

REGIONAL DISTRICT OF NANAIMO

**REGULAR BOARD MEETING
TUESDAY, OCTOBER 2, 2012
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

- 1. CALL TO ORDER**
 - 2. DELEGATIONS**
8 - 18 **Mike Nunn and Darren Oswald**, re request to install a seasonal dock at 3030 Yellow Point Road, Electoral Area 'A'.
 - 19 **Joanne McLeod, RDN Agricultural Advisory Committee**, re Agricultural Area Plan.
 - 3. BOARD MINUTES**
20 - 25 Minutes of the regular Board meeting held Tuesday, August 28, 2012 (All Directors – One Vote).
 - 4. BUSINESS ARISING FROM THE MINUTES**
 - 5. COMMUNICATIONS/CORRESPONDENCE**
 - 6. UNFINISHED BUSINESS**
- BYLAW ADOPTION**
- 26 - 30 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' (Electoral Area Directors, Except EA 'B' – One Vote).

That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.378, 2012" be adopted.

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

7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

31 - 34 Minutes of the Electoral Area Planning Committee meeting held Tuesday, September 11, 2012 (for information) (All Directors – One Vote).

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2012-066 – Ron Ashmore – 302 Waters Road, Electoral Area ‘G’ (Electoral Area Directors, except EA ‘B’ – One Vote).

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.

Development Permit Application No. PL2012-008 – 3301 Andres Road - Electoral Area ‘C’ (Electoral Area Directors, except EA ‘B’ – One Vote).

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.

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’ (Electoral Area Directors, except EA ‘B’ – One Vote).

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.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2012-098 – Kevin & Wendy May – Electoral Area ‘G’ (Electoral Area Directors, except EA ‘B’ – One Vote).

Delegations wishing to speak to Development Variance Permit Application No. 2012-098.

1. *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. PL2012-112 – Van Dyk – 1820 Settler Road – Electoral Area ‘F’ (Electoral Area Directors, except EA ‘B’ – One Vote).

Delegations wishing to speak to Development Variance Permit Application No. PL2012-112.

1. *That Development Variance Permit No. PL2012-112 be approved subject to the conditions outlined in Schedule 1.*

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

Delegations wishing to speak to Development Variance Permit Application No. 2012-058.

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

Development Variance Permit Application No. PL2012-090 – Barrie Cook – 2182 Yellow Point Road – Electoral Area ‘A’ (Electoral Area Directors, except EA ‘B’ – One Vote).

Delegations wishing to speak to Development Variance Permit Application No. 2012-090.

1. *That Development Variance Permit Application No. PL2012-090 be approved subject to the conditions outlined in Schedule 1.*

OTHER

35

Amendment Bylaw No. 500.372 – Zoning Amendment Application No. PL2012-070 – 639582 BC Ltd. Lot A, District Lot 28, Nanoose District, Plan VIP60624 – 1395 Island Highway West – Electoral Area ‘G’ (Electoral Area Directors, except EA ‘B’ – One Vote).

1. *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.*
2. *That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.372, 2012” be introduced and read two times.*

3. *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.*

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement PL2012-081 – 2956 and 2962 Ridgeway Road – Electoral Area ‘C’ (Electoral Area Directors, except EA ‘B’ – One Vote).

That the request to relax the minimum 10% perimeter frontage requirement for proposed lot A in conjunction with a subdivision application, be approved.

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement PL2012 – 048 - Deas – 2900 Leon Road – Electoral Area ‘H’ (Electoral Area Directors, except EA ‘B’ – One Vote).

That the request to relax the minimum 10% perimeter frontage requirement for proposed Lots 4 to 7, inclusive, be approved.

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

- 36 - 39 Minutes of the Committee of the Whole meeting held Tuesday, September 11, 2012 (for information) (All Directors – One Vote).

FINANCIAL SERVICES

Proposed Schedule to Adopt the 2013 to 2017 Financial Plan (All Directors – One Vote).

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.

REGIONAL AND COMMUNITY UTILITIES

WASTEWATER 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) (All Directors – One Vote).

That “Duke Point Sewer Service Amendment Bylaw No. 1004.06, 2012” be introduced and read three times.

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

(All Directors – Weighted Vote)

- 1. 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.*
- 2. 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.*

(Nanaimo, Lantzville, Electoral Area ‘C’ – Weighted Vote)

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.

STRATEGIC AND COMMUNITY DEVELOPMENT

LONG RANGE PLANNING

Nanaimo Airport Land Use Process (All Directors – One Vote).

- 1. That the final report from City Spaces Consulting on phase one of the Nanaimo Airport Land Use Process be received.*
- 2. That staff be directed to proceed with phase two of the Nanaimo Airport Land Use Process as outlined in the Nanaimo Airport Land Use Final Report by City Spaces Consulting.*

CURRENT PLANNING

Agriculture Area Plan – Completion of Final Draft (All Directors – One Vote).

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.

Proposed Amendments to “Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002 (All Directors - Weighted Vote).

- 1. That “Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.09, 2012” be introduced and read three times.*
- 2. 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.*

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Wendy Pratt, Nanaimo Community Hospice, re Proposed Hospice Expansion (All Directors – One Vote).

That the request for financial assistance be forwarded for consideration to the 2013 financial budget.

7.3 COMMISSIONS

40 - 43

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

Minutes of the Electoral Area ‘A’ Parks, Recreation and Culture Commission meeting held Wednesday, September 19, 2012 (for information) (All Directors – One Vote).

(All Directors – One Vote)

That the staff be directed to meet with Cedar School and Community Enhancement Society to discuss possible amendments to their current Licence of Use Agreement for the Cedar Heritage Centre and report back on proposed amendments for Commission and Board review and consideration.

7.4 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEES

44 - 47 **Electoral Area 'B' Parks and Open Spaces Advisory Committee**

Minutes of the Electoral Area 'B' Parks and Open Spaces Advisory Committee meeting held Tuesday, May 29, 2012 (for information) (All Directors – One Vote).

8. ADMINISTRATOR'S REPORTS

48 - 49 Local and Long Distance Calling Services Contract (All Directors – Weighed Vote).

50 - 51 Wide Area Network Internet Services Contract (All Directors – Weighted Vote).

52 - 53 Wireless Devices Services Contract (All Directors – One Vote).

54 - 56 French Creek Pollution Control Centre Outfall Diffuser Replacement Tender Award (All Directors – Weighted Vote).

57 - 63 Liquor Licence Amendment Application No. PL2012-103 – BCIMC Realty Corp. – 3730 Fairwinds Drive, Electoral Area 'E' (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 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.

REGIONAL DISTRICT OF NANAIMO

**REGULAR BOARD MEETING
TUESDAY, OCTOBER 2, 2012
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

- 1. CALL TO ORDER**
 - 2. DELEGATIONS**
8 - 18 **Mike Nunn and Darren Oswald**, re request to install a seasonal dock at 3030 Yellow Point Road, Electoral Area 'A'.
 - 19 **Joanne McLeod, RDN Agricultural Advisory Committee**, re Agricultural Area Plan.
 - 3. BOARD MINUTES**
20 - 25 Minutes of the regular Board meeting held Tuesday, August 28, 2012 (All Directors – One Vote).
 - 4. BUSINESS ARISING FROM THE MINUTES**
 - 5. COMMUNICATIONS/CORRESPONDENCE**
 - 6. UNFINISHED BUSINESS**
- BYLAW ADOPTION**
- 26 - 30 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' (Electoral Area Directors, Except EA 'B' – One Vote).

That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.378, 2012" be adopted.

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

7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

31 - 34 Minutes of the Electoral Area Planning Committee meeting held Tuesday, September 11, 2012 (for information) (All Directors – One Vote).

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2012-066 – Ron Ashmore – 302 Waters Road, Electoral Area ‘G’ (Electoral Area Directors, except EA ‘B’ – One Vote).

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.

Development Permit Application No. PL2012-008 – 3301 Andres Road - Electoral Area ‘C’ (Electoral Area Directors, except EA ‘B’ – One Vote).

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.

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’ (Electoral Area Directors, except EA ‘B’ – One Vote).

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.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2012-098 – Kevin & Wendy May – Electoral Area ‘G’ (Electoral Area Directors, except EA ‘B’ – One Vote).

Delegations wishing to speak to Development Variance Permit Application No. 2012-098.

1. *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. PL2012-112 – Van Dyk – 1820 Settler Road – Electoral Area ‘F’ (Electoral Area Directors, except EA ‘B’ – One Vote).

Delegations wishing to speak to Development Variance Permit Application No. PL2012-112.

1. *That Development Variance Permit No. PL2012-112 be approved subject to the conditions outlined in Schedule 1.*

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

Delegations wishing to speak to Development Variance Permit Application No. 2012-058.

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

Development Variance Permit Application No. PL2012-090 – Barrie Cook – 2182 Yellow Point Road – Electoral Area ‘A’ (Electoral Area Directors, except EA ‘B’ – One Vote).

Delegations wishing to speak to Development Variance Permit Application No. 2012-090.

1. *That Development Variance Permit Application No. PL2012-090 be approved subject to the conditions outlined in Schedule 1.*

OTHER

35

Amendment Bylaw No. 500.372 – Zoning Amendment Application No. PL2012-070 – 639582 BC Ltd. Lot A, District Lot 28, Nanoose District, Plan VIP60624 – 1395 Island Highway West – Electoral Area ‘G’ (Electoral Area Directors, except EA ‘B’ – One Vote).

1. *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.*
2. *That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.372, 2012” be introduced and read two times.*

3. *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.*

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement PL2012-081 – 2956 and 2962 Ridgeway Road – Electoral Area ‘C’ (Electoral Area Directors, except EA ‘B’ – One Vote).

That the request to relax the minimum 10% perimeter frontage requirement for proposed lot A in conjunction with a subdivision application, be approved.

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement PL2012 – 048 - Deas – 2900 Leon Road – Electoral Area ‘H’ (Electoral Area Directors, except EA ‘B’ – One Vote).

That the request to relax the minimum 10% perimeter frontage requirement for proposed Lots 4 to 7, inclusive, be approved.

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

- 36 - 39 Minutes of the Committee of the Whole meeting held Tuesday, September 11, 2012 (for information) (All Directors – One Vote).

FINANCIAL SERVICES

Proposed Schedule to Adopt the 2013 to 2017 Financial Plan (All Directors – One Vote).

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.

REGIONAL AND COMMUNITY UTILITIES

WASTEWATER 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) (All Directors – One Vote).

That “Duke Point Sewer Service Amendment Bylaw No. 1004.06, 2012” be introduced and read three times.

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

(All Directors – Weighted Vote)

- 1. 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.*
- 2. 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.*

(Nanaimo, Lantzville, Electoral Area ‘C’ – Weighted Vote)

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.

STRATEGIC AND COMMUNITY DEVELOPMENT

LONG RANGE PLANNING

Nanaimo Airport Land Use Process (All Directors – One Vote).

- 1. That the final report from City Spaces Consulting on phase one of the Nanaimo Airport Land Use Process be received.*
- 2. That staff be directed to proceed with phase two of the Nanaimo Airport Land Use Process as outlined in the Nanaimo Airport Land Use Final Report by City Spaces Consulting.*

CURRENT PLANNING

Agriculture Area Plan – Completion of Final Draft (All Directors – One Vote).

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.

Proposed Amendments to “Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002 (All Directors - Weighted Vote).

- 1. That “Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.09, 2012” be introduced and read three times.*
- 2. 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.*

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Wendy Pratt, Nanaimo Community Hospice, re Proposed Hospice Expansion (All Directors – One Vote).

That the request for financial assistance be forwarded for consideration to the 2013 financial budget.

7.3 COMMISSIONS

40 - 43

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

Minutes of the Electoral Area ‘A’ Parks, Recreation and Culture Commission meeting held Wednesday, September 19, 2012 (for information) (All Directors – One Vote).

(All Directors – One Vote)

That the staff be directed to meet with Cedar School and Community Enhancement Society to discuss possible amendments to their current Licence of Use Agreement for the Cedar Heritage Centre and report back on proposed amendments for Commission and Board review and consideration.

7.4 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEES

44 - 47 **Electoral Area 'B' Parks and Open Spaces Advisory Committee**

Minutes of the Electoral Area 'B' Parks and Open Spaces Advisory Committee meeting held Tuesday, May 29, 2012 (for information) (All Directors – One Vote).

8. ADMINISTRATOR'S REPORTS

48 - 49 Local and Long Distance Calling Services Contract (All Directors – Weighed Vote).

50 - 51 Wide Area Network Internet Services Contract (All Directors – Weighted Vote).

52 - 53 Wireless Devices Services Contract (All Directors – One Vote).

54 - 56 French Creek Pollution Control Centre Outfall Diffuser Replacement Tender Award (All Directors – Weighted Vote).

57 - 63 Liquor Licence Amendment Application No. PL2012-103 – BCIMC Realty Corp. – 3730 Fairwinds Drive, Electoral Area 'E' (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 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.

O'Halloran, Matt

Subject: FW: 3030 Yellowpoint Rd - Petition to RDN Board

From: Mike Nunn [<mailto:lmikenunn@gmail.com>]
Sent: Thursday, September 20, 2012 4:56 PM
To: O'Halloran, Matt
Cc: Darrell & Robin Oswald
Subject: RE: 3030 Yellowpoint Rd - Petition to RDN Board

Hi Matt and thank you for taking the time to listen today.

Just to confirm, Both Darrell Oswald and myself Will be attending the October Board meeting.

I will Try to Re-format our Request/petition, But I think we can clarify our intent fairly quickly and the Word Petition need Not Confuse anyone, as I expect We'll be moving beyond that point very quickly.

Using the word Petition is a Fairly Strong approach that gets the point across that we are very serious about the Legal Right to Access the Water. Regards, Mike Num

On Sep 20, 2012 11:05 AM, "O'Halloran, Matt" <MOhalloran@rdn.bc.ca> wrote:

Hi Mike.

I have included your correspondence on the October 2 Board Agenda.

Just to clarify, the heading "Petition" on your letter may confuse matters slightly as the petition process is not relevant to your request. In order for your request to be considered more efficiently you may wish to reformat and resubmit the letter to me via email over the next couple days.

If you have any questions please do not hesitate to get in touch.

Thanks

Matt

Matthew O'Halloran

Legislative Coordinator
Regional District of Nanaimo

[250-390-6569](tel:250-390-6569)

www.rdn.bc.ca

From: Marks, Kristy
Sent: Wednesday, September 19, 2012 3:07 PM
To: lmikenunn@gmail.com

Cc: O'Halloran, Matt

Subject: 3030 Yellowpoint Rd - Petition to RDN Board

Mike,

Further to our conversations last week and this afternoon, I have attached a copy of the Zoning amendment application form as requested. I have also attached an excerpt of the "Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011" Coastal Zone Management Policies for your information.

As requested, I will also forward the Petition submitted by you to Matt O'Halloran, Legislative Coordinator for the Regional District to be included on the next Board Agenda scheduled for Tuesday October 2. As discussed, if you wish to address/make a presentation to the RDN Board at the next Board meeting on October 2nd please contact Matt by this Friday September 19, 2012 to be included on the agenda. Matt can be reached at 250-390-4111 or toll free in BC at 1-877-607-4111 or by e-mail at MOhalloran@rdn.bc.ca

Please let me know if you have any additional questions.

Sincerely,

Kristy Marks

Planner, Strategic and Community Development

Regional District of Nanaimo

6300 Hammond Bay Road

Nanaimo, BC V9T 6N2

Phone: (250) 390-6510 Fax: (250) 390-7511

Toll Free: 1-877-607-4111

The foregoing information is given for your convenience only and it should be understood that you must satisfy yourself as to whether the parcel and the proposed or existing land uses thereof are, or would be, in compliance with all applicable bylaws and regulations of the Regional District of Nanaimo, federal legislation and provincial legislation including, but not limited to, the *Agricultural Land Commission Act*.

 **SAVE TREES - PLEASE DO NOT PRINT THIS EMAIL UNLESS YOU REALLY NEED TO.**

Petition

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

And to:

The Regional District of Nanaimo 2011-2012 Board of Directors.

From:

Robin Heather Oswald, Businesswoman
3280 – Thompson Crescent
West Vancouver, B.C.
V7V-3E7 Tel. # 250-722-4605

AND.

L. Michael Nunn.
2757 - Miller Road.
Duncan, B.C.
V9L-6V6 Tel. # 250-710-2435

The undersigned and registered waterfront property owners of 3030 – Yellow Point Road, Nanaimo, B.C. with L. Michael Nunn authorized to act on behalf of the legal owner of said property, respectfully request that the Regional District of Nanaimo and its Board of Directors, amend the present zoning of said property, to allow the construction and installation of a Private Moorage Seasonal Dock on the Crown Land Foreshore fronting their property.

This request is based upon the following key issues that give the residents the right to access, use and occupy the foreshore adjacent to their property.

- *As per the Ministry of Forests, Lands and Natural Resource Operations publications regarding Foreshore and Aquatic Crown Land Ownership in British Columbia, Foreshore is the land between the high and low water marks and Aquatic Crown Land is All the Land, including the foreshore from the High Water Mark out to the limits of provincial jurisdiction. In British Columbia, the Province owns nearly All the freshwater and All the saltwater foreshore. Land adjacent to the foreshore maybe privately owned, but in common law the public retains the right and privilege or “bare license” to Access the Foreshore. Individuals cannot build on or develop aquatic Crown Land, including Crown Foreshore, without the Province’s Authorization, by way of application for Tenure. We believe that the application would meet all the standards and restrictions set forth by the Province and would be approve by that body.*

- *As per the Ministry of Agriculture and Lands publication regarding the protection of Our Foreshores and Coastlines, stating Crown Land is a Public Asset available for the use, benefit and enjoyment of All British Columbians. The Private Moorage Policy is intended to provide Owners and Crown Land Tenure holders of waterfront property, an opportunity to Occupy and Use the Crown Land Foreshore fronting their property for personal and private use, and guide that use so that it does not impact the environment, navigation, safety, community values, public and First Nation interests and legal rights of others. The owners of land adjoining the sea are entitled to free access to, and egress from the sea. This right is a private one, distinct from the public right of fishery or navigation.*
- *As per the archaeological report, prepared by Stantec Consulting Ltd; for a Seasonal Dock at 3030- Yellow Point Road, No Heritage Resources are recorded on Any Portion of said property.*
- *A Seasonal Dock meaning that said dock would be completely removed in the winter months and stored off and away from said property. Said Dock would be re-installed at the beginning of May each year and completely removed at the end of September each year.*
- *As per Transport Canada's Navigable Waters Protection Act, the proposed Seasonal Dock would adhere to all guidelines for construction of said dock and would not interfere with any navigation channels or transportation lanes. There would be no interference with access by water, to or from any on the neighbouring properties. The proposed seasonal dock is for personal private use Only and by the owners of said property.*
- *As per the Department of Fisheries and Ocean Act, the owners of said property have read completely the DFO "Best Management Practices" for construction of a Seasonal Dock and have agreed to abide by all criteria set down to protect all fish habitat and marine life.*
- *A Preliminary visit to said property by Castor Consulting Ltd, registered and accredited marine biologists, indicated that No eel grass or bull kelp was present in the area where the proposed Seasonal Dock would be anchored and that eel grass was spotty at best in certain areas and well away from the proposed anchoring position. As the entire area of the proposed dock anchoring would be entirely on bedrock, there would be no impact on marine life or fish habitat. A Full Marine biology report, along with a Marine Survey, will be completed at the time of application to the B.C. Integrated Land Management Bureau for Specific Permission to install a Seasonal Dock.*
- *We have canvassed numerous neighbouring property owners on both the North and South sides of 3030- Yellow Point Road and with all those that we were able to speak*

with, None had any objections to the proposed Seasonal Dock. In Particular because the dock is minimal in size, would be anchored close to the shore and is Seasonal Only, being completely removed in winter months.

- *There is a Park (Roberts Memorial) on the immediate South side of the said property, with some parking near Yellow Point Road with walking trails only, minimal access to the beach area and minimal pedestrian traffic to the beach area, as the trail is about 1km long.*
- *3030 Yellow Point Road is situated so that there are No other properties on the South side of said property that can visibly see the subject property.*
- *There are only 2 immediate neighbouring properties on the North side of the subject property that have visibility of the subject property, as the 2nd property extends in to a cove and excludes any further properties on the North side from having a direct site line to the subject property. As the land moved out of the cove, there is property on a point that could see the dock. This property owner has No Objection to the proposed Seasonal Dock. There are a couple more properties further north that could see it with minimal visibility, but are quite a distance away. Water front photos will be included in our presentation package.*
- *As waterfront property owners in the Yellow Point area, we are committed to maintaining a safe and thriving residential community that respects and sustains the rights and privacy of all residents, in protecting the quality and invested value of all homes within the Regional District of Nanaimo and in particular, the residential homes within the Yellow Point area.*
- *It is obvious that neither the Regional District of Nanaimo, nor the Board of Directors including the R.D.N. planning department and or the Residents of the Regional District of Nanaimo, want to see a proliferation of private moorage docks inundating the coast line of this district. With that in mind, we are suggesting that specific and selective locations would be more than suitable for residential use in allowing specific permission private moorage, provided that they meet with all the criteria that has been detailed and listed within our petition. It is our contention that the Regional District of Nanaimo has placed excessive restrictions on all waterfront property owners that restricts the use of privately owned waterfront property, in that there are serious limitations for private enjoyment and access to foreshore waters fronting these properties.*

Signed and Dated By:

- L. Michael Nunn. Authorized Agent acting on behalf of Legal Owner.

L. Michael Nunn

Date: August 10th 2012

CEU # 250-710-2435

Please find attached,

- (a) The Land Title Office "State of Title Certificate" properly and legally identifying said property.
- (b) Letter of Authorization allowing L. Michael Nunn to act on behalf of the Legal Owner.
- (c) Archaeological Recommendations for said property, prepared by Stantec Consulting Ltd, Sidney, B.C.
- (d) A Petition presented to the Mayor and Council of View Royal, by the View Royal Waterfront Owners Association (Wave), indicating similar views about restricting private use and enjoyment of their waterfront property.

Note* The Municipality of North Saanich has Just recently adopted a more lenient approach to those waterfront property owner's wanting to apply for Specific Permission to build and install a Private Moorage Dock. Up until a few months ago, there were NO Zoning changes allowed for private moorage and there were NO Applications for private moorage being considered.

With the election of new council members that have Listened to the Residents and in Particular, the Residential Waterfront Property Owners of North Saanich, they have now conceded to allow certain specific applications to be considered. In Particular, those that follow the Same Guidelines that we have specified for 3030-Yellow Point Road, in that there would be No Objections by Any of the neighbouring property owners and that they would follow the DFO Best Management Practices, to a "T"

Note* At a recent North Saanich council meeting, two of the newly elected council member's were able to force a motion that a majority vote would bring in legislation to Allow select moorage applications to be processed for consideration. There are guidelines that they will impose, but the door has been opened and 1 previously submitted private moorage application was in Fact actually approved.

They are now working towards changing the zoning process, lowering the fees and making the entire process more user friendly. Individual property owners should not need to be forced to apply for zoning changes. Entire Area's that meet the guideline criteria, should automatically be appropriately zoned, such as certain stretches of residential water front property and Then deal with each on an individual basis.

Robin Oswald
3030 Yellow Point Road
Nanaimo, B.C.

To whom it may concern:

Please take this letter as my authorization for you to discuss, share and release information about my property at 3030 Yellow Point Road to Mike Nunn.

If you have any questions or concerns please call me at 604-922-3324, 604-340-6944 or 250-722-9605.

Thank you for your cooperation and assistance.



Robin Oswald.



Stantec Consulting Ltd.
11–2042 Mills Road
Sidney, BC V8L 5G4
Tel: (250) 656-7966
Fax: (250) 656-4789

Stantec

VIA EMAIL: doswald@phn.com

May 30, 2012

Project No: 124802391

Darrell Oswald
3030 Yellow Point Road
Ladysmith, BC V9G 1C3

Dear Mr. Oswald:

Reference: Archaeological Recommendations—Application for Seasonal Dock at 3030 Yellow Point Road, Ladysmith, BC

Further to our conversation, the following consists of our professional recommendations regarding the installation of a seasonal dock at the above property and potential interactions with heritage resources.

No heritage resources are recorded on any portion of the 3030 Yellow Point Road property. While specific design plans were not provided, it is understood that no ground disturbances are planned for the proposed development and that the dock will connect to exposed bedrock.

Upon review of the proposed design plans, no archaeological concerns arise with regard to the above development. This recommendation applies solely to the development as it is currently planned. This recommendation assumes that no ground disturbing activities will be associated with the development.

Respectfully submitted,

Stantec Consulting Ltd.

Reviewed by:

Original signed by:

Jonathan (Jonny) B. Hall, MA
Project Manager, Archaeology

Original signed by:

Shane D. Bond, BA RPCA
Managing Senior Associate

JH/SB/

cc: lmnunn@shaw.ca

File Name and Path: [124802391_let_01]

MINISTRY OF AGRICULTURE AND LANDS
Requirements and Best Management Practices –
Designing Your Dock or Boat Launch

Protecting Our Shores and Coastlines

Crown land is a public asset and the Province has a responsibility to ensure it is managed to maximize and sustain the flow of economic, social and environmental benefits to British Columbians, now and in the future. Crown land is available for the use, benefit and enjoyment of all British Columbians.

The Private Moorage policy is intended to provide owners and Crown tenure holders of waterfront property an opportunity to occupy and use the Crown foreshore fronting their property for personal and private use, and guide that use so that it does not impact the environment, navigation, safety, community values, public and First Nation interests and the legal rights of others.

This document is intended to help ensure compliance with Ministry of Agriculture and Lands and other agency requirements. In addition, it provides recommended practices that have been demonstrated to be an effective and practical means of preventing or limiting harmful impacts associated with the construction and maintenance of private moorage facilities.

For all shoreline improvement projects, always remember:

Contact Your Local FrontCounter BC Office. FCBC staff will review the proposal and confirm whether an application is required. FCBC will also provide information on other authorizations or approvals that may be required. Call FCBC toll free at 1-877-855-3222 or visit www.frontcounterbc.gov.bc.ca to find your local office.

Your project plan may require approval from more than one provincial or federal agency, such as the Ministry of Environment for works that fall under the *Water Act*, Transport Canada that fall under the *Navigable Waters Protection Act*, or the federal Department of Fisheries and Oceans for works that fall under the *Fisheries Act*. For further information, consult the links on page 3.

Your project must adhere to local government requirements. Consult your local bylaws and official community plans to ensure your improvement is in compliance with all applicable laws and zoning. Local requirements will supersede any less restrictive provincial or federal government requirements.

Requirements for All Private Moorage Facilities

Do not:

- **Interfere with navigation.** This can be a particular issue on rivers, coves and other narrow water bodies. Offshore end of the structure should be at least 30 metres (100 feet) from navigation channels. Ensuring this distance will help avoid contravening the federal *Navigable Waters Protection Act*.
- **Use fill below the present natural boundary.**

Petition

To the Mayor and Council Town of View Royal

June 5 /2012

We, the undersigned member of WAVES – Waterfront Association of View Royal – representing View Royal waterfront property owners below, respectfully request the opportunity to address Council. The members of our Association share a common love and enjoyment and respect for the beautiful waterfront of View Royal. We are the key stakeholders and stewards of the waterfront of View Royal and are concerned with what appears to be steps taken by the Municipality to affect the waterfront.

The Mayor's message accompanying our 2012 tax bill states: "*Having a thriving, safe community that respects and sustains your investment and home in View Royal underpins our planning for the Town of View Royal*". WAVES shares this vision and believes that some recent and proposed actions serve to undermine this shared principle. In British Columbia the provincial government administers the regulations pertaining to waterfront lands. The exception, in View Royal is the Esquimalt Harbour (since May of 2005), which falls under the authority of the Department of National Defence.

We question why the Council is spending valuable time and money on Advisory Boards in areas where they have no jurisdiction. In recent years there has only been four applications for changes to the foreshore.

We ask Council to recognize and respect the riparian and common law rights of waterfront property owners, which is well established in law.

"The owners of land adjoining the sea are entitled to free access to, and egress from, the sea. This right is a private one, distinct from the public right of fishery or navigation; and there is no distinction between the rights of riparian owners on a tidal river and the sea. The occupant of such land is entitled to damages, even as against the Crown, where such private right of access to the sea has been invaded by an obstruction." Nelson vs Pacific Great Eastern Railway (1918)

WAVES recognizes , respects and supports that the public enjoys a right to use the foreshore. However, this privilege does not extend beyond the natural boundary of the sea.

On page 166 of the OCP, it states ..."*and all those upland and foreshore areas above and below and within 15 metres of the natural boundary of the sea*".

- 1. WAVES does not support or recognize any special rights by the Town of View Royal to restrict or define the use of property in the above description of the additional 15- meter zone that extends below the natural boundary of the sea.**
- 2. WAVES, does not support or recognize the Town of View Royal's excessive restrictions over a 15- meter development permit area that restricts private enjoyment of the waterfront** and WAVES does not support or recognize any bylaws in View Royal that do not also pertain equally to non-waterfront properties. It must be recognized that waterfront property owners pay a disproportionate percentage of residential property taxes.
- 3. WAVES requests that the Town of View Royal provide clear intentions and transparency regarding current and future plans for the waterfront, both within and outside of the scope of the OCP.**

We are a passionate and committed group of waterfront owners in View Royal. Our shared vision with the town is for a thriving, safe community that respects and sustains all resident's investment and homes in View Royal.

Signed:

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

L. MICHAEL NUNN
PO BOX 2202
SIDNEY BC V8L 3S8

PICK UP: VICTORIA
BY: HAND

LAND TITLE DISTRICT: VICTORIA, BRITISH COLUMBIA

CERTIFICATE NO: STC00532595

TITLE NO: FB50834

THIS IS TO CERTIFY THAT AT 09:19 ON 25 MAY, 2012,
THE STATE OF THE TITLE TO THE LAND DESCRIBED HEREIN IS AS STATED
AND IS SUBJECT TO THE NOTATIONS APPEARING BELOW. THIS CERTIFICATE
IS TO BE READ SUBJECT TO THE PROVISIONS OF SECTION 23(2) OF
THE LAND TITLE ACT (R.S.B.C. 1996 CHAPTER 250) AND MAY BE AFFECTED BY
SECTIONS 50 AND 55-58 OF THE LAND ACT (R.S.B.C. 1996 CHAPTER 245).


.....
REGISTRAR



APPLICATION FOR REGISTRATION RECEIVED ON: 18 MAY, 2007
ENTERED: 26 MAY, 2007

REGISTERED OWNER IN FEE SIMPLE:
ROBIN HEATHER OSWALD, BUSINESSWOMAN
3280 THOMPSON CRESCENT
WEST VANCOUVER, BC
V7V 3E7

TAXATION AUTHORITY:
NANAIMO/COWICHAN ASSESSMENT AREA
NORTH CEDAR IMPROVEMENT DISTRICT

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 002-585-421
LOT 1, SECTION 2, RANGE 7, CEDAR DISTRICT, PLAN 18354

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300
REGISTERED OWNER OF CHARGE
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9.693.7434A
DD 317182G
SECTION 172(3)
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

MORTGAGE
FB90245 2007-08-24 13:10
REGISTERED OWNER OF CHARGE
ROYAL BANK OF CANADA
FB90245

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

Sept 25, 2012

Dear RDN

I would like to appear as a
delegation regarding the Area Agricultural
Plan on Tuesday, Oct 2, 2012.

Yours truly,

Joanne McLeod.

JOANNE McLEOD
722.3397

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGULAR BOARD MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, AUGUST 28, 2012 AT 7:00 PM IN THE
RDN BOARD CHAMBERS

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
Alternate	
Director R. Wahlgren	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 D. Johnstone	City of Nanaimo
Director J. Kipp	City of Nanaimo
Alternate	
Director F. Pattje	City of Nanaimo
Director G. Anderson	City of Nanaimo
Director T. Greves	City of Nanaimo
Regrets:	
Director W. Veenhof	Electoral Area H
Director B. Bestwick	City of Nanaimo

Also in Attendance:

C. Mason	Chief Administrative Officer
J. Harrison	Director of Corporate Services
W. Idema	Director of Finance
P. Thorkelsson	Gen. Mgr., Strategic & Community Development
T. Osborne	Gen. Mgr., Recreation & Parks Services
J. Finnie	Gen. Mgr., Regional Community Utilities
C. McIver	A/ Gen. Mgr., Solid Waste
T. Nohr	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Directors Pattje and Wahlgren to the meeting.

DELEGATIONS

Andrew Twiddy, re Charter for Compassion Presentation.

Pastor Twiddy provided a verbal and visual background presentation regarding the Charter for Compassion. He requested that the Regional District of Nanaimo affirm the Charter.

Erik and Catherine Anderson, re Request to Close off Access from Ritchie Road to Rollo McClay Community Park.

Mr. Anderson provided Board members with a report and verbal presentation regarding a request by residents of Ritchie Road, Electoral Area 'B', to have the Ritchie Road access to Rollo McClay Community Park closed.

Louise and Mike Renning, re: Construction of Block Wall at 1067 Troy Place, Area 'G'.

Mr. Renning raised his concerns regarding a neighbouring property's block wall construction and requested that the Board proceed further with an RDN Stop Work Order.

BOARD MINUTES

MOVED Director Anderson, SECONDED Director Johnstone, that the minutes of the regular Board meeting held Tuesday, July 24th, 2012 be adopted.

CARRIED

BYLAW THIRD READING

Bylaw No. 500.378 – Zoning Amendment Application No. PL2012-014.

MOVED Director Holme, SECONDED Director McPherson, that the report of the public hearing held on August 15, 2012 for "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.378, 2012" be received.

CARRIED

MOVED Director Holme, SECONDED Director McPherson, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.378, 2012" be read a third time.

CARRIED

BYLAW ADOPTION

Bylaw No. 500.376 - Zoning Amendment Application No. PL2012-070.

MOVED Director Holme, SECONDED Director McPherson that the report of the public hearing held on August 14, 2012 on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.376, 2012" be received.

CARRIED

MOVED Director Holme, SECONDED Director McPherson, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.376, 2012" be read a third time.

CARRIED

MOVED Director Holme, SECONDED Director McPherson, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.376, 2012" be adopted.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

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

MOVED Director Fell, SECONDED Director Young, that the minutes of the Electoral Area 'F' Parks and Open Space Advisory Committee meeting held Monday, May 14, 2012 be received for information.

CARRIED

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

MOVED Director McPherson, SECONDED Director Young, that the minutes of the Electoral Area 'A' Parks, Recreation and Culture Commission meeting held Wednesday, June 20, 2012 be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Fell, SECONDED Director Ruttan, that the minutes of the District 69 Recreation Commission meeting held Thursday, June 21, 2012 be received for information.

CARRIED

Arrowsmith Water Service Management Board.

MOVED Director Lefebvre, SECONDED Director Holme, that the minutes of the Arrowsmith Water Service Management Board meeting held Thursday, July 16, 2012 be received for information.

CARRIED

MOVED Director Lefebvre, SECONDED Director Holme, that the AWS Joint Venture Agreement Schedule 'C' correction be approved.

CARRIED

Englishman River Water Service Management Board.

MOVED Director Lefebvre, SECONDED Director Holme, that the minutes of the Englishman River Water Service meeting held July 16, 2012 be received for information.

CARRIED

Transit Select Committee.

MOVED Director Brennan, SECONDED Director Greves, that the minutes of the Transit Select Committee meeting held Thursday, July 19, 2012 be received for information.

CARRIED

BC Transit Custom Service Area Proposal.

MOVED Director Brennan, SECONDED Director McPherson, that the Board respond to BC Transit advising that it does not support the Custom Transit Service Area Proposal and direct staff to respond to BC Transit to not include the proposal in future Custom Annual Operating Agreements.

CARRIED

Electoral Area 'B' Taxi Saver Service.

MOVED Director Houle, SECONDED Director Johnstone, that staff be directed to develop a service area establishment bylaw for the creation of a Taxi Saver Service for Gabriola Island to be submitted to the electors of Electoral Area 'B' for approval.

CARRIED

Sustainability Select Committee.

MOVED Director Lefebvre, SECONDED Director Fell, that the minutes of the Sustainability Select Committee meeting held Wednesday, July 25, 2012 be received for information.

CARRIED

ADMINISTRATOR'S REPORTS

Hall Road Pump Station Upgrade - Tender Award and Engineering Services.

MOVED Director Holme, SECONDED Director Brennan, that the Board award the construction of the Hall Road pump station to IWC Excavating Ltd. for the tendered price of \$565,289.84.

CARRIED

MOVED Director Holme, SECONDED Director Willie, that the Board award the engineering services during construction of the Hall Road pump station to Koers & Associates for the price of \$78,300.

CARRIED

MOVED Director Holme, SECONDED Director Willie, that funds from the Northern Community Development Cost Charge Reserve Fund and the French Creek Operations Reserve Fund be used for this project.

CARRIED

Packaging and Printed Paper Policy Stewardship.

MOVED Director Brennan, SECONDED Director Willie, that the Board endorse the recommendations contained in the UBCM Packaging and Printed Paper Working Group policy paper.

CARRIED

BC Transit Independent Review Report.

MOVED Director Brennan, SECONDED Director Willie, that the report *Modernizing the Partnership – Report of the BC Transit Independent Review Panel* be received for information purposes.

CARRIED

Operating Results for the Period Ending June 30, 2012.

MOVED Director Brennan, SECONDED Director Johnstone, that the summary report of financial results from operations to June 30, 2012 be received for information.

CARRIED

Approval of Signing Authorities for General Banking and Investments.

MOVED Director Holme, SECONDED Director Brennan, that the signing authorities for general banking services and financial instruments reflect the following officer positions:

Chairperson	Joe Stanhope
Deputy Chairperson	Diane Brennan
Chief Administrative Officer (Interim)	Paul Thorkelsson
Director of Finance	Wendy Idema
Manager, Accounting Services	Tiffany Moore
Senior Accountant	Manvir Manhas

CARRIED

MOVED Director Holme, SECONDED Director Willie, that the foregoing authorizations extend to accounts in the name of the Regional District of Nanaimo and the Nanaimo Regional Hospital District.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Request to Close off Access from Ritchie Road to Rollo McClay Community Park.

MOVED Director Houle, SECONDED Director Dempsey, that staff prepare a report for the Electoral Area 'B' Parks and Open Space Advisory Committee and the Regional Board on the short and long term plans for parking improvements to Rollo McClay Community Park.

CARRIED

Charter for Compassion.

MOVED Director Lefebvre, SECONDED Director Young, that the Regional Board affirm the Charter for Compassion, and that the Board Chairperson sign the document on behalf of the Board.

CARRIED

ADJOURNMENT

MOVED Director Holme, SECONDED Director Young, that pursuant to Sections 90(1)(c) and (e) of the *Community Charter*, the Board proceed to an In Camera meeting to consider discussions related to labour and legal issues.

CARRIED

TIME: 8:11 PM

RISE AND REPORT

ADMINISTRATOR'S REPORTS

Electoral Area 'A' Recreation and Culture Grants

MOVED Director Fell, SECONDED Director McPherson, that the status report on Electoral 'A' Recreation and Culture Grant program be received.

CARRIED

MOVED Director McPherson, SECONDED Director Fell, that the St. Phillip Anglican Church be awarded Electoral Area 'A' Recreation and Culture Grant funding in the amount of \$800.00.

CARRIED

ADJOURNMENT

MOVED Director Holme, SECONDED Director Young, that this meeting be terminated

TIME: 8:28 PM

CHAIRPERSON

CORPORATE OFFICER



RDN REPORT	
CAO APPROVAL	
EAP	
COW	
SEP 24 2012	
RHD	
BOARD	✓

MEMORANDUM

TO: Jeremy Holm
 Manager of Current Planning **DATE:** September 11, 2012

FROM: Kim Farris
 Planner **FILE:** PL2012-014

SUBJECT: Amendment Bylaw No. 500.378, 2012
 Zoning Amendment Application No. PL2012-014 – Carey Development Ltd.
 Lot A, District Lot 76, Newcastle District, Plan VIP74503
 Electoral Area 'G'

PURPOSE

To consider Bylaw No. 500.378, 2012 for adoption.

BACKGROUND

The purpose of Bylaw No. 500.378 is to rezone a portion of the subject property from Residential 6 (RS6), Subdivision District 'D' to Rural 1 (RU1), Subdivision District 'D' in order to permit a second dwelling unit on the subject property located at 1244 and 1250 Allgard Road in Electoral Area 'G' (see Attachment 1 for Subject Property Map). The applicant received approval from the Agricultural Land Commission on October 26, 2011 (Resolution # 343/2011) for a second dwelling unit subject to a number of conditions including the requirement that the subject property be rezoned from Residential 6 Zone to Rural 1 Zone in order to accurately reflect the existing use of the property.

Bylaw No. 500.378 (Attachment 2) was introduced and given 1st and 2nd reading on July 24th, 2012. This was followed by a Public Hearing held on August 15th, 2012. The Board granted 3rd reading on August 28th, 2012. The Bylaw was approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* on September 6th, 2012.

ALTERNATIVES

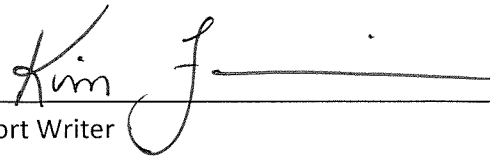
1. To adopt "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.378, 2012".
2. To not approve the Bylaw and provide alternate direction.


SUMMARY/CONCLUSION

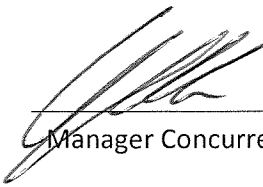
The purpose of Bylaw No. 500.378, 2012 is to amend a portion of the existing zoning for the subject property located at 1244 & 1250 Allgard Road in Electoral Area 'G' to permit a second dwelling within the subject property. The Bylaw received third reading on August 28th, 2012 and was approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* on September 6th, 2012. Staff recommends that the Board adopt Bylaw No. 500.378, 2012.


RECOMMENDATION

That the "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.378, 2012" be adopted.

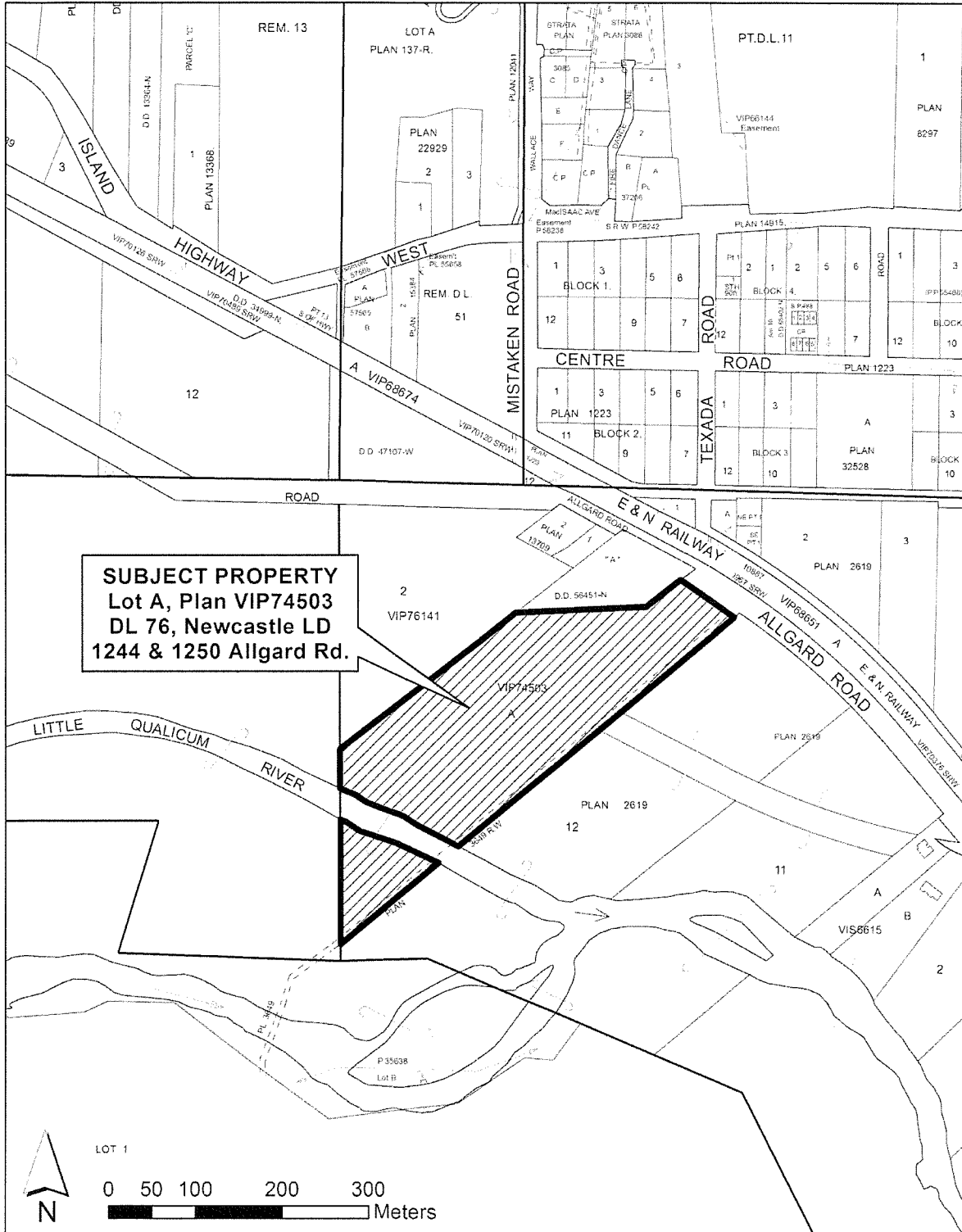

Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

Attachment 1
Location of Subject Property



Attachment 2

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500.378, 2012

**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. 500.378, 2012".
- B. The "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:
 - 1. By rezoning the lands shown on the attached Schedule '1' and legally described as:

Lot A, District Lot 76, Newcastle District, Plan VIP74503

from Residential 6 (RS6) Zone, Subdivision District 'D' and Rural 1 (RU1) Zone, Subdivision District 'D' to Rural 1 (RU1) Zone, Subdivision District 'D'.

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

Public Hearing held this 15th day of August 2012.

Read a third time this 28th day of August 2012.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this 6th day of September 2012.

Adopted this _____ day of _____ 201____.

Chairperson

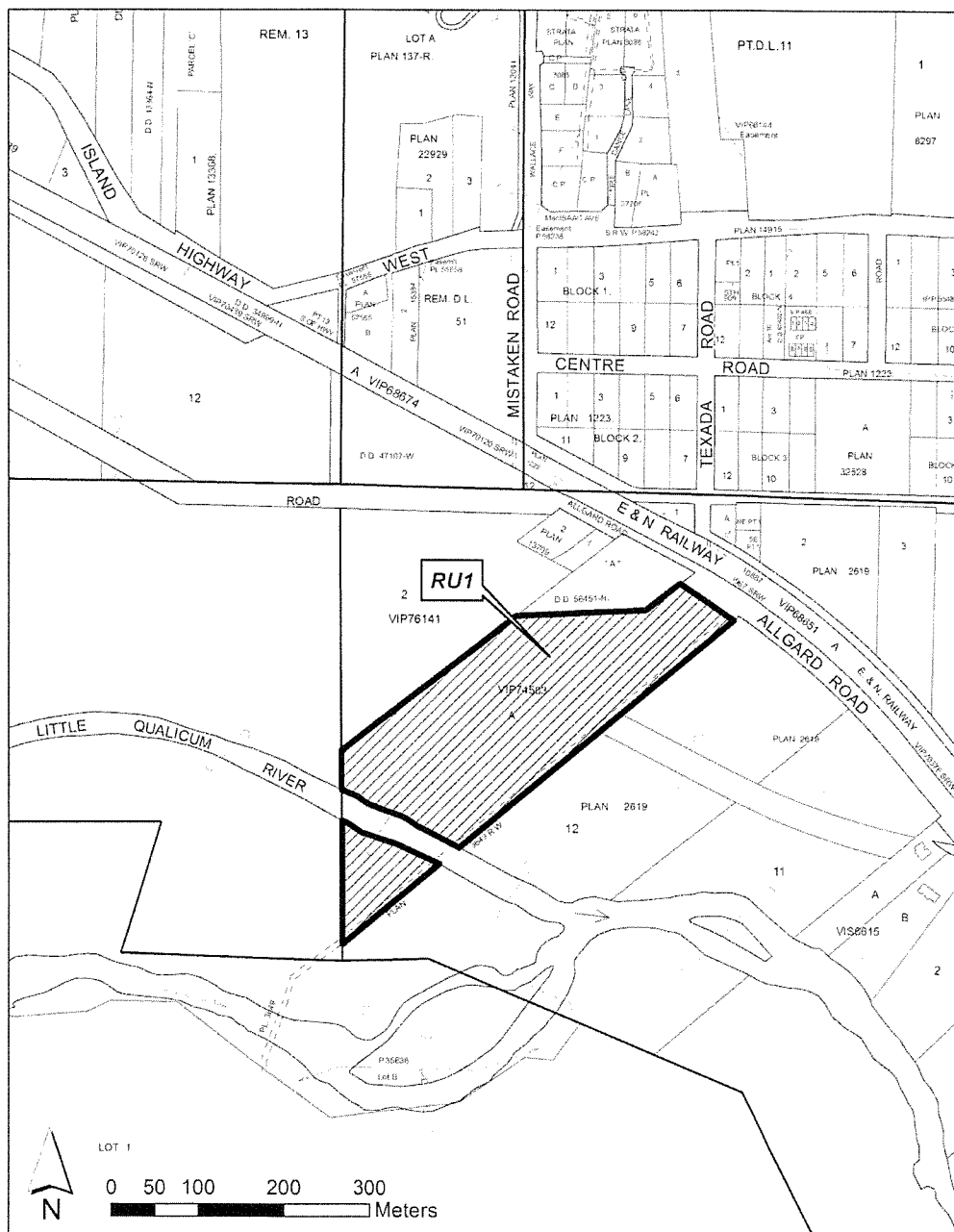
Corporate Officer

Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.378, 2012."

Chairperson

Corporate Officer

Schedule '1' Map



BCCS Map Sheet No 92F 038.3 2

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, SEPTEMBER 11, 2012 AT 6:30 PM
IN THE RDN BOARD CHAMBERS

Present:

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
Alternate	
Director R. Wahlgren	Electoral Area H

Also in Attendance:

L. Rowatt	Senior Planner
T. Armet	Mgr., Building/Bylaw & Emergency Planning Services
J. Harrison	Director of Corporate Services
P. Thompson	Mgr., Long Range Planning
T. Nohr	Recording Secretary

Regrets:

Director B. Veenhof	Electoral Area H
---------------------	------------------

MINUTES

Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, July 10, 2012.

MOVED Director Stanhope, SECONDED Director McPherson, that the minutes of the regular Electoral Area Planning Committee meeting held on Tuesday, July 10, 2012 be adopted.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

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

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

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, 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.

CARRIED

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

MOVED Director Fell, SECONDED Director Stanhope, that staff be directed to complete the required notifications.

CARRIED

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

CARRIED

Development Variance Permit Application No. PL2012-058 – 1694, 1696 and 1731 Errington Road – Electoral Area 'F'.

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

CARRIED

MOVED Director Fell, SECONDED Director Stanhope, that Development Variance Permit Application No. PL2012-058 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 staff be directed to complete the required notification.

CARRIED

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

Zoning Amendment Application No. PL2012-070 – Bylaw 500.372 – 639582 BC Ltd. Lot A, District Lot 28, Nanoose District, Plan VIP60624 – 1395 Island Highway West – Electoral Area ‘G’.

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

CARRIED

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

CARRIED

ADJOURNMENT

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

CARRIED

Time: 6: 48 PM

CHAIRPERSON

Proposed Amendment Bylaw No. 500.372, 2012

REGIONAL DISTRICT OF NANAIMO

Bylaw No. 500.372

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. 500.372, 2012".
- B. "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:
 - 1. Under **Part 3 Land Use Regulations, Section 3.4.13** by adding the following provision after "Parcel Coverage" in subsection "Maximum Number and Size of Buildings and Structures":

Notwithstanding the Floor Area Ratio noted in this zone, an additional FAR of 0.1 is permitted for outdoor sales within a building or structure, up to a total maximum FAR of 0.2 for the property legally described as Lot A, District Lot 28, Nanoose District, Plan VIP60624.

Introduced and read two times this ____ day of _____ 201__.

Public Hearing held this ____ day of _____ 201__.

Read a third time this ____ day of _____ 201__.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ____ day of _____ 201__.

Adopted this ____ day of _____ 201__.

Chairperson

Corporate Officer

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON TUESDAY, SEPTEMBER 11, 2012 AT 7:00 PM
IN THE RDN BOARD CHAMBERS**

Present:

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
Alternate	
Director R. Wahlgren	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 D. Johnstone	City of Nanaimo
Director J. Kipp	City of Nanaimo
Director T. Greves	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director G. Anderson	City of Nanaimo

Also in Attendance:

P. Thorkelsson	CAO, Interim & Gen. Mgr., Strategic and Community Development
J. Harrison	Director of Corporate Services
W. Idema	Director of Finance
J. Finnie	Gen. Mgr., Regional & Community Utilities
T. Osborne	Gen. Mgr., Recreation & Parks Services
D. Trudeau	Gen. Mgr., Transportation & Solid Waste Services
T. Nohr	Recording Secretary

Regrets:

Director B. Veenhof	Electoral Area H
---------------------	------------------

CALL TO ORDER

The Chairperson welcomed Alternate Director Wahlgren to the meeting.

DELEGATIONS

Wendy Pratt, Nanaimo Community Hospice, re proposed Hospice expansion.

Ms. Pratt provided a verbal and visual background presentation regarding the proposed Hospice expansion. She requested that the Board consider providing financial aid towards the expansion project.

Connie Clifford and Anne Banford, Gabriola Historical and Museum Society, re 2012 Society Operations.

Ms. Clifford and Ms. Banford provided a verbal presentation regarding the 2011 financial reports and 2012 operations of the Gabriola Historical and Museum Society.

LATE DELEGATIONS

Laurie Gourlay, re Mount Arrowsmith Biosphere Reserve and Green Gateway to Vancouver Island.

MOVED Director Holme, SECONDED Director Fell, that Laurie Gourlay be permitted to address the Board.

CARRIED

Mr. Gourlay provided a verbal presentation regarding the Mt. Arrowsmith Biosphere and Green Gateway to Vancouver Island.

MINUTES

MOVED Director Brennan, SECONDED Director Holme, that the minutes of the regular Committee of the Whole meeting held Tuesday, July 10, 2012 be adopted.

CARRIED

FINANCIAL SERVICES

Proposed Schedule to Adopt the 2013 to 2017 Financial Plan.

MOVED Director Lefebvre, SECONDED Director Anderson, 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

WASTEWATER 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 Ruttan, 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 Kipp, SECONDED Director Anderson, 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 Kipp, SECONDED Director Anderson, 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 Kipp, SECONDED Director Anderson, 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 Brennan, that staff be directed to proceed with phase two of the Nanaimo Airport Land Use Process as outlined in the Nanaimo Airport Land Use Final Report by City Spaces Consulting.

CARRIED

CURRENT PLANNING

Agriculture Area Plan – Completion of Final Draft.

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

MOVED Director Holme, SECONDED Director Johnstone, 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 Young, SECONDED Director Brennan, that the request for financial assistance be forwarded for consideration to the 2013 financial budget.

CARRIED

BOARD INFORMATION

ADJOURNMENT

MOVED Director Kipp, SECONDED Director Lefebvre, that this meeting adjourn to allow for an In Camera meeting.

CARRIED

IN CAMERA

MOVED Director Holme, SECONDED Director Young, that pursuant to Sections 90(1)(e) of the *Community Charter*, the Committee proceed to an In Camera meeting to consider discussions related to legal issues.

CARRIED

TIME: 8:31 PM

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA 'A'
PARKS, RECREATION AND CULTURE COMMISSION
REGULAR MEETING HELD WEDNESDAY, SEPTEMBER 19, 2012
AT CEDAR HERITAGE CENTRE, 7:00PM

Attendance: Alec McPherson, RDN Director, Chair
Eike Jordan
Angela Vincent-Lewis
Shannon Wilson
Bernard White
Jim Fiddick
Kerri-Lynne Wilson

Staff: Tom Osborne, General Manager of Recreation and Park Services
Dean Banman, Manager of Recreation Services
Wendy Marshall, Manager of Park Services
Sandra Pearson, Superintendent of Recreation Program Services
Elaine McCulloch, Parks Planner
Ann-Marie Harvey, Recording Secretary

Regrets: Carolyn Mead
Chris Pagan

CALL TO ORDER

Chair McPherson called the meeting to order at 7:06pm.

MINUTES

MOVED Commissioner K. Wilson, SECONDED Commissioner Fiddick, that the minutes from the June 20, 2012 meeting be approved.

CARRIED

REPORTS

Recreation

Cedar Heritage Centre Capital Work Update

Mr. Banman provided an update of the Cedar Heritage Centre Capital Repair work that was done in August. He stated that the lights, windows and repair of the roof leak have all been completed and came in approximately \$3,000 under budget. With the grant money that was available for the work and coming in under budget, it is hoped that some other items like the replacement of wooden doors will be able to be completed at later date.

Unfinished is the HVAC system that will be put to tender for a ductless system in a few weeks. The ductless system is proficient in 90% of the use, so the existing furnace system will stay in place as backup for when extreme heat or cold snap occurs. A review of this system will also determine if furnace improvements will be high efficiency electric or gas.

Future capital projects for 2013 for the Centre are under review which includes gutters, exterior paint, and roof replacement.

Recreation Grants Update

Ms. Pearson gave an update on the Winter 2012 grants. They were dispersed in July to the recipients. Ms. Pearson handed out updated guidelines and requirements for grant applications to Commission members. She noted that the deadline for the next set of Grant applications is September 28th and that advertisements have been placed in the Nanaimo Daily News, Take 5 publication and posted on the Friesens reader board. After the deadline, a meeting with the Grant-in Aid Sub-committee will be set up.

Parks

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

Ms. McCulloch summarized the Monthly Update of Community and Regional Parks and Trails Projects – June-August 2012 for Electoral Area A.

Cedar Estates Update

Ms. McCulloch updated that the RDN has have taken over maintenance responsibility of the Cedar Plaza from the developer and have received \$22,331.55 – cash in lieu of sidewalks and \$3,700 – cash in lieu of benches. She stated that these funds will be used in 2013 on the design and installation of a modified kiosk structure. This will likely be different from the original proposal of a more expensive “tipple” kiosk.

Quennell Lake Boat Launch Update

Ms. McCulloch reported that all permits have been received including: MoF License to Cut; MoTI Permit to Construct; Section 9 Notification for Works in and about a Stream.

A request for additional highway signage has been submitted which includes “No Parking” signage for along Ritten Road near the Boat Launch; as well as “Caution Blind Corner” and “No Exit” signage.

She stated that the original plans for the boat launch included a dock and associated ramp, however further discussions with the land owner of the lake bed are required before crews can place the dock anchors on the lake bed. The project is therefore proceeding with the site upgrades without the dock at this time, with the intention of working towards installing a dock at a later date.

The neighbours have been notified of the final plans and the construction timelines. Ms. McCulloch announced that the ground was broken at the site this past Monday, September 17th and the project should be completed by the end of September/early October. The estimated project cost is \$30,000-\$35,000 of which Provincial Fisheries providing between \$15,000-\$20,000 through grants from the HCTF (habitat conservation trust fund).

MOVED Commissioner S. Wilson, SECONDED Commissioner Jordan, that the update reports be received.

CARRIED

CORRESPONDENCE/COMMUNICATIONS

P. Sabo, School District 68, Re: School Community Connections Program

MOVED Commissioner Vincent-Lewis, SECONDED Commissioner Jordan, that the correspondence be received.

CARRIED

NEW BUSINESS

Schedule Date for Planning Session

MOVED Commissioner S. Wilson, SECONDED Commissioner Fiddick that a date of Sunday, November 4, 2012 be set for the Electoral Area A Planning Session.

CARRIED

Cedar School and Community Enhancement Society Licence of Use Agreement – Cedar Heritage Centre

Mr. Banman stated that a material part of the contact with CSCES was RDN staff working in the Cedar Heritage Centre and because of the staff change with the RDN and the change in working relationship with CSCES it is deemed necessary to sit down and discuss the current Licence of Use Agreement and any amendments that may have to take place. Because it is year 1 into a 3 year Agreement, direction from the Commission and Board is required to enter into discussions with the Cedar Schools and Enhancement Society regarding the revising the contract.

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

CARRIED

Parkland Dedication Process

The Commission discussed the process and merit of securing parkland dedications or Cash in Lieu of Parkland when subdivision applications are under review.

Ms. McCulloch reviewed the policies that are now in place for the Commission and Board to follow when deciding on parkland dedication or Cash In Lieu of Parkland. She noted that most of small parcel parks dedicated in the past were done when the current policies and park planning staff were not in place.

COMMISSION ROUND TABLE

Commissioner Wilson is excited to so see the changes to the Nelson Road boat launch.

Commissioner Vincent Lewis reported the upcoming Friends of Morden Mine Open House at the Nanaimo Museum with speaker Tom Pattison.

ADJOURNMENT

MOVED Commissioner S. Wilson, SECONDED Commissioner K. Wilson that the meeting be adjourned at 8:19pm to allow for an In Camera meeting to follow.

CARRIED

IN CAMERA

MOVED Commissioner S. Wilson, SECONDED Commissioner K. Wilson, that pursuant to Section (90) (1) (e) of the Community Charter the Commission (Commission) proceed to an In Camera meeting to consider land issues.

CARRIED

Chair

**REGIONAL DISTRICT OF NANAIMO
MINUTES OF THE ELECTORAL AREA 'B' PARKS AND OPEN SPACE ADVISORY
REGULAR COMMITTEE MEETING HELD
TUESDAY MAY 29, 2012, 7:00PM
AT GABRIOLA WOMEN'S INSTITUTE HALL**

Attendance: Howard Houle, Director, RDN Board, Chair
Jacinthe Eastick
Megan Dickinson
Nancy Crozier
Randy Young

Regrets: Catherine Williams
Stephen O'Neill

Staff: Elaine McCulloch, Parks Planner

CALL TO ORDER

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

APPROVAL OF AGENDA

R. Young requested two additions to New Business.

1. Implications of RDN approval of sidewalks and trails
2. Twin Beaches garbage.

H. Houle requested additions to Reports.

1. 2012 Budget Highlights – Community Parks EA B.
2. Five Year Project Plan: 2012-2016.
3. 2012 Detailed Project Plan.

MOVED N. Crozier, SECONDED J. Eastick, that the Agenda, as revised, be approved.

CARRIED

MINUTES

MOVED J. Eastick, SECONDED N. Crozier, that the Minutes of the Electoral Area 'B' Parks and Open Space Advisory Committee meeting held February 27, 2012, be adopted.

CARRIED

BUSINESS ARISING FROM THE MINUTES

J. Eastick requested that all references to Tin Can Alley Trail should include the word 'Trail' to avoid confusion with Tin Can Alley Road.

Bylaw No. 7799.07 Electoral Area 'B' community Parks Local Service, missing from the previous distribution, was provided.

REPORTS

Monthly Update of Community Parks and Regional Parks and Trails Projects - April 2012

The Rollo McClay Community Park maintenance of eaves-trough downspouts, vent screens, and ball diamond backstop fencing were completed. Seed, sand and fertilizer were provided to Gabriola Softball Association to spread on the fields.

Levelton Engineering Ltd. will provide an engineering plan for the replacement of the Rollo McClay Community Park irrigation pond liner.

The Rollo McClay Community Park water treatment and delivery system and the Descanso Campground water system responsibility will be combined with the RDN Regional and Community Utilities.

The Rollo McClay Concession has currently been awarded to the 4H club. J. Eastick requested information as to the award.

The Rollo McClay grass cutting is provided by the RDN, with seed, sand and fertilizer provided to Gabriola Softball Association as noted previously.

J. Eastick requested Rollo McClay Park utilization information.

The Easter bike polo event in Huxley Park went well.

South Road Stairs Update

Cameron Murray has completed the design drawings, allowing the building contract to be awarded.

Tin Can Alley Trail Update

Culvert installation to replace the existing broken bridge is planned for mid-June. A permit application to the Ministry of Transportation and Infrastructure will be submitted prior to the works taking place.

Christine Close Bank Stabilization Update

Bank stabilization will take place in the coming months.

Mudge Island Water Access Update

D. Laidlaw recently provided a tour of the existing Mudge Island MOTI water access sites for H. Houle and E. McCulloch. The information gathered will provide background for the upcoming community consultation regarding boat launches and access problems.

707 Sign Update

Jonathan Lobb will coordinate with R. Young for GaLTT assistance with installation scheduled for mid-June, 2012. Trail names, sign markers, auguring, water and concrete will be provided by the RDN. N. Crozier volunteered to assist.

Budget Highlights

Ms. McCulloch reviewed the 2012 Budget Highlights, noting that the summary only highlights the budget line items that are relevant to the Parks and Open Spaces Advisory Committee, and does not include Administration allocations of 14% and Cox Community Park purchase amounts.

RDN Electoral Area 'B' Community Parks 5-year Project Plan 2012-2016 and Detail 2012 Plan

Ms. McCulloch reviewed the 5-Year Project Plan for 2012-2016 and the 2012 Detailed Plan, including how her working hours were allocated for Electoral Area 'B' Community Parks Projects.

H. Houle pointed out that the Community Works Fund may be available to provide a Parks Planner time to work on the South Road To Tin Can Alley path planning, avoiding removing time from the current overloaded projects. Time not available in 2012 will be deferred to 2013.

MOVED N. Crozier, SECONDED J. Eastick, that the reports be received.

CARRIED

NEW BUSINESS

MOTI / Sidewalks

The Committee was informed that the RDN is in the process of requesting legislative approval with MoTI and the Province of BC to obtain authority for construction and maintenance of sidewalks on MoTI land.

Twin Beaches

The Committee was informed that the BC Parks Twin Beaches Park is entirely the responsibility of BC Parks, and is not eligible for a RDN garbage can. Current accumulation of garbage around the GaLTT doggy bag can could be reduced by removing the can, particularly with the bear in the area.

Community Works Funds

The Committee discussed the possibility of Community Works Fund derived from the gas tax rebates, could be used to provide funds for the South Road to Tin Can Alley pedestrian/bike path.

El Verano Boat Launch

David Laidlaw, a resident of Mudge Island requested the RDN place a dumpster bin at the El Verano boat landing in order to provide a disposal method for beach garbage that ends up on the Mudge and Gabriola beaches. Provision of the bin would depend on a suitable location for the garbage truck pickup, would reduce parking availability, and would have to be paid through increased taxes for Mudge property owners.

Village Path

It was noted to the committee by J. Peirce that J. Ramsey and S. Earl from GaLTT have had advanced discussions with land owners concerning the village path. Planning for this project has not begun, and will depend on the right of way space available for the proposed 2 meter wide pedestrian/bike path. Crosswalks will be included in the plan, but crosswalk approval will remain with MoTI.

South Road Graveyard

The Committee was requested by J. Peirce for information on the beach access closure at the South Road Graveyard. H. Houle responded that a gravel permit on the road was obtained, but a beach road was constructed in order to access an adjacent lot.

ADJOURNMENT

MOVED by N. Crozier to adjourn the meeting at 7:48 pm.

CARRIED

Chair



RDN REPORT	
CAO APPROVAL	
EAP	
COW	
SEP 13 2012	
RHD	
BOARD	✓

MEMORANDUM

TO: Joan Harrison
Director of Corporate Services

DATE: September 6, 2012

FROM: Mike Moody
Manager, Information Services

SUBJECT: Local and Long Distance Calling Services contract

PURPOSE:

To identify the preferred vendor to provide Local and Long Distance Calling Services to the Regional District of Nanaimo.

BACKGROUND:

On June 21, 2012 the Regional District of Nanaimo (RDN) sent out a proposal call for vendors to provide the RDN with communications services pertaining to 5 specific components or areas of required services. Vendors were given the opportunity to quote on any or all services required. This report deals specifically with the Local and Long Distance Services component of the proposal call.

The RDN's Local and Long Distance Services contracts which are currently held with Telus, have expired. In recent years the Canadian Radio-television and Telecommunications Commission (CRTC) has relaxed local calling and long distance service regulations allowing the market to become more competitive. Historically, local phone line rates have not been consistently priced across the region. By entering into a new contract for local and long distance services the RDN can take advantage of relevant market rates which now allow for consistent and lower pricing across the region and thereby lower the RDN's operational costs.

For Local and Long Distance Services, two vendors provided proposals, (Shaw Business and Telus).

ALTERNATIVES:

1. Enter into a 5 year agreement for Local and Long Distance Services with Telus.
2. Enter into a 5 year agreement for Local and Long Distance Services with Shaw Business.

FINANCIAL IMPLICATIONS:

Alternative 1 – The cost for Local and Long Distance Services with Telus is approximately \$57,888 per year. The five year contract total is \$289,440. The Telus solution for Local and Long Distance services will save the RDN approximately \$195,000 operationally over a five year contract term. The amount is approximate due to averaging long distance usage month to month.


Alternative 2 – Shaw has offered the combined Local and Long Distance Rates at \$54,588 per year pursuant to the RDN also choosing Shaw for wide area network or Internet services. Shaw’s wide area network and Internet services are more costly than Telus’, and if Shaw were selected for either wide area network or Internet services to take advantage of Shaw’s lower local and long distance costs, the overall combined costs would be higher for a Shaw solution. Shaw’s wide area network services option combined with local and long distance services would be \$21,212 more than Telus per year. Shaw’s Internet services option combined with local and long distance services would be \$2,200 more than Telus per year.

SUMMARY:


Telus and Shaw have both offered local and long distance services to the RDN. Shaw’s offer requires the RDN to use their wide area network or Internet services combined with local and long distance services. When cost comparisons are done with local and long distance services combined with either wide area network or Internet services, those combined costs are lower per year for the Telus solution offered.

RECOMMENDATION:

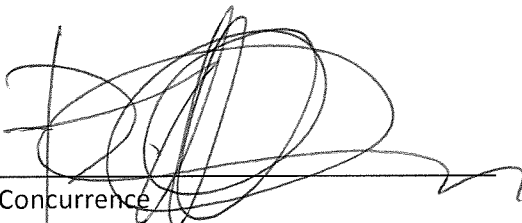
1. That the Board award the contract for Local and Long Distance Services to Telus for a period of five years for \$289,440.



Report Writer



Director



C.A.O.



RDN REPORT		
CAO APPROVAL		
EAR		
COW		
SEP 6 2012		
RHD		
BOARD	✓	
		DATE: September 6, 2012

MEMORANDUM

TO: Joan Harrison
Director of Corporate Services

FROM: Mike Moody
Manager, Information Services

SUBJECT: Wide Area Network and Internet Services contract

PURPOSE:

To identify the preferred vendor to provide Wide Area Network and Internet Services to the Regional District of Nanaimo.

BACKGROUND:

On June 21, 2012 the Regional District of Nanaimo (RDN) sent out a proposal call for vendors to provide the RDN with communications services pertaining to 5 specific components or areas of required services. Vendors were given the opportunity to quote on any or all services required. This report deals specifically with the five year Wide Area Network and Internet Services component of the proposal call.

For the past five years the RDN has been using fully managed Wide Area Network and Internet Services provided by Telus.

For Wide Area Network services there were three vendors providing proposals, Pathway Communications, Shaw Business and Telus. For Internet services only Shaw Business and Telus provided proposals.

ALTERNATIVES:

1. Enter into a 5 year agreement for Wide Area Network and Internet Services with Telus.
2. Enter into a 5 year agreement for Wide Area Network and Internet Services with Shaw Business.
3. Enter into a 5 year agreement for Wide Area Network Services with Pathway Communications and Internet Services with Telus.
4. Enter into a 5 year agreement for Wide Area Network Services with Pathway Communications and Internet Services with Shaw Business.

FINANCIAL IMPLICATIONS:

Alternative 1 – The cost for Wide Area Network and Internet services with Telus is \$71,088 per year. The five year contract total is \$355,440.

Alternative 2 – The cost for Wide Area Network and Internet services with Shaw Business is \$101,000 per year. The five year contract total is \$505,500.

Alternative 3 – The cost for Wide Area Network services with Pathway Communications is (\$94,152) per year and the Internet services with Telus is (\$16,200) per year. The combined five year contract total is \$551,760.

Alternative 4 – The cost for Wide Area Network services with Pathway Communications is (\$94,152) per year and the Internet services with Shaw Business is (\$21,700) per year. The combined five year contract total is \$579,260.


SUMMARY:

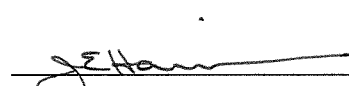
The five year contract for Wide Area Network and Internet Services expired August 31, 2012 and is operating on a month to month basis. In 2012 the yearly budget for Wide Area Network and Internet services was \$88,920. The Telus proposal will save the RDN approximately \$89,160 over the five year contract term. The new five year contract will allow the RDN to eliminate the cost of increasing network traffic charges by going to a flat rate model for network traffic instead and additionally, increase Wide Area Network and Internet performance by a factor of 10.

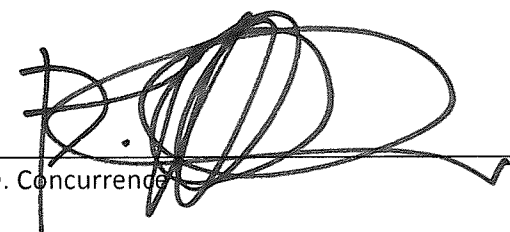
The elimination of ever increasing network traffic charges, increasing the speed of the Wide Area Network / Internet services and lowering operational costs by \$17,832 per year for those services, will bring substantial productivity benefits to staff network users by allowing them to access information faster and savings to the RDN's yearly operational budget.

RECOMMENDATION:

1. 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.


Report Writer


Director Concurrence


C.A.O. Concurrence



RDN REPORT	
✓	CAO APPROVAL
EAP	
COW	
SEP 06 2012	
RMB	
BOARD	✓

MEMORANDUM

TO: Joan Harrison
Director of Corporate Services

DATE: September 6, 2012

FROM: Mike Moody
Manager, Information Services

SUBJECT: Wireless Devices Services contract

PURPOSE:

To identify the preferred vendor to provide Wireless Devices and Services to the Regional District of Nanaimo.

BACKGROUND:

On June 21, 2012 the Regional District of Nanaimo (RDN) sent out a proposal call for vendors to provide the RDN with communications services pertaining to 5 specific components or areas of required services. Vendors were given the opportunity to quote on any or all services required. This report deals specifically with the Wireless Devices and Services component of the proposal call. The RDN's current wireless devices and services contract provided by Telus expires February 13, 2013.

For wireless devices and services, three vendors provided proposals, (Telus, Bell and Rogers).

ALTERNATIVES:

1. Enter into a three year agreement for wireless devices and services with Telus.
2. Enter into a three year agreement for wireless devices and services with Bell.
3. Enter into a three year agreement for wireless devices and services with Rogers.

FINANCIAL IMPLICATIONS:

Alternative 1 – The cost of wireless devices and services with Telus is approximately \$207,600 for a three year contract.

Alternative 2 – The cost of wireless devices and services with Bell is approximately \$208,260 for a three year contract. There is also an additional cost of approximately \$12,900 for cancellation fees with this alternative because not all active devices with our current wireless provider expire on the contract expiry date. This is because of additional devices acquired after the initial contract.

Alternative 3 – The cost of wireless devices and services with Rogers is approximately \$209,400 for a three year contract. There is also an additional cost of approximately \$12,900 for cancellation fees with this alternative because not all active devices with our current wireless provider expire on the contract expiry date. This is because of additional devices acquired after the initial contract.

SUMMARY:

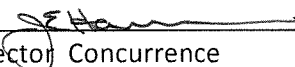
All three providers have responded with proposals that are similar in features and cost. All vendors were equally qualified to provide the devices and services required. Overall Telus provided the best proposal and also the most cost effective plan.

RECOMMENDATION:

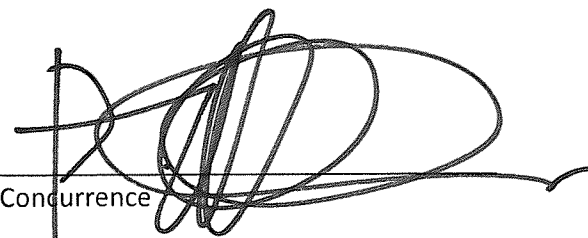
1. That the Board award the contract for the provision of wireless devices and services to Telus for a period of three years at an approximate total cost of \$207,600.



Report Writer



Director Concurrence



D/ C.A.O. Concurrence



RDN REPORT	
CAO APPROVAL	
EAP	
COW	
SEP 19 2012	
RHD	
BOARD	<input checked="" type="checkbox"/>

MEMORANDUM

TO: John Finnie
General Manager, Regional and Community Utilities

DATE: September 19, 2012

FROM: Sean De Pol
Manager Wastewater Services

FILE: 5330-20-FCPC-Outfall

**SUBJECT: French Creek Pollution Control Centre
Outfall Diffuser Replacement Tender Award**

PURPOSE

To award the tender for the replacement of the French Creek Pollution Control Centre Outfall Diffuser.

BACKGROUND

The French Creek Pollution Control Centre (FCPCC) outfall was built in the late-1970's to discharge treated wastewater from FCPCC into the Strait of Georgia. The exiting outfall is a 559 mm diameter High Density Polyethylene pipe approximately 2 kilometers in length, offshore from the French Creek marina. At the end of the outfall is a 78 meter long steel diffuser.

Under the Ministry of Environment's Waste Discharge Permit for the French Creek Pollution Control Centre there is a requirement that the marine outfall line be video inspected every five years. During a video inspection in 2007, it was noted that a commercial fishing net was wrapped around the end of the diffuser and that some separation at the diffuser/outfall flange connection had occurred. In addition, some of the diffuser ports appeared to be plugged. A copy of this video inspection was submitted to the Ministry in 2007; however, it was not until 2010 during the Ministry's annual inspection that they noted the FCPCC outfall diffuser must be repaired.

In 2011, Wastewater Services commissioned Opus Dayton Knight, who were involved in the original design of the FCPCC outfall and have considerable outfall design and installation experience, to conduct a design study for the repair of the FCPCC Marine Outfall Diffuser. Opus Dayton Knight has recently completed the detailed design. RDN staff review and input has been incorporated into the detailed design of the project.

The Marine Outfall Diffuser Project was competitively tendered between July 24, 2012 and August 16, 2012. A total of two bids were received at a public opening. The bid results were as follows:

- Can-Dive Construction Ltd. \$ 645,900
- Vancouver Pile Driving Ltd. \$ 673,500

Can-Dive Construction Ltd., the lowest tender, has submitted a compliant bid. Opus Dayton Knight has worked with Can-Dive on several underwater pipe installations, and considers that they are suitably qualified to carry out the work.

Can-Dive, in addition to their tender, submitted a list of variations, which together allow a reduction of \$105,600 in the tender value. Opus Dayton Knight has discussed these variations with Can-Dive, and recommend the contract value be reduced to \$540,300 (excluding taxes). Opus Dayton Knight recommends that Can-Dive Construction Ltd. be awarded the FCPC Outfall Diffuser project for the modified price of \$540,300. Staff supports this recommendation.

The total cost for the completion of French Creek Pollution Control Centre Outfall Diffuser Project is as follows:

	Actual Costs
Design Services (Completed)	\$ 35,985
Construction Services	\$ 17,470
Construction Contract	\$ 540,300
Project Contingency	\$ <u>10,500</u>
Total Project Cost	\$ 604,255

ALTERNATIVES

1. Award a contract to Can-Dive Construction Ltd. for the French Creek Pollution Control Centre Outfall Diffuser Replacement Project for the modified tendered price of \$540,300.
2. Do not award the tender, re-assess project requirements and re-tender.

FINANCIAL IMPLICATIONS

Alternative 1

The total budget for the FCPC Outfall Diffuser Project is \$600,000. Can-Dive Construction Ltd.'s price for the construction of this project is \$540,300. Based on the expected total project cost of \$604,255 the budget has been exceeded by \$4,255. It is of note that the total project cost includes a project contingency of \$10,500. There are adequate funds in the general reserves to complete the project.

Alternative 2

The existing outfall diffuser is damaged. If the Outfall Diffuser Replacement Project contract is not awarded at this time, the project will be delayed which could result in a compliance issue with the Ministry of Environment. The project requirements have been discussed with our consultants and this alternative would only serve to delay the project. No significant cost reductions would be realized and lower costs are not expected to result from a retendering of the project.

SUMMARY/CONCLUSIONS

During a routine video inspection of the French Creek Pollution Control Centre Marine Outfall in 2007, a fish net was found wrapped around the end of the diffuser and some separation at the diffuser/outfall flange connection had occurred. This is allowing a portion of the treated effluent to leak out of the connection. Some of the ports on the diffuser also appear to be plugged. The Ministry of Environment is aware of this issue and has requested that repairs be made to the outfall diffuser.

A competitive public tendering process was completed on August 16, 2012. Of the two bids that were received the lowest compliant bid was Can-Dive Construction Ltd. for a value of \$645,900. Can-Dive, in addition to their tender, submitted a list of variations which together allow a reduction in the tender value. Opus Dayton Knight has discussed these variations with Can-Dive, and recommend that a number of them can be accepted without compromising the project.


The combined price reduction for the proposed variations is \$105,600. The contract value would therefore be reduced to \$540,300 (excluding taxes). Opus Dayton Knight recommend that Can-Dive Construction Ltd. be awarded the FCPC Outfall Diffuser Replacement project for the modified price of \$540,300. Staff supports this recommendation.

RECOMMENDATION

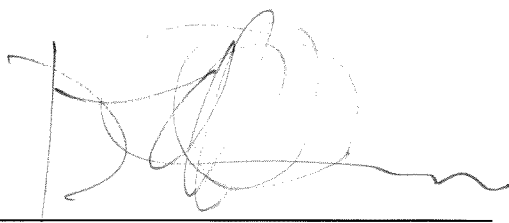
That the Board award the French Creek Pollution Control Centre Outfall Diffuser Replacement Project to Can-Dive Construction Ltd. for the tendered price of \$540,300.



Report Writer



General Manager Concurrence



P/ CAO Concurrence



RDN REPORT	
CAO APPROVAL	
EAP	
COW	
SEP 24 2012	
RHD	
BOARD	✓

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: September 11, 2012

FROM: Kim Farris
Planner

FILE: PL2012-103

SUBJECT: Liquor Licence Amendment Application No. PL2012-103 - BCIMC Realty Corp., Inc. No. A41891
Lot 1, District Lots 8, 30 and 78, Nanoose District, Plan 48585,
Except Part in Plan 51142 – Fairwinds Golf Course - 3730 Fairwinds Drive
Electoral Area 'E'

PURPOSE

To consider a request from BCIMC Realty Corporation, Inc. No. A41891 to amend the liquor licence for the Fairwinds Golf Club.

BACKGROUND

The BCIMC Realty Corporation, Inc. No. A41891 has applied to the Provincial Liquor Control and Licensing Branch (LCLB) for a permanent amendment to the Fairwinds Golf Club liquor licence to change the current liquor licensing for the clubhouse from food-primary and liquor-primary to a liquor-primary licence only in order to comply with recommendations from the LCLB. 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 Fairwinds Golf Course located at 3730 Fairwinds Drive in Electoral Area 'E', and legally described as Lot 1, District Lots 8, 30 and 78, Nanoose District, Plan 48585, Except Part in Plan 51142 (see Attachment 1 for subject property map). The subject property is zoned Recreation 1 (RC1) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and is approximately 57.3 ha in size. The Fairwinds Golf Club is an accessory use to Outdoor Recreation (golf course) which is a permitted use in the RC1 zone.

The proposed amendment results from the LCLB's review of existing liquor licences for similar facilities throughout the province and its recommendation to align Fairwinds' liquor licensing with the ongoing use and operation of the facility. The proposed licence amendment also includes a realignment of the licensed area to recognize the configuration of a patio and deck which have been in existence for more than twenty years but were not accurately reflected in the existing licence (see Schedules 2 and 3).

Proposed Liquor Licence Amendment

The clubhouse currently has a 58 patron liquor-primary licence and a 198 patron food-primary licence for a total licensed capacity of 256 patrons (Schedule 2). Through advice from the LCLB and in order to bring the operations of the clubhouse into compliance with current liquor licensing regulations, the applicant is proposing to combine the facility's existing liquor-primary and food-primary licences into a

single 256 patron liquor-primary licence (Schedule 3). The proposed licensing amendment would address some of the management challenges of operating a facility under both food-primary and liquor-primary licences and would allow patrons to use the full facility for large events, such as golf tournaments, charity events, and weddings, without risking a liquor licence contravention.

The Fairwinds Golf Club has traditionally held occasional large banquets and special events; therefore the proposed amendment will allow the facility to continue to efficiently serve the needs of their patrons while complying with liquor regulations. There are no proposed changes to the hours of operation or business operation due to the proposed amendment.

The Regional District of Nanaimo's Liquor Licence Applications Policy B1.6 states that the Board may consider a minor amendment application to an existing liquor licence, without the requirement to hold a public hearing, if the proposal will not negatively impact the surrounding community and it complies with the applicable RDN bylaws and policies. All other requirements of the Board Policy must be met, including the requirements for newspaper advertising. As there are no operational changes made and no potential negative impacts to the community were expressed, the application is being processed as a minor amendment.

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 of this report. A draft resolution in the format acceptable to the LCLB is attached as Schedule 1 for the Board's consideration.

DEVELOPMENT IMPLICATIONS

The change in liquor licensing for the clubhouse would have negligible impact to the surrounding community if the application is approved. The amendment is supported by the LCLB as the change will accurately reflect the ongoing operations of the facility and ensure that its licensing complies with the current liquor licensing regulations. The applicant has indicated that there will be no change in the business hours or operation of the Fairwinds Clubhouse as a result of the liquor licence amendment. As indicated by the applicant, the amendment is administrative in nature.

Adhering to the current liquor licences would be challenging for larger events as the lounge and a portion of the deck licensed for liquor-primary has a maximum occupancy load of 58 patrons and full-menu food service must be provided at all times in relation to the 158 patron food-primary licence (see Schedule 2 for existing licensed areas). A liquor-primary licence for the entire clubhouse facility will allow for more efficient use of the facility for major events.

The potential of increased noise is negligible as the operations of the facility would not be changed.

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, the Regional District shall post a notice on the subject parcel advertising that the property is subject to a liquor licence amendment application as well as place an advertisement in the local newspaper. In this case the notice was posted on the property prior to September 5, 2012 and published in the September 25, 2012 edition of the Parksville Qualicum Beach News.

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.


SUMMARY/CONCLUSIONS

An application has been received from the BCIMC Realty Corporation, Inc. No. A41891 requesting the Board’s support for an amendment to permanently change existing licensing from food-primary and liquor-primary to a liquor-primary licence only in order to comply with the recommendation and current licensing regulations of the LCLB. The proposed amendment would recognize the current use and operation of the Fairwinds Clubhouse facility as a 256 patron licensed establishment. 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 negligible impact to surrounding community by the proposed amendment to the liquor licence and that the LCLB is in support of the amendment, staff recommends Alternative 1, that the Board support the application pending the outcome of the public consultation.

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.



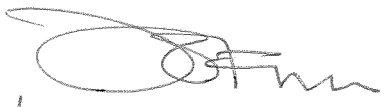
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule 1

Resolution for Fairwinds Golf Club Licence Amendment Liquor Licence Amendment No. PL2012-103

Be it resolved that:

1. The Board of the Regional District of Nanaimo recommends the amendment of the Fairwinds Golf Club liquor licence to change the licensing from a 58 patron liquor-primary licence and a 198 patron food-primary license to a single 256 patron liquor-primary licence in the clubhouse, and a realignment of the licensed area to recognize the configuration of an existing patio and deck to ensure that the licence aligns with the current use and operation of the facility.
2. The Board's comments on the prescribed considerations are as follows:
 - (a) The potential for noise if the application is approved is 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 negligible as the change in licensing would recognize the existing facility as it has been operating for more than twenty years.
3. The views of the residents were solicited and no notable objections to the application were received. 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 a similar notice in the local newspaper. All interested residents were invited to attend the Board meeting and provide comments on the proposal. Prior to considering the resolution contained in this schedule, the Board asked for comments from the gallery on this application. A notice was also posted on the property advertising that the property is the subject of a development application and directing inquiries to the Strategic & Community Development Department.

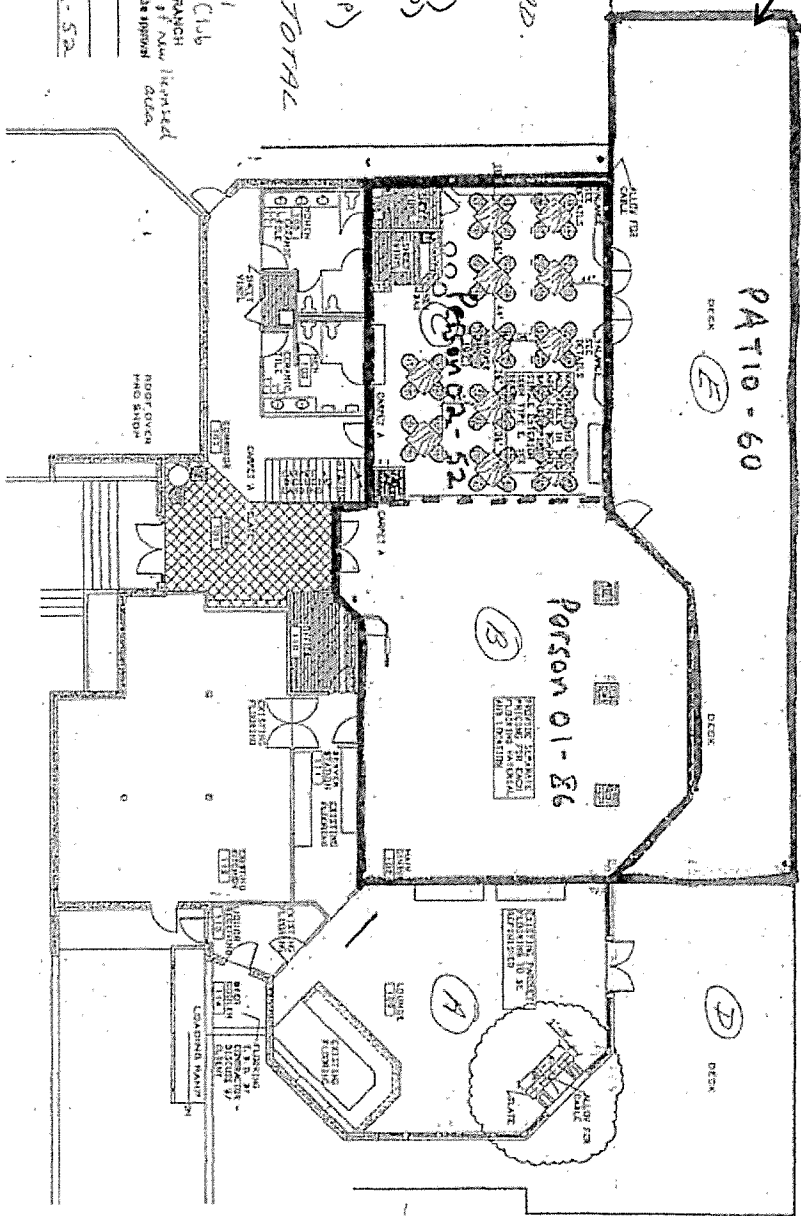
Schedule 2
Existing Liquor Licence

Seating plan shown in existing licence does not accurately reflect the actual seating configuration.

MAXIMUM OCCUPANT LOAD
 AREA A - 46
 AREA B - 86 (FP)
 AREA C - 52 (FP)
 AREA D - 12
 AREA E - 60 (FP)
 256 TOTAL

Food Permit # 134451
 Favourite's Golf & Country Club
 LIQUOR CONTROL AND LICENSING BRANCH
 APPROVED IN PRINCIPLE FOR ADDITION OF 150 SEATING
 SUBJECT TO THE WINE AND CIDER CONSUMPTION BY THE APPLICANT
 AS PER THE BY-LAW DATED APR 22, 1995
 Authority: X Markham
 Maximum Patron Capacity: Person 02-52

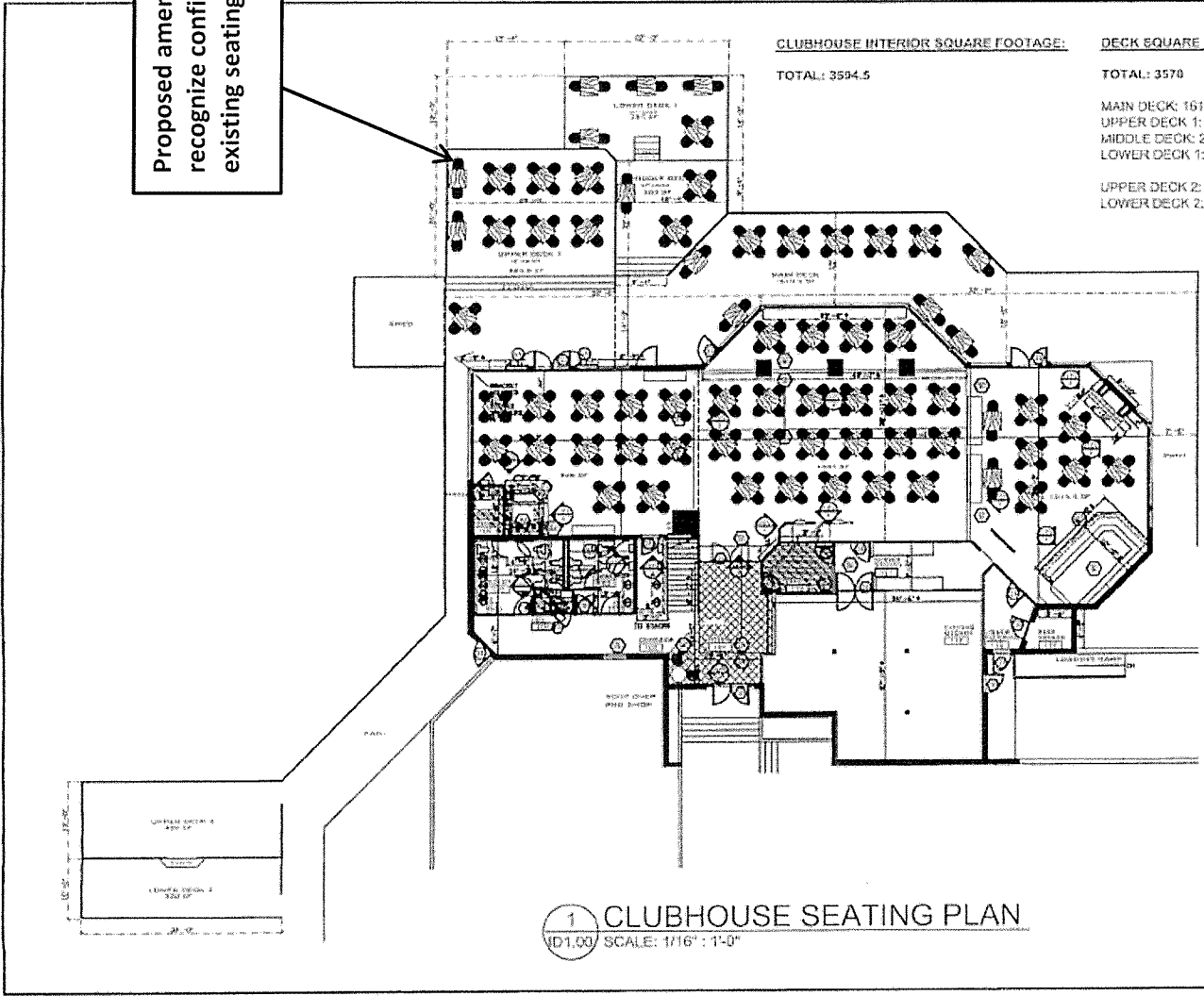
MAIN FLOOR
 SCALE 1/8" = 1'-0"




REGIONAL DISTRICT OF NANAIMO
 BUILDING INSPECTION SERVICE
 Application No. _____
 Checked by APR 6, 2004

Schedule 3
Proposed Liquor Licence Amendment

Proposed amendment to recognize configuration of existing seating area.



1 CLUBHOUSE SEATING PLAN
SCALE: 1/16" = 1'-0"



Interior Design Group

UNLESS SPECIFICALLY INDICATED OTHERWISE, ALL INFORMATION IS THE PROPERTY OF INTERIOR DESIGN GROUP. THE COPYRIGHT IN THIS DRAWING IS RESERVED BY INTERIOR DESIGN GROUP. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF INTERIOR DESIGN GROUP. THIS DRAWING IS THE PROPERTY OF INTERIOR DESIGN GROUP AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF INTERIOR DESIGN GROUP IS STRICTLY PROHIBITED. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. INTERIOR DESIGN GROUP SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DRAWING.

FAIRWINDS CLUBHOUSE
CLUBHOUSE SEATING PLAN
DRAFT

DATE	DESCRIPTION	BY	CHECKED
01/15/2012	CONCEPT	J. WILSON	J. WILSON
02/01/2012	SCHEMATIC	J. WILSON	J. WILSON
02/15/2012	PRELIMINARY	J. WILSON	J. WILSON
03/01/2012	FINAL DESIGN	J. WILSON	J. WILSON
03/15/2012	CONSTRUCTION	J. WILSON	J. WILSON

ID1.00

Attachment 1
Subject Property Map

