

**REGIONAL DISTRICT OF NANAIMO**

**REGULAR BOARD MEETING  
TUESDAY, FEBRUARY 28, 2012  
7:00 PM**

***(RDN Board Chambers)***

**A G E N D A**

**PAGES**

- 1. CALL TO ORDER**
- 2. DELEGATIONS**
  - 9 **Bruce Andrew, Canadian Red Cross Society**, re Recognition Award for Regional District of Nanaimo staff.
  - 10 **Rob Christopher, Nanaimo Search and Rescue Society**, re Nanaimo Search and Rescue Operations.
  - 11 **Leanne Salter**, re proposed Parksville walk-in clinic.
- 3. BOARD MINUTES**
  - 12 - 23 Minutes of the regular Board meeting held January 24, 2012.
- 4. BUSINESS ARISING FROM THE MINUTES**
- 5. COMMUNICATIONS/CORRESPONDENCE**
  - 24 - 25 **Ross Peterson**, re Public Access to DL33, Nanoose Bay.
  - 26 - 27 **Will Wyn Geselbracht, Nanoose Fire Protection Society**, re Schooner Cover Development and the Nanoose Volunteer Fire Dept.
  - 28 - 29 **Trudy Coats, Town of Qualicum Beach**, re Town of Qualicum Beach Appointments to the District 69 Recreation Commission and the Arrowsmith Water Service Management Committee.

**6. UNFINISHED BUSINESS**

**BYLAWS**

**FOR ADOPTION**

**Bylaw No. 975.57 – Pump & Haul Amendment Bylaw to Exclude Strata Lot 180, Block 526, Strata Plan VIS 4673, Cameron Lot District – 1556 Pady Place – Area ‘F’.** (All Directors – One Vote)

*That "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.57, 2012" be adopted.*

This bylaw reduces the boundaries of the Pump & Haul Local Service Area to exclude an Area ‘F’ property.

30 - 38 **Zoning Amendment Application No. PL2009-751, Bylaw No. 500.363 – Timberlake Jones Engineering Ltd. – Lot 4, District Lot 84, Nanoose District, Plan 47545 - 1790 Claudet Road, Electoral Area ‘E’.** (All Directors – One Vote)

*That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.363, 2010" be adopted.*

This bylaw rezones the subject property from Resource Management 3 (RM3), Subdivision District ‘B’ (8.0 ha minimum parcel size with or without community services) to Rural 5 (RU5), Subdivision District ‘CC’ (4.0 ha minimum parcel size with or without community services) in order to permit a two lot subdivision.

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

**7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE**

39 - 41 Minutes of the Electoral Area Planning Committee meeting held February 14, 2012. (for information)

**PLANNING**

**Development Permit with Variance Application No. PL2011-174 C.A. Design – John Larson – 2550 Pylades Drive, Electoral Area ‘A’.** (Electoral Area Directors except EA ‘B’ – One Vote)

**Delegations wishing to speak to Development Permit with Variance Application No. PL2011-174** (maximum speaking time 5 minutes).

*That this application be referred back to staff for further discussions with the applicant.*

**Development Permit with Variance Application No. PL2011-024 – Kazan Investments Ltd.; Michael J. Hill Ltd.; Douglas E. Hill Ltd. – 883 & 899 Island Highway West, Electoral Area ‘G’.** (Electoral Area Directors except EA ‘B’ – One Vote)

**Delegations wishing to speak to Development Permit with Variance Application No. PL2011-024** (maximum speaking time 5 minutes).

*That Development Permit with Variance Application No. PL2011-024 be approved subject to the conditions outlined in Schedule 1.*

**Development Variance Permit Application No. PL2011-177 – Victor Blasco – 594 Karl’s Way, Electoral Area ‘G’.** (Electoral Area Directors except EA ‘B’ – One Vote)

**Delegations wishing to speak to Development Variance Permit Application No. PL2011-177** (maximum speaking time 5 minutes).

*That Development Variance Permit Application No. PL2011-177 to reduce the minimum required setback from the front lot line from 8.0 metres to 1.5 metres be approved subject to the conditions outlined in Schedules 1-3.*

**Development Variance Permit Application No. PL2011-188 – Eric Jantzen – 85 Colwell Road, Electoral Area ‘C’.** (Electoral Area Directors except EA ‘B’ – One Vote)

**Delegations wishing to speak to Development Variance Permit Application No. PL2011-188** (maximum speaking time 5 minutes).

*That Development Variance Permit Application No. PL2011-188 be approved subject to the conditions outlined in Schedules No. 1 to 2.*

## **OTHER**

**Building Strata Conversion Application PL2011-165 – Randy and Karen Orr – 1876 Stewart Road, Electoral Area ‘E’.** (Electoral Area Directors except EA ‘B’ – One Vote)

*That the request from Randy and Karen Orr for the building strata conversion (Application No. PL2011-165) as shown on the proposed strata plan of Lot 1, District Lot 137, Nanoose District, Plan 29414 be approved subject to the conditions outlined in Schedule No. 1.*

**Electoral Area ‘A’ Cedar Main Street Design Update – Citizen’s Advisory Group Terms of Reference Amendment.** (Electoral Area Directors except EA ‘B’ – One Vote)

*That the Electoral Area ‘A’ Cedar Main Street Design Project Citizen’s Advisory Group Terms of Reference be amended by increasing the maximum number of members from twelve to twenty and by providing more flexibility in the membership composition as shown in Attachment No. 1.*

**7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE**

42 - 47 Minutes of the Committee of the Whole meeting held February 14, 2012. (for information)

**COMMUNICATIONS/CORRESPONDENCE**

**Mike Wansink, INfilm, re Regional Film Forum.** (All Directors – One Vote)

*That the correspondence from INfilm be received.*

**Don Alberg, Dashwood Volunteer Fire Department, re Upgrade/Renewal of the Dashwood Fire Hall.** (All Directors – One Vote)

*That the correspondence from Dashwood Volunteer Fire Department be received.*

**FINANCE AND INFORMATION SERVICES**

**FINANCE**

**2012 – 2016 Proposed Financial Plan.** (All Directors – Weighted Vote)

- 1. That the Board receive the report on the 2012 budget as amended and the 2012 to 2016 financial plan and direct staff to prepare the financial plan bylaw on that basis.*
- 2. That the 2012 to 2016 Financial Plan be amended to remove from year 2016 in the capital plan the amount of \$1.5 million for proposed seismic reconstruction of the Extension Fire Hall.*
- 3. That the tax requisition for the Northern Community Wastewater budget proceed as budgeted with the inclusion of \$36,845 to address underground manhole location and repairs.*

**DEVELOPMENT SERVICES**

**BUILDING, BYLAW & EMERGENCY PLANNING**

**Animal Control Service Agreements.** (All Directors - Weighted Vote)

- 1. That the Agreement for Animal Control Services in District 69 with Coastal Animal Control Services of BC Limited be approved for a term commencing April 1, 2012 and ending December 31, 2016.*
- 2. That the Agreement for Animal Control Services in District 68 with Coastal Animal Control Services of BC Limited be amended to extend the end date of the Agreement from December 31, 2013 to December 31, 2016.*

3. *That the agreement between the SPCA and the Regional District of Nanaimo for the sale of dog licenses and the use of the animal shelter at 1565 Alberni Highway for the boarding of impounded dogs be approved for a term commencing April 1, 2012 and ending December 31, 2016.*

## **REGIONAL AND COMMUNITY UTILITIES**

### **WASTEWATER**

**GNPCC Biosolids Management Contract Short Term Extension.** (All Directors – Weighted Vote)

*That the Board approve an extension to the Vancouver Island University biosolids management contract to June 30, 2012, to provide opportunity for staff to negotiate a new longer term partnership agreement for the management of biosolids from both the Greater Nanaimo and French Creek Pollution Control Centres.*

### **WATER**

**Bylaws 1654 & 1655 – Water User Rate Amendments 2012.** (All Directors – One Vote)

1. *That "Whiskey Creek Water Service Rates and Regulations Bylaw No. 1636, 2011" be repealed.*
2. *That "Regional District of Nanaimo Water Use Regulation Bylaw No. 1639, 2011" be repealed.*
3. *That "Regional District of Nanaimo Water Services Fees & Charges Bylaw No. 1640, 2011" be repealed.*
4. *That "Regional District of Nanaimo Water Use Regulation Bylaw No. 1654 2012" be introduced and read three times.*
5. *That "Regional District of Nanaimo Water Use Regulation Bylaw No. 1654, 2012" be adopted*
6. *That "Regional District of Nanaimo Water Services Fees & Charges Bylaw No. 1655, 2012" be introduced and read three times.*
7. *That "Regional District of Nanaimo Water Services Fees & Charges Bylaw No. 1655, 2012" be adopted.*

**Infrastructure Planning Grant Program – Application on Behalf of the North Cedar Improvement District.** (All Directors – One Vote)

1. *That the Board support the North Cedar Improvement District grant application for the "Water System Study Update".*
2. *That staff be directed to submit the grant application to the Ministry of Community and Rural Development on behalf of the North Cedar Improvement District.*

**TRANSPORTATION AND SOLID WASTE SERVICES**

**SOLID WASTE**

**Residential Curbside Collection Program Progress Report.** (All Directors – One Vote)

*That the Board receive the Residential Curbside Collection Program Progress Report for information.*

**Multi-Family Housing Diversion Strategy Progress Report.** (All Directors – One Vote)

*That the Board receive the Multi-Family Housing Diversion Strategy Progress Report for information.*

**Regional Landfill Comprehensive Engineering Consulting Services Contract Extension.** (All Directors – Weighted Vote)

*That the Board extends the comprehensive engineering consulting services contract with XCG Consultants Ltd. for an additional two (2) year term expiring May 2014.*

**Regional Landfill Environmental Monitoring Services Contract Extension.** (All Directors – Weighted Vote)

*That the Board extend the contract for environmental monitoring services at the Regional Landfill with Conestoga-Rovers & Associates for a two (2) year term expiring March 2014 for a contract value of \$176,032.*

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Infilm, re Regional Film Forum.** (All Directors – One Vote)

*That the correspondence be referred to the Northern Community Economic Development Select Committee.*

**Dashwood Volunteer Fire Department, re Upgrade/Renewal of the Dashwood Fire Hall.** (All Directors – One Vote)

*That the correspondence be referred to staff for follow up.*

**NEW BUSINESS**

**District 69 Recreation Commission.** (All Directors – One Vote)

*That the Regional District Board appoint Leanne Salter as the Alternate Electoral Area 'F' Appointee to the District 69 Recreation Commission.*

**Vancouver Island Treaties Conference Registration.** (All Directors – One Vote)

*That the Board authorize those Electoral Area Directors that wish to attend the Snuneymuxw First Nation / VIU Conference on pre-Confederation treaties being held on May 10 and 11, 2012 at VIU.*

**BC Hydro Smart Meters.** (All Directors – One Vote)

*That the resolution endorsed at the August 23, 2011 Board meeting with respect to placing a moratorium on the mandatory installation of wireless smart meters be forwarded to the Provincial Government and BC Hydro.*

**Request for Groundwater Study on GNPCC & FCPCC Biosolids at VIU Wood Lot.** (All Directors – Weighted Vote)

*That staff be requested to prepare a report on the implications of undertaking a groundwater study on the application of biosolids at the VIU Wood Lot.*

**7.4 EXECUTIVE STANDING COMMITTEE**

**7.5 COMMISSIONS**

**7.6 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEES**

48 - 49 Minutes of the Sustainability Select Committee meeting held February 15, 2012. (for information)

**8. ADMINISTRATOR'S REPORTS**

50 - 56 Offer of Nominal Rent Lease of Crown Land – Bowser, B.C. (All Directors – Weighted Vote).

9. **ADDENDUM**
10. **BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**
11. **NEW BUSINESS**  
  
Nanaimo Parks, Recreation, and Culture Commission – Area 'B' Appointee. (verbal)
12. **BOARD INFORMATION (Separate enclosure on blue paper)**
13. **ADJOURNMENT**
14. **IN CAMERA**

*That pursuant to Section 90(1)(e) and 90(1)(a) of the Community Charter the Board proceed to an In meeting to consider land issues and Board Appointments.*



**Ohalloran, Matt**

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**To:** Bruce Andrew  
**Subject:** RE: Red Cross Recognition Award

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**From:** Bruce Andrew [<mailto:Bruce.Andrew@redcross.ca>]  
**Sent:** Tuesday, February 07, 2012 9:49 AM  
**To:** Ohalloran, Matt  
**Subject:** RE: Red Cross Recognition Award

Hi Matt,

I had planned to attend the Board meeting on the 28<sup>th</sup>. I look forward to meeting you all and to presenting our Rescuer awards to these deserving people.

Take care,

Bruce

## **Ohalloran, Matt**

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**To:** Nanaimo SAR  
**Subject:** RE: Presentation by Nanaimo Search & Rescue at Feb 28th RDN Board Meeting

**From:** Rob Christopher [<mailto:roblizaidan@me.com>]  
**Sent:** Monday, February 06, 2012 10:09 PM  
**To:** Ohalloran, Matt  
**Cc:** Ken Duncan; Tonn Allen and Michelle; Kevin McNeill; Smith Keith; Young Duane  
**Subject:** Presentation by Nanaimo Search & Rescue at Feb 28th RDN Board Meeting

Hi, Matt, thanks for the reminder about this. I can't believe it's already been a year since I last presented to the Board.

If you could arrange to have our delegation added to the AGenda for the February 28th Regular Board Meeting I'd greatly appreciate it. Our presentation will likely be verbal one again this year, however I promise more exciting visual aids next year.

My apologies again for not contacting you in a timely manner to take care of this!

Best regards,

Rob Christopher, President  
Nanaimo Search & Rescue Society

**Ohalloran, Matt**

RDN REPORT	
CAO APPROVAL	
EAP	
COW	
FEB 22 2012	
RHD	
BOARD	<i>Delegation</i>

**From:** A S <leannesalter@shaw.ca>  
**Sent:** Wednesday, February 22, 2012 2:52 PM  
**To:** Ohalloran, Matt  
**Subject:** Delegation request

Hello,

I am requesting an opportunity to present a delegation to the RDN at the meeting on February 28 @ 7 pm. I do not have a power point.

warm regards,

Leanne Salter

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE REGULAR BOARD MEETING  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, JANUARY 24, 2012 AT 7:00 PM IN THE  
RDN BOARD CHAMBERS**

**Present:**

Director J. Stanhope	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 M. Lefebvre	City of Parksville
Director D. Willie	Town of Qualicum Beach
Director B. Dempsey	District of Lantzville
Director J. Ruttan	City of Nanaimo
Alternate	
Director B. McKay	City of Nanaimo
Director D. Johnstone	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director J. Kipp	City of Nanaimo
Director T. Greves	City of Nanaimo
Director G. Anderson	City of Nanaimo

**Regrets:**

Director D. Brennan	Deputy Chairperson
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**Also in Attendance:**

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

**CALL TO ORDER**

The Chairperson welcomed Alternate Director McKay to the meeting.

**BOARD MINUTES**

MOVED Director Johnstone, SECONDED Director Ruttan, that the minutes of the Inaugural Board meeting held December 13, 2011, and the minutes of the Special Board meeting held January 10, 2012 be adopted.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**Faye Smith, Mid Vancouver Island Habitat Enhancement Society, re Request for Letter of Support.**

MOVED Director Holme, SECONDED Director Lefebvre, that the correspondence from Mid Vancouver Island Habitat Enhancement Society be received

CARRIED

**Residents of Lundine Lane and Meadow Drive, re Development Permit with Variance Application No. PL2010-093 – Area ‘G’.**

MOVED Director Holme, SECONDED Director Lefebvre, that the correspondence from residents of Lundine Lane and Meadow Drive be received.

CARRIED

**Bernice Hannam, School District 69 (Qualicum), re School Board Representative to the District 69 Recreation Commission.**

MOVED Director Holme, SECONDED Director Lefebvre, that the correspondence from School District 69 be received.

CARRIED

**BYLAWS**

**For Adoption.**

**Bylaw No. 813.49.**

MOVED Director Holme, SECONDED Director Houle, that "French Creek Sewerage Facilities Local Service Boundary Amendment Bylaw No. 813.49, 2012" be adopted

CARRIED

**Bylaw No. 889.62.**

MOVED Director Lefebvre, SECONDED Director Veenhof, that "Regional District of Nanaimo Northern Community Sewer Local Service Boundary Amendment Bylaw No. 889.62, 2012" be adopted.

CARRIED

**Bylaw No. 1062.04.**

MOVED Director Holme, SECONDED Director Young, that "French Creek Village Streetlighting Local Service Area Boundary Amendment Bylaw No. 1062.04, 2012" be adopted.

CARRIED

**Bylaw No. 1646.**

MOVED Director Holme, SECONDED Director Johnstone, that "San Pareil Water System (Fire Protection Improvements) Service Establishing Bylaw No. 1646, 2011" be adopted.

CARRIED

**Bylaw No. 1647.**

MOVED Director Holme, SECONDED Director Johnstone, that "San Pareil Water System (Fire Protection Improvements) Service Loan Authorization Bylaw No. 1647, 2011" be adopted.

CARRIED

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

**ELECTORAL AREA PLANNING STANDING COMMITTEE**

MOVED Director Holme, SECONDED Director Lefebvre, that the minutes of the Electoral Area Planning Committee meeting held January 10, 2012 be received for information.

CARRIED

**PLANNING**

***DEVELOPMENT PERMIT APPLICATIONS***

**Development Permit Application No. PL2011-166 – Marilyn Bennett – 991 Maple Lane Drive – Area ‘G’.**

MOVED Director Holme, SECONDED Director Veenhof, that Development Permit Application No. PL2011-166 to permit the construction of an addition to the existing dwelling unit be approved subject to the conditions outlined in Schedules No. 1 to 2.

CARRIED

**Development Permit Application No. PL2011-168 – Scott Bentzen – 729 and 735 Despard Avenue – Area ‘G’.**

MOVED Director Holme, SECONDED Director Young, that Development Permit Application No. PL2011-168, in conjunction with a subdivision application, be approved subject to the conditions outlined in Schedules No. 1 to 2.

CARRIED

***DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS***

**Development Permit with Variance Application No. PL2010-093 – Meade – Lundine Lane – Area ‘G’.**

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

CARRIED

MOVED Director Holme, SECONDED Director Veenhof, that Development Permit with Variance Application No. PL2010-093 to permit the construction of a single-family dwelling be approved subject to the conditions outlined in Schedules No. 1 to 3.

CARRIED

MOVED Director Holme, SECONDED Director Veenhof, that staff report back to the Board on dealing with variances to frontage requirements and panhandle lots.

CARRIED

**DEVELOPMENT VARIANCE PERMIT APPLICATIONS**

**Development Variance Permit Application No. PL2011-175 – Donald & Hilary Lane – 3048 Bay Road – Area ‘H’.**

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

CARRIED

MOVED Director Holme, SECONDED Director Veenhof, that Development Variance Permit Application No. PL2011-175 to vary the maximum floor area of accessory buildings in the CD9 zone from 10 m<sup>2</sup> to 14 m<sup>2</sup> to legalize an existing accessory building be approved as outlined in Schedule No. 1.

CARRIED

**Development Variance Permit Application No. PL2011-194 – Glencar Consultants Inc. – Bouman Place & Wembley Road – Area ‘G’.**

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

CARRIED

MOVED Director Holme, SECONDED Director Young, that Development Variance Permit Application No. PL2011-194 to reduce the setback from "Other Lot Lines" adjacent to the existing walkway (lane) within the subject properties be approved as outlined in Schedules No. 1, 2 and 3.

CARRIED

**COMMITTEE OF THE WHOLE STANDING COMMITTEE**

MOVED Director Lefebvre, SECONDED Director Greves, that the minutes of the Committee of the Whole meeting held January 10, 2012 be received for information.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**Gabriola Land Conservancy, re Cox Community Park.**

MOVED Director Houle, SECONDED Director Anderson, that the correspondence from Gabriola Land Conservancy regarding the Cox Community Park be received.

CARRIED

**Debbie Comis, City of Parksville, re 2012 Council Appointments to the District 69 Recreation Commission, the Arrowsmith Water Service Management Board, and the Englishman River Water Service Management Board.**

MOVED Director Houle, SECONDED Director Anderson, that the correspondence from the City of Parksville regarding the 2012 Council Appointments for the District 69 Recreation Commission, the Arrowsmith Water Service Management Board and the Englishman River Water Service Management Board be received.

CARRIED

**Laurie Gourlay, Mid Island Sustainability & Stewardship Initiative, re RDN Trans Canada Trail Route and Green Space.**

MOVED Director Houle, SECONDED Director Anderson, that the correspondence from Mid Island Sustainability & Stewardship Initiative be received.

CARRIED

**Rob Steele, re Rerouting of the Trans Canada Trail.**

MOVED Director Houle, SECONDED Director Anderson, that the correspondence from Rob Steele regarding the Trans Canada Trail be received.

CARRIED

***FINANCE AND INFORMATION SERVICES***

**FINANCE**

**Bylaw No. 1651 – A Bylaw to Authorize Preparation of 2012 Parcel Tax Rolls.**

MOVED Director Lefebvre, SECONDED Director Kipp, that the "2012 Parcel Tax Assessment Roll Bylaw No. 1651, 2012", be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Greves, that the "2012 Parcel Tax Assessment Roll Bylaw No. 1651, 2012" be adopted.

CARRIED

MOVED Director Holme, SECONDED Director Kipp, that the Board appoint the Chairperson, the Senior Manager, Corporate Administration and the General Manager, Finance and Information Services to preside as the 2012 parcel tax review panel.

CARRIED

**Bylaw No. 897.06 – A Bylaw to Include Electoral Area 'H' as a Participant in the Northern Community Transit Service.**

MOVED Director Veenhof, SECONDED Director Young, that "Northern Community Transit Service Amendment Bylaw No. 897.06, 2012" be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

**2012 Proposed Budget Overview.**

MOVED Director Johnstone, SECONDED Director Ruttan, that the report on the proposed 2012 budget be received.

CARRIED

**Bylaw No. 1653 – A Bylaw to Establish a Cedar Community Policing Contribution Service.**

MOVED Director McPherson, SECONDED Director Ruttan, that the funding request from the Cedar Community Policing Office be supported commencing in 2012 subject to approval of Bylaw No. 1653.

CARRIED



MOVED Director McPherson, SECONDED Director Ruttan, that elector assent to establish annual funding in the amount of \$2,000 for the Cedar Community Policing Office from Electoral Area `A', be obtained using the alternative approval process.

CARRIED

MOVED Director McPherson, SECONDED Director Ruttan, that "Cedar Community Policing Office Contribution Service Establishment Bylaw No. 1653, 2012" be introduced for first three readings and be forwarded to the Ministry of Community, Sport and Cultural Development for approval.

CARRIED

MOVED Director McPherson, SECONDED Director Ruttan, that the attached Cedar Community Policing Office Contribution Service Elector Response Form be approved.

CARRIED

### ***DEVELOPMENT SERVICES***

#### **BUILDING, BYLAW & EMERGENCY PLANNING**

##### **Appointment of Animal Control Officer.**

MOVED Director Holme, SECONDED Director Houle, that William Jonathan Mitchell of Coastal Animal Control Services of BC Limited be appointed as a Bylaw Enforcement Officer for the specific purpose of enforcing Regional District of Nanaimo Animal Control and Licensing Bylaws.

CARRIED

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

#### **WATER**

##### **Drinking Water and Watershed Protection Service Water Budget – Consultant Services Contract Award.**

MOVED Director Johnstone, SECONDED Director Houle, that the Water Budget Project / Phase One — RDN Vancouver Island, be awarded to Waterline Resources Inc. for \$170,000.

CARRIED

#### **WASTEWATER**

##### **Bylaw No. 975.57 – Pump & Haul Amendment Bylaw to Exclude Strata Lot 180, Block 526, Strata Plan VIS 4673, Cameron Lot District – 1556 Pady Place – Area 'F'.**

MOVED Director Fell, SECONDED Director Veenhof, that the boundaries of the "Regional District of Nanaimo Pump & Haul Local Service Establishment Bylaw No. 975, 1995" be amended to exclude Strata Lot 180, Block 526, Strata Plan VIS4673, Cameron Land District.

CARRIED

MOVED Director Fell, SECONDED Director Veenhof, that the "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.57, 2012" be introduced and read three times.

CARRIED

**TRANSPORTATION AND SOLID WASTE SERVICES**

**SOLID WASTE**

**Regional Landfill Security Services Contract Award.**

MOVED Director Holme, SECONDED Director Ruttan, that the Board award the contract for security services at the Regional Landfill to Footprints Security for a period of three years commencing March 1, 2012 at a total cost of \$275,946.00.

CARRIED

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Trans Canada Trail.**

MOVED Director Young, SECONDED Director Kipp, that staff be directed to report back to the Board on the feasibility of constructing a pedestrian bridge over the Nanaimo River along the dedicated Trans Canada Trail route and work in partnership with Trails BC on this initiative including sourcing potential grant funding through Trans Canada Trail and Parks Canada.

CARRIED

**Port Theatre Operations Budget.**

MOVED Director Johnstone, SECONDED Director Anderson, that staff be directed to report back to the Board on the request to consider an annual cost of living increase to the contribution to the Port Theatre.

CARRIED

**Gabriola Gun Club.**

MOVED Director Houle, SECONDED Director Greves, that staff request an update from the Chief Firearms Officer and the Ministry of Forests, Lands and Natural Resource Operations, who are the lease holders, regarding the ongoing complaints associated with the Gabriola Rod, Gun & Conservation Club activities and that the staff report back to the Board.

CARRIED

**DISTRICT 69 COMMUNITY JUSTICE SELECT COMMITTEE**

MOVED Director Lefebvre, SECONDED Director Houle, that the minutes of the District 69 Community Justice Select Committee held Tuesday, November 22, 2011 be received for information.

CARRIED

MOVED Director Lefebvre, SECONDED Director Willie, that the 2012 requisition for funding to support the Oceanside Victim Services and Restorative Justice Programs remain the same as in 2011 (\$77,500).

CARRIED

MOVED Director Lefebvre, SECONDED Director Veenhof, that a 2012 grant in the amount of \$5,943 for the Citizens on Patrol Society, District 69 be approved.

CARRIED

MOVED Director Lefebvre, SECONDED Director Willie, that a 2012 grant in the amount of \$1,450.38 for the Corcan Meadowood Residents Association be approved.

CARRIED

#### **DISTRICT 69 RECREATION COMMISSION**

MOVED Director Greves, SECONDED Director Willie, that the minutes of the District 69 Community Justice Select Committee held Tuesday, November 17, 2011 be received for information.

CARRIED

MOVED Director Willie, SECONDED Director Lefebvre, that the request from the Town of Qualicum Beach to be a joint applicant hosting a BC Senior Games event be put in abeyance until the new appointments to the District 69 Recreation Commission and the new municipal councils of the Town of Qualicum Beach and the City of Parksville are in place.

CARRIED

MOVED Director Willie, SECONDED Director Lefebvre, that staff be directed to prepare a report with regard to the financial implication, including staff resources and the capital costs required to host the BC Senior Games, and to explore the possible financial assistance to host the event from the two municipalities of Parksville and Qualicum Beach and the provincial and federal governments.

CARRIED

#### **ELECTORAL AREA 'A' PARKS, RECREATION & CULTURE COMMISSION**

MOVED Director McPherson, SECONDED Director Ruttan, that the minutes of the Electoral Area 'A' Parks, Recreation & Culture Commission meeting held November 16, 2011 be received for information.

CARRIED

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

##### **Selection Committee.**

##### ***District 69 Recreation Commission.***

MOVED Director Holme, SECONDED Director Veenhof, that Gordon Wiebe be appointed as the Area 'E' member, Reg Nosworthy be appointed as the Area 'F' member, and Richard Leontowich be appointed as the Area 'H' member for terms ending January 1, 2015.

CARRIED

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

MOVED Director Holme, SECONDED Director Veenhof, that Jim Fiddick, Eike Jordan, Christopher Pagan and Angela Vincent-Lewis be appointed to the Electoral Area 'A' Parks, Recreation and Culture Commission for terms ending December 31, 2013.

CARRIED

##### ***Electoral Area 'B' Parks & Open Space Advisory Committee.***

MOVED Director Holme, SECONDED Director Veenhof, that Nancy Crozier, Megan Dickinson and Jacinthe Eastick be appointed to the Electoral Area 'B' Parks & Open Space Advisory Committee for terms ending December 31, 2013.

CARRIED

***East Wellington/Pleasant Valley Parks & Open Space Advisory Committee.***

MOVED Director Holme, SECONDED Director Veenhof, that Bruce Erickson, Rick Heikkila, and Judith Wilson be appointed to the East Wellington/Pleasant Valley Parks & Open Space Advisory Committee for terms ending December 31, 2013 and that Cheryl Knapp be appointed for a term ending December 31, 2012.

CARRIED

***Nanoose Bay Parks & Open Space Advisory Committee.***

MOVED Director Holme, SECONDED Director Veenhof, that Peter Law and Robert Rogers be appointed to the Nanoose Bay Parks & Open Space Advisory Committee for terms ending December 31, 2013.

CARRIED

***Electoral Area 'F' Parks & Open Space Advisory Committee.***

MOVED Director Holme, SECONDED Director Veenhof, that Steve Chomolok, Skye Donald, Alfred Jablonski and Barbara Smith be appointed to the Electoral Area 'F' Parks & Open Space Advisory Committee for terms ending December 31, 2013.

CARRIED

***Electoral Area 'G' Parks & Open Space Advisory Committee.***

MOVED Director Holme, SECONDED Director Veenhof, that Minnie Corbett be appointed to the Electoral Area 'G' Parks & Open Space Advisory Committee for a term ending December 31, 2013.

CARRIED

***Electoral Area 'H' Parks & Open Space Advisory Committee.***

MOVED Director Holme, SECONDED Director Veenhof, that Nancy Robertson and Dagmar Seydel be appointed to the Electoral Area 'H' Parks & Open Space Advisory Committee for terms ending December 31, 2013.

CARRIED

***Grants In Aid Committee.***

MOVED Director Holme, SECONDED Director Veenhof, that Bruce Erickson, Cheryl Knapp, Gordon Wiebe and Jim Wilson-Storey be appointed to the Grants in Aid Committee for terms ending December 31, 2012.

CARRIED

***Agriculture Advisory Committee.***

MOVED Director Holme, SECONDED Director Veenhof, that Albert Benson and Craig Evans be appointed as the General Public District 68 members and Andrew Brown and Richard Wahlgren be appointed as the General Public District 69 members to the Agriculture Advisory Committee for terms ending December 31, 2013.

CARRIED

***Oceanside Task Force on Homelessness.***

MOVED Director Holme, SECONDED Director Lefebvre, that Director Veenhof be appointed to the Oceanside Task Force on Homelessness.

CARRIED

**ADMINISTRATOR'S REPORTS**

**Agricultural Area Plan Update.**

MOVED Director Veenhof, SECONDED Director Lefebvre, that the Board receive this report and the Public Consultation Summary Report and Agricultural Area Plan video series for information.

CARRIED

**Cedar Road Bioenergy Facility Expansion Sixth Amending Agreement.**

MOVED Director Ruttan, SECONDED Director Greves, that the Board approve the Sixth Amending Agreement with Cedar Road Bioenergy Inc.

CARRIED

**Liquor License Application No. PL2011-169 W heatsheaf Entertainment Centre Ltd. Lot A, Section 14, Range 1, Cedar District Plan VIP67433.**

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

CARRIED

MOVED Director McPherson, SECONDED Director Holme, that the Board adopt the resolution attached to this report as Schedule No. 1.

CARRIED

**Bylaw 1619 - Development Cost Charges for Regional Parks.**

MOVED Director Lefebvre, SECONDED Director Willie, that staff be directed to meet with the stakeholder groups identified in Appendix I to obtain final feedback and input on the Regional Parks Development Cost Charges Bylaw 1619 prior to final consideration by the Regional Board.

MOVED Director Fell that Bylaw 1619 be abandoned.

The motion failed due to lack of a seconder.

The question was called on the main motion.

The motion CARRIED.

**Little Qualicum River Regional Park Management Plan Terms of Reference.**

MOVED Director Fell, SECONDED Director Johnstone, that the Terms of Reference for the Little Qualicum River Regional Park Management Plan be approved.

CARRIED

MOVED Director Fell, SECONDED Director Holme, that two members of the Regional Parks and Trails Select Committee be appointed to participate as members of the Advisory Committee for the Little Qualicum River Regional Park Management Plan and simultaneous Meadowood Way Community Park design.

CARRIED

**2012 BC Transit Workshop – Request to Host.**

MOVED Director McPherson, SECONDED Director Bestwick, that the Board approve the RDN to host the 2012 BC Transit Workshop in Nanaimo and \$1500.00 towards the 2012 workshop reception.

CARRIED

**Country Club Centre Respite for Transit Operators.**

MOVED Director Ruttan, SECONDED Director Bestwick, that the Lease agreement between the Regional District of Nanaimo and Country Club Centre for a five (5) year term be approved.

CARRIED

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Mid Vancouver Island Habitat Enhancement Society, re Request for Letter of Support.**

MOVED Director Lefebvre, SECONDED Director Holme, that the Board send a letter of support for the Mid Vancouver Island Habitat Enhancement Society regarding the groundwater mapping and education in the Englishman River Watershed Phase 2 project.

CARRIED

**BOARD INFORMATION**

**Canadian Office and Professional Employees (COPE) Union No. 378, re BC Hydro Smart Meters.**

MOVED Director Young, SECONDED Director Anderson, that the Board accept the invitation from COPE 378 to present on the job impact of Smart Meters.

CARRIED

**RISE AND REPORT**

**Board Appointments.**

MOVED Director Ruttan, SECONDED Director Lefebvre:

That Ted Greves be appointed as the Regional District of Nanaimo representative to the Island Corridor Foundation.

That Randy Morris be nominated as the Central Vancouver Island and Northern Georgia Strait Area representative to the BC Ferry Authority Board of Directors.

That Guy Fletcher be appointed to the Board of Variance for a three year term ending December 31, 2014.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 8:13 PM

---

CHAIRPERSON

---

SR. MGR., CORPORATE ADMINISTRATION

1482 Madrona Drive  
Nanoose Bay, B.C. V9P 9C9

Feb. 15, 2012

Beard Members  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C. V9T 6N2

Board Members:

**Re: Public Access to DL33, Nanoose Bay.**

CAO'S OFFICE			
CAO	✓	GMR&PS	
GMDS		GMT&SWS	
GMF&IS		GMR&CS	
FEB 20 2012			
SMCA		BOARD	✓
CHAIR		Corres	

I am writing to ask for RDN support to create provisions for public access to DL33, Nanoose Bay (Crown Land), through DL34 (private land) at the east end of Rena Road.

Importantly, this support would not involve land purchase or any monetary contribution.

As you know, DL33 has been a contentious issue, involving recent logging concessions by the provincial government to the Nanoose Bay First Nations on Crown Land that has been recognized as an important remnant of a vanishing Coastal Douglas Fir (CDF) forest ecosystem; recognized nationally as one of the most important and threatened ecosystems in Canada.

The logging, when completed sometime this spring, will have affected about 1/3 of the area of DL33, leaving the remainder as a mix of old and maturing growth CDF complete with valuable wetlands which serve as the headwaters of Nanoose Creek – a fish-bearing stream under the protection of federal and provincial governments, and a contributor of water to downstream domestic wells.

I am concerned about the future of DL33 and would like to see some positive outcome to replace the acrimony that has developed over the logging issue. I believe there are educational and recreational opportunities to explore that would take advantage of the logging activities, and the 2/3 of the Lot still in an untouched state; including (1) development of an “Interpretative Forest” on the logged portion, and (2) conferring permanent protected status on the remainder.

The “Interpretative Forest” would need appropriate signage and trails to engage the public in understanding logging effects and forest succession processes. I have had preliminary discussions with Vancouver Island University faculty who have expressed interest in this opportunity for purposes of student and class research. It would seem therefore that there are opportunities for both public and academic educational pursuits here. I have also addressed this opportunity with the District manager, BC Ministry of Forests, Lands & Natural Resource Operations, who has also shown preliminary support. There are also opportunities for First Nations involvement, linking educational themes to their community.



Permanent protective status of the unlogged portion of DL33 would be important to preserve this remnant of the vanishing CDF forest and the valuable wetlands, and thereby comply with the stated interests of provincial ministries. Suitably placed hiking trails would provide a recreational and learning experience for the public.

Both of the above opportunities require legal public access to DL33 (footpath only). The only access at present is a legal road easement at the end of Dufferin Road; which unfortunately terminates in one of the important wetlands; making it unsuitable for the desired purposes. In my view, the most suitable alternative involves access through private property (Timberwest) DL34 at the end of Rena Road. I will be writing to Timberwest to make this request, and I ask for some form of RDN endorsement of this request, perhaps through a simple letter of support. I would be pleased to discuss this issue with RDN staff, if that is your wish.

Thank you for your attention on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross Peterson", with a long horizontal flourish extending to the right.

Ross Peterson, Nanoose Bay

C. Mason

# GESELBRACHT BROWN

BARRISTERS SOLICITORS & NOTARIES

#3-4488 Wellington Road, Nanaimo, British Columbia, V9T 2H3

E-Mail Address: inquiry@gblaw.bc.ca

Telephone: (250) 758-2825 Fax: (250) 758-7412

WILL WYN GESELBRACHT\*\_

MICHAEL W. BROWN\*\_

\* Denotes Law Corporation  
\_ Also of the Alberta Bar

File No.: 11418

February 15, 2012

CAO		<input checked="" type="checkbox"/>	GMCA
GMDS		<input type="checkbox"/>	GMT&DMS
GMF&IS		<input checked="" type="checkbox"/>	GMR&IS
FEB 15 2012			
SMCA		BOARD	<input checked="" type="checkbox"/>
CHAIR		Corres	
		G. Helme	

**HAND DELIVERED**

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

Attn: Carol Mason, Chief Administrative Officer

Dear Ms. Mason:

**Re: Schooner Cove Development and the Nanoose Volunteer Fire Dept.**

Further to my telephone conversation with Nancy Avery on February 14, 2012, this will confirm that myself, several of the directors of the Nanoose Fire Protection Society (NFPS), as well as Chief Penny and Deputy Chief Newall, met with representatives of Fairwinds Community, namely Russell Tibble and Paul Fenske on February 6, 2012, at the Fairwinds Community Centre.

The purpose of this meeting was to allow the NFPS to meet the Fairwinds Representatives, see the various future development plans of Fairwinds and discuss some of the fire protection and EMS issues which the Nanoose Volunteer Fire Department and Fairwinds may face in the future.

Would you please accept this letter as the NFPS' formal request that the RDN prepare a formal examination of the implications of the future build out of the Schooner Cove development as it impacts the Nanoose Volunteer Fire Department.

I understand that there is a regularly scheduled RDN meeting on February 28, 2012, and that this request will be placed on the agenda.


.../2

If you require any further information, please do not hesitate to contact me at (250) 758-2825, or by e-mail at will@gblaw.bc.ca.

Thank you for your attention.

Yours truly,

**GESELBRACHT BROWN**

Per:   
WILL WYN GESELBRACHT  
Chairman, Nanoose Fire Protection Society

WWG/smh

pc: George Holme, Director  
Electoral Area E



# TOWN OF QUALICUM BEACH

INCORPORATED 1942

201 - 660 Primrose St.  
P.O. Box 130  
Qualicum Beach, B.C.  
V9K 1S7

RDN REPORT	
CAO APPROVAL	
EAP	
COW	
FEB 17 2012	
RHD	Telephone: (250) 752-6921
BOARD	Fax: (250) 752-1243
E-mail: <a href="mailto:qbtown@qualicumbeach.com">qbtown@qualicumbeach.com</a>	
Website: <a href="http://www.qualicumbeach.com">www.qualicumbeach.com</a>	

February 20, 2012

Mike Squire, Program Manager  
Arrowsmith Water Service Management Committee  
c/o City of Parksville  
PO Box 1390  
Parksville, BC V9P 2H3

Emailed: [msquire@parksville.ca](mailto:msquire@parksville.ca)

Dear AWS Joint Ventures:

### Town of Qualicum Beach Appointments to the Arrowsmith Water Service Management Committee

Council, at their February 13, 2012 regular Council meeting announced their resolution appointing Councillor Mary Brouillette as the Town of Qualicum Beach member on the Arrowsmith Water Service Management Committee and Councillor Scott Tanner as her alternate, for a 12-month term, ending December 31, 2012.

We understand that your contact information and meeting schedule is as follows:

- Meetings: held four times per year
- Contact Mike Squire, Program Manager
- Email: [msquire@parksville.ca](mailto:msquire@parksville.ca)
- Phone: 250.951-2480

Correspondence or agendas for the appointee or alternate should be forwarded to the Town's postal address or via the Councillor's email: [mbrouillette@qualicumbeach.com](mailto:mbrouillette@qualicumbeach.com) and [stanner@qualicumbeach.com](mailto:stanner@qualicumbeach.com)

Contact me at 250.738.2202 if any of the above information is incorrect or you require any additional information.

Yours truly,

Trudy Coates,  
Corporate Administrator  
/vl

c. Councillor Brouillette; Councillor Tanner; Regional District of Nanaimo  
N:\Letters\2012\appointments council mtg Feb 13.docx  
File: 0360-20-AWS



RDN REPORT	
CAO APPROVAL	
EAP	
COW	
FEB 22 2012	
RHD	
VISA	

# TOWN OF QUALICUM BEACH

INCORPORATED 1942

201 - 660 Primrose St.  
P.O. Box 130  
Qualicum Beach, B.C.  
V9K 1S7  
February 20, 2012

Telephone: (250) 752-6921  
Fax: (250) 752-1243  
E-mail: [qbtown@qualicumbeach.com](mailto:qbtown@qualicumbeach.com)  
Website: [www.qualicumbeach.com](http://www.qualicumbeach.com)

Emailed: [tosborne@rdn.bc.ca](mailto:tosborne@rdn.bc.ca)  
Tom Osborne, General Manager  
Regional District of Nanaimo  
District 69 Recreation Commission  
830 West Island Highway  
Parksville, BC V9P 2X4

Dear Tom Osborne:

## Town of Qualicum Beach Appointment to the District 69 Recreation Commission

Council, at their February 13, 2012 regular Council meeting announced their resolution appointing to the District 69 Recreation Commission Councillor Scott Tanner as the Town of Qualicum Beach member and Councillor Bill Luchtmeijer as his alternate, for a 12-month term, ending December 31, 2012.

We understand that your contact information and meeting schedule is as follows:

- Meetings: held 3<sup>rd</sup> Thursday of each month @ 2:00 p.m. @ Oceanside Place
- Contact: Tom Osborne, General Manager
- Email: [tosborne@rdn.bc.ca](mailto:tosborne@rdn.bc.ca)
- Phone: 250.248.3252 (office)

Correspondence or agendas for the appointee should be forwarded to the Town's postal address or via the Councillor's email: [stanner@qualicumbeach.com](mailto:stanner@qualicumbeach.com) and [bluchtmeijer@qualicumbeach.com](mailto:bluchtmeijer@qualicumbeach.com)

Please contact me at 250.738.2202 if any of the above information is incorrect or you require any additional information.

Yours truly,

Trudy Coates  
Corporate Administrator  
/vl

c. Councillor Tanner  
c. Councillor Luchtmeijer  
N:\Letters\2012\appointments council mtg Feb 13.docx  
File: 0360-20-D69RC



RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	
COW	
FEB 22 2012	
RHD	
BOARD	✓

**MEMORANDUM**

**TO:** Jeremy Holm  
Manager of Current Planning

**DATE:** February 21, 2012

**FROM:** Kim Farris  
Planner

**FILE:** PL2009-751

**SUBJECT:** Zoning Amendment Application No. PL2009-751, Bylaw No. 500.363  
Timberlake Jones Engineering Ltd.  
Lot 4, District Lot 84, Nanoose District, Plan 47545 - 1790 Claudet Road  
Electoral Area 'E'

**PURPOSE**

To consider Bylaw No. 500.363 for adoption.

**BACKGROUND**

The Regional District of Nanaimo received an application in 2009 from Timberlake Jones Engineering Ltd. on behalf of Kathleen Pope to rezone the subject property from Resource Management 3 (RM3), Subdivision District 'B' (8.0 ha minimum parcel size with or without community services) to Rural 5 (RU5), Subdivision District 'CC' (4.0 ha minimum parcel size with or without community services) in order to permit a two lot subdivision (see *Attachment No. 1* for location of subject property).

Each proposed lot is 4.0 ha in size, and is to be serviced by individual on-site septic disposal systems and potable water wells (see *Attachment No. 2* for proposed plan of subdivision). Each proposed parcel will be limited to a maximum of one dwelling unit.

The proposed Amendment Bylaw No. 500.363 received first and second reading on September, 21, 2010, and third reading on October 26, 2010, and a Public Hearing was held on October 18, 2010, (see *Attachment No. 3* for Public Hearing report). It is important to note that 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, the applicant must register the following documents on the subject property's title prior to adoption of the bylaw:

1. A covenant stating that no subdivision shall occur until such time that a report from a Professional Engineer with current standing in BC has been completed to the satisfaction of the RDN confirming that the well to serve the proposed new parcel has been drilled and has been pump tested and certified including well head protection, and that the potable well water meets the Canadian Drinking Water Standards with respect to quality.

2. A covenant declaring the number of parcels to be created, restricting each parcel to one dwelling unit only and prohibiting further subdivision of the land, including subdivision pursuant to the Strata Property Act.
3. A statutory right-of-way in the northwest corner of the subject property in favour of the Regional District for the purpose of extending a trail network.

The above documents were secured on the property title on January 24, 2012, by the applicant therefore satisfying the Conditions of Approval.

**ALTERNATIVES**

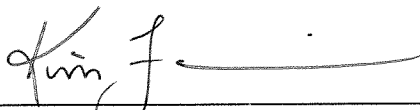
1. To adopt "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.363, 2010".
2. To not adopt "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.363, 2010"

**SUMMARY/CONCLUSION**

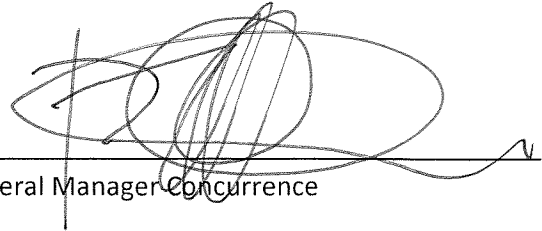
The purpose of Bylaw No. 500.363, 2010 is to rezone the subject property to facilitate a two lot subdivision. The amendment bylaw was introduced and read two times on September 21, 2010, and the Public Hearing was held on October 18, 2010. The bylaw received third reading October 26, 2010, following which the applicant proceeded to secure Conditions of Approval. The requirements set out in the Conditions of Approval have been completed by the applicant; therefore, staff recommends that Bylaw No. 500.363, 2010, be adopted.

**RECOMMENDATION**

- 1 That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.363, 2010" be adopted.



Report Writer



General Manager Concurrence

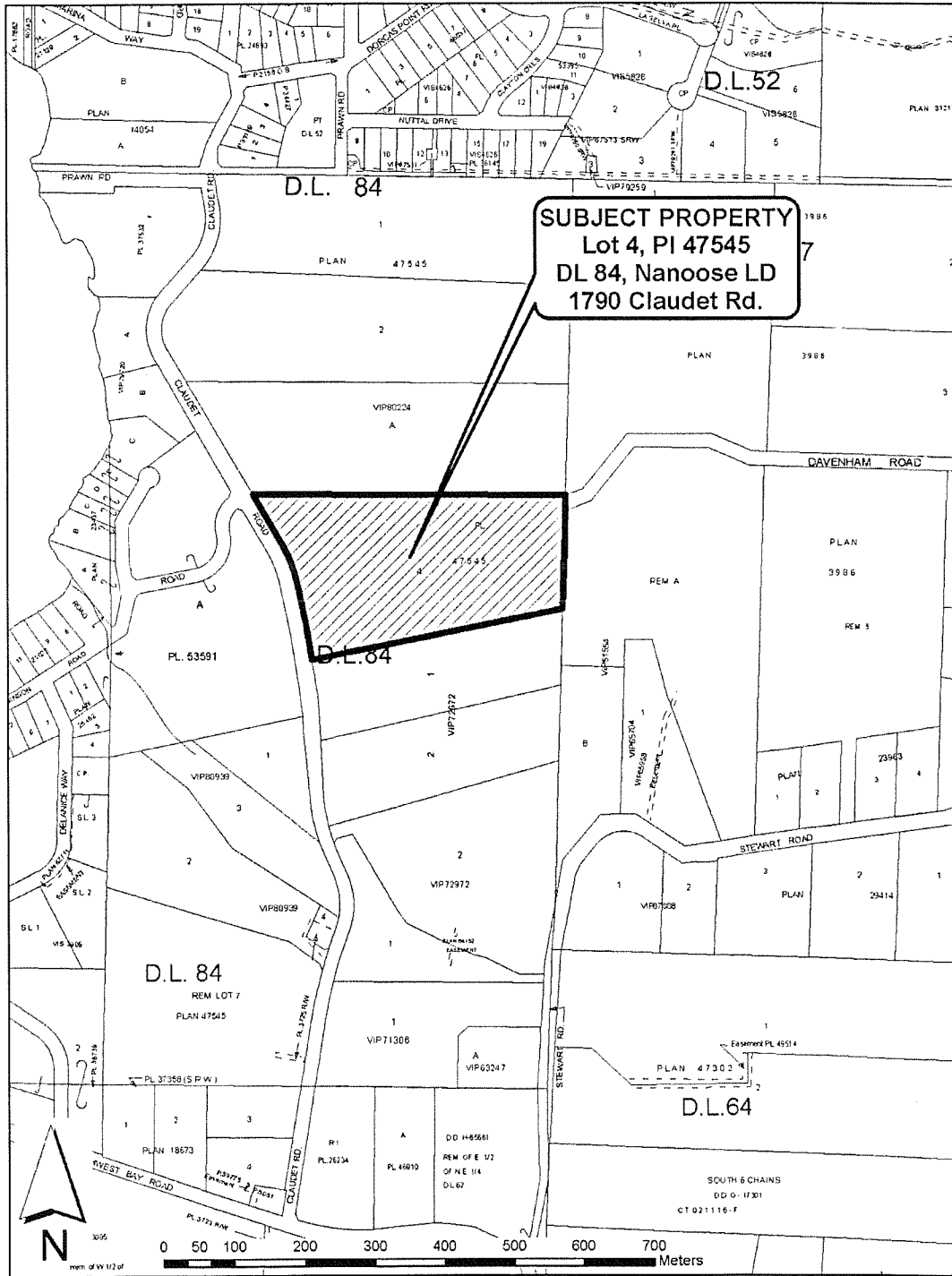


Manager Concurrence



CAO Concurrence

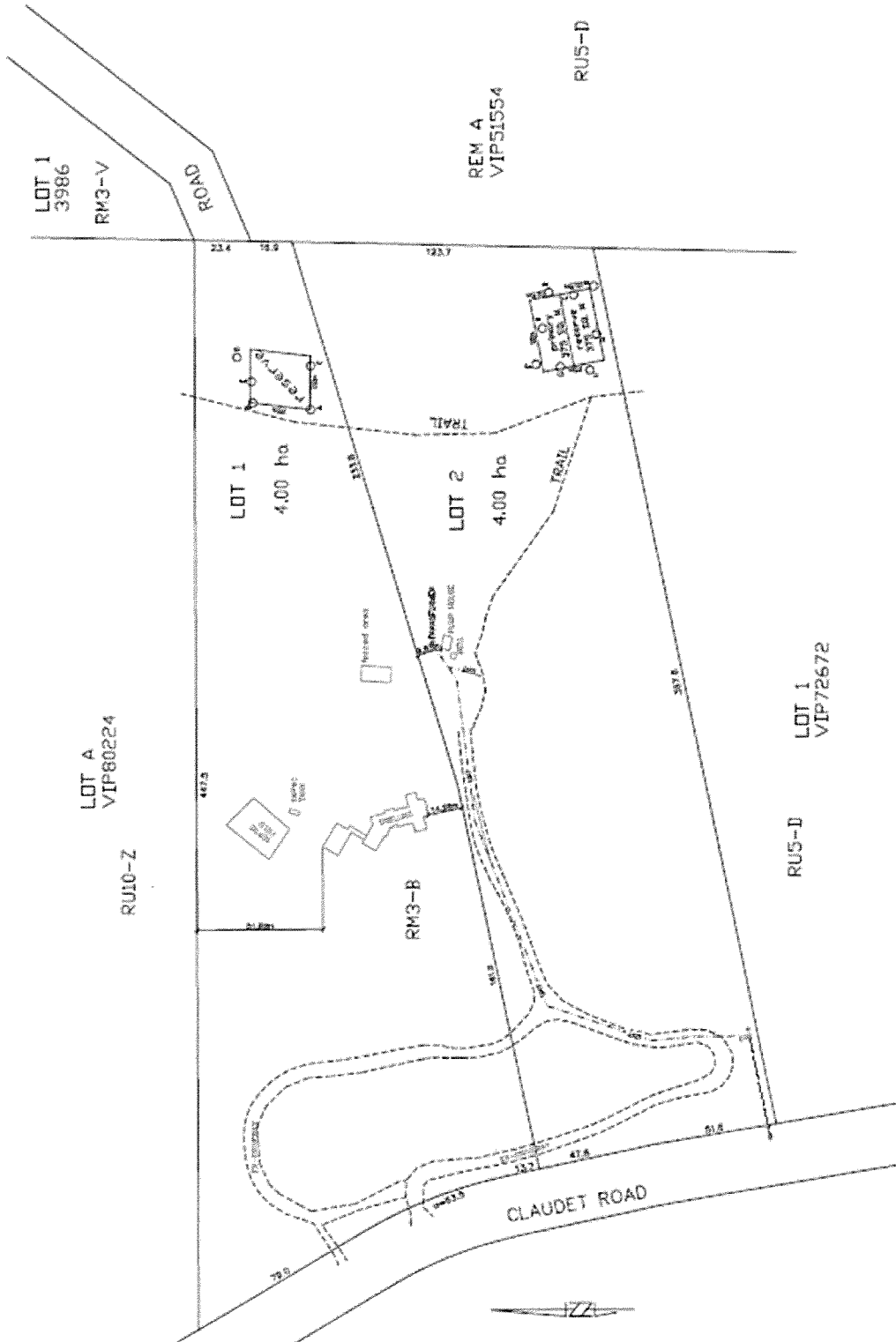
Attachment No. 1  
Location of Subject Property





Attachment No. 2  
Proposed Subdivision Plan

PROPOSED SUBDIVISION OF LOT 4, DISTRICT  
LOT 84, NANOOSE DISTRICT, PLAN 47545



R.C.S. 92F.010  
Scale = 1:1000



LOT STATISTICS

Lot	Area M <sup>2</sup>	Proposed M <sup>2</sup>	Envelope M <sup>2</sup>	Envelope Percentage M <sup>2</sup>	Appt M <sup>2</sup>	Appt Percentage M <sup>2</sup>	Comments
1	4.00	1038.7	142.5	13.7	410	39	
2	4.00	985.3	99.4	10.1	385	38	

Attachment No. 3  
Public Hearing Report

CC#	
REP	
BOARD	✓ Oct 26 '10



MEMORANDUM

---

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

**DATE:** October 19, 2010

**FROM:** Kristy Marks  
Planner

**FILE:** PL2009-751

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

---

**PURPOSE**

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

**BACKGROUND**

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

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

**ALTERNATIVES**

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

**SUMMARY**

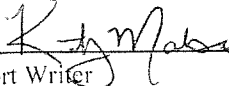
The purpose of Bylaw No. 500.363, 2010 is to rezone the subject property to facilitate a two lot subdivision. The amendment bylaw was introduced and read two times on September 21, 2010 and preceded to Public Hearing on October 18, 2010. The requirements set out in the Conditions of Approval (*see Schedule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

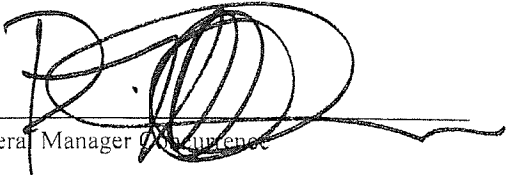
*File No. PL2009-751  
October 19, 2010  
Page 2*

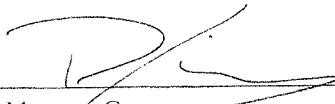
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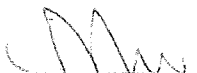
**RECOMMENDATIONS**

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

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

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

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

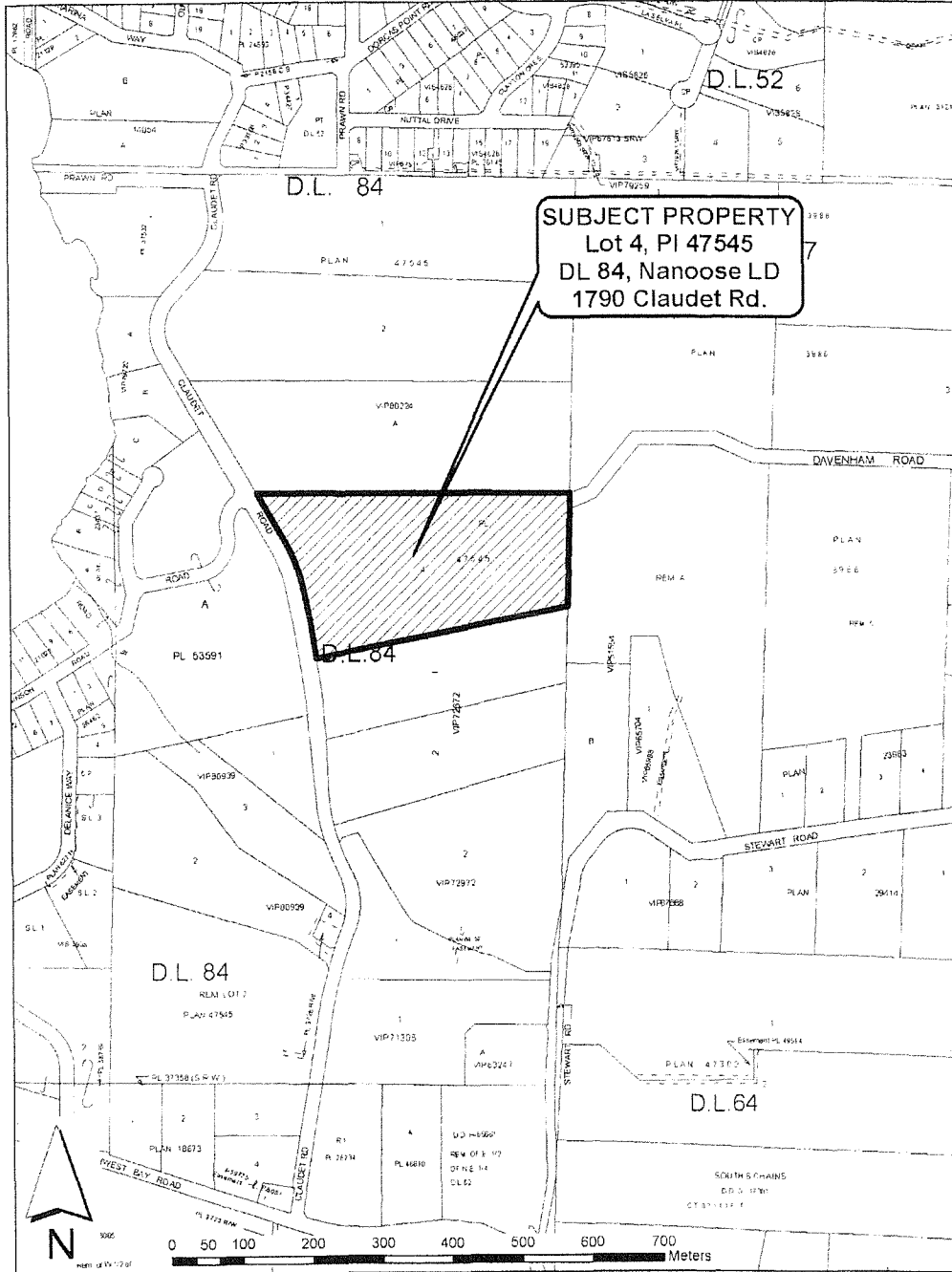
  
\_\_\_\_\_  
CAO Concurrence

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

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

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

Attachment No. 1  
Location of Subject Property



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

**Summary of Minutes and Submissions**

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

**PRESENT:**

George Holme  
Kristy Marks

Chairperson, Director, Electoral Area 'E'  
Planner

There were four people in attendance.

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

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

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

The Chairperson called for further submissions for the second time.

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

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

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

---

Kristy Marks  
Recording Secretary

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, FEBRUARY 14, 2012 AT 6:30 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

Director G. Holme	Chairperson
Director A. McPherson	Electoral Area A
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:**

M. Pearse	Sr. Mgr., Corporate Administration
P. Thorkelsson	Gen. Mgr., Development Services
J. Holm	Mgr., Current Planning
P. Thompson	Mgr., Long Range Planning
N. Hewitt	Recording Secretary

**DELEGATIONS**

**Randy Orr, re Building Strata Conversion Application PL2011-165.**

Mr. Orr spoke in support of his application.

**MINUTES**

MOVED Director Stanhope, SECONDED Director Young, that the minutes of the regular Electoral Area Planning Committee meeting held January 10, 2012 be adopted.

CARRIED

**PLANNING**

***DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS***

**Development Permit with Variance Application No. PL2011-174 C.A. Design – John Larson – Lot 9, Section 7, Range 6, Cedar District, Plan 9877 – 2550 Pylades Drive, Electoral Area ‘A’.**

MOVED Director McPherson, SECONDED Director Stanhope, that this application be referred back to staff for further discussions with the applicant.

CARRIED

**Development Permit with Variance Application No. PL2011-024 – Kazan Investments Ltd.; Michael J. Hill Ltd.; Douglas E. Hill Ltd. – That Part of Lot 2, District Lot 81, Nanoose District, Plan 6179 Lying to the East of the Easterly Boundary of Plan 814 RW – 883 & 899 Island Highway West, Electoral Area ‘G’.**

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

CARRIED

MOVED Director Stanhope, SECONDED Director Veenhof, that Development Permit with Variance Application No. PL2011-024 be approved subject to the conditions outlined in Schedule 1.

CARRIED

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

**Development Variance Permit Application No. PL2011-177 – Victor Blasco – Lot 109, District Lot 28, Nanoose District, Plan 30213 – 594 Karl’s Way, 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 Application No. PL2011-177 to reduce the minimum required setback from the front lot line from 8.0 metres to 1.5 metres be approved subject to the conditions outlined in Schedules 1 to 3.

CARRIED

**Development Variance Permit Application No. PL2011-188 – Eric Jantzen – Lot 6, Section 7, Range 4, Cranberry District, Plan VIP67928 – 85 Colwell Road, Electoral Area ‘C’.**

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

CARRIED

MOVED Director Young, SECONDED Director McPherson, that Development Variance Permit Application No. PL2011-188 be approved subject to the conditions outlined in Schedules No. 1 to 2.

CARRIED

***OTHER***

**Building Strata Conversion Application PL2011-165 – Randy and Karen Orr – Lot 1, District Lot 137, Nanoose District, Plan 29414 – 1876 Stewart Road, Electoral Area ‘E’.**

MOVED Director Stanhope, SECONDED Director Young, that the request from Randy and Karen Orr for the building strata conversion (Application No. PL2011-165) as shown on the proposed strata plan of Lot 1, District Lot 137, Nanoose District, Plan 29414 be approved subject to the conditions outlined in Schedule No. 1.

CARRIED



**Electoral Area 'A' Cedar Main Street Design Update – Citizen's Advisory Group Terms of Reference Amendment.**

MOVED Director McPherson, SECONDED Director Fell, that the Electoral Area 'A' Cedar Main Street Design Project Citizen's Advisory Group Terms of Reference be amended by increasing the maximum number of members from twelve to twenty and by providing more flexibility in the membership composition as shown in Attachment No. 1.

CARRIED

**ADJOURNMENT**

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

CARRIED

**Time:** 6:51 PM

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CHAIRPERSON

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE COMMITTEE OF THE WHOLE  
MEETING HELD ON TUESDAY, FEBRUARY 14, 2012 AT 7:00 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

Director J. Stanhope	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 M. Lefebvre	City of Parksville
Director D. Willie	Town of Qualicum Beach
Director B. Dempsey	District of Lantzville
Director J. Ruttan	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director J. Kipp	City of Nanaimo
Director D. Johnstone	City of Nanaimo
Director T. Greves	City of Nanaimo
Alternate	
Director B. McKay	City of Nanaimo
Alternate	
Director F. Pattje	City of Nanaimo

**Regrets:**

Director G. Anderson	City of Nanaimo
Director D. Brennan	City of Nanaimo

**Also in Attendance:**

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

**CALL TO ORDER**

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

## **MINUTES**

MOVED Director Holme, SECONDED Director Ruttan, that the minutes of the regular Committee of the Whole meeting held January 10, 2012 be adopted.

CARRIED

## **COMMUNICATIONS/CORRESPONDENCE**

**Mike Wansink, INfilm, re Regional Film Forum.**

MOVED Director Johnstone, SECONDED Director Lefebvre, that the correspondence from INfilm be received.

CARRIED

**Don, Alberg, Dashwood Volunteer Fire Department, re Upgrade/Renewal of the Dashwood Fire Hall.**

MOVED Director Johnstone, SECONDED Director Lefebvre, that the correspondence from Dashwood Volunteer Fire Department be received.

CARRIED

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

### **FINANCE**

**2012 – 2016 Proposed Financial Plan.**

MOVED Director Holme, SECONDED Director Veenhof, that the Board receive the report on the 2012 budget as amended and the 2012 to 2016 financial plan and direct staff to prepare the financial plan bylaw on that basis.

MOVED Director Young, SECONDED Director Fell, that the 2012 to 2016 Financial Plan be amended to remove from year 2016 in the capital plan the amount of \$1.5 million for proposed seismic reconstruction of the Extension Fire Hall.

CARRIED

MOVED Director Willie, SECONDED Director Lefebvre, that the tax requisition for the Northern Community Wastewater budget proceed as budgeted with the inclusion of \$36,845 to address underground manhole location and repairs.

CARRIED

The question was called on the main motion, as amended.

The motion CARRIED.

***DEVELOPMENT SERVICES***

**BUILDING, BYLAW & EMERGENCY PLANNING**

**Animal Control Service Agreements.**

MOVED Director Johnstone, SECONDED Director Veenhof, that the Agreement for Animal Control Services in District 69 with Coastal Animal Control Services of BC Limited be approved for a term commencing April 1, 2012 and ending December 31, 2016.

CARRIED

MOVED Director Johnstone, SECONDED Director Veenhof, that the Agreement for Animal Control Services in District 68 with Coastal Animal Control Services of BC Limited be amended to extend the end date of the Agreement from December 31, 2013 to December 31, 2016.

CARRIED

MOVED Director Johnstone, SECONDED Director Veenhof, that the agreement between the SPCA and the Regional District of Nanaimo for the sale of dog licenses and the use of the animal shelter at 1565 Alberni Highway for the boarding of impounded dogs be approved for a term commencing April 1, 2012 and ending December 31, 2016

CARRIED

***REGIONAL AND COMMUNITY UTILITIES***

**WASTEWATER**

**GNPCC Biosolids Management Contract Short Term Extension.**

MOVED Director Bestwick, SECONDED Director Veenhof, that the Board approve an extension to the Vancouver Island University biosolids management contract to June 30, 2012, to provide opportunity for staff to negotiate a new longer term partnership agreement for the management of biosolids from both the Greater Nanaimo and French Creek Pollution Control Centres.

CARRIED

**WATER**

**Bylaws 1654 & 1655 – Water User Rate Amendments 2012.**

MOVED Director Houle, SECONDED Director Lefebvre, that "Whiskey Creek Water Service Rates and Regulations Bylaw No. 1636, 2011" be repealed.

CARRIED

MOVED Director Houle, SECONDED Director Lefebvre, that "Regional District of Nanaimo Water Use Regulation Bylaw No. 1639, 2011" be repealed.

CARRIED

MOVED Director Houle, SECONDED Director Lefebvre, that "Regional District of Nanaimo Water Services Fees & Charges Bylaw No. 1640, 2011" be repealed.

CARRIED

MOVED Director Houle, SECONDED Director Lefebvre, that "Regional District of Nanaimo Water Use Regulation Bylaw No. 1654 2012" be introduced and read three times.

CARRIED

MOVED Director Houle, SECONDED Director Lefebvre, that "Regional District of Nanaimo Water Use Regulation Bylaw No. 1654, 2012" be adopted

CARRIED

MOVED Director Houle, SECONDED Director Lefebvre, that "Regional District of Nanaimo Water Services Fees & Charges Bylaw No. 1655, 2012" be introduced and read three times.

CARRIED

MOVED Director Houle, SECONDED Director Lefebvre, that "Regional District of Nanaimo Water Services Fees & Charges Bylaw No. 1655, 2012" be adopted.

CARRIED

**Infrastructure Planning Grant Program – Application on Behalf of the North Cedar Improvement District.**

MOVED Director McPherson, SECONDED Director Ruttan, that the Board support the North Cedar Improvement District grant application for the "Water System Study Update".

CARRIED

MOVED Director McPherson, SECONDED Director Ruttan, that staff be directed to submit the grant application to the Ministry of Community and Rural Development on behalf of the North Cedar Improvement District.

CARRIED

***TRANSPORTATION AND SOLID WASTE SERVICES***

**SOLID WASTE**

**Residential Curbside Collection Program Progress Report.**

MOVED Director Fell, SECONDED Director Johnstone, that the Board receive the Residential Curbside Collection Program Progress Report for information.

CARRIED

**Multi-Family Housing Diversion Strategy Progress Report.**

MOVED Director Lefebvre, SECONDED Director Veenhof, that the Board receive the Multi-Family Housing Diversion Strategy Progress Report for information.

CARRIED

**Regional Landfill Comprehensive Engineering Consulting Services Contract Extension.**

MOVED Director Holme, SECONDED Director Ruttan, that the Board extends the comprehensive engineering consulting services contract with XCG Consultants Ltd. for an additional two (2) year term expiring May 2014.

CARRIED

**Regional Landfill Environmental Monitoring Services Contract Extension.**

MOVED Director Holme, SECONDED Director Fell, that the Board extend the contract for environmental monitoring services at the Regional Landfill with Conestoga-Rovers & Associates for a two (2) year term expiring March 2014 for a contract value of \$176,032.

CARRIED

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**INfilm, re Regional Film Forum.**

MOVED Director Willie, SECONDED Director Greves, that the correspondence be referred to the Northern Community Economic Development Select Committee.

CARRIED

**Dashwood Volunteer Fire Department, re Upgrade/Renewal of the Dashwood Fire Hall.**

MOVED Director Greves, SECONDED Director Veenhof, that the correspondence be referred to staff for follow up.

CARRIED

**NEW BUSINESS**

**District 69 Recreation Commission.**

MOVED Director Fell, SECONDED Director Holme, that the Regional District Board appoint Leanne Salter as the Alternate Electoral Area 'F' Appointee to the District 69 Recreation Commission.

CARRIED

**Vancouver Island Treaties Conference Registration.**

MOVED Director Kipp, SECONDED Director Ruttan, that the Board authorize those Electoral Area Directors that wish to attend the Snuneymuxw First Nation / VIU Conference on pre-Confederation treaties being held on May 10 and 11, 2012 at VIU.

CARRIED

**BC Hydro Smart Meters.**

MOVED Director Houle, SECONDED Director Young, that the resolution endorsed at the August 23, 2011 Board meeting with respect to placing a moratorium on the mandatory installation of wireless smart meters be forwarded to the Provincial Government and BC Hydro.

CARRIED

**Request for Groundwater Study on GNPCC & FCPC Biosolids at VIU Wood Lot.**

MOVED Director Young, SECONDED Director Pattje, that staff be requested to prepare a report on the implications of undertaking a groundwater study on the application of biosolids at the VIU Wood Lot.

CARRIED

**ADJOURNMENT**

MOVED Director Holme, SECONDED Director Bestwick, that pursuant to Sections 90(1)(e) and 90(1)(a) of the Community Charter the Board proceed to an In Camera meeting to consider land issues and Board appointments.

CARRIED

TIME: 8:16 PM

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CHAIRPERSON

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SR. MGR., CORPORATE ADMINISTRATION

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE SUSTAINABILITY SELECT COMMITTEE  
MEETING HELD ON WEDNESDAY, FEBRUARY 15, 2012  
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 B. Dempsey	District of Lantzville
Director M. Lefebvre	City of Parksville
Director D. Willie	Town of Qualicum Beach

**Regrets:**

Director J. Kipp	City of Nanaimo
Director D. Brennan	City of Nanaimo

**Also in Attendance:**

Carol Mason	Chief Administrative Officer
Paul Thorkelsson	General Manager, Development Services
Mike Donnelly	Manager, Water Services
Paul Thompson	Manager, Long Range Planning
Chris Midgley	Manager, Energy & Sustainability
Lisa Bhopalsingh	Senior Planner
Jennifer Frumento	Sustainability Coordinator
Karen Sanders	Recording Secretary

**CALL TO ORDER**

The meeting was called to order at 2:03 pm by the Chairperson.

**BUSINESS ARISING FROM THE MINUTES**

Director Lefebvre inquired about the status of the Raven Coal Project. Paul Thorkelsson stated that the final report is not yet available and the date it becomes available is unknown at this time.

**DELEGATION**

**MINUTES**

MOVED Director Veenhof, SECONDED Director Lefebvre, that the minutes of the Sustainability Select Committee meeting held on September 21, 2011, be adopted.

CARRIED



**REPORTS**

The following presentations were provided as an overview/update of the Sustainability Select Committee's accomplishments and the goals for 2012:

- Regional Growth Strategy – What's New and Implementation Actions for 2012-2013
- Energy and Sustainability Program Overview
- Drinking Water and Watershed Protection Program Overview

**NEW BUSINESS**

**ADJOURNMENT**

MOVED Director Veenhof, SECONDED Lefebvre, that this meeting be adjourned.

CARRIED

Time: 4:13 pm

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CHAIRPERSON



RDN REPORT	
CAO APPROVAL	
EAP	
COW	
FEB 17 2012	
RHD	
BOARD	<input checked="" type="checkbox"/>

**MEMORANDUM**

**TO:** Carol Mason  
Chief Administrative Officer

**DATE:** February 16, 2012

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

**File:**

**SUBJECT:** Offer of Nominal Rent Lease of Crown Land – Bowser, B.C.

**PURPOSE:**

To obtain approval to accept the offer of a nominal rent lease tenure over land in the Bowser Village Centre for the use of seniors housing and wastewater treatment infrastructure.

**BACKGROUND:**

At its meeting held May 25, 2010 the Regional Board directed staff to meet with the Bowser Seniors Housing Society Executive to discuss a partnership approach between the RDN and the Bowser Senior Housing Society to apply for a Free Crown Grant for two lots of Crown Land within the boundary of the Bowser Village Centre. If the application was successful the RDN would lease part of the two lots to the Housing Society for the purposes of building an independent-supportive seniors housing facility.

An application was subsequently submitted solely by the Regional District of Nanaimo which identified two uses for the lands – a future wastewater treatment plant site for the Village Centre and the seniors housing proposed by the Housing Society. The concept on the use of the lands is to construct housing along the road frontage of the two lots with the remainder of the lots reserved for a modular wastewater treatment plant.

The proposed use of the property is supported by the Province but because of the conceptual nature of the plans, the province cannot support an unconditional free crown grant at this time. In recognition that obtaining financing is crucial to further development of the senior’s housing project a nominal rent tenure of twenty years has been offered instead.

**ALTERNATIVES:**

1. Accept the nominal rent tenure as presented.
2. Do not accept the tenure offer at this time.

**FINANCIAL IMPLICATIONS:**

Alternative 1:

There are no imminent financial implications arising from accepting this crown lease offer. The acceptance offer recommends surveying the property for nests or other protected species before any disturbance takes place. This would likely be cost shared with the Housing Society at a later date. The offer is time sensitive and must be accepted by the Regional District on or before March 22, 2012.

**SUSTAINABILITY IMPLICATIONS:**

Securing this land is a significant opportunity to assist the community to develop a new housing option for independent seniors in this area and within the village core. In addition to the housing implications, the location of the project will be of benefit to local businesses in the vicinity and should improve the general health and welfare of the seniors able to live in this facility.

As also noted, the land is targeted for the development of some form of wastewater treatment facility serving the village lands thereby reducing the reliance on individual septic systems.

**SUMMARY/CONCLUSIONS:**

The Regional District of Nanaimo has received an offer for a nominal rent tenure over two Crown lots in the Bowser Village Centre area. The lands are intended to be used to locate a small senior's supportive housing project which is under development by the Bowser Seniors Housing Society, as well as a future site for wastewater treatment for the village lands. Both proposed uses are currently conceptual in nature and while the Province supports the intended uses it cannot offer a fee simple grant until there is more certainty that the project or projects will be completed. Instead, a 20 year nominal rent tenure has been offered to at least provide the Housing Society an opportunity to move forward on securing financing. There are no imminent financial implications for the Regional District. Staff recommend accepting the offer and executing the lease documents.

**RECOMMENDATIONS:**

That the Regional District accept and execute the offer from the Province of BC for a nominal rent tenure over Lots 1 and 2, District Lot 36 E&N, Plan 2076, Newcastle District.

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

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



Ministry of Forests, Lands and  
Natural Resource Operations  
Suite 142 - 2080 Labieux Road  
Nanaimo, BC V9T 6J9

Telephone No: 250 751-7248  
Facsimile No: 250 751-7224

HST Registration No: R107864738

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Your contact is: Barbara Biss

Our file: 1408707

### **TENURE OFFER**

February 7, 2012

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

Attention: Nancy Avery

Dear Madam:

**Re: Your Application for a Tenure over Crown Land**

Your application for a lease for senior supportive housing complex, sewage treatment facility and waste water management system purposes over:

LOT 1 AND 2, DISTRICT LOT 36E&N, NEWCASTLE DISTRICT, PLAN 2076,  
EXCEPT THAT PART OUTLINED IN RED, PLAN 1104R, THAT PART LYING  
NORTH OF HIGHWAY AS SHOWN ON, PLAN 1104R.

(the "Land") has been accepted by us subject to fulfillment of certain requirements. Accordingly, we are offering to you a lease on the terms and conditions set out in this letter.

**Please note that we are unable to recommend in favour of a Sponsored Crown Grant due to the conceptual nature of the development plan and the long range fundraising required. However, as acquiring an interest in the land is a key component to completing your financial needs, at this time we are prepared to offer you a 20 year nominal rent lease of the land. Once you have the necessary financing and a final approved development plan in place we invite you to reapply for a Sponsored Crown Grant.**

**Please be advised that Ministry of Transportation and Infrastructure (MOTI) has advised that approval is supported subject to the RDN obtaining a MOTI Access**

**Permit. Utility lines are to be developed within the approved MOTI Road Right of Way. The undeveloped access road (Pitt/Sundry Road or Edgewater Road) is to be designed by a professional engineer to MOTI standards (inclusive of any drainage designs to show how drainage will be taken to a capable natural outfall); All buildings are to meet or exceed the minimum 4.5m set back limitations from the boundary of the road right of way as per BC Reg 513/04.**

**It is also recommended that prior to development and disturbance of the site a survey of the subject properties is conducted to determine if there may be nests or occurrences of other protected, rare and endangered species or ecosystems.**

Please be aware that you are required under this lease to observe, abide by and comply with all applicable laws, bylaws, orders, directions, ordinances and regulations of any competent governmental authority which in any way affects your use and occupation of the Crown land and any improvements made to that land. If you have any concerns or questions regarding any such laws, bylaws, orders, directions, ordinances and regulations you are encouraged to seek legal advice.

### **Deadline for Your Acceptance of this Offer**

This offer may be accepted by you within 45 days of the date of this offer (unless this deadline is extended in writing by us). To accept this offer, you must complete and return to us the enclosed acceptance page by that time. If you do not wish to accept this offer, please check the applicable box on the acceptance page and sign and return the page to us so that we may record your rejection of our offer.

### **1. Conditions of Offer**

Enclosed are two copies of your lease. If you accept this offer by returning the acceptance page to us within the time set out above, you must then execute and return these documents to us within 45 days from the date of this letter.

#### Insurance

We confirm receipt from you of evidence of an Alternative Risk Financing Program. Upon request, you must submit to our office proof of continuation of your Alternative Risk Financing Program.

#### Additional Requirements

**Please be advised that updated development plan will be required when building plans have been finalized and prior to any construction.**

The enclosed tenure documents must **all** be signed in the spaces provided on the signature page by persons authorized to sign on behalf of the municipality. **Return all copies to us.**

If you sign the lease documents and return them to us within 45 days from the date of this letter (unless this deadline is extended in writing by us), together with each of the items listed in this section, the lease documents will be signed on behalf of the Province. We will then return an executed copy of the lease to you. If the lease documents and each of the items listed in this section are not returned to us within 45 days from the date of this letter, we will be under no further obligation to issue the lease to you and this offer will terminate.

## 2. Acknowledgments of the Applicant

By accepting this offer, you agree that:

- (a) This offer cannot be transferred to another person.
- (b) This offer and the lease do not guarantee that
  - (i) the Land is suitable for your proposed use,
  - (ii) the Land can be built on,
  - (iii) there is access to the Land, or
  - (iv) the Land is not susceptible to flooding or erosion.
- (c) This offer will survive the signing and issuance of the lease but if any contradiction exists between the terms of this offer and the lease, the terms of the lease will prevail.
- (d) This offer does not give you any right to use or occupy the Land for any purpose.
- (e) Under the *Land Act*, this offer is not binding upon the Province until the lease is signed by the Province.
- (f) Time is of the essence in this offer.

## 3. Your Representations

By accepting this offer, you confirm that:

- (a) You (or your authorized representative) have inspected the Land and are fully aware of its condition.
- (b) You have knowledge of all municipal and regional bylaws regulating the use and development of the Land.
- (c) You acknowledge that you have no right to use or occupy the Land unless and until the lease is issued to you under this offer.

- (d) You are aware that you must obtain a License to Cut from the Ministry of Forests, Lands and Natural Resource Operations before harvesting, clearing, cutting, burning or selling any merchantable or non-merchantable timber on the Land.

**Freedom of Information**

Personal information is collected under the *Land Act* for the purpose of administering Crown land. Information on your application, and if issued, your tenure, will become part of the Crown Land Registry, from which information is routinely made available to the public under freedom of information legislation.

Yours truly,



Authorized representative

**Acceptance of Offer of lease**

File No. 1408707

Ministry of Forests, Lands and Natural Resource Operations  
Suite 142 - 2080 Labieux Road  
Nanaimo, BC V9T 6J9

Dear Barbara Biss:

**Re: Application for lease**

I/We accept the offer of lease made to me/us by way of a letter dated February 7, 2012 from the Ministry of Forests, Lands and Natural Resource Operations and I/we agree to perform and abide by my/our covenants, acknowledgements and representations set out in that offer.

I/We do not accept the offer of lease made to me/us by way of a letter dated February 7, 2012 from the Ministry of Forests, Lands and Natural Resource Operations.

DATED the \_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Applicant's signature/Applicant's representative's signature

\_\_\_\_\_  
Applicant's signature/Applicant's representative's signature

\_\_\_\_\_  
Print name of person signing

\_\_\_\_\_  
Print name of person signing