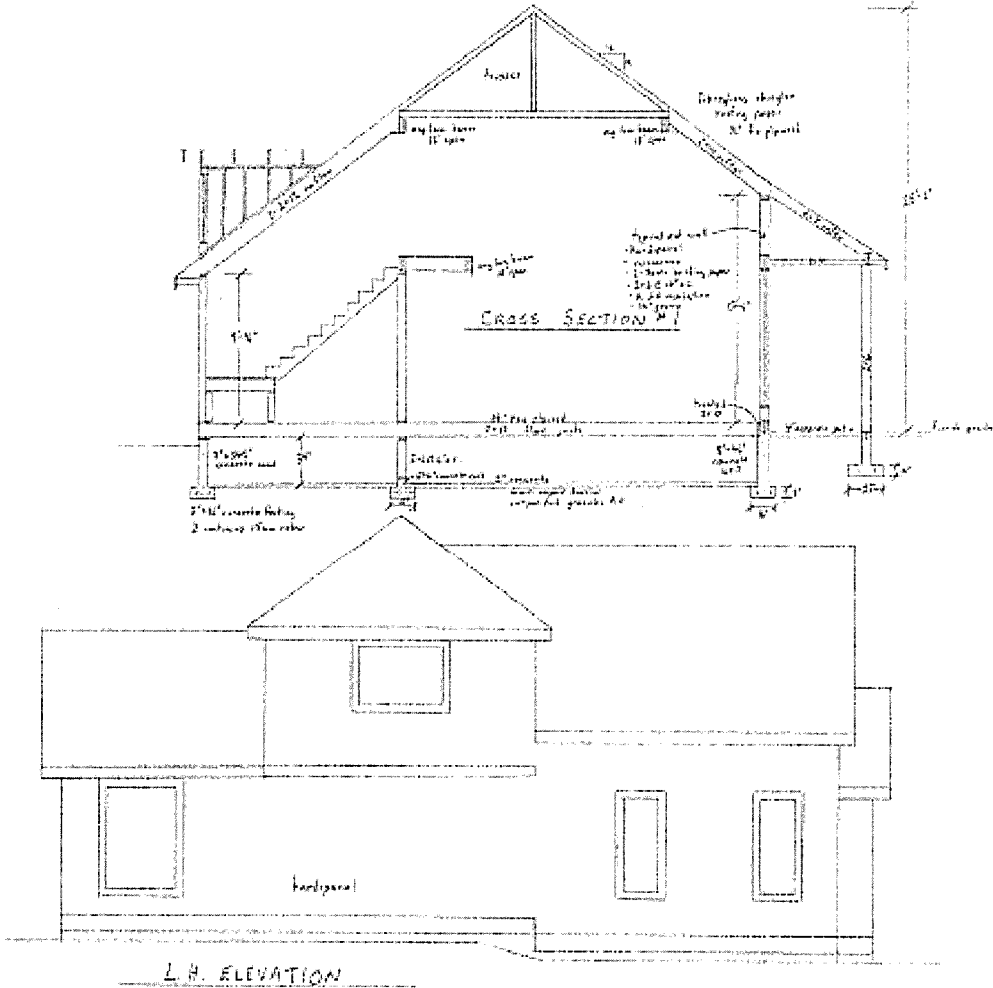
Conditions of Approval

1. The proposed dwelling unit shall be sited in accordance with the site plan prepared by JE Anderson & Associates dated January 25, 2012, attached as Schedule 2.

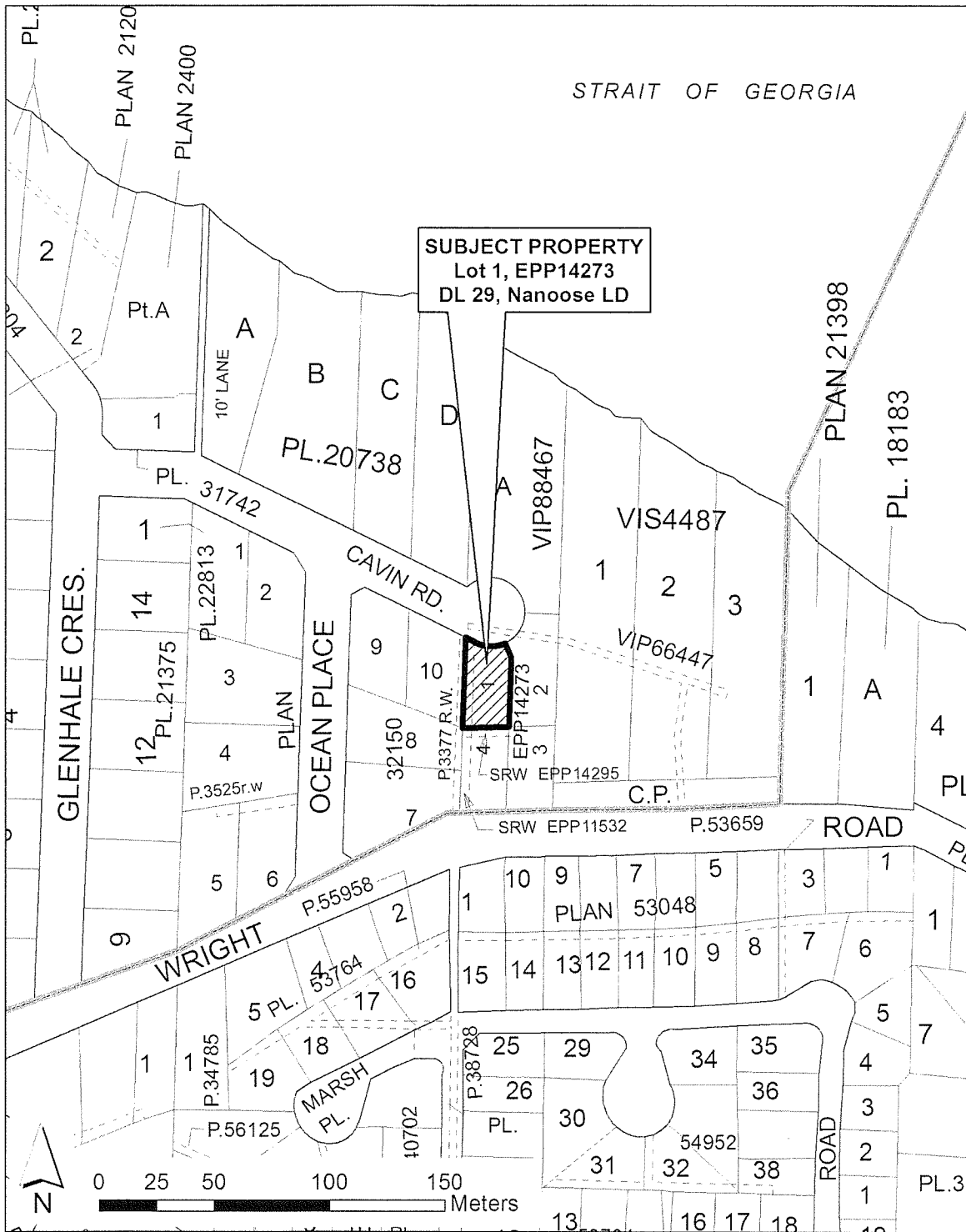
Schedule 2
Site Plan



Schedule 3
Elevation Drawings – East Side



Attachment 1
Location of Subject Property



REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, OCTOBER 9, 2012 AT 6:30 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

Director G. Holme	Chairperson
Director A. McPherson	Electoral Area A
Director H. Houle	Electoral Area B
Director M. Young	Electoral Area C
Director J. Fell	Electoral Area F
Director J. Stanhope	Electoral Area G
Director W. Veenhof	Electoral Area H

Also in Attendance:

P. Thorkelsson	A/ Chief Administrative Officer
J. Harrison	Director of Corporate Services
D. Trudeau	Gen. Mgr. Transportation & Solid Waste
T. Armet	Mgr., Building, Bylaw & Emergency Planning Services
J. Hill	Manager of Administrative Services
L. Rowett	Senior Planner
T. Nohr	Recording Secretary

ELECTORAL AREA PLANNING COMMITTEE MINUTES

Minutes of the regular Electoral Area Planning meeting held September 11, 2012.

MOVED Director Stanhope, SECONDED Director Fell, that the minutes of the regular Electoral Area Planning meeting held September 11, 2012, be adopted.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2012-100 - Kjell, Olive, David, and Penny Aalhus - 5996 Island Hwy W, Electoral Area 'H'.

MOVED Director Veenhof, SECONDED Director McPherson, that Development Permit No. PL2012-100 to permit a resort vehicle park consisting of ten (10) recreational vehicle sites and improvements to two existing dwellings to create an office/washroom facility, caretaker's residence and landscaping and signage improvements be approved subject to the conditions outlined in Schedules 1 to 4.

CARRIED

Development Permit Application No. PL2012-121 - Beverly Briggs - 4803 Ocean Trail, Electoral Area 'H'.

MOVED Director Veenhof, SECONDED Director Stanhope, that Development Permit No. PL2012-121 to permit the construction of an addition to a single family dwelling be approved subject to the conditions outlined in Schedules 1 to 3.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2012-108 - Melvyn Scott - 1061 Troy Place, Electoral Area 'G'.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that Development Variance Permit No. PL2012-108 to reduce the minimum front line setbacks from 8.0 metres to 5.0 metres for a proposed dwelling unit, and to reduce the minimum rear lot line setback from 2.0 metres to 0.0 metres for an existing retaining wall be approved subject to the conditions outlined in Schedules 1 and 2.

CARRIED

Development Variance Permit Application No. PL2012-115 - Trevor & Bonnie Demynn - 1809 Northwest Bay Road, Electoral Area 'E'.

MOVED Director Stanhope, SECONDED Director McPherson, that staff be directed to complete the required notification.

CARRIED

MOVED Director Stanhope, SECONDED Director McPherson, that Development Variance Permit No. PL2012-115 to reduce the minimum required setback from the front lot line from 8.0 metres to 6.6 metres be approved subject to the conditions outlined in Schedules 1 and 2.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. PL2012-083 – D & D Pacific Developments Ltd., Inc. No. BC0934466 - 3745 Melrose Road, Electoral Area 'F'.

MOVED Director Fell, SECONDED Director Veenhof, that staff be directed to complete the required notification.

CARRIED

MOVED Director Fell, SECONDED Director Veenhof, that Development Permit with Variance No. PL2012-083 to permit subdivision of the subject property be approved subject to the conditions outlined in Schedules 1 and 2.

CARRIED

ADJOURNMENT

MOVED Director Veenhof, SECONDED Director Young , that this meeting terminate.

CARRIED

TIME: 6:44 PM

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR COMMITTEE MEETING OF THE WHOLE
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, OCTOBER 9, 2012 AT 7:00 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

Director J. Stanhope	Chairperson
Director D. Brennan	Deputy Chairperson
Director A. McPherson	Electoral Area A
Director H. Houle	Electoral Area B
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director J. Fell	Electoral Area F
Director W. Veenhof	Electoral Area H
Director B. Dempsey	District of Lantzville
Director J. Ruttan	City of Nanaimo
Alternate	
Director F. Pattje	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director T. Greves	City of Nanaimo
Director D. Johnstone	City of Nanaimo
Alternate	
Director C. Burger	City of Parksville
Director D. Willie	Town of Qualicum Beach

Regrets:

Director M. Lefebvre	City of Parksville
Director G. Anderson	City of Nanaimo
Director J. Kipp	City of Nanaimo

Also in Attendance:

P. Thorkelsson	A/ Chief Administrative Officer
J. Harrison	Director of Corporate Services
W. Idema	Director of Finance
T. Osborne	Gen. Mgr., Recreation & Parks
D. Trudeau	Gen. Mgr., Transportation and Solid Waste
M. Donnelly	A/ Gen. Mgr., Regional & Community Utilities
C. Midgley	Mgr., Energy & Sustainability
J. Hill	Mgr. Administrative Services
T. Nohr	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Directors Pattje and Burger to the meeting.

COMMITTEE OF THE WHOLE MINUTES

Minutes of the Regular Committee of the Whole meeting held September 11, 2012.

MOVED Director Holme, SECONDED Director Fell, that the minutes of the regular Committee of the Whole meeting held September 11, 2012, be adopted.

CARRIED

STRATEGIC AND COMMUNITY DEVELOPMENT

ENERGY AND SUSTAINABILITY

Board Strategic Plan.

MOVED Director Brennan, SECONDED Director Johnstone, that the Board Strategic Plan be approved as presented.

CARRIED

CURRENT PLANNING

Agricultural Area Plan.

MOVED Director Johnstone, SECONDED Director Holme, that the "Growing Our Future Together – Regional District of Nanaimo Agricultural Area Plan" (AAP) dated August, 2012 be adopted.

CARRIED

MOVED Director Johnstone, SECONDED Director Holme, that staff be directed to develop an AAP Action Plan for the Board's consideration within the 2013 budget process.

CARRIED

REGIONAL AND COMMUNITY UTILITIES

Nash Creek Fishery Enhancement.

MOVED Director Veenhof, SECONDED Director Young, that the Board direct staff to initiate joint discussions with the Department of Fisheries and Oceans, Ministry of Environment and the Nile Creek Enhancement Society (NCES) with a goal of advancing a cooperative approach to fishery enhancements on Nash Creek that would serve the interests of NCES, address the current water licensing issues and not require the RDN to establish a new service for this activity.

CARRIED

RECREATION AND PARKS

PARK SERVICES

Community Parks and Trails Strategy – Northern Electoral Areas.

MOVED Director Holme, SECONDED Director Brennan, that the Terms of Reference for the Community Parks and Trails Strategy for Electoral Areas E, F, G and H be approved.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Minutes of the District 69 Recreation Commission meeting held Thursday, September 20, 2012.

MOVED Director , SECONDED Director , that minutes of the District 69 Recreation Commission meeting held Thursday, September 20, 2012 be received for information.

CARRIED

ADJOURNMENT

MOVED Director Holme , SECONDED Director Young , that pursuant to Section 90 (1) (i) of the Community Charter, the Committee proceed to an In Camera meeting to consider advice that is subject to solicitor-client privilege.

CARRIED

TIME: 8:21 PM

The meeting was reconvened at 8:32 PM.

ADJOURNMENT

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

CARRIED

TIME: 8:32 PM

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE
REGIONAL PARKS AND TRAILS SELECT COMMITTEE MEETING
HELD ON TUESDAY, OCTOBER 2, 2012 AT 10:00AM
IN THE RDN COMMITTEE ROOM**

Attendance: Director Diane Brennan, Chair, City of Nanaimo
Director Maureen Young, Electoral Area 'C',
Director Joe Stanhope, Electoral Area 'G'
Director Julian Fell, Electoral Area 'F'
Director Brian Dempsey, District of Lantzville
Director Howard Houle, Electoral Area 'B'
Director Dave Willie, Town of Qualicum Beach

Staff: Tom Osborne, General Manager of Recreation and Parks
Paul Thorkelsson, General Manager of Strategic and Community Development
Wendy Marshall, Manager of Park Services
David Palidwor, Superintendent Park Planning and Development
Ann-Marie Harvey, Recording Secretary

Regrets: Director Marc Lefebvre, City of Parksville

CALL TO ORDER

Chair Brennan called the meeting to order at 10:00am

PRESENTATION

J.Hofman, E. Ricker – Friends of Morden Mine

MOVED Director Dempsey, SECONDED Director Fell, that the presentation from the Friends of Morden Mine be received.

CARRIED

MINUTES

MOVED Director Stanhope, SECONDED Director Fell that, the Minutes of the regular Regional Parks and Trails Advisory Committee meeting held June 5, 2012. be approved.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

MOVED Director Stanhope SECONDED Director Houle, that the following correspondence be received:

- **M. Henigman, Ministry of Forests, Land and Natural Resource – RE: San Pareil Boardwalk Proposal**
- **H. O'Neill, Nature Conservancy of Canada, RE: Conservation Covenant Agreement**
- **G. Buckingham, RE: Acquisition of Regional Parks within the RDN**

- **J. Dixon, Nature Trust of BC**, RE: Appointment of Dr. Jasper Lament
- **D. & C. Ross, M. & T. Hoffman, A. & N. Clark**, RE: Horn Lake Regional Campground – Concerns and Recommendations for Improvement.

CARRIED

REPORTS

Monthly Update of Community and Regional Parks and Trails May 2012

Monthly Update of Community and Regional Parks and Trails June-August 2012

Ms. Marshall gave a summary of the Regional Parks projects for May – August 2012.

MOVED Director Houle, SECONDED Director Young that the May 2012 and June –August 2012 Community and Regional Parks and Trails Updates be received.

CARRIED

BUSINESS ARISING FROM COMMUNICATIONS/ CORRESPONDENCE/PRESENTATION

MOVED Director Stanhope, SECONDED Director Young, that letters be written to the Minister of Forest, Lands and Natural Resource Operations and the Minister of Environment regarding the rebuilding of the boardwalk at San Pareil that will provide more details of the proposed structure and the environmental benefits of its placement within the Englishman River estuary.

CARRIED

Mr. Osborne stated that a response letter to D. & C. Ross, M. & T. Hoffman, A. & N. Clark regarding their concerns about Horne Lake regional Park, and will copy the Committee for their information.

Morden Mine Presentation

Director Willie asked what the RDN's position is on the mine and the possibilities of joint funding with the Province. The committee members discussed their agreement that the Morden Mine Tipple is a valuable asset and that it needs attention in the near future. Mr. Osborne stated that the possibility for funding is there with the review of the bylaw and partnership opportunities.

MOVED Director Willie, SECONDED Director Young, that staff meet with BC Parks to review possible partnership funding opportunities with the Province of BC for restoration of the tipple at Morden Colliery Historic Provincial Park.

CARRIED

ADJOURNMENT

MOVED Director Young, that the meeting be adjourned at 10.41 am to allow for an In Camera meeting.

CARRIED

IN CAMERA

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

CARRIED

Chair

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE NORTHERN COMMUNITY ECONOMIC DEVELOPMENT SELECT COMMITTEE
MEETING HELD ON WEDNESDAY, OCTOBER 9, 2012 AT 2:00 P.M.
IN THE COMMITTEE ROOM**

Present:

Director J. Stanhope	Chairperson
Director G. Holme	Electoral Area E
Director J. Fell	Electoral Area F
Director B. Veenhof	Electoral Area H
Director M. Lefebvre	City of Parksville
Director D. Willie	Town of Qualicum Beach

Also in Attendance:

Paul Thorkelsson	Interim Chief Administrative Officer General Manager of Strategic & Community Development
Chris Midgley	Manager, Energy & Sustainability
Nicole Hewitt	Recording Secretary

CALL TO ORDER

The meeting was called to order at 2:00 p.m.

MINUTES

MOVED Director Lefebvre, SECONDED Director Veenhof, that the minutes of the NCED Select Committee meeting held May 9, 2012 be adopted.

CARRIED

DELEGATIONS

Allen Cameron, Town of Qualicum Beach – Re: Qualicum Beach Airport Fuel Spill Containment at Aircraft Refueling Pumps Project.

Mr. Cameron provided a visual and verbal report of the Qualicum Beach Airport Fuel Spill Containment project approved at the Spring 2012 NCED Committee meeting.

Peter Doukakis, Qualicum Beach Chamber of Commerce – Re: Commerce Ambassador Program.

Mr. Doukakis provided a verbal report of the Commerce Ambassador Program approved at the Spring 2012 NCED Committee meeting.

Kim Burden, Parksville and District Chamber of Commerce – Re: Oceanside Initiatives Project.

Mr. Burden provided a verbal report of the Oceanside Initiatives Project approved at the Spring 2012 NCED Committee meeting.

REPORTS/ PROPOSALS

Northern Community Economic Development Program – Fall 2012 Proposals.

Phase II - Commerce Ambassador Program.

MOVED Director Willie, SECONDED Director Holme, that funding for phase II of the Commerce Ambassador Program from the Qualicum Beach Chamber of Commerce be deferred to the Spring 2013 Select Committee NCED meeting.

CARRIED

Marketing the Arts in Oceanside.

MOVED Director Willie, SECONDED Director Lefebvre, that the funding for the Marketing the Arts in Oceanside from Oceanside Community Arts Council be denied.

CARRIED

LCBA Trade Show.

Director Veenhof left the meeting noting a possible personal conflict of interest with this issue at 3:16 pm.

MOVED Director Lefebvre, SECONDED Director Willie, that the funding for the LCBA Trade Show from the Lighthouse Country Business Association be awarded full funding in the amount of \$3,000.

CARRIED

Director Veenhof returned to the meeting at 3:20 pm.

Lighthouse Country Village Signs.

MOVED Director Fell, SECONDED Director Willie, that the Lighthouse Country Village Signs for Qualicum Bay, Bowser, Deep Bay and Horne/ Spider Lakes area from Lighthouse Country Business Association be awarded funding in the amount of \$5,000.

DEFEATED

MOVED Director Fell, SECONDED Director Willie, that the Lighthouse Country Village Signs for Qualicum Bay, Bowser, Deep Bay and Horne/ Spider Lakes area from Lighthouse Country Business Association be awarded funding in the amount of \$5,000 in keeping with the Oceanside Tourism Association branding.

DEFEATED

MOVED Director Holme, SECONDED Director Fell, that the Lighthouse Country Village Signs for Qualicum Bay, Bowser, Deep Bay and Horne/ Spider Lakes area application from the LCBC be deferred until the Oceanside Tourism Association re-branding process currently underway is completed so as to ensure consistency between lighthouse country village signage and the Oceanside re-branding.

CARRIED

Public Picnic and Rest Area.

MOVED Director Fell, SECONDED Director Lefebvre, that the funding for the Public Picnic and Rest Area from the North Island Wildlife Recovery Association be denied.

CARRIED

Museum Analysis/ Feasibility Study.

MOVED Director Holme, SECONDED Director Lefebvre, that the funding for the Museum Analysis/ Feasibility Study for Proposed Museum Expansion and Sustainability from the Qualicum Beach Historical and Museum Society be denied.

CARRIED

Lighthouse Bluegrass Festival 2013.

MOVED Director Willie, SECONDED Director Lefebvre, that the Mid-Island Bluegrass Society request for funding be denied and that staff include the necessary electrical upgrade proposed for the Lion's Community Park in the Electoral Area 'H' Community Park Budget.

CARRIED

NEW BUSINESS

MOVED Director Veenhof, SECONDED Director Lefebvre, that all funds budgeted for the 2012 Northern Community Economic Development Service not disbursed in 2012 be carried forward as additional funding for the service in 2013.

CARRIED

ADJOURNMENT

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

CARRIED

Time: 3:33 pm

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE SUSTAINABILITY SELECT COMMITTEE
MEETING HELD ON WEDNESDAY, OCTOBER 17, 2012 AT 10:00 AM
IN THE RDN COMMITTEE ROOM**

Present:

Director J. Stanhope	Chairperson
Director A. McPherson	Electoral Area A
Director H. Houle	Electoral Area B
Director M. Young	Electoral Area C
Director B. Veenhof	Electoral Area H
Director D. Brennan	City of Nanaimo
Director J. Kipp	City of Nanaimo
Director B. Dempsey	District of Lantzville
Director M. Lefebvre	City of Parksville
Director D. Willie	Town of Qualicum Beach

Also in Attendance:

Director G. Holme	Electoral Area E
Director J. Fell	Electoral Area F
T. Graff	Chief Administrative Officer, District of Lantzville
G. Rudischer	Gabriola Island Trustee
P. Thorkelsson	Interim Chief Administrative Officer
	General Manager of Strategic & Community Development
C. Midgley	Manager, Energy & Sustainability
T. Pan	Sustainability Coordinator
P. Thompson	Manager, Long Range Planning
L. Bhopalsingh	Senior Planner
M. Donnelly	Manager, Water Services
J. Pisani	Special Projects Assistant
N. Hewitt	Recording Secretary

CALL TO ORDER

The meeting was called to order at 10:00 am by the Chair.

MINUTES

MOVED Director Veenhof, SECONDED Director Brennan, that the minutes of the regular meeting of the Drinking Water and Watershed Protection Technical Advisory Committee held on Wednesday July 25, 2012 be adopted.

CARRIED

MOVED Director Veenhof, SECONDED Director Brennan, that the minutes of the Sustainability Select Committee meeting held on Wednesday July 25, 2012 be adopted.

CARRIED

REPORTS

Rainwater Harvesting Best Practices Guidebook.

MOVED Director Brennan, SECONDED Director Lefebvre, that the Committee endorse the Regional District of Nanaimo *Rainwater Harvesting Best Practices Guidebook* and forward the Guidebook to the Board for adoption.

CARRIED

Community Based Social Marketing.

MOVED Director Brennan, SECONDED Director Willie, that the Board support the use of the Community Based Social Marketing model for program development to create an effective Rural Water Quality Stewardship Programs in the RDN's rural areas.

DEFEATED

MOVED Director Brennan, SECONDED Director Willie, that staff be directed to report back to the Sustainability Select Committee with alternatives for the use of rebates, subsidies, or other incentives for program development for Rural Water Quality Stewardship Program.

DEFEATED

Partnership with British Columbia Irrigation Association.

MOVED Director Veenhof, SECONDED Director Lefebvre, that the Board support the Certified Irrigation Technician training partnership with the Irrigation Industry Association of BC to a maximum of \$3,000.

CARRIED

The Committee took a 5 minute recess.

The following presentations were provided as an overview/update:

- Green Building Incentives Quarterly Update
- DWWP Update on Work to Date (2012)

The following presentations were deferred to the next scheduled Sustainability Select Committee meeting.

- Community Energy Association – Honourable Mention for MOA
- Green Building Speaker Series and Open House Tours
- Regional Growth Strategy Implementation Update

ADJOURNMENT

MOVED Director Brennan, SECONDED Director Kipp, that this meeting be adjourned.

CARRIED

Time: 12:42 pm

CHAIRPERSON



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MEMORANDUM

TO: Paul Thorkelsson
GM Strategic and Community Development/
Interim CAO

DATE: October 9, 2012

FROM: Chris Midgley
Manager, Energy and Sustainability

FILE:

SUBJECT: Rainwater Harvesting Best Practices Guidebook

PURPOSE

To provide the Committee with the completed *Rainwater Harvesting Best Practices Guidebook (RWH Guidebook)*, provided under separate cover.

BACKGROUND

The development of the *RWH Guidebook* emerged out of the *Green Building Action Plan*, which includes the following objectives:

- To inform residents about the benefits of green building practices and ways to incorporate green building technology into new and existing buildings in the region;
- To inform the development and construction industry active in the region about ways to incorporate green building technology into new and existing buildings in the region; and
- To provide research to support green building principles and practices in the region.

In addition to the *Green Building Action Plan*, the *2007 RDN Drinking Water and Watershed Protection Plan* and *RDN Watershed Snapshot Report 2010* each specifically promote rainwater harvesting in the region as ways to address dropping groundwater levels and stressed ecosystems resulting from increasing water use due to a growing population.

In 2012, the Water Services Department established a rainwater harvesting incentive program providing rebates to homeowners who invest in cisterns exceeding 4,546 litres (1,000 gallons) in volume and related system components (pumps, filters, etc.). In 2011, the RDN established the Yellow Point Aquifer Development Permit Area in the Electoral Area 'A' Official Community Plan, requiring new development and major renovations (adding 70m² or more in new habitable space) within the development permit area to incorporate rainwater harvesting systems with an 18,000 litre capacity, or more.

Responding to these programs and policies, and in recognition of the need to provide guidance and support for residents developing rainwater harvesting systems, the RDN produced the *RWH Guidebook*, offering practical information for homeowners and professional installers, and encouraging the responsible use of rainwater as a safe, sustainable water source for private residences.

The *RWH Guidebook* is the first in what is envisioned as a green building guidebook series published on an annual basis.

ALTERNATIVES

1. To endorse the Regional District of Nanaimo *Rainwater Harvesting Best Practices Guidebook*.
2. To provide alternate direction to staff.

FINANCIAL IMPLICATIONS

There are no financial implications. Development of the *Rainwater Harvesting Best Practices Guidebook* was funded with \$20,000 from the Community Works Fund, which provides annual revenues to the Regional District of Nanaimo for community sustainability and capacity building projects that contribute to cleaner air, cleaner water or reduced greenhouse gas emissions.

SUSTAINABILITY IMPLICATIONS

Ongoing availability of water resources is an issue of intense concern among residents. The Regional District of Nanaimo has a strong tradition of advocating and educating water conservation opportunities for residents in the region, and investing in efficient infrastructure in RDN water systems.

Similarly, the RDN had been a traditional supporter of Green Building education, outreach and implementation. The *RWH Guidebook* bridges these two areas of RDN activity, producing a resource that will assist interested homeowners and professional practitioners in the region access an abundant, alternative water resource, thereby reducing pressure on aquifers and local ecosystems and protecting long term watershed health.

SUMMARY/CONCLUSIONS

Regional District of Nanaimo has completed a *Rainwater Harvesting Best Practices Guidebook*. As an information source specific to the RDN's location and climate, and a practical tool for RDN residents interested in building their own rainwater harvesting systems or working with professionals to do so, the *RWH Guidebook* will be a valuable resource for those who wish to learn more about the benefits and opportunities of rainwater harvesting.

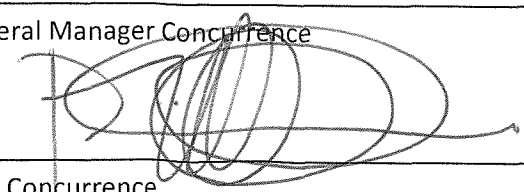
The *RWH Guidebook* provides support for programs and policies already implemented within the Regional District of Nanaimo, particularly the rainwater harvesting incentive program delivered through the Water Served Department, and the establishment of the Yellow Point Development Permit Area in the Electoral Area 'A'. With direction from the Committee and the Board, staff will make document available to the public at large.

RECOMMENDATION

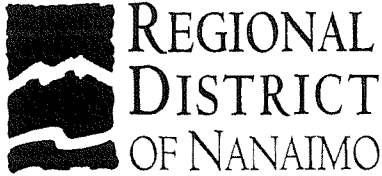
That the Committee endorse the Regional District of Nanaimo *Rainwater Harvesting Best Practices Guidebook* and forward the Guidebook to the Board for adoption.

Report Writer

General Manager Concurrence



D/ CAO Concurrence



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MEMORANDUM

TO: Mike Donnelly
Manager of Water Services

DATE: October 2, 2012

FROM: Julie Pisani
Special Projects Assistant

FILE: 5600-07

SUBJECT: Irrigation Industry Association of British Columbia (IIABC) Course Sponsorship, March 2013

PURPOSE

To obtain Board support to partner with the Irrigation Industry Association of British Columbia (IIABC) to promote further education in the field of efficient irrigation practices for commercial installers.

BACKGROUND

The Irrigation Industry Association of BC (IIABC) is an organization that provides a forum for communication and establishment of guidelines, standards and specifications for the design and installation of irrigation systems. They offer certification for installers through courses pertaining to efficient management and use of water in irrigation systems through design, installation, operation and scheduling. These courses include: Certified Irrigation Technician, Certified Irrigation Designer and Certified Irrigation Scheduler, with exams required in each course.

Reducing summer water usage is targeted by many RDN outreach initiatives for residents, such as the Team WaterSmart Irrigation Check-Up Program and the free workshops available for homeowners to learn about their irrigation systems and how to use them wisely. Poor design, installation or scheduling performed by contractors with limited training has led to significant water waste in the region. With trained professional technicians available to provide service in our region, we will see an increase in water efficiency in irrigation system installations.

Education sponsorship is a stated objective in the Innovative Options for Sustainable Water Use report (2008). The report recommends that the RDN “sponsor seminars and lunchtime events to educate landscaping and irrigation professionals about WaterSmart techniques”. While not being implemented at this time, this report also supports the IIABC professional standards by suggesting a “one-time discount on water bills if irrigation systems are designed and installed by an irrigation professional: IIABC Certified Irrigation Designer or Certified Irrigation Technician”.

There are examples of similar partnerships in other jurisdictions. The CRD – Environmental Sustainability Department and the City of Kelowna, partner with the IIABC to sponsor and subsidize courses in their areas. The CRD offers \$135 subsidy for 35 people and provides the venue and catering. The regular cost of the course is \$210 plus \$100 to take the exam. Feedback from CRD staff confirmed that the sponsorship and subsidy is an important way to increase uptake in efficient irrigation education specifically for contractors. They have partnered with the IIABC for several years and continue to do so.

Staff recommend sponsorship of the Certified Irrigation Technician (CIT-1) course that the IIABC is offering in Nanaimo next March. This partnership would illustrate the RDN's support of water efficient practices and would result in better trained irrigation installers.

ALTERNATIVES

1. The Board support an RDN - IIABC partnership in support of the IIABC CIT-1 course offered in Nanaimo, March 2013.
2. Provide alternate direction to staff.

FINANCIAL IMPLICATIONS

There is a proposed budget of \$3,000 in place for this partnership in 2013. These funds will provide subsidies for 25 participants, with \$500 for catering. The IIABC would cover venue expenses and registration.

SUSTAINABILITY IMPLICATIONS


Board support of alternative one will enable more professionals to receive training in efficient irrigation practices which supports the RDN's mandate to encourage water conservation. It will fulfill recommendations provided in the Innovative Options for Sustainable Water Use report (2008) and broaden our outreach and education initiatives to include contractors as well as residents. This will cultivate efficient water use from the system design and installation stage, with regards to outdoor irrigation.

SUMMARY/CONCLUSIONS

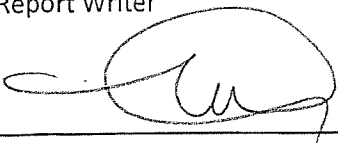
Partnership with the IIABC to sponsor and subsidize the Certified Irrigation Technician course will enable the training of irrigation and landscape professionals, to achieve the goal of efficient outdoor water use. It has proven successful in other districts/ municipalities and will benefit our region if implemented.

RECOMMENDATION


That the Board support the Certified Irrigation Technician training partnership with the Irrigation Industry Association of BC to a maximum of \$3,000.



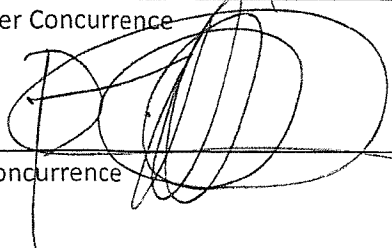
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 A/an

General Manager Concurrence



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MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: October 12, 2012

FROM: Kim Farris
Planner

FILE: PL2012-101

SUBJECT: Liquor Licence Amendment Application No. PL2012-101 – 697655 B.C. Ltd.
Lot A, District Lot 39, Nanoose District, Plan VIP55692
Rocking Horse Pub – 2038 Rocking Horse Place
Electoral Area ‘E’

PURPOSE

To consider a request from 697655 B.C. Ltd. to amend the liquor-primary licence for the Rocking Horse Pub.

BACKGROUND

The Rocking Horse Pub (697655 B.C. Ltd.) has applied to the Provincial Liquor Control and Licensing Branch (LCLB) for a permanent amendment to the Rocking Horse Pub liquor-primary licence to amend the patio licenced patron capacity. The LCLB requires the Regional District of Nanaimo to provide a Board resolution in regard to permanent liquor licence amendments prior to the LCLB’s approval.

The applicant has requested an amendment to the current liquor licence for the Rocking Horse Pub located at 2038 Rocking Horse Place in Electoral Area ‘E’, and legally described as Lot A, District Lot 39, Nanoose District, Plan VIP55692 (see Attachment 1 for subject property map). The subject property is zoned Commercial 6 (CM6) pursuant to the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. A neighbourhood pub is a permitted use in the CM6 zone. The subject property is approximately 2.15 ha in size and is surrounded by rural residential properties.

The Rocking Horse Pub is currently licensed to serve 100 patrons inside the establishment and 20 patrons on the outdoor patio. The outdoor patio is encircled by landscaping and a fence which must be entered and exited through the pub. The patio is used primarily in the summer months.

Proposed Liquor Licence Amendment

The Rocking Horse Pub was operating to serve 100 patrons inside the establishment and 38 patrons on the patio although the pub is licenced to only serve 20 patrons on the patio. To comply with the Liquor Licence regulations, the applicants have applied to the LCLB to increase the licenced capacity for the patio from 20 patrons to 38 patrons. There are no proposed changes to the hours of operation or business operation due to the proposed amendment. Furthermore, there will be no changes to the patron capacity inside the establishment.

Public Consultation Process

As part of the required public notification process, pursuant to the Regional District of Nanaimo's Liquor Licence Applications Policy B1.6, a notice was posted on the property prior to September 5, 2012 and was published in the September 25th and 28th, 2012 editions of the Parksville Qualicum Beach News. A public hearing was held on October 4, 2012 in which three members of the public attended. The report of the public hearing is attached for the Board's consideration (Schedule 2).

In addition, property owners and tenants located within a 200 metre radius, received a direct notice of the liquor licence amendment, and have had an opportunity to comment on the proposed amendment, prior to the Board's consideration of the application.

ALTERNATIVES

1. To approve the attached resolution in support of the application.
2. To amend, and then approve, the resolution in support of the application.
3. To not provide a resolution and have the Liquor Control and Licensing Branch undertake their own public input and consider the application without Board input.

LICENCE REQUIREMENTS IMPLICATIONS

Prior to LCLB consideration, pursuant to the *Liquor Control and Licensing Act*, the applicant is required to obtain a resolution from the local government providing input on the proposed liquor licence amendment. The LCLB requires that the Board consider a number of issues including the potential for noise, the impact on the community, and the views of surrounding property owners, as detailed in the following Development Implications section. A draft resolution in the format acceptable to the LCLB is attached as Schedule 1 for the Board's consideration.

DEVELOPMENT IMPLICATIONS

During the public consultation process concerns were expressed in relation to the potential for an increase in noise and traffic. It was raised that speeding pub traffic has been an ongoing concern and the increase in patron allowance could impact traffic safety. Furthermore, evening noise from the pub is disturbing surrounding neighbours. Permitting 38 patrons on the outdoor patio would not help to alleviate the late night noise. Other concerns were also raised by community members that were not in reference to the amendment which are included in report of the public hearing (Schedule 2).

The addition of 18 patrons on the patio was considered in the context of potential impacts on the surrounding neighbourhood with respect to increased noise and traffic related to the pub use. In this case, the pub was already operating to serve 38 patrons on the patio; therefore, the noise and traffic generated as a result of this amendment would remain unchanged. The amendment can be considered administrative in nature and it would ensure the licence reflects the existing use of the outdoor patio.

As the neighbours' concerns relate to operational issues and are unlikely to be exacerbated by the proposed addition to the patio patron capacity, it is anticipated that the increase of licenced patrons on the patio from 20 to 38 patrons will have a negligible impact on noise and traffic in the community.

SUMMARY/CONCLUSIONS

An application has been received from 697655 B.C. Ltd. requesting the Board's support for an amendment to permanently change the existing liquor-primary licence to increase the outdoor patio patron capacity from 20 patrons to 38 patrons. There are no changes proposed to the hours of business or operation of the facility as a result of the amendment. This amendment requires a resolution from the Board before it can be processed by the Liquor Control and Licensing Branch.

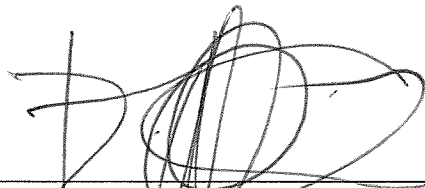
Given the anticipated negligible impact to surrounding community by the proposed amendment to the liquor licence, staff recommends that the Board support the resolution.

RECOMMENDATIONS

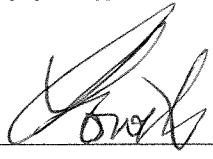
1. That the Board consider any written submissions or comments from the public.
2. That the Board adopt the resolution attached to this report as Schedule 1.



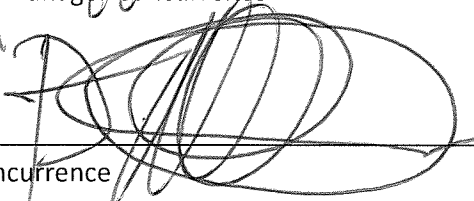
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule 1

Resolution for Rocking Horse Pub Liquor Licence Amendment Liquor Licence Amendment No. PL2012-101

Be it resolved that:

1. The Board of the Regional District of Nanaimo recommends the amendment of the Rocking Horse Pub liquor-primary licence to increase the licenced capacity for the existing outdoor patio from 20 patrons to 38 patrons.
2. The Board's comments on the prescribed considerations are as follows:
 - (a) The potential for noise if the application is approved is anticipated to be negligible as the change in licensing would recognize the existing use and would not affect the business operation or hours of service.
 - (b) The impact on the community if the application is approved is anticipated to be negligible as the change in licensing would recognize the existing use of the establishment.
3. The views of the residents were solicited and a few notable objections were received (see Report of the Public Hearing in Schedule 2). A notice of the Board's intent to receive public input and consider a resolution regarding a proposed amendment to the existing liquor license was delivered to owners and tenants in occupation of land within a distance of 200 metres from the property. The Regional District of Nanaimo also provided similar notices in the local newspaper. All interested residents were invited to attend a Public Hearing and provide comments on the proposal. A notice was also posted on the property advertising that the property is the subject of a liquor licence amendment application and directing inquiries to the Strategic & Community Development Department.

**Schedule 2
Report of the Public Hearing
Held at the Nanoose Library Hall
2489 Nanoose Road, Nanoose
October 4, 2012 at 7:00 pm**

**To Consider an Amendment to the Primary Liquor Licence
For the Rocking Horse Pub**

Summary of Minutes and Submissions

Note: That these minutes are not a verbatim recording of the proceedings, but summarize the comments of those in attendance at the Public hearing.

PRESENT:

George Holme, RDN	Chair, Director, Electoral Area 'E'
Jeremy Holm, RDN	Manager of Current Planning
Kim Farris, RDN	Planner
Don Reynolds	Agent
Karin Willoughby	Property Owner

Three members of the public attended the meeting.

The Chair called the hearing to order at 7:01 pm, introduced those present representing the Regional District, and outlined the procedures to be followed during the Hearing.

Kim Farris provided an explanation of the proposed Liquor Licence Amendment and application process.

The Chair called for formal submissions with respect to the Liquor Licence Amendment application.

No written submissions were received at the Hearing. The following comments were received.

Dave Butler, 2033 Sanders Road, expressed concerns with speeding vehicles along Sanders Road from pub traffic. He stated that the speeding could potentially lead to an accident. He further expressed concerns with the evening noise from live bands and that the gravel driveway creates dust during the summer months. Increasing the capacity load could lead to an increase in noise, speeding traffic, and dust.

Mike Williams, 2074 Sanders Road, stated that he does not support the request to increase the patron capacity. He expressed concerns with morning delivery trucks stirring dust along the Rocking Horse Pub's driveway. He stated during summer months the noise from the pub could be heard from his residence.

Jan Hurt, 2102 Sanders Road, stated that noise could increase due to the increase in patron capacity. He expressed concerns with an increase to the number of smokers and the potential for a fire from cigarettes. He stated he supports local pubs but is unsure if the increase in patron capacity will help the business or further irritate neighbours.

The Chair called for further submissions for the second time.

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

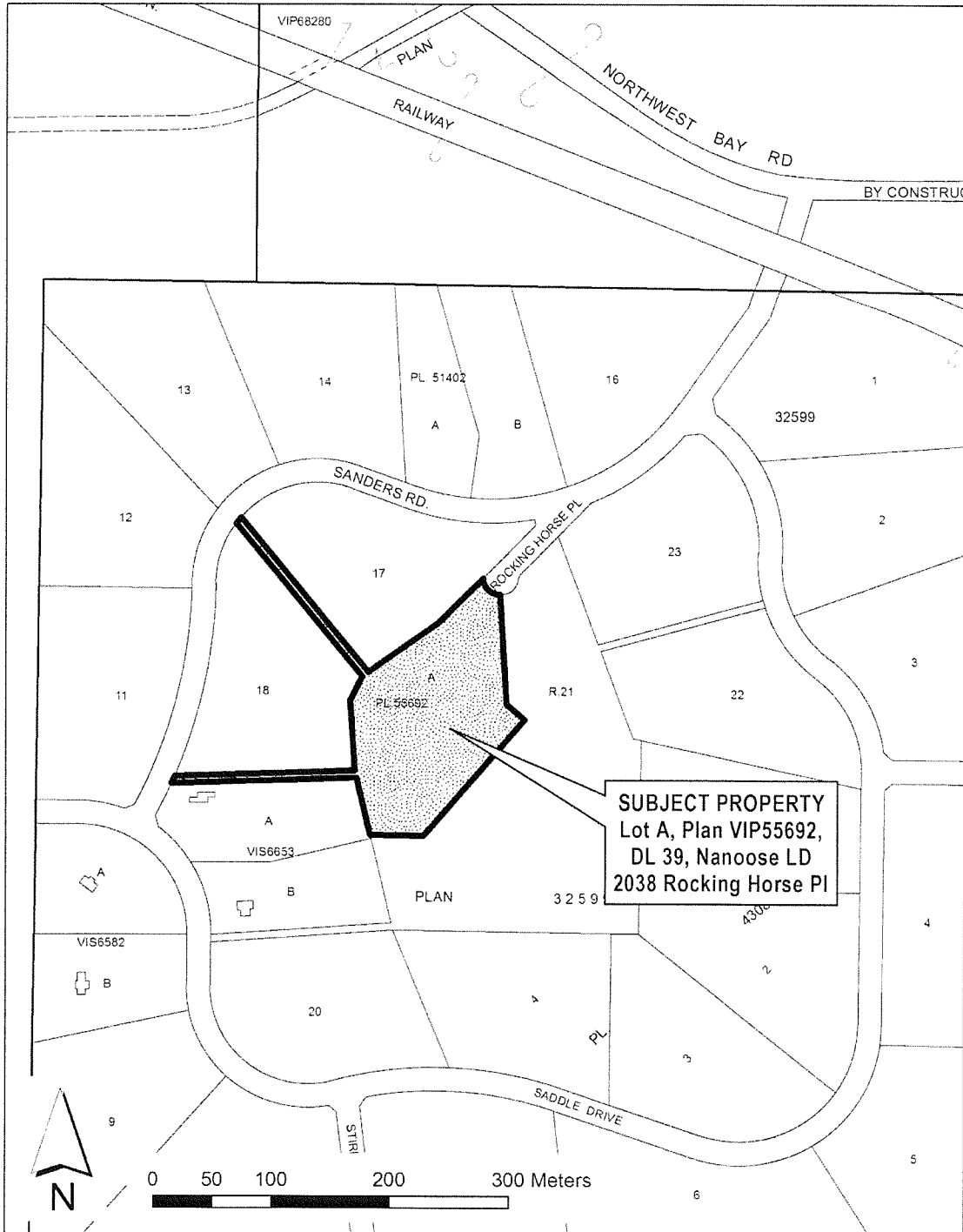
There being no further submissions, the Chair adjourned the hearing at 7:16 pm.

Certified true and accurate this 5th day of October, 2012.

A handwritten signature in cursive script, appearing to read "Kim Farris", written over a horizontal line.

Kim Farris
Recording Secretary

Attachment 1
Subject Property Map



BCGS Map Sheet No 92F 029 4 4

TO: Paul Thorkelsson
Chief Administrative Officer

DATE: October 16, 2012

FROM: Tom Osborne
General Manager, Recreation and Parks

FILE:

SUBJECT: **Witchcraft Lake Regional Trail – City of Nanaimo Licence of Use Agreement**

PURPOSE

To review and approve the Licence of Use Agreement with the City of Nanaimo for the portion of the Witchcraft Lake Regional Trail that is situated on land owned by the City of Nanaimo in Electoral Area 'C'.

BACKGROUND

As part of the development of the Management Plan for Mount Benson Regional Park in 2009, a staging area and a primary trail route was identified to access the Park at Witchcraft Lake. In 2010 the Regional District received permission from the Ministry of Transportation and Infrastructure (MoTI) for the creation of a parking and staging area at the site on Benson View Road. Upon approval, Regional District staff then worked in partnership with City of Nanaimo staff on the development of the site. As part of this development, a floating boardwalk and pedestrian trail was constructed in 2010 by the City of Nanaimo Parks Department and funded by the Regional Park System.

With the development of the trail, users could then access Mount Benson Regional Park without passing through privately owned lands to the west of the Lake as was previously required. With the trail and related amenities in place, there is now the requirement for the Regional District to enter into the Licence of Use Agreement with the City of Nanaimo for the use of the land as a regional trail.

Parallel to this process, the Regional District has been working with the Province of BC on classifying the portion of the Witchcraft Lake Regional Trail that passes through the VIU Woodlot through a Section 56 Application process. In addition an application was made for a MoTI permit for the section of trail that is situated on undeveloped road allowance on the south side of the lake on Harrow Road. Both of these applications have now been approved by the Province.

ALTERNATIVES

1. That the Licence of Use Agreement with the City of Nanaimo for Witchcraft Lake Regional Trail be approved.
2. That the Licence of Use Agreement with the City of Nanaimo for Witchcraft Lake Regional Trail not be approved and alternative direction be provided.

FINANCIAL IMPLICATIONS

The Term of the Agreement with the City of Nanaimo is for five years with consideration for both parties to enter into a second five year term. The licence fee for the Agreement is for each term is one dollar.

The boardwalk and trail will be maintained by the Regional District of Nanaimo and funded through the Regional Parks and Trails Function.

CONCLUSION

In 2010 the Regional District worked with the City of Nanaimo on a joint project that provides users of Mount Benson Regional Park access through City of Nanaimo owned land at Witchcraft Lake in Electoral Area 'C'. As part of this joint initiative, a floating boardwalk and pedestrian trail was constructed in 2010 by the City of Nanaimo Parks Department and funded by the Regional Parks and Trails System.

With the development of the trail, users can now access Mount Benson Regional Park without passing through privately owned lands to the west of the Lake as was previously required. With the trail and related amenities in place, there is now the requirement for the Regional District to enter into the Licence of Use Agreement with the City of Nanaimo.

RDN staff have reviewed the agreement with City of Nanaimo staff and the RDN's solicitor and are recommending it be approved as presented. Upon approval of the attached agreement and with the Regional District also obtaining approvals from the Province of BC for a designated route on the adjacent VIU Woodlot and the undeveloped Road Allowance at Harrow Road, residents and guests of the regional district will officially be able to legally access Mount Benson Regional Park from the Witchcraft Lake staging area.

RECOMMENDATION

That the Licence of Use Agreement with the City of Nanaimo for the Witchcraft Lake Regional Trail be approved as attached in Appendix I.



Report Writer

CAO Concurrence

Appendix I

Witchcraft Regional Trail City of Nanaimo Licence of Use Agreement

Appendix II - Witchcraft Lake Staging Area and Boardwalk Images



LICENSE OF USE

LD002560

THIS AGREEMENT made the first day of October, 2012.

BETWEEN:

CITY OF NANAIMO
455 Wallace Street
Nanaimo, BC V9R 5J6

(the "**City**")

OF THE FIRST PART

AND:

REGIONAL DISTRICT OF NANAIMO
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

(the "**RDN**")

OF THE SECOND PART

WHEREAS:

- A. The City of Nanaimo is the owner of lands described as: PID 006-285-538 That part of Lot 2, Block 4, Section 10, Range 4, Mountain District, Plan 3115, Included in Plan 150 RW; PID 006-276-105 That part of Lot 3, Block 2, Section 10, Ranges 3 and 4, Mountain District, Plan 3115, included in Plan 150 RW; PID 006-276-482 That part of Parcel A (DD8657-N) of Lot 3, Block 2, Section 9, Range 4, included in Plan 150 RW;
- B. The Regional District of Nanaimo wishes to use that portion of the above lands as shown in red on Schedules "A" and "C" to this Agreement (the "**Lands**") for the purpose of a recreational trail;
- C. The RDN wishes to be granted this License of Use to use the Lands as the "**License Area**" and the City has agreed.

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

1.0 RIGHT TO OCCUPY

- 1.1 The City, subject to the performance and observance by the RDN of the terms,

conditions, covenants and agreements contained in this Agreement and to earlier termination as provided in this Agreement, grants to the RDN a right by way of license for the RDN, its agents, employees, invitees and members of the public to use the Lands for quiet enjoyment and recreation and to maintain and repair a rough footpath as per Schedule "A" and "B" and developed trail as per Schedule "C" and "D", kiosk and other signage, a City-built boardwalk across Witchcraft Lake and for no other purpose.

2.0 RESERVATION OF RIGHTS

2.1 The City hereby reserves to itself from the grant and the covenants made by it to the RDN under clause 1.1 above, the right for the City, its agents, employees, contractors and subcontractors to have full and complete access to the Lands to carry out any operations associated with the City's use of the Lands.

3.0 LICENCE FEE

3.1 In consideration of the right to use, the RDN shall pay to the City the sum of One Dollar (\$1.00) for each Term, the receipt and sufficiency of which is hereby acknowledged by the City and the RDN.

4.0 ASSIGNMENT

4.1 The RDN covenants and agrees to and with the City that the RDN shall not assign or sublet the right granted herein without the written consent of the City.

5.0 TERM

5.1 A five year Term of the License to Occupy granted under this Agreement shall be from the first day of December, 2012 to the thirtieth day of November, 2017 unless earlier terminated under this Agreement.

5.2 If agreed to by both parties, a second five year Term of the License to Occupy shall be from the first day of December, 2017 to the thirtieth day of November, 2022 unless earlier terminated under this Agreement.

6.0 TAXES

6.1 The RDN shall pay all taxes, rates, duties and assessments whatsoever whether federal, provincial, municipal or otherwise charged upon the RDN or the City as a result of the RDN's occupation of or use of the Lands.

7.0 CONSTRUCTION AND MAINTENANCE

7.1 The RDN shall not construct or place any structures or make any improvements on the Lands, unless prior to any construction, it has:

- (a) obtained the City's approval in writing to the site plans, working drawings, plans, specifications, and elevations; and
- (b) obtained a building permit from the local government authority having jurisdiction authorizing the construction of the structures set out in the permits and the plans and specifications attached to it; and
- (c) obtained all required inspections, and the work shall be carried out at the cost of the RDN; and
- (d) delivered final as built drawings to the City.

7.2 The RDN shall keep and maintain at its cost and expense the installation and all parts thereof in good order and condition and structurally sound in such manner that the existence and use of the installation shall not interfere with the City's use of its Lands; and to do all repairs in all respects to a standard at least equal in quality and workmanship to the original material and work.

8.0 INSURANCE

- 8.1
- (a) the RDN will take out and maintain during the term of the License a policy of general public liability insurance against claims for bodily injury, death or property damage arising out of the use of the premises by the RDN in the amount of not less than five million dollars per single occurrence or such greater amount as the City may from time to time designate, naming the City as an insured party thereto and shall provide the City with a certified copy of such policy or policies; and
 - (b) all policies of insurance shall contain a clause requiring the insurer not to cancel or change the insurance without first giving the City thirty days prior written notice; and
 - (c) if the RDN does not provide or maintain or enforce the Insurance required by this Agreement, the City may take out the necessary insurance and pay the premium for periods of one year at a time and the RDN shall pay to the City as additional License fees the amount of the premium immediately on demand; and
 - (d) if both the City and the RDN claims to be indemnified under any insurance required by this Agreement, the indemnity shall be applied first to the settlement of the claim of the City and the balance, if any, to the settlement of the claim of the RDN;

9.0 INDEMNIFICATION

9.1 The RDN releases and will indemnify and save harmless the City, its elected and

appointed officers, employees and agents from and against all lawsuits, damages, costs, expenses, fees or liability which the RDN or any of them or anyone else may incur, suffer or allege by reason of the use of the Lands by the RDN or by any member of the public using any structure or improvement built or placed by the RDN on the Lands or the carrying on upon the Lands of any activity in relation to the RDN's use of the Lands.

- 9.2 The RDN releases and will indemnify and save harmless the City, its elected and appointed officers, employees and agents from and against all lawsuits, damages, loss, costs or expenses, fees or liability that the RDN may incur by reason of non-compliance by the RDN with legal requirements or by reason of any defect in the Lands or, except when arising from activities undertaken on the Lands by the City or its contractors or agents, by reason of any injury to any person or to any personal property on the Lands.

10.0 BUILDERS LIENS

- 10.1 The RDN will indemnify the City from and against any liens for wages or materials, for damage to persons or property caused during the making of any repairs, alterations or additions which the RDN may make or cause to be made on, in or to the Lands.

11.0 NOTICES

- 11.1 It is hereby mutually agreed:

Any notice required to be given under this Agreement shall be deemed to be sufficiently given:

- (a) to be delivered at the time of delivery; and
- (b) if mailed from any government post office in the Province of British Columbia by prepaid registered mail addressed as follows:
 - (i) if to the City:

MANAGER OF REAL ESTATE SECTION
CITY OF NANAIMO
455 Wallace Street,
Nanaimo, BC V9R 5J6

- (ii) if to the RDN:

GENERAL MANAGER OF RECREATION AND PARKS
REGIONAL DISTRICT OF NANAIMO
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

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

12.0 TERMINATION

- 12.1 If the RDN is in default on the payment of any sum payable under this Agreement, or is in breach of this Agreement, and if the default continues after the giving of notice by the City to the RDN, then the City may terminate this Agreement and re-enter the Lands and the rights of the RDN with respect to the Lands shall lapse and be absolutely forfeited.

13.0 FORFEITURE

- 13.1 The City, by waiving or neglecting to enforce the right to forfeiture or the right of reentry upon breach of this Agreement, does not waive the City's rights upon any subsequent breach of the same or any other provision of this Agreement.

14.0 FIXTURES

- 14.1 Unless the RDN upon notice from the City removes them, all structures or improvements constructed on the Lands at the termination of the Agreement, become the sole property of the City at no cost to the City.

15.0 REPAIRS BY THE CITY

- 15.1 If the RDN fails to repair or maintain the Lands or any structure or improvements on the Lands in accordance with this Agreement, the City may, by its agents, employees or contractors enter the Lands and make the required repairs or do the required maintenance and the cost of the repairs or maintenance shall be a debt due from the RDN to the City.
- 15.2 In making the repairs or doing the maintenance the City may bring and leave upon the Lands the necessary materials, tools and equipment and the City shall not be liable to the RDN for any inconvenience, annoyance, loss of business or other injuries suffered by the RDN by reason of the City effecting the repairs or maintenance.**
- 15.3 The RDN releases the City, its elected and appointed officers, employees and agents from and waives any claim, right, remedy, action, cause of action, loss, damage, expense, fee or liability which the RDN may have against any or all of them in respect of this Agreement or its performance or its breach except insofar

as such claim, right, remedy, action, cause of action, loss, damage, expense, fee or liability arises from the negligence of the City, its elected and appointed officers, employees and agents.

16.0 TREE CUTTINGS, EXCAVATIONS AND HAZARDOUS SUBSTANCES

16.1 The RDN will not:

- (a) carry on or do or allow to be carried on or done on the Lands any cutting, clearing or removal of trees, bushes or other vegetation or growth or any excavation or disturbance of the surface of the Lands and shall not bring on or deposit any soil or fill on the Lands except with the written consent of the City; and
- (b) bring on, deposit, store, spray or apply nor cause or permit to be brought on, deposited, stored, sprayed or applied on the Lands or to any trees, bush or vegetation on the Lands any chemical fertilizer, herbicide, pesticide or other chemical or petroleum product or any substance which is capable of contaminating the Lands or any water on the Lands.

17.0 CLEAN UP

17.1 At the end of the term, the RDN shall clean up the Lands and restore the surface of the Lands as reasonably as may be possible to the condition of the Lands prior to the commencement of the term of this Agreement.

18.0 REGULATIONS

18.1 The City agrees to the RDN applying its Park Use Regulation Bylaw 1399 to the License Area and the RDN recognizes the City and its contractors or agents as exempt from the Bylaw in accordance with clause 3.2 (iii) of that Bylaw.

18.2 The City acknowledges that the Lands form part of the RDN's Witchcraft Lake Regional Trail, the sole authorized public access to the RDN's Mount Benson Regional Park, and the RDN agrees to acknowledge the City's land ownership when signing and promoting in relation to the Regional Trail.

19.0 NO COMPENSATION

19.1 The RDN shall not be entitled to compensation for any loss or injurious affection or disturbance resulting from the termination of the License or the loss of the RDN's interest in any structure or improvement built or placed on the Lands.

20.0 MISCELLANEOUS

20.1 (a) the RDN warrants and represents that the execution of this Agreement by

RDN authorized signatories on behalf of the RDN warrants and represents to the City that the authorized signatories have sufficient power, authority and capacity to bind the RDN with the parties signatures; and

- (b) this Agreement shall not be interpreted as granting any interest in the Lands to the RDN; and
- (c) waiver of any default by a party shall not be interpreted or deemed to be a waiver of any subsequent default.

21.0 INTERPRETATION

- 21.1
- (a) that when the singular or neuter are used in this Agreement they include the plural or the feminine or the masculine or the body politic where the context or the parties require; and
 - (b) the headings to the clauses in this Agreement have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it; and
 - (c) that this Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors, administrators and permitted assignees; and
 - (d) this Agreement shall be construed in accordance with and governed by the laws applicable in the Province of British Columbia; and
 - (e) all provisions of this Agreement are to be construed as covenants and agreements as though the word importing covenants and agreements were used in each separate paragraph; and
 - (f) a provision in this Agreement granting the City a right of approval which consent will not be unreasonably withheld, shall be interpreted as granting a free and unrestricted right to be exercised by the City in its discretion.

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

City of Nanaimo)
by its authorized signatories:)

)
)
_____)
Richard Harding, Director, Parks,)
Recreation and Culture)

)
)
_____)
Jeff Ritchie, Senior Manager of Parks &)
Civic Facilities)
)

Regional District of Nanaimo)
by its authorized signatories:)

)
)
_____)
)
_____)
)
)

LD002560

SCHEDULE "A"

LICENCE AREA ON PID'S:

006-285-538

006-276-105

006-276-482



GREEN SHADED PARCELS ARE CITY OWNED

TRAIL ON P.I.D'S: 006-285-538 AND 006-276-105 ARE BUILT TO CITY OF NANAIMO 'NATURE TRAIL' DESIGN GUIDELINES AS DESCRIBED ON SCHEDULE "B"



LICENCE AREA

WITCHCRAFT LAKE REGIONAL TRAIL IN RED

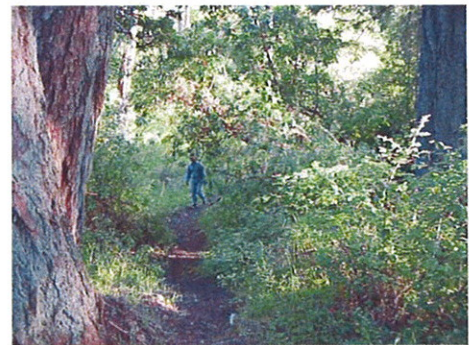
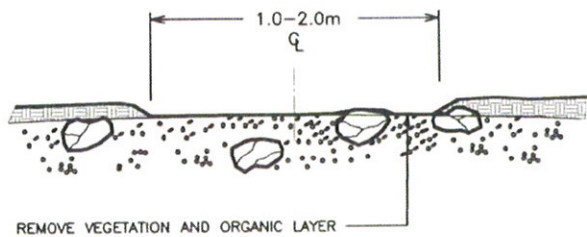


SCHEDULE "B"

Nature Trail:

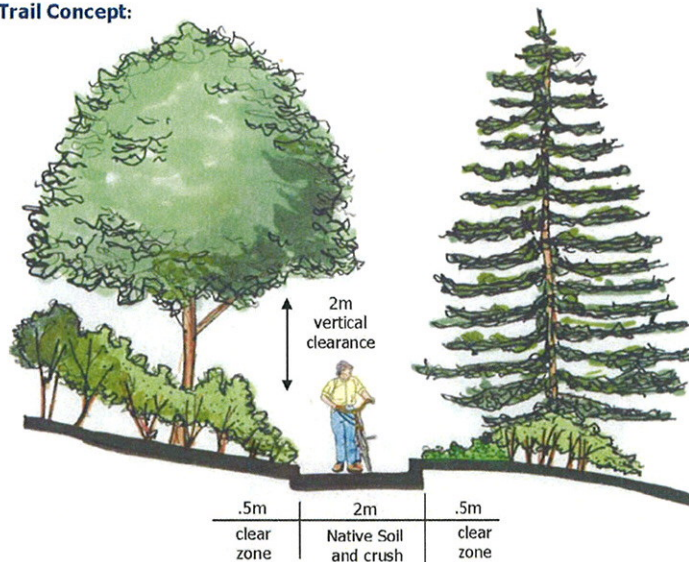
Level of use	Type of Use/Accessibility	Surface	Width	Vegetation Clearance	Slope	Horizontal curves	Barriers	Drainage	Residential Buffer	Level of Maintenance	Location	Comments/variations	Example
Low	<ul style="list-style-type: none"> Walking Mountain bikes Jogging Wildlife viewing/bird-watching 	Native soil with crush at higher use points.	2m (on average)	<ul style="list-style-type: none"> .5m minimum horizontal clearance 2m minimum vertical clearance 	<ul style="list-style-type: none"> Optimum maximum 10% Maximum 30% 2% cross slope Some stairs 	<ul style="list-style-type: none"> Ensure adequate sightlines on corners Curves can add to the mystery and character of the trail 	<ul style="list-style-type: none"> Primarily boulders or wood baffles Some posts and sleeves or cattle gates Barriers at trail heads and vehicle access points and, if applicable, to discourage cyclists 	<ul style="list-style-type: none"> Minimal. Shallow swale on uphill side of trail where required with and culverts at low points 	10m	Low	Short access route to park and playground	<ul style="list-style-type: none"> Some boardwalks Generally in a woodland or riparian setting (sometimes environmentally sensitive areas) Limited amenities but some garbage cans, benches and signage Construction with ESA's must follow environmental standards Provide benches and rest areas at trailheads and at special feature (i.e.) viewpoints 	Planta Park, Woodstream Park, Cable Bay/Joan Point

Construction Detail: Typical Trail



View along Planta Park trail.

Trail Concept:



SCHEDULE "C"

LARGER SCALE OF LICENCE AREA SHOWN IN RED
ON PID 006-276-482



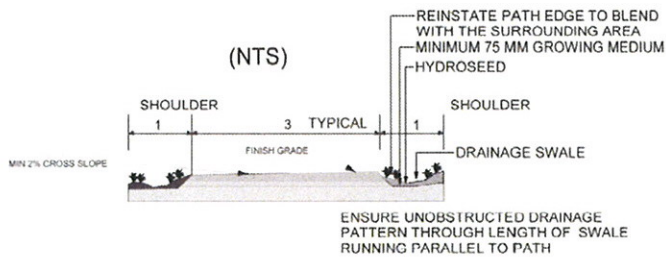
TRAIL ON PID 006-276-482 BUILT TO CITY OF NANAIMO
'URBAN SOFT SURFACE TRAIL' DESIGN
GUIDELINES AS DESCRIBED ON SCHEDULE "D"

SCHEDULE "D"

Urban Soft Surface Trail:

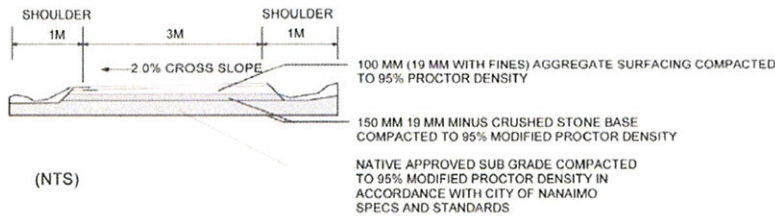
Level of use	Type of Use/ Accessibility	Surface	Width	Vegetation Clearance	Slope	Horizontal Curves	Barriers	Drainage	Residential Buffer	Level of Maintenance	Location	Comments/Variations	Example
Moderate-High	<ul style="list-style-type: none"> Walking Jogging Cycling Stroller Universally accessible where possible Wildlife viewing/ bird-watching 	Crush and/or 50/50 hog fuel/road mulch for jogging routes	3m (very low use areas or pedestrian only areas may be 2m and high use may be 4m)	<ul style="list-style-type: none"> 1m preferred horizontal clearance on either side of trail 2.5m minimum vertical clearance 	<ul style="list-style-type: none"> Maximum 3% sustained grade 5% for 30m or less 10% for 15m or less 10% for 15m or less 2% cross slope Some stairs 	Ensure adequate sightlines on corners See formulas in Bicycle Facility Design Guidelines (2.3-2.4)	Post and sleeves on multi-use routes; cattle gates or baffles may be used on non-multi-use trails	Shallow swale on uphill side and culverts at low points	2-5m	Moderate-high	City level parks (mostly natural parks)	<ul style="list-style-type: none"> Generally in a woodland or riparian setting Amenities (doggy stations, signage, garbage, benches, washrooms, change-rooms, picnic facilities, etc) Construction within ESA's must follow environmental standards In higher use areas, a general guideline of 5km between benches and rest areas 	Westwood Lake, Jack Point, Piper's Lagoon

Construction Detail: Typical Trail



View along the Westwood Lake trail near the Resort on the Lake.

Construction Detail: Materials



Trail Concept:

