

REGIONAL DISTRICT OF NANAIMO

REGULAR BOARD MEETING

TUESDAY, APRIL 23, 2013

7:00 PM

(RDN Board Chambers)

A G E N D A

PAGES

- 1. CALL TO ORDER**
- 2. DELEGATIONS**
 - 12 **Craig Wisehart, Electronic Products Recycling Association**, re Program for handling end-of-life electronics in BC, as per the *Ministry of Environment* Recycling Regulation.
 - 13 **Kim Burden, Parksville and District Chamber of Commerce**, re Next Phase of the Oceanside Initiatives and Economic Development Strategy – development of business attraction marketing tools.
 - 14 **Dianne Eddy, Mapleguard Ratepayers Association**, re OCP Application No. 2011-060 – Baynes Sound Investments – Electoral Area ‘H’.
 - 15 **Ian MacDonnell**, re OCP Application No. 2011-060 – Baynes Sound Investments – Electoral Area ‘H’.
 - 16 **C.B. Chapman**, re Development Permit pending for construction in Electoral Area ‘A’.
- 3. BOARD MINUTES**
 - 17-28 Minutes of the Regular Board meeting held Tuesday, March 26, 2013 (All Directors – One Vote).
- 4. BUSINESS ARISING FROM THE MINUTES**
- 5. COMMUNICATIONS/CORRESPONDENCE**
 - 29 **Reg Nosworthy**, re Resignation as the Electoral Area ‘F’ Representative on the District 69 Recreation Commission (All Directors – One Vote).
 - 30 **Nancy Crozier**, re Resignation as Appointee to the Electoral Area ‘B’ Parks and Open Spaces Advisory Committee (All Directors – One Vote).

31-32 **Ian Birtwell**, re OCP Application No. 2011-060 – Baynes Sound Investments – Electoral Area ‘H’ (All Directors – One Vote).

33-34 **George and Marlene Dussault**, re OCP Application No. 2011-060 – Baynes Sound Investments – Electoral Area ‘H’ (All Directors – One Vote).

35-39 **Len Walker**, re OCP Application No. 2011-060 – Baynes Sound Investments – Electoral Area ‘H’ (All Directors – One Vote).

6. UNFINISHED BUSINESS

BYLAW ADOPTION

40-41 **Bylaw 1655.01 - Water User Rate Amendments 2013 - Introduced and read 3 times at March 26 Board meeting** (All Directors – Weighted Vote).

That “Regional District of Nanaimo Water Services Fees & Charges Amendment Bylaw No. 1655.01, 2013” be adopted.

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

7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

42-47 Minutes of the Electoral Area Planning Committee meeting held Tuesday, April 9, 2013 (for information) (All Directors – One Vote).

COMMUNICATIONS/CORRESPONDENCE

Len Walker, re OCP Amendment Application No. 2011-060 – Baynes Sound Investments – Electoral Area ‘H’ (All Directors – One Vote).

That the correspondence from Len Walker regarding Official Community Plan Amendment Application No. 2011-060, be received.

Ann and Christian Jaeckel, re OCP Application No. 2011-060 – Baynes Sound Investments – Electoral Area ‘H’ (All Directors – One Vote).

That the correspondence from Ann and Christian Jaeckel regarding Official Community Plan Amendment Application No. 2011-060, be received.

Marci Katz, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area ‘H’ (All Directors – One Vote).

That the correspondence from Marci Katz regarding Official Community Plan Amendment Application No. 2011-060, be received.

Becky Shave, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area ‘H’ (All Directors – One Vote).

That the correspondence from Becky Shave regarding Official Community Plan Amendment Application No. 2011-060, be received.

Phyllis Gauthier Taylor, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area ‘H’ (All Directors – One Vote).

That the correspondence from Phyllis Gauthier Taylor regarding Official Community Plan Amendment Application No. 2011-060, be received.

Bruce Cook, Lorindale Holdings Ltd., re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area ‘H’ (All Directors – One Vote).

That the correspondence from Bruce Cook regarding Official Community Plan Amendment Application No. 2011-060, be received.

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2012-106 – York Lake Equities Ltd. –1764, 1768 & 1774 Cedar Road, Electoral Area ‘A’ (Electoral Area Directors, except EA ‘B’ – One Vote).

That Development Permit Application No. PL2012-106 in conjunction with a proposed lot line adjustment and three-lot subdivision be approved subject to the conditions outlined in Schedules 1 to 3.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2012-157 – Fern Road Consulting Ltd. – 3511 Shetland Place, Electoral Area ‘E’ (Electoral Area Directors, except EA ‘B’ – One Vote).

Delegations wishing to speak to Development Variance Permit Application No. PL2012-157.

That Development Variance Permit Application No. PL2012-157 to reduce the minimum required setback from the interior side (west) lot line and rear lot line from 2.0 metres to 0.0 metres, be approved subject to the conditions outlined in Schedule 1.

Development Variance Permit Application No. PL2013-015 – Allin – 1401 Marina Way, Electoral Area ‘E’ (Electoral Area Directors, except EA ‘B’ – One Vote).

Delegations wishing to speak to Development Variance Permit Application No. PL2013-015.

That Development Variance Permit Application No. PL2013-015 to reduce the minimum setback from the natural boundary of the sea from 15.0 metres to 12.8 metres for a deck be approved subject to the conditions outlined in Schedule 1.

ZONING AMENDMENT APPLICATIONS

Zoning Amendment Application No. PL2011-19 –Jacqueline and John Pipes – 2925 Turnbull Road, Electoral Area ‘H’ (Electoral Area Directors, except EA ‘B’ – One Vote).

1. *That the conditions set out in Schedule 1 of the staff report be amended such that the covenant requirements related to the provision of groundwater be met prior to building permit application for any residential dwelling on each parcel created through subdivision, rather than prior to final approval of subdivision.*
2. *That the conditions set out in Schedule 1 of the staff report be completed prior to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.382, 2013”, being considered for adoption.*
3. *That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.382, 2013” be introduced and read two times.*
4. *That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.382, 2013” be chaired by Director Veenhof or his alternate.*

48-49

OTHER

Reconsideration of RGS and OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area ‘H’ (Electoral Area Directors, except EA ‘B’ – One Vote).

That the Electoral Area Planning Committee support a review of the application of the Baynes Sound Investments for a new Rural Village Centre at Deep Bay and that the application proceed through the process to amend the Electoral Area ‘H’ Official Community Plan and the Regional Growth Strategy.

Request to Accept Cash-in-Lieu of Park Dedication – Keith Brown Associates Ltd. – Boat Harbour Road, Electoral Area ‘A’ (Electoral Area Directors, except EA ‘B’ – One Vote).

That the request to accept 5% cash-in-lieu of park land dedication in conjunction with Subdivision Application No. PL2012-141 be accepted.

Liquor Licence Amendment Application No. PL2013-008 – Wheatsheaf Entertainment Centre Ltd. – 1866 & 1870 Cedar Road, Electoral Area ‘A’ (All Directors – One Vote).

1. *That the Board consider any written submissions or comments from the public regarding Liquor Licence Amendment Application No. PL2013-008.*
2. *That the Board adopt the resolution attached to the Liquor Licence Amendment Application No. PL2013-008 staff report as Schedule 1.*

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

50-54 Minutes of the Committee of the Whole meeting held Tuesday, April 9, 2013 (for information) (All Directors – One Vote).

COMMUNICATION/CORRESPONDENCE

Alistair Bryson, Chair, Capital Regional District, re Island Corridor Foundation and VIA Rail Negotiations (All Directors – One Vote).

That the correspondence from the Capital Regional District regarding Island Corridor Foundation and VIA Rail Negotiations be received.

CORPORATE SERVICES

ADMINISTRATIVE SERVICES

Update on Board Appointments to Advisory Bodies (All Directors – One Vote).

That the information report on Board appointments to advisory bodies be received.

INFORMATION TECHNOLOGY

2013 Report – Rogers Cell Tower Agreement and Renewal Extension (All Directors – Weighted Vote).

That the Board approve the acceptance of a yearly rental rate of \$11,500 for the June 1, 2013 – May 31, 2018 agreement term and that staff investigate other cell tower rates before future renewals.

FINANCIAL SERVICES

Bylaws No. 1679, 1680, 1681 and 1682 – Authorize the Use of Development Cost Charge Funds

(Parksville, Qualicum Beach, EA 'E', 'F', 'G', 'H' – Weighted Vote / 2/3 Weighted Vote).

- 55
1. That "Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1679, 2013" be introduced and read three times.
 2. That "Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1679, 2013" be adopted.

(Nanaimo, Lantzville, EA 'C' - Weighted Vote / 2/3 Weighted Vote).

- 56
1. That "Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1680, 2013" be introduced and read three times.
 2. That "Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1680, 2013" be adopted.

(Parksville, Qualicum Beach, EA 'E', 'F', 'G', 'H' - Weighted Vote / 2/3 Weighted Vote)

- 57
1. That "Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1681, 2013" be introduced and read three times.
 2. That "Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1681, 2013" be adopted.

(Nanaimo, Lantzville, EA 'C' - Weighted Vote / 2/3 Weighted Vote).

- 58
1. That "Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1682, 2013" be introduced and read three times.
 2. That "Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1682, 2013" be adopted.

Bylaws 1683 and 1684 – Authorize Expenditure of Bulk Water Development Cost Charge Funds.

(All Directors – One Vote)

That an amount of \$126,505 be released from the French Creek Bulk Water general reserve fund to be applied to 2012 and 2013 bulk water infrastructure expenditures.

(All Directors – One Vote / 2/3)

- 59
1. *That “Nanoose Bay Bulk Water Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1683, 2013” be introduced and read three times.*
 2. *That “Nanoose Bay Bulk Water Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1683, 2013” be adopted.*

(All Directors – One Vote / 2/3)

- 60
1. *That “French Creek Bulk Water Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1684, 2013” be introduced and read three times.*
 2. *That “French Creek Bulk Water Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1684, 2013” be adopted.*

STRATEGIC AND COMMUNITY DEVELOPMENT

BUILDING, BYLAW AND EMERGENCY SERVICES

Animal Control and Licensing Amendment Bylaw No. 939.03, 2013; Animal Control Amendment Bylaw No. 941.04, 2013; Bylaw Enforcement Ticket Regulation Amendment Bylaw No. 1418.02, 2013.

(EA ‘E’, ‘G’, ‘H’ – One Vote / 2/3)

- 61-62
1. *That “Animal Control and Licensing Amendment Bylaw No. 939.03, 2013” be introduced and read three times.*
 2. *That “Animal Control and Licensing Amendment Bylaw No. 939.03, 2013” be adopted.*

(All Directors – One Vote / 2/3)

- 63-64
1. That “Animal Control Amendment Bylaw No. 941.04, 2013” be introduced and read three times.
 2. That “Animal Control Amendment Bylaw No. 941.04, 2013” be adopted.

(All Directors – One Vote / 2/3)

- 65-68
1. That “Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Amendment Bylaw No. 1418.02, 2013” be introduced and read three times.
 2. That “Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Amendment Bylaw No. 1418.02, 2013” be adopted.

REGIONAL AND COMMUNITY UTILITIES

WASTEWATER SERVICES

Bylaw No. 975.58 – Pump & Haul Bylaw Amendment to Include Lot 18, District Lot 78, Nanoose District, Plan 19688 (Electoral Area ‘E’) (All Directors – One Vote).

1. That the boundaries of the “Regional District of Nanaimo Pump and Haul Local Service Establishment Bylaw No. 975, 1995” be amended to include Lot 18, District Lot 78, Nanoose District, Plan 19688 (Electoral Area ‘E’).
- 69-72
2. That “Regional District of Nanaimo Pump and Haul Local Service Amendment Bylaw No. 975.58, 2013” be introduced and read three times.

WATER SERVICES

Westurne Heights Study Area Petition Results and Service Area Establishing and Borrowing Bylaws (Bylaws 1677 and 1678) (All Directors – One Vote).

- 73-75
1. That Regional District of Nanaimo “Westurne Heights Water Service Study Area Establishing Bylaw No. 1677, 2013” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
- 76-77
2. That Regional District of Nanaimo “Westurne Heights Water Service Study Area Loan Authorization Bylaw No. 1678, 2013” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

NEW BUSINESS

Agricultural Area Plan Recommended Implementation Action 1.1A (All Directors – One Vote).

That this item be referred back to the Agricultural Advisory Committee to provide a recommendation on the proposed amendment to the terms of reference:

That the Agricultural Area Plan Recommended Implementation Action 1.1A, “consider updating the Agricultural Advisory Committee (AAC) Terms of Reference to allow the AAC to make comments on every application (exclusion, non-farm use, subdivision) that is forwarded to the Agricultural Land Commission (ALC)”, be referred to staff for a report on options to proceed; including in those options, the opportunity for optional Area Director comment to be incorporated into the process.

Rural Signage (All Directors – One Vote).

That staff be directed to prepare a report to the Board on a proposed consultative process with the intent of identifying rural signage concerns and reducing any impediments to effective signage.

7.3 COMMISSIONS

7.4 SCHEDULED ADVISORY AND SELECT COMMITTEES

Electoral Area ‘H’ Parks and Open Spaces Advisory Committee

78-79 Minutes of the Electoral Area ‘H’ Parks and Open Spaces Advisory Committee meeting held on Thursday, February 21, 2013 (for information) (All Directors – One Vote).

Nanoose Bay Parks and Open Spaces Advisory Committee

80-82 Minutes of the Nanoose Bay Parks and Open Spaces Advisory Committee meeting held on Monday, March 4, 2013 (for information) (All Directors – One Vote).

Electoral Area ‘F’ Parks and Open Spaces Advisory Committee

83-84 Minutes of the Electoral Area ‘F’ Parks and Open Spaces Advisory Committee meeting held on Wednesday, March 6, 2013 (for information) (All Directors – One Vote).

Northern Community Economic Development Select Committee

85-87 Minutes of the Northern Community Economic Development Select Committee meeting held on Tuesday, April 9, 2013 (for information) (All Directors – One Vote).

Northern Community Economic Development Program – Spring 2013 Proposals

1. *That funding for Digital Qualicum from the Innovation Island Technology Association be awarded funding in the amount of \$4,000.*
2. *That the funding for Lighthouse Country Village Signs from the Lighthouse Country Business Association be awarded full funding in the amount of \$5,000.*
3. *That the Qualicum Beach Airport Communications and Technology Upgrade from the Town of Qualicum Beach be awarded full funding in the amount of \$15,000; that staff be directed to initiate a dialogue with the Town of Qualicum Beach regarding future funding for the airport.*
4. *That the Nanoose Bay Community Signage Program from Nanoose Community Services be awarded funding in the amount of \$5,000.*
5. *That the funding for the Coombs Country Fair from the Arrowsmith Agricultural Association be awarded full funding in the amount of \$3,000.*
6. *That the funding for the MacMillan Arts Centre Centennial Project from the Oceanside Community Arts Council be awarded full funding in the amount of \$5,000.*

Sustainability Select Committee

88-113 Minutes of the Sustainability Select Committee meeting held on Tuesday, April 16, 2013 (for information) (All Directors – One Vote).

Reconsideration of RGS and OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area ‘H’

That that the Board support a review of the application of the Baynes Sound Investments for a new Rural Village Centre at Deep Bay and that the application proceed through the process to amend the Electoral Area ‘H’ Official Community Plan and the Regional Growth Strategy.

Community Energy and Emissions Plan

That the Community Energy and Emissions Plan be approved the as presented.

Climate Energy and Action Plan

That the proposed Climate and Energy Action Plan be approved as proposed.

Green Building Incentive Program 2013

That the proposed 2013 Green Building Incentive Program be approved.

8. ADMINISTRATOR'S REPORTS

- 114-141 **Reconsideration of RGS and OCP Amendment Application No. PL2011-060 – Baynes Sound Investments Lot A, District Lots 1 and 86, Newcastle District, Plan 48840; Lots B, District Lots 1 and 86, Plan 38463; Lot C, District Lot 86, Plan 38643 Electoral Area 'H'. (All Directors – One Vote).**
- 142-148 **Zoning Amendment Application No. PL2011-108 –Bylaw 500.381 – Addison - Lot 1, Section 7, Range 3, Cranberry District, Plan VIP68949 – 2610 Myles Lake Road, Electoral Area 'C' (Electoral Area Directors except EA 'B' – One Vote).**
- 149-163 **Zoning Amendment Application No. PL2012-035 – Bylaw 500.379 – 928323 BC Ltd. - Lot 1, District Lot 81, Nanoose District Plan 1799 – 691 Wembley Road, Electoral Area 'G' (Electoral Area Directors except EA 'B' – One Vote).**
- 164-181 **Vancouver Island Regional Library Borrowing Bylaws No. 1673, 1674, and 1675 (All Directors – Weighted Vote).**
- 182-184 **Memorandum of Understanding – Regional District of Nanaimo / City of Parksville Water Supply Agreement – Nanoose Water Connection (All Directors – One Vote).**

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION

13. IN CAMERA

That pursuant to Sections 90 (1) (a), (g), (i), and (j) of the Community Charter the Board proceed to an In Camera meeting for discussions related to persons being considered for Board appointments, litigations, solicitor-client privilege, and third-party interests.

14. ADJOURNMENT

O'Halloran, Matt

From: Farson, Hilary <Hilary.Farson@fleishman.ca>
Sent: Thursday, March 21, 2013 2:23 PM
To: O'Halloran, Matt
Cc: Hon, Grace
Subject: Request to appear before the Board

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon Mr. O'Halloran,

I hope you're well.

I'm writing on behalf of Craig Wishart, Executive Director of the Electronic Products Recycling Association (EPRA) to request to appear before the Board at the April 23, 2013 meeting. EPRA is a not-for-profit extended producer responsibility program that is responsible for handling end-of-life electronics in the province, as per the Ministry of Environment's recycling regulation.

Mr. Wishart wishes to provide an update regarding the status of the program and answer any questions that board members may have about electronics recycling policy in BC.

Is there any further information you require for this request?

I will be out of the office until this Tuesday. I have CC'd my associate to help with this in my absence.

Kind regards,

Hilary Farson

Associate Consultant

Fleishman-Hillard

777 Hornby Street, Suite 1920

Vancouver, BC V6Z 1S4

Phone: 604-688-2505

Fax: 604-688-2519

O'Halloran, Matt

Subject: RDN OI April 2013

From: Kim Burden [<mailto:kim@parksvillechamber.com>]

Sent: Tuesday, April 09, 2013 5:10 PM

To: Midgley, Chris

Cc: O'Halloran, Matt

Subject: Re: RDN OI April 2013

Thank you. I would like to appear as a delegation on April 23 to outline the next phase of the Oceanside Initiatives Economic Development Strategy - development of business attraction marketing tools.

Kim Burden
250 951 6420

O'Halloran, Matt

From: Dianne Eddy <d-eddy@shaw.ca>
Sent: Thursday, April 04, 2013 3:33 PM
To: O'Halloran, Matt
Subject: Delegation request for both the April 9th EAPC and April 23

Follow Up Flag: Follow up
Flag Status: Completed

Matt:
Thank you for your help on this.

I would like to request to be a delegation for the EAPC meeting on April 9, 2013 at 6:00 pm. I haven't completed my statement as yet but will be getting back to you on this. It is with regard to the proposed development in Deep Bay.

As well, I would like to request to be a delegation for the Regular Board meeting set for April 23.

Please acknowledge this email so I know I have your address correct. Thank you.

Dianne Eddy, President
Mapleguard Ratepayers' Association
Deep Bay

O'Halloran, Matt

Subject: Board Meeting April 23rd. 2013

From: Ian MacDonell [<mailto:bowsermac@shaw.ca>]

Sent: Sunday, April 14, 2013 2:58 PM

To: Hill, Jacquie

Cc: Bill Veenhof

Subject: Board Meeting April 23rd. 2013

Jacquie

I would like to appear as a delegation to this meeting.

The subject I will be speaking to is the Deep Bay RVC and Democracy.

Please advise me in due course if i will be on the agenda and the amount of time I will have to speak.

Regards

Ian MacDonell

Sent from my iPad

O'Halloran, Matt

From: Island Waterjet <info@islandwaterjet.com>
Sent: Friday, April 12, 2013 3:23 PM
To: O'Halloran, Matt
Cc: Island Waterjet
Subject: Requirement to speak to Board...

Follow Up Flag: Flag for follow up
Flag Status: Completed

Good morning,

I require to speak to your Board re your colleagues needlessly delaying these 10 months a simple barn I will be constructing on my vacant land acreage in Area A, and the associated extra \$15,000 I have been forced to pay for countless land surveys, riparian reports, engineered drawings over and over again.

Nothing has changed on my end these 10 months, it is still the exact same barn at the exact same location. 3 development permits and 8 building permits later, your colleagues absolutely refuse any and all cooperation.

Fed up and extremely not happy at this wilful belligerence of your colleagues.

Your friend Jeremy Holmes knows all about this.

I require an explanation from your Board.

You shall place me on the speakers list for the next meeting.

Kindly confirm.

C.B. Chapman

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR BOARD MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, MARCH 26, 2013 AT 7:00 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

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

Regrets:

Director G. Anderson	City of Nanaimo
Director B. Bestwick	City of Nanaimo

Also in Attendance:

P. Thorkelsson	Chief Administrative Officer
J. Harrison	Director of Corporate Services
W. Idema	Director of Finance
T. Osborne	Gen. Mgr. Recreation & Parks
D. Trudeau	Gen. Mgr. Transportation & Solid Waste
T. Armet	A/Gen. Mgr. Strategic & Community Development
R. Alexander	Gen. Mgr. Regional & Community Services
J. Hill	Mgr. Administrative Services
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Randy Alexander, General Manager of Regional and Community Services to the Regional District.

DELEGATIONS

Dr. Paul Hasselback, Vancouver Island Health Authority, re Local Health Area Profiles.

Dr. Hasselback made a presentation on Health at the Local Level and provided some of the 2012 data from the two Local Health Area Profiles for the Regional District of Nanaimo and discussed local implications.

BOARD MINUTES

Minutes of the Regular Board Meeting Held Tuesday, February 26, 2013.

13-180 MOVED Director Holme, SECONDED Director Ruttan, that the minutes of the Regular Board meeting held Tuesday, February 26, 2013 be adopted.

CARRIED

COMMUNICATION/CORRESPONDENCE

Bill Bennett, Ministry of Community Sport and Cultural Development, re Strategic Community Investment Fund Letter.

13-181 MOVED Director Brennan, SECONDED Director Johnstone, that the correspondence from the Ministry of Community, Sport and Cultural Development regarding the 2013 Strategic Community Investment Fund grants, be received.

CARRIED

Ian McKay and Lynn Wood, Oceanside Hospice Society, re Proposal for Oceanside Hospice as a Regional Service

13-182 MOVED Director Brennan, SECONDED Director Johnstone, that the correspondence from the Oceanside Hospice Society requesting the creation of a service area to provide hospice care in the Oceanside area, be received.

CARRIED

Arthur N. Skipsey, re Rail Transport on Vancouver Island.

13-183 MOVED Director Brennan, SECONDED Director Johnstone, that the correspondence from Arthur Skipsey in support of rail transport on Vancouver Island, be received.

CARRIED

UNFINISHED BUSINESS

BYLAW ADOPTION

Zoning Amendment Application No. PL2012-119 – Justin Holder Inc. – 2470 Apollo Drive, Electoral Area ‘E’ – Bylaw No. 500.380 – 3rd Reading and Adoption.

13-184 MOVED Director Holme, SECONDED Director McPherson, that the report of the Public Hearing held on March 5, 2013 on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.380, 2013” be received.

CARRIED

13-185 MOVED Director Holme, SECONDED Director Houle, that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.380, 2013” be read a third time.

CARRIED

13-186 MOVED Director Holme, SECONDED Director Houle, that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.380, 2013” be adopted.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES & RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

Minutes of the Electoral Area Planning Committee Meeting Held Tuesday, March 12, 2013.

13-187 MOVED Director Holme, SECONDED Director Fell, that the minutes of the Electoral Area Planning Committee meeting held Tuesday, March 12, 2013 be received for information.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. PL2012-166 – FMC Holdings Ltd., 1882 Fielding Road, Electoral Area ‘A’.

13-188 MOVED Director McPherson, SECONDED Director Young, that Development Permit with Variance Application No. PL2012-166 be approved subject to the conditions outlined in Schedules 1 to 6.

CARRIED

OTHER

Building Strata Conversion Application No. PL2012-159 & Development Permit Application No. PL2012-163 – Walton/Fern Road Consulting – Lot 7, Block 219, Nanoose District, Plan 30113 – 319 Allsbrook Road, Electoral Area ‘G’.

13-189 MOVED Director Holme, SECONDED Director Young, that the request from Fern Road Consulting Ltd. on behalf of David and Caroline Walton for the Building Strata Conversion Application No. PL2012-159 as shown on the proposed strata plan of Lot 7, Block 419, Nanoose District, Plan 30113, and Development Permit Application No. PL2012-163 be approved subject to the conditions being met as set out in Schedules 1 and 2.

CARRIED

- 13-190 MOVED Director Holme, SECONDED Director Young, that Development Permit Application No. PL2012-163 to permit the proposed strata conversion subdivision be approved subject to the conditions outlined in Schedules 1 and 2.

CARRIED

Zoning Amendment Application No. PL2012-035 – Bylaw 500.379 – 928323 BC Ltd. – 691 Wembley Road, Electoral Area ‘G’.

- 13-191 MOVED Director Holme, SECONDED Director Young, that Zoning Amendment Application No. PL2012-035 to rezone the subject property from Rural 1 Zone, Subdivision District ‘F’ to Residential 1 Zone, Subdivision District ‘Q’ be approved subject to the conditions outlined in Schedule 1.

CARRIED

- 13-192 MOVED Director Holme, SECONDED Director Young, that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.379, 2013” be introduced and read two times.

CARRIED

- 13-193 MOVED Director Holme, SECONDED Director Young, that the public hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.379, 2013” be delegated to Director Stanhope or another Area Director.

CARRIED

Zoning Amendment Application No. PL2011-108 – Bylaw 500.381 – Addison – 2610 Myles Lake Road, Electoral Area ‘C’.

- 13-194 MOVED Director Young, SECONDED Director Fell, that the conditions set out in Schedule 1 of the staff report be completed prior to Bylaw No. 500.381, 2013 being considered for adoption.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

Minutes of the Committee of the Whole Meeting Held Tuesday, March 12, 2013.

- 13-195 MOVED Director Brennan, SECONDED Director Ruttan, that the minutes of the Committee of the Whole meeting held Tuesday, March 12, 2013 be received for information.

CARRIED

BUSINESS ARISING FROM THE MINUTES

Director Veenhof left the meeting citing a possible conflict of interest with the next item.

Deep Bay Royal Canadian Marine Search & Rescue Unit 59 Funding.

- 13-196 MOVED Director Fell, SECONDED Director Young, that staff be directed to include a \$5,000 funding request from the Royal Canadian Marine Search & Rescue Unit 59, Deep Bay in budget discussions for the proposed 2014 budget.

CARRIED

Director Veenhof returned to the meeting.

COMMUNICATION/CORRESPONDENCE

Dave Bartram, re Rural Village Centre Study.

- 13-197 MOVED Director Veenhof, SECONDED Director Houle, that the correspondence from Dave Bartram regarding the Rural Village Centre Study be received.

CARRIED

Terry Lake, Minister of Environment, re Oil Spill Prevention, Preparedness and Response in Coastal Communities.

- 13-198 MOVED Director Veenhof, SECONDED Director Houle, that the correspondence from the Minister of Environment regarding oil spill prevention, preparedness and response in Coastal Communities be received.

CARRIED

Trudy Coates, Town of Qualicum Beach, re RCMP Community Policing Program Funding.

- 13-199 MOVED Director Veenhof, SECONDED Director Houle, that the correspondence from the Town of Qualicum Beach regarding RCMP community policing program funding be received.

CARRIED

CHIEF ADMINISTRATIVE OFFICER

2013 Service Area Work Plan Projects.

- 13-200 MOVED Director Veenhof, SECONDED Director Lefebvre, that the Board receive the list of service area work plan projects for 2013 for information.

CARRIED

FINANCIAL SERVICES

Electoral Area 'A' Recreation and Culture Budget.

- 13-201 MOVED Director McPherson, SECONDED Director Young, that staff be directed to increase the tax requisition for the Electoral Area 'A' Recreation and Culture Service by \$25,000 and to update the proposed Regional District of Nanaimo Financial Plan 2013 to 2017 Bylaw No. 1676, 2013 to reflect this increase.

CARRIED

Bylaw 1676 – 2013 to 2017 Financial Plan.

- 13-202 MOVED Director Brennan, SECONDED Director Ruttan, that "Regional District of Nanaimo Financial Plan 2013 to 2017 Bylaw No. 1676, 2013" be introduced and read three times.

CARRIED

- 13-203 MOVED Director Brennan, SECONDED Director Ruttan, that "Regional District of Nanaimo Financial Plan 2013 to 2017 Bylaw No. 1676, 2013" be adopted.

CARRIED

Bylaws 1318.02, 1319.03, 1320.03, 1448.03 and 1449.02 – Bylaws to Amend the Port Theatre Contribution Service Requisition Limits.

Bylaw 1318.02

- 13-204 MOVED Director McPherson, SECONDED Director Fell, that "Electoral Area 'A' Port Theatre Contribution Service Amendment Bylaw No. 1318.02, 2013" be introduced and read three times.

CARRIED

- 13-205 MOVED Director McPherson, SECONDED Director Brennan, that "Electoral Area 'A' Port Theatre Contribution Service Amendment Bylaw No. 1318.02, 2013" be adopted.

CARRIED

Bylaw 1319.03

13-206 MOVED Director Houle, SECONDED Director Greves, that "Electoral Area 'B' Cultural Centre Contribution Service Amendment Bylaw No. 1319.03, 2013" be introduced and read three times.

CARRIED

13-207 MOVED Director Houle, SECONDED Director Greves, that "Electoral Area 'B' Cultural Centre Contribution Service Amendment Bylaw No. 1319.03, 2013" be adopted.

CARRIED

Bylaw 1320.03

13-208 MOVED Director Young, SECONDED Director Lefebvre, that "Electoral Area 'C' (defined C) Port Theatre Contribution Service Amendment Bylaw No. 1320.03, 2013" be introduced and read three times.

CARRIED.

13-209 MOVED Director Young, SECONDED Director Lefebvre, that "Electoral Area 'C' (defined C) Port Theatre Contribution Service Amendment Bylaw No. 1320.03, 2013" be adopted.

CARRIED

Bylaw 1448.03

13-210 MOVED Director Young, SECONDED Director Dempsey, that "Electoral Area 'C' (defined Area 'D') Port Theatre Contribution Service Amendment Bylaw No. 1448.03, 2013" be introduced and read three times.

CARRIED

13-211 MOVED Director Young, SECONDED Director Dempsey, that "Electoral Area 'C' (defined Area 'D') Port Theatre Contribution Service Amendment Bylaw No. 1448.03, 2013" be adopted.

CARRIED

Bylaw 1449.02

13-212 MOVED Director Holme, SECONDED Director Fell, that "Electoral Area 'E' Port Theatre Contribution Service Amendment Bylaw No. 1449.02, 2013" be introduced and read three times.

CARRIED

13-213 MOVED Director Holme, SECONDED Director Fell, that "Electoral Area 'E' Port Theatre Contribution Service Amendment Bylaw No. 1449.02, 2013" be adopted.

CARRIED

2013 Parcel Tax Rate Bylaws (1567.04, 1336.10, 1568.04, 1569.04, 1483.07, 1525.04, 1231.04 and 1657.01).

Bylaw 1567.04

13-214 MOVED Director Lefebvre, SECONDED Director Houle, that "Water Services Parcel Tax Rates Amendment Bylaw No. 1567.04, 2013" be introduced and read three times.

CARRIED

13-215 MOVED Director Lefebvre, SECONDED Director Houle, that "Water Services Parcel Tax Rates Amendment Bylaw No. 1567.04, 2013" be adopted.

CARRIED

Bylaw 1336.10

13-216 MOVED Director Greves, SECONDED Director Lefebvre, that "Driftwood Water Supply Service Area Parcel Tax Rates Amendment Bylaw No. 1336.10, 2013" be introduced and read three times.

CARRIED

13-217 MOVED Director Greves, SECONDED Director Veenhof, that "Driftwood Water Supply Service Area Parcel Tax Rates Amendment Bylaw No. 1336.10, 2013" be adopted.

CARRIED

Bylaw 1568.04

13-218 MOVED Director Lefebvre, SECONDED Director Willie, that "Sewer Services Parcel Tax Rates Amendment Bylaw No. 1568.04, 2013" be introduced and read three times.

CARRIED

13-219 MOVED Director Lefebvre, SECONDED Director Houle, that "Sewer Services Parcel Tax Rates Amendment Bylaw No. 1568.04, 2013" be adopted.

CARRIED

Bylaw 1569.04

13-220 MOVED Director Willie, SECONDED Director Lefebvre, that "Fire Services Parcel Tax Rates Amendment Bylaw No. 1569.04, 2013" be introduced and read three times.

CARRIED

13-221 MOVED Director Willie, SECONDED Director Lefebvre, that "Fire Services Parcel Tax Rates Amendment Bylaw No. 1569.04, 2013" be adopted.

CARRIED

Bylaw 1483.07

13-222 MOVED Director Johnstone, SECONDED Director Willie, that "Barclay Crescent Sewer Service Area Parcel Tax Rates Amendment Bylaw No. 1483.07, 2013" be introduced and read three times.

CARRIED

13-223 MOVED Director Johnstone, SECONDED Director Willie, that "Barclay Crescent Sewer Service Area Parcel Tax Rates Amendment Bylaw No. 1483.07, 2013" be adopted.

CARRIED

Bylaw 1525.04

13-224 MOVED Director Veenhof, SECONDED Director Lefebvre, that "Crime Prevention and Community Justice Support Service Parcel Tax Rates Amendment Bylaw No. 1525.04, 2013" be introduced and read three times.

CARRIED

13-225 MOVED Director Veenhof, SECONDED Director Lefebvre, that "Crime Prevention and Community Justice Support Service Parcel Tax Rates Amendment Bylaw No. 1525.04, 2013" be adopted.

CARRIED

Bylaw 1231.04

13-226 MOVED Director Houle, SECONDED Director Willie, that "Regional Parks and Trails Service Parcel Tax Rates Amendment Bylaw No. 1231.04, 2013" be introduced and read three times.

CARRIED

- 13-227 MOVED Director Houle, SECONDED Director Veenhof, that “Regional Parks and Trails Service Parcel Tax Rates Amendment Bylaw No. 1231.04, 2013” be adopted.

CARRIED

Bylaw 1657.01

- 13-228 MOVED Director Veenhof, SECONDED Director Lefebvre, that “Northern Community Economic Development Service Parcel Tax Rates Amendment Bylaw No. 1657.01, 2013” be introduced and read three times.

CARRIED

- 13-229 MOVED Director Lefebvre, SECONDED Director Veenhof, that “Northern Community Economic Development Service Parcel Tax Rates Amendment Bylaw No. 1657.01, 2013” be adopted.

CARRIED

Preliminary Operating Results for the Period Ending December 31, 2012.

- 13-230 MOVED Director Veenhof, SECONDED Director Lefebvre, that the summary report of financial results for Regional District of Nanaimo operations to December 31, 2012 be received for information.

CARRIED

STRATEGIC AND COMMUNITY DEVELOPMENT

LONG RANGE PLANNING

2012 Annual Report on the Regional Growth Strategy Implementation and Progress.

- 13-231 MOVED Director Veenhof, SECONDED Director Houle, that the Regional Growth Strategy 2012 Annual Report be received.

CARRIED

- 13-232 MOVED Director Veenhof, SECONDED Director Houle, that staff be directed to distribute and use the 2012 Annual Report as part of efforts to raise awareness and provide education about the Regional Growth Strategy and its implementation.

CARRIED

Rural Village Centre Study.

- 13-233 MOVED Director Veenhof, SECONDED Director Houle, that the Rural Village Centre Study be received for information and referred to an EA Director’s Seminar for further discussion by the EA Directors.

CARRIED

BUILDING, BYLAW AND EMERGENCY PLANNING

Electoral Area ‘F’ Animal Control – Release of Reserve Funds.

- 13-234 MOVED Director Fell, SECONDED Director Ruttan, that the Board approve the release of \$7,538 from the Electoral Area ‘F’ Animal Control Reserve Fund for the payment of legal and boarding fees.

CARRIED

Animal Control Regulatory Amendment Bylaw 1066.02, 2013.

- 13-235 MOVED Director Johnstone, SECONDED Director Brennan, that Regional District of Nanaimo “Animal Control Regulatory Amendment Bylaw No. 1066.02, 2013” be introduced and read three times.

CARRIED

13-236 MOVED Director Johnstone, SECONDED Director Ruttan, that Regional District of Nanaimo “Animal Control Regulatory Amendment Bylaw No. 1066.02, 2013” be adopted.

CARRIED

13-237 MOVED Director Willie, SECONDED Director Veenhof, that staff be directed to prepare the necessary amendments to “Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Bylaw No. 1418, 2005”.

CARRIED

13-238 MOVED Director Houle, SECONDED Director Willie, that staff be directed to prepare amendments to Regional District of Nanaimo “Animal Control and Licensing Bylaw No. 939, 1994” (Electoral Areas ‘E’, ‘G’, ‘H’) to reflect the current legislation applicable to the regulation of dogs, and to add the provision for the muzzling of vicious dogs, for the Board’s consideration.

CARRIED

13-239 MOVED Director Houle, SECONDED Director Willie, that staff be directed to prepare amendments to Regional District of Nanaimo “Animal Control Bylaw No. 941, 1994” (Electoral Area ‘F’) to reflect the current legislation applicable to the regulation of dogs, and to add the provision for the muzzling of vicious dogs, for the Board’s consideration.

CARRIED

TRANSPORTATION AND SOLID WASTE

SOLID WASTE

Solid Waste Management Plan Review – Regional Solid Waste Advisory Committee.

13-240 MOVED Director Holme, SECONDED Director Brennan, that the Board approve the revised Regional Solid Waste Advisory Committee Terms of Reference as attached.

CARRIED

REGIONAL AND COMMUNITY UTILITIES

WATER SERVICES

Bylaw 1655.01 – Water User Rate Amendments 2013.

13-241 MOVED Director Brennan, SECONDED Director Ruttan, that “Regional District of Nanaimo Water Services Fees & Charges Amendment Bylaw No. 1655.01, 2013” be introduced and read three times.

CARRIED

Information Report – French Creek Bulk Water Service Area Removal from the Englishman River Water Service Joint Venture Agreement.

13-242 MOVED Director Lefebvre, SECONDED Director Holme, that the information report on the removal of the French Creek Bulk Water Service Area from the Englishman River Water Service joint venture agreement be received.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE MINUTES AND RECOMMENDATIONS

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

13-243 MOVED Director McPherson, SECONDED Director Johnstone, that the minutes of the Electoral Area 'A' Parks, Recreation and Culture Commission meeting held on Wednesday, February 20, 2013 be received for information.

CARRIED

District 69 Recreation Commission.

13-244 MOVED Director Veenhof, SECONDED Director Lefebvre, that the minutes of the District 69 Recreation Commission meeting held on Thursday, February 21, 2013 be received for information.

CARRIED

District 69 Recreation Grants.

13-245 MOVED Director Willie, SECONDED Director Veenhof, that the following District 69 Recreation Youth Grants be approved:

Community Group

893 Beaufort Squadron Air Cadets – program expenses	\$1,500
Arrowsmith Community Enhancement Society – youth programs	990
Ballenas Secondary School – Dry Grad	1,250
District 69 Minor Softball – equipment and uniforms	1,250
Kwalikum Secondary School – Dry Grad	1,250
Oceanside Baseball Association – equipment	1,859
Oceanside Community Arts Council – equipment and software	1,500
Oceanside Track and Field Club – reconditioning cinder and club equipment	3,851
Parksville Curling Club – junior program	1,275
Total	\$14,725

CARRIED

13-246 MOVED Director Veenhof, SECONDED Director Willie, that the following District 69 Recreation Community Grants be approved:

Community Group

Town of Qualicum Beach – Beach Day sound rental, first aid, displays and supplies	\$1,500
Errington Co-op Preschool – supplies and equipment	905
Errington Elementary School PAC – sandbox	1,265
Errington Therapeutic Riding Association – program expenses, horses and arena	1,100
French Creek Community School PAC – lacrosse program	1,250
Lighthouse Recreation Commission – program expenses	3,000
North Island Wildlife Recovery Association – Wildlife Family Day	450
Parksville Adult Badminton – facility rental and insurance	456
Vancouver Island Opera Recital Series – facility rental and advertising	650
Total	\$10,576

CARRIED

2012 Ravensong Aquatic Centre Assessment Survey.

- 13-247 MOVED Director Willie, SECONDED Director Veenhof, that staff be directed to implement changes to the Ravensong Aquatic Centre schedule and to reallocate program space, where possible, to meet the needs identified through the 2012 Ravensong Aquatic Centre Assessment Survey.

CARRIED

- 13-248 MOVED Director Willie, SECONDED Director Veenhof, that staff be directed to meet with Hughes Condon Marler Architects (HCMA) and obtain a quote for the firm's services to determine the project and operational cost of the work for the years 2015 – 2020 and in preparation for the 2014 Annual Budget and Five Year Financial Plan discussion.

CARRIED

District 69 Arena Lease Agreement – Parksville Curling Club.

- 13-249 MOVED Director Veenhof, SECONDED Director Lefebvre, that the Regional District of Nanaimo approve the Sublease with the Parksville Curling Club Society attached for the use of the District 69 Arena for the term of April 1, 2013 to March 31, 2018.

CARRIED

Statutory Holiday Closures at Ravensong Aquatic Centre and Oceanside Place.

- 13-250 MOVED Director Willie, SECONDED Director Veenhof, that staff prepare a report on the cost implications of opening Ravensong Aquatic Centre and Oceanside Place on Family Day and to review options to offset any increased costs including sourcing grants or sponsorships, limiting facility operational hours and adjusting user fees.

CARRIED

NEW BUSINESS

Odour Management Plan.

- 13-251 MOVED Director McPherson, SECONDED Director Young, that staff be directed to engage a consultant to review and evaluate the effectiveness of the odour management plan and associated odour control systems developed and implemented by International Composting Corporation (ICC) to achieve zero odour complaints, not only from neighbouring properties or users of the adjacent highway but also from residents of Areas 'A' 'B' and 'C', as required under the Regional District of Nanaimo Waste Stream Management Bylaw No. 1386 and the Organic Waste Processing Agreement.

CARRIED

ADMINISTRATOR'S REPORTS

Property Maintenance and Management Services Contract.

- 13-252 MOVED Director Johnstone, SECONDED Director Brennan, that the Board award the contract to provide property maintenance and management services for the Regional District of Nanaimo administration building, transit offices, and off-site premises including transit exchanges, respites and bus shelters to DTZ Nanaimo Real Estate Ltd., with the option to renew the contract for an additional two, two-year extensions subject to favourable annual evaluations.

CARRIED

Church Road Transfer Station Solid Waste Hauling Services Contract Award.

- 13-253 MOVED Director Holme, SECONDED Director Ruttan, that a five (5) year contract for the provision of solid waste hauling services from the Church Road Transfer Station for 2013 to 2018 be awarded to Magnum Disposal at a cost of \$1,500,350.

CARRIED

BUSINESS ARISING FROM DELEGATION OR CORRESPONDENCE

Oceanside Hospice Society Proposal as Regional Service.

- 13-254 MOVED Director Veenhof, SECONDED Director Lefebvre, that staff be directed to review the request from Oceanside Hospice Society for ongoing funding support, discuss with the Society specific needs as necessary, and report back to the Board on options for consideration in the 2014 budget.

CARRIED

NEW BUSINESS

Appointment of Alternate Director.

Director McPherson announced the appointment of Patricia Grand as the Electoral Area 'A' Alternate Director.

Municipal Finance Authority Award.

The Chairperson announced the awarding of a Triple 'A' rating to the Municipal Finance Authority and noted that MFA has achieved the lowest borrowing cost available to Municipalities and Regional Districts.

IN CAMERA

- 13-255 MOVED Director Holme, SECONDED Director Young, that pursuant to Section 90(1)(c) and (e) of the *Community Charter* the Board proceed to an In Camera meeting for discussions related to labour relations and land acquisitions.

CARRIED

ADJOURNMENT

MOVED Director Holme, SECONDED Director Young, that this meeting adjourn to allow for an In Camera Board meeting.

CARRIED

TIME: 8:14 PM

CHAIRPERSON

CORPORATE OFFICER

Reg Nosworthy
1105 Corcan Road
Qualicum Beach, BC
V9K 2R6

April 9, 2013

Regional District of Nanaimo
RDN Recreation and Parks
Oceanside Place
830 W. Island Highway
Parksville, BC
V9P 2X4

Attention: Dean Banman - Manager of Recreation Services

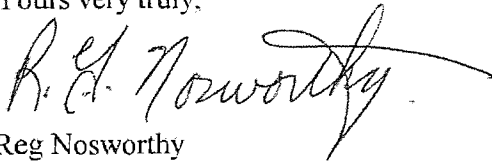
Dear Dean,

After considerable deliberation, I regretfully submit my resignation as the Area F Recreation Commissioner and current Chair of the RDN District 69 Recreation Commission for the Regional District of Nanaimo. I have agreed to accept the position of "Chairperson" for the Arrowsmith Community Enhancement Society (ACES) and this could put me into a possible conflict of interest with the RDN.

I have made this change to help create a more innovative and revitalized ACES community organization focused primarily on the delivery of rural recreation, arts, culture and community development in tune with the RDN Recreation delivery contract for Area F.

I wish to thank the RDN Board and all the staff at Parks and Recreation for their support over the past 13 years for the opportunity to serve as the Recreation Commissioner for electoral Area F.

Yours very truly,



Reg Nosworthy
Area F Recreation Commissioner

Cc. J. Fell - Director, Area F
T. Osborne - General Manager of Recreation and Parks

O'Halloran, Matt

Subject: FW: POSAC - Nancy Crozier

From: Nancy Crozier [mailto:nantscro@telus.net]

Sent: Friday, April 12, 2013 6:13 PM

To: McCulloch, Elaine

Cc: Howard Houle; Jacinthe & Peter Eastick; Nancy Crozier; Randy Young; cherylmarshall@shaw.ca; Wendy Strachan

Subject: POSAC - Nancy Crozier

Elaine McCulloch

Parks Planner ,RDN Recreation & Parks

Dear Elaine and Howard,

I am sorry that I was not present at the last 2 POSAC meetings and have come to the decision to step down from this board.

I don't feel I can give quality time & attention to the issues on POSAC and feel that a new member should be recruited in my stead.

I have so enjoyed the time I have spent with RDN staff and the members on this advisory commission. Thank you .

Nancy Crozier

O'Halloran, Matt

Subject: Attention Matt O'Halloran Legislative Coordinator Regional District of Nanaimo - re Baynes Sound Development

From: Ian [<mailto:ianandelisabethbirtwell@shaw.ca>]

Sent: Tuesday, April 09, 2013 10:01 AM

To: 'MOhalloran@rdn.bc.ca'

Subject: Attention Matt O'Halloran Legislative Coordinator Regional District of Nanaimo - re Baynes Sound Development

Hello Mr. O Halloran,

I am submitting this letter in regard to the proposed development by Bayne Sound Investment Ltd., and reconsideration of RGS and OCP Amendment Application No. PL2011-060 — Baynes Sound Investments by the RDN. The topic in question is on the Agenda of your meeting on April 9 2013.

In addition to having attended a presentation of the proposed development by the developers I have read the information which is available from the RDN. The evaluation and assessment document provided by your planning department is well written, understandable and comprehensive: it is apparent that much effort was expended. It is only logical that one gives credence to such efforts that have been made on behalf of us all and the RDN board especially. Efforts that arrived at the deduction that:

- "1. That the Electoral Area Planning Committee not support the Deep Bay development application by recommending that the Board deny the application."
- I concur with that conclusion and wish to thank the planning department for their assessment of this development which, as stated, "does not fit with the RDN's established growth management strategy which is aimed at containing growth within existing designated urban areas and village centres. Indeed, the proposal presents significant competition to existing RVCs that are not yet fully realized or able to reach their own potential as desired under the RGS and respective OCP".

My reasons for objecting to the development relate to the potential effects on the way of life in this area. My background is in science and I have specifically researched the impacts of human activities on the aquatic environment for over 40 years. Aspects of the development will inevitably change the local environment and with proximity to both fresh (underground and on the surface) and marine waters there will be impacts. Some may be ameliorated while others may not. Proximity to shellfish growing areas is a potential concern because of land run-off changes and all the associated aspects of increased human populations and their activities. I have written the following comments to our area representative Bill Veenhof (who kindly

advised us of his intentions and concerns re this development), and wish to add them to this letter:

Thanks Bill,

- I intend to register my disapproval with respect to the proposed development by letter to the RDN.
- I have lived here for many years, had property here since 1980 and came here because of its semi-rural approach to life. I do not want to see this changed. Had I wanted to live in a larger community with drinking water contaminated with disinfectants, more people and traffic, nasty environmental conditions which are associated with larger populations, and a sewage treatment system discharging wastes without complete detoxification to the local ocean I would not have come here and instead have moved to other areas within the RDN boundaries. Preserving what we have in terms of our way of life and the local environment is important to me and my family. This does not mean no change, it implies responsible change not mediated by profits from agricultural land development.
- I have attended a presentation by the developer. Development is always going to occur but this should be within the context of the community wishes, which, I understand have already been expressed. I do not agree with a higher density living concept than that which currently exists here and I realize that developers are, quite understandably, trying to maximize profits of the proposed development.
- The current rural aspect of Bowser and Deep Bay should be retained from my perspective.
- As I understand the OCP this was done in a democratic way and it would be irresponsible of us to disregard the wishes contained therein. The document is for guidance and should be used appropriately, I do not see it as one of "documents that can be permitted to subvert the will of the people" just the opposite. I think it would be irresponsible to ignore the OCP.

Thanks for the note,

Regards,

Ian

Ian Birtwell
4801 Ocean Trail,
P.O. Box 13,
Bowser,
BC VOR 1G0

O'Halloran, Matt

Subject: Deep Bay Village Centre Study

From: Marlene Dussault [<mailto:nummers@shaw.ca>]

Sent: Wednesday, April 10, 2013 2:54 PM

To: O'Halloran, Matt

Subject: Re: Deep Bay Village Centre Study

Mr. O'Halloran:

We realize this is too late but we would like to have this letter on file. We were not available to get it out earlier. We will forward hard copy to you if you prefer. We appreciate & thank you for your assistance in this matter.

Please provide copies to Director J. Stanhope & all RDN Directors.

We wish to express our views & thoughts behind the proposal to ignore our Deep Bay OCP & make Deep Bay a Village Centre.

We may be considered one of the "noisy" people but if caring & concern about one's rural community implies that, then, yes, we are the "noisy" people.

We have also been considered people who prefer the "draw bridge effect" but our response to that is there is no need to open the floodgates either.

We prefer the zoning which presently exists & creates a rural living area with single family homes situated on 1/2 acre lots. We feel this aspect which is clearly outlined in our OCP is diminished with the introduction of 16' to 33' strata lots with multiple dwellings that when arms are outstretched between the dwellings, you are able to touch both buildings. Thus the rural concept living in Deep Bay no longer exists.

We realize there has already been a contravention of this by a duplex being built on one of the 1/2 acre lots which, in our opinion, is not a single family home. We also have an existing strata lot complex; however, it would appear cracks do happen.

Possibly another aspect to be considered by the Regional Directors is that we already have two resort/campgrounds in this small community, one of which is owned by a very long term resident of Deep Bay. These resort/campgrounds sit practically empty most of the summer due to the lack of tourism in the area. We have all heard of the end results of over fishing & how the sport is diminishing in many areas of the Island - Deep Bay being the hardest hit.

Another consideration - Is our fire department well enough equipped? Who will pay for more vehicles & a new fire hall to house these vehicles? We have been advised infrastructure costs of that development is paid by the developer. Has the developer included these costs in his submission? Is there sufficient water in the event of fire within the BSI complex?

We were promised a report regarding our water supply by the end of March. Is that report now available to local residents?

We feel this is being pushed through rather quickly with no input by all residents who have the right to a vote on this & not just by the select few. We attended many meetings & it was certainly apparent that the majority of residents did not want a Village Centre in Deep Bay.

Bowser, which is less than 5 km away, has been the HUB for many years & with the Bowser Senior Housing Society establishing a senior residence in Bowser people can walk around doing their errands. Will they walk to a strip mall in Deep Bay? Is this good regional planning to have 2 village centres within such a short radius? Will Deep Bay be taking business away from the already existing businesses in Bowser?

We appreciate this is long term planning BUT once the flood gates are opened, anything can happen!

Yours truly,
George & Marlene Dussault
5327 Gainsberg Road,
Deep Bay

O'Halloran, Matt

From: Bowser Bonkers <bowserbonkers@gmail.com>
Sent: Sunday, April 14, 2013 5:11 PM
To: O'Halloran, Matt
Subject: Came across some information

Hi Matt

I have come across some information that I believe needs to really be studied before the RDN allows a huge development at Deep Bay that will utilize sewage ponds.

These links are from different cities in North America....just a few....in my research I came across HUNDREDS of PROBLEMS with this kind of treatment. Its ok in sunny climes.....BUT NOT IN A RAIN FOREST....

The ponds cannot be controlled during heavy winter rains and without sunlight like we have most of the winter the algae does not grow....which is the essence of the system.

I think your engineers need to study this stuff....because if BSI goes ahead and develops this pond sewage in Deep Bay and later due to lack of sun or excess rain or lack of proper maintenance (who pays for that anyway?) there could be a major problem facing the RDN.

<https://osoyoos.civicweb.net/Documents/DocumentDisplay.aspx?ID=30005>

essential oils for getting rid of French creek
stink?: http://www.onaonline.com/images/press/Max_Yield_2012.pdf

sewage in shellfish areas...go ahead and eat them
eh?: <http://co.marin.ca.us/depts/CD/main/pdf/EHS/TWELVE-YEARREPORTTOMALESBAYFinal0602.pdf>

Fort Steele Residents Association

Cranbrook municipal sewage is currently receiving only primary treatment before being piped to storage ponds, then used for spray irrigation. The spray irrigation is occurring within a community watershed and within a 1/2 kilometer of residential wells. Both leakage from the storage ponds and the spray irrigation are believed to be contaminating local wells. The goal of the project is to determine legal options to prevent further contamination of the local wells.

Lawyer:

David Aaron

Amount Granted to Date :
\$2,688.00

Number of Grants:

1

Links:

[Fort Steele Heritage Town Website](#)

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WHAT STENCH LIES BEFORE US?
.....

Lagoons may be used where there are no significant limitations related to groundwater and the soils are known to be impermeable. Soils with percolation rates slower than 120 minutes per inch are considered impermeable.

When wastes are broken down, some of the material is given off as gases in the air and small amounts of solids settle to the bottom of the lagoon. In a properly constructed and managed lagoon, solids will not likely build up to where the lagoon will need to be cleaned out.

<http://extension.missouri.edu/p/WQ402>

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Following is a brief discussion of the causes of effluent noncompliance

BOD5

High effluent BOD5 concentration can have a number of causes. These include incomplete wastewater treatment due to organic overloading, low oxygen concentration and low hydraulic detention time; physical short circuiting; high algae or sulfur bacteria growth; and sludge accumulation and loss of old sludge to the effluent. High effluent BOD5 can also be caused by high effluent ammonia concentration and nitrification in the BOD test bottle, yielding a high oxygen use in the BOD test when actual carbonaceous BOD is low.

TSS

High effluent TSS is usually caused by high algae or sulfur bacteria growth, the loss of old sludge to the effluent, or by organic overloading and dispersed bacterial growth.

pH

High or low effluent pH problems can occur, for different reasons. Low effluent pH (<7.0) may be due to either organic overloading and low oxygen conditions, or due to nitrification when the lagoon alkalinity (buffer capacity) is low. High effluent pH is always due to extensive algae growth. Algae consume alkalinity (inorganic carbon) for growth and the pH increases as algae consume the alkalinity species in the order carbon dioxide, bicarbonate and carbonate.

Ammonia

Ammonia is primarily removed in lagoon systems by micro- biological nitrification to nitrate. Lagoons often support nitrification and have low effluent ammonia concentrations. However, one major problem in lagoons is wintertime low temperature due to the long hydraulic detention time and loss of the influent wastewater warmer temperature. Wastewater stays warm enough for nitrification year-round (5-8C) in the activated sludge process due to the relatively low hydraulic detention time (4-24 hours) in which the wastewater is treated. In colder climates, nitrification ceases in lagoons in the wintertime and early spring.

Other factors that limit nitrification in lagoons are low oxygen concentration and low alkalinity. Nitrification requires 2.0 mg/l or greater dissolved oxygen concentration for optimum performance. Alkalinity (inorganic carbon) is required by the nitrifying bacteria and nitrification becomes limited at a total carbonate alkalinity of <60-80 mg/L. One sign of an alkalinity limitation for nitrification is the build- up of nitrite about 1-2 mg/L. Nitrification can be increased by raising the dissolved oxygen concentration and by supplementing alkalinity (usually lime), but nothing can be done about low temperature.

Odor

Odor in lagoons is always due t low oxygen conditions where the bacteria use alternate electron acceptors to oxidize BOD; sulfate, producing hydrogen sulfide, and true fermentation of organic materials, producing odorous organic acids. This condition occurs at organic overloading and low oxygen conditions, and when sludge accumulation becomes excessive. Odor is common in lagoon systems with wintertime ice cover, when the ice melts in the springtime and the backlog of winter stored BOD is oxidized.

.....

TOTAL INCOMPETENCE by the Directors of the district in which the sewage lagoon was situated:

<http://www.frenchriverwater.ca/lagoon.htm>

.....
.....

Calgary Sewage Lagoons Overflowing As Population Grows

www.huffingtonpost.ca/.../calgary-sewage-lagoons-overflowing_n_2... Cached

You +1'd this publicly. [Undo](#)

Feb 28, 2013 – Calgary's Shepard sludge **lagoons** are facing a tipping point; they're ...
Calgary **Sewage** Management, Calgary **Sewage Problem, Sewage ...**

.....

Len Walker
5185 Gainsberg Road
Deep Bay Bowser, BC V0R 1G0

NO PHONE

O'Halloran, Matt

From: Bowser Bonkers <bowserbonkers@gmail.com>
Sent: Sunday, April 14, 2013 5:13 PM
To: O'Halloran, Matt
Subject: FORGOT to add this Matt...

Exposure to sunlight is extremely important to lagoons because it contributes to the growth of green algae on the water surface. Because algae are plants, they live by a process called photosynthesis. This process produces oxygen which many of the bacteria in the water use to breakdown the waste. Lagoons are designed to operate with three to five feet of wastewater, any more than this and the bacteria cannot receive enough sunlight. The amount of water in the lagoon is reduced through evaporation and wind action. Lagoons should be built in locations where trees or other structures will not restrict sunlight exposure or air movement. A dike is constructed on all sides of the lagoon to prevent inflow of surface water and discharge of effluent. Properly located lagoons must be constructed in clay soil or be lined to prevent leakage.

Long-term efficient operation of your lagoon system is directly dependent upon how you maintain it. The lagoon serving your home is not a permanent or lifetime unit. It will malfunction if not properly maintained. Malfunctioning systems can cause serious risks and degradation of the environment and are often expensive to repair.

.....

thanks

Len Walker
Deep Bay

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1655.01

**A BYLAW TO AMEND THE FEES AND CHARGES FOR
REGIONAL DISTRICT OF NANAIMO WATER SERVICES**

WHEREAS the Regional District of Nanaimo established water user fees and charges pursuant to Bylaw No. 1655, cited as “Regional District of Nanaimo Water Services Fees & Charges Bylaw No. 1655, 2012”;

AND WHEREAS in accordance with Section 803 of the *Local Government Act*, this bylaw authorizes the Regional District to recover service costs through the imposition of fees and charges;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to introduce water user rate increases of 2% in accordance with the 2013 Financial Plan;

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

1. Citation

This bylaw may be cited for all purposes as the “Regional District of Nanaimo Water Services Fees & Charges Amendment Bylaw No. 1655.01, 2013”.

2. Amendment

“Regional District of Nanaimo Water Services Fees & Charges Bylaw No. 1655, 2012” is amended as follows:

By deleting Schedule ‘A’ of Bylaw No. 1655 and replacing it with the Schedule ‘A’ attached to and forming part of this bylaw.

3. Effective Date

The effective date of this bylaw is May 1, 2013.

Introduced and read three times this 26th day of March, 2013.

Adopted this . . . day of . . . 2013.

CHAIRPERSON

CORPORATE OFFICER

Schedule 'A' to accompany "Regional District of Nanaimo Water Services Fees & Charges Amendment Bylaw No. 1655.01, 2013".

Chairperson

Corporate Officer

SCHEDULE 'A'

WATER RATES

1. (a) Calculated on the average daily consumption per unit:
 - i) For the first 0.7 cubic meters per day, \$0.94 per cubic meter.
 - ii) From 0.71 to 1.4 cubic meters per day, \$1.08 per cubic meter.
 - iii) From 1.41 to 2.1 cubic meters per day, \$1.37 per cubic meter.
 - iv) From 2.11 to 2.8 cubic meters per day, \$1.63 per cubic meter.
 - v) From 2.81 to 3.5 cubic meters per day, \$2.17 per cubic meter.
 - vi) Over 3.51 cubic meters per day, \$3.25 per cubic meter.
- (b) Minimum rate is \$0.29 per day.
- (c) Un-metered connections - \$3.00 per day.
- (d) Schools – As per (a) above plus \$80.00 per billing period.
- (e) Un-metered fire lines, \$65.00 per billing period.

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, APRIL 9, 2013 AT 6:00 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

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

Also in Attendance:

P. Thorkelsson	Chief Administrative Officer
J. Harrison	Director of Corporate Services
D. Trudeau	Gen. Mgr. Transportation & Solid Waste
R. Alexander	Gen. Mgr. Regional & Community Utilities
T. Armet	A/Gen. Mgr. Strategic & Community Development
J. Holm	Mgr. Current Planning
P. Thompson	Mgr. Long Range Planning
J. Hill	Mgr. Administrative Services
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order.

DELEGATIONS

Baynes Sound Investments Ltd., re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments.

Ms. Hildebrand, speaking on behalf of Baynes Sound Investments, presented an overview of the proposed application and their efforts to comply with the Regional Growth Strategy.

Margaret Healey, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments.

Ms. Healey spoke in support of Official Community Plan Amendment Application No. PL2011-060 and provided Committee members with a copy of her presentation.

Keith Reid, Odyssey Shellfish Ltd., re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments.

Mr. Reid raised his concerns with water quality in Baynes Sound with the addition of a large development in the area and spoke in support of Official Community Plan Amendment Application No. PL2011-060 stating that the developers have accommodated the concerns of the shellfish growers in this respect.

Ralph Nilson and Dan Hurley, Vancouver Island University, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments.

Mr. Nilson spoke in support of the development and stressed the importance of high level water quality in the planning of any development.

Jacqueline Pipes, re 2925 Turnbull Road, Electoral Area 'H' (Zoning Amendment Application No. PL2011-179).

Ms. Pipes declined her opportunity to speak.

LATE DELEGATIONS

MOVED Director Stanhope, SECONDED Director Young, that the following late delegations be permitted to address the Committee.

CARRIED

Dianne Eddy, Mapleguard Ratepayers Association, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area 'H'.

Ms. Eddy spoke in opposition to Official Community Plan Amendment Application No. PL2011-060 and stated the importance of the existing Official Community Plan and Regional Growth Strategy as the voice of the area residents.

Dave Bartram, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area 'H'.

Mr. Bartram spoke in support of Official Community Plan Amendment Application No. PL2011-060 noting the need for the residents to hear the application process prior to making a final decision.

Nelson Eddy, Mapleguard Ratepayers Association, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area 'H'.

Mr. Eddy urged the members of the Committee to respect the two reports commissioned by the Regional District of Nanaimo and to respect the opinions of local residents reflected in the Official Community Plan and Regional Growth Strategy.

Patty and Steve Biro, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area 'H'.

Ms. Biro spoke in support of the Official Community Plan Amendment Application No. PL2011-060 and stressed the need for careful and responsible planning. Ms. Biro further requested that the application be referred to Regional District of Nanaimo staff for further review.

Ian MacDonell, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area ‘H’.

Mr. MacDonell spoke in opposition of Official Community Plan Amendment Application No. PL2011-060 raising his concerns with a large development.

Greta Taylor, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area ‘H’.

Ms. Taylor raised her concerns regarding a proposed second rural village centre within Electoral Area ‘H’, and requested that the Board review the Regional Growth Strategy and the Official Community Plan.

Diane L. Sampson, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area ‘H’.

Ms. Sampson spoke in opposition of Official Community Plan Amendment Application No. PL2011-060 raising her concerns with the protection of existing water quality.

Bob Leggett, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area ‘H’.

Mr. Leggett spoke in opposition of Official Community Plan Amendment Application No. PL2011-060 and requested that the application be denied or tabled until a broad and comprehensive community review is conducted.

ELECTORAL AREA PLANNING COMMITTEE MINUTES

MOVED Director Stanhope, SECONDED Director McPherson, that the minutes of the Electoral Area Planning Committee meeting held March 12, 2013 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Len Walker, re OCP Amendment Application No. 2011-060 – Baynes Sound Investments – Electoral Area ‘H’.

MOVED Director Stanhope, SECONDED Director Veenhof, that the correspondence from Len Walker regarding Official Community Plan Amendment Application No. 2011-060, be received.

CARRIED

Ann and Christian Jaeckel, re OCP Application No. 2011-060 – Baynes Sound Investments – Electoral Area ‘H’.

MOVED Director Stanhope, SECONDED Director Veenhof, that the correspondence from Ann and Christian Jaeckel regarding Official Community Plan Amendment Application No. 2011-060, be received.

CARRIED

Marci Katz, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area ‘H’.

MOVED Director Stanhope, SECONDED Director Veenhof, that the correspondence from Marci Katz regarding Official Community Plan Amendment Application No. 2011-060, be received.

CARRIED

Becky, Shave, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area ‘H’.

MOVED Director Stanhope, SECONDED Director Veenhof, that the correspondence from Becky Shave regarding Official Community Plan Amendment Application No. 2011-060, be received.

CARRIED

Phyllis Gauthier Taylor, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area ‘H’.

MOVED Director Stanhope, SECONDED Director Veenhof, that the correspondence from Phyllis Gauthier Taylor regarding Official Community Plan Amendment Application No. 2011-060, be received.

CARRIED

Bruce Cook, Lorindale Holdings Ltd., re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area ‘H’.

MOVED Director Stanhope, SECONDED Director Veenhof, that the correspondence from Bruce Cook regarding Official Community Plan Amendment Application No. 2011-060, be received.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2012-106 – York Lake Equities Ltd. – 1764, 1768 & 1774 Cedar Road, Electoral Area ‘A’.

MOVED Director McPherson, SECONDED Director Stanhope, that Development Permit Application No. PL2012-106 in conjunction with a proposed lot line adjustment and three-lot subdivision be approved subject to the conditions outlined in Schedules 1 to 3.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2012-157 – Fern Road Consulting Ltd. – 3511 Shetland Place, Electoral Area ‘E’.

MOVED Director Stanhope, SECONDED Director Young, that Development Variance Permit Application No. PL2012-157 to reduce the minimum required setback from the interior side (west) lot line and rear lot line from 2.0 metres to 0.0 metres, be approved subject to the conditions outlined in Schedule 1.

CARRIED

Development Variance Permit Application No. PL2013-015 – Allin – 1401 Marina Way, Electoral Area ‘E’.

MOVED Director Stanhope, SECONDED Director Young, that Development Variance Permit Application No. PL2013-015 to reduce the minimum setback from the natural boundary of the sea from 15.0 metres to 12.8 metres for a deck be approved subject to the conditions outlined in Schedule 1.

CARRIED

ZONING AMENDMENT APPLICATIONS

Zoning Amendment Application No. PL2011-19 –Jacqueline and John Pipes – 2925 Turnbull Road, Electoral Area ‘H’.

MOVED Director Veenhof, SECONDED Director Stanhope, that the conditions set out in Schedule 1 of the staff report be amended such that the covenant requirements related to the provision of groundwater be met prior to building permit application for any residential dwelling on each parcel created through subdivision, rather than prior to final approval of subdivision.

CARRIED

MOVED Director Veenhof, SECONDED Director Fell, that the conditions set out in Schedule 1 of the staff report be completed prior to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.382, 2013”, being considered for adoption.

CARRIED

MOVED Director Veenhof, SECONDED Director Fell, that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.382, 2013” be introduced and read two times.

CARRIED

MOVED Director Veenhof, SECONDED Director Fell, that the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.382, 2013” be chaired by Director Veenhof or his alternate.

CARRIED

OTHER

Reconsideration of RGS and OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area ‘H’.

MOVED Director Veenhof, SECONDED Director Stanhope, that the Electoral Area Planning Committee support a review of the application of the Baynes Sound Investments for a new Rural Village Centre at Deep Bay and that the application proceed through the process to amend the Electoral Area ‘H’ Official Community Plan and the Regional Growth Strategy.

CARRIED

Request to Accept Cash-in-Lieu of Park Dedication – Keith Brown Associates Ltd. – Boat Harbour Road, Electoral Area ‘A’.

MOVED Director McPherson, SECONDED Director Young, that the request to accept 5% cash-in-lieu of park land dedication in conjunction with Subdivision Application No. PL2012-141 be accepted.

CARRIED

Liquor Licence Amendment Application No. PL2013-008 – Wheatsheaf Entertainment Centre Ltd. – 1866 & 1870 Cedar Road, Electoral Area ‘A’.

MOVED Director McPherson, SECONDED Director Fell, that the Board consider any written submissions or comments from the public regarding Liquor Licence Amendment Application No. PL2013-008.

CARRIED

MOVED Director McPherson, SECONDED Director Fell, that the Board adopt the resolution attached to the Liquor Licence Amendment Application No. PL2013-008 staff report as Schedule 1.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:29 PM

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500.382

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. 500.382, 2013".
- B. "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 2, Block 360, Alberni District, Plan 35096 from Rural 1 (RU1) Zone, Subdivision District 'B' to Residential 6 (RS6) Zone, Subdivision District 'D'; and Rural 1 (RU1) Zone, Subdivision District 'CC' as shown on Schedule 1.

Introduced and read two times this 9 day of April, 2013.

Public Hearing held this ____ day of _____, 2013.

Read a third time this ____ day of _____, 2013.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ____ day of _____, 2013.

Adopted this ____ day of _____, 2013.

CHAIRPERSON

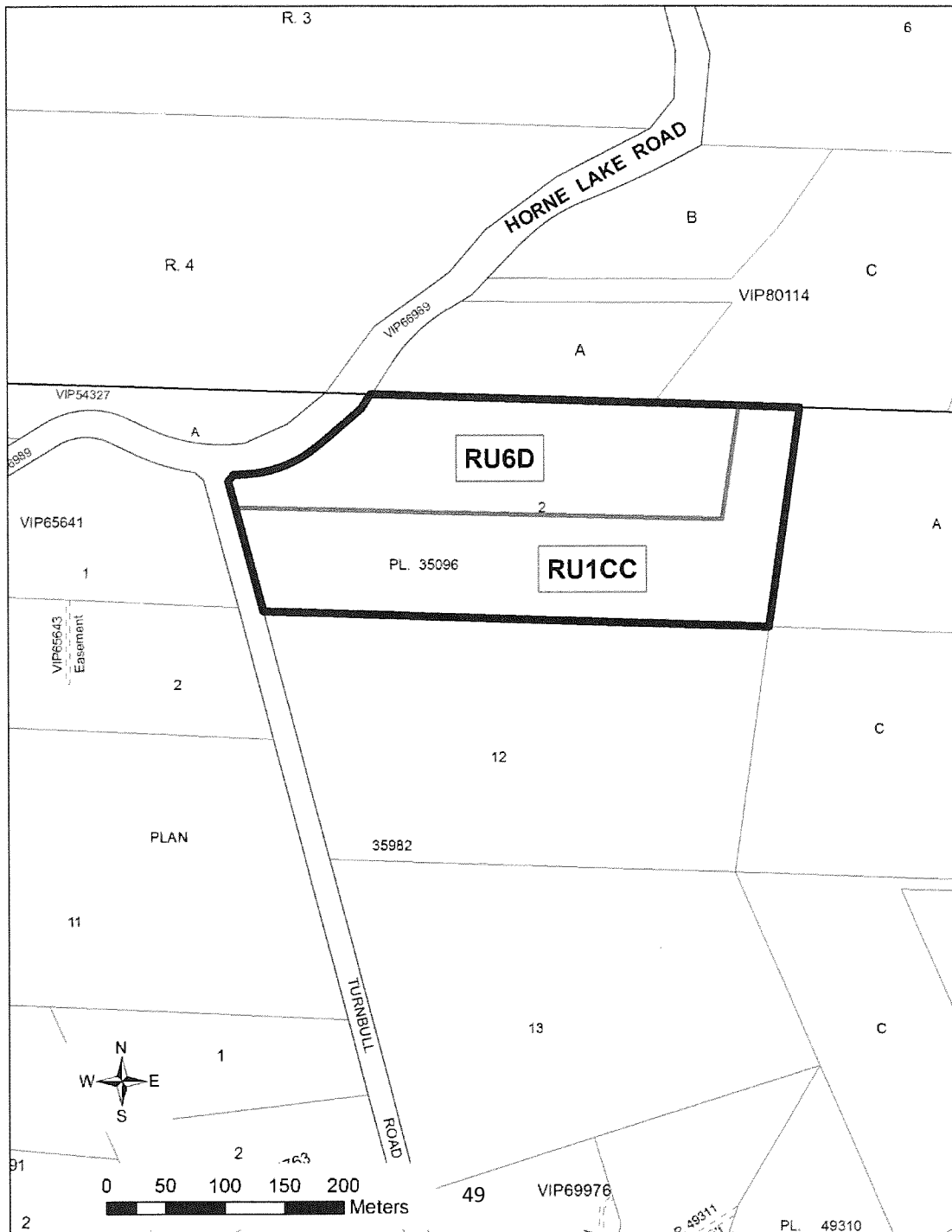
CORPORATE OFFICER

Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.382, 2013."

Chairperson

Corporate Officer

Schedule '1'



REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR COMMITTEE MEETING OF THE WHOLE
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, APRIL 9, 2013 AT 7:33 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

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

Also in Attendance:

P. Thorkelsson	Chief Administrative Officer
J. Harrison	Director of Corporate Services
W. Idema	Director of Finance
T. Osborne	Gen. Mgr. Recreation & Parks
D. Trudeau	Gen. Mgr. Transportation & Solid Waste
R. Alexander	Gen. Mgr. Regional & Community Utilities
T. Armet	A/ Gen. Mgr. Strategic & Community Development
J. Hill	Mgr. Administrative Services
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order.

COMMITTEE OF THE WHOLE MINUTES

MOVED Director Ruttan, SECONDED Director Holme, that the minutes of the Committee of the Whole meeting held March 12, 2013, be adopted.

CARRIED

COMMUNICATION/CORRESPONDENCE

Alistair Bryson, Chair, Capital Regional District, re Island Corridor Foundation and VIA Rail Negotiations.

MOVED Director Lefebvre, SECONDED Director Dempsey, that the correspondence from the Capital Regional District regarding Island Corridor Foundation and VIA Rail Negotiations be received.

CARRIED

ADMINISTRATIVE SERVICES

Update on Board Appointments to Advisory Bodies.

MOVED Director Holme, SECONDED Director Johnstone, that the information report on Board appointments to advisory bodies be received.

CARRIED

INFORMATION TECHNOLOGY

2013 Report – Rogers Cell Tower Agreement and Renewal Extension.

MOVED Director Bestwick, SECONDED Director Willie, that the Board approve the acceptance of a yearly rental rate of \$11,550 for the June 1, 2013 – May 31, 2018 agreement term and to extend the Statutory Right of Way Agreement for two additional five-year terms commencing June 1, 2023 and June 1, 2028.

DEFEATED

MOVED Director Willie, SECONDED Director Johnstone, that the Board approve the acceptance of a yearly rental rate of \$11,500 for the June 1, 2013 – May 31, 2018 agreement term and that staff investigate other cell tower rates before future renewals.

CARRIED

FINANCIAL SERVICES

Bylaws No. 1679, 1680, 1681 and 1682 – Authorize the Use of Development Cost Charge Funds.

MOVED Director Holme, SECONDED Director Anderson, that “Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1679, 2013” be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Anderson, that “Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1679, 2013” be adopted.

CARRIED

MOVED Director Holme, SECONDED Director Anderson, that “Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1680, 2013” be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Anderson, that "Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1680, 2013" be adopted.

CARRIED

MOVED Director Holme, SECONDED Director Anderson, that "Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1681, 2013" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Anderson, that "Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1681, 2013" be adopted.

CARRIED

MOVED Director Holme, SECONDED Director Anderson, that "Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1682, 2013" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Anderson, that "Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1682, 2013" be adopted.

CARRIED

Bylaws 1683 and 1684 – Authorize Expenditure of Bulk Water Development Cost Charge Funds.

MOVED Director Holme, SECONDED Director Brennan, that an amount of \$126,505 be released from the French Creek Bulk Water general reserve fund to be applied to 2012 and 2013 bulk water infrastructure expenditures.

CARRIED

MOVED Director Holme, SECONDED Director Brennan, that "Nanoose Bay Bulk Water Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1683, 2013" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Brennan, that "Nanoose Bay Bulk Water Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1683, 2013" be adopted.

CARRIED

MOVED Director Holme, SECONDED Director Brennan, that "French Creek Bulk Water Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1684, 2013" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Brennan, that "French Creek Bulk Water Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1684, 2013" be adopted.

CARRIED

STRATEGIC AND COMMUNITY DEVELOPMENT

BUILDING, BYLAW AND EMERGENCY SERVICES

Animal Control and Licensing Amendment Bylaw No. 939.03, 2013; Animal Control Amendment Bylaw No. 941.04, 2013; Bylaw Enforcement Ticket Regulation Amendment Bylaw No. 1418.02, 2013.

MOVED Director Anderson, SECONDED Director Greves, that "Animal Control and Licensing Amendment Bylaw No. 939.03, 2013" be introduced and read three times.

CARRIED

MOVED Director Anderson, SECONDED Director Greves, that "Animal Control and Licensing Amendment Bylaw No. 939.03, 2013" be adopted.

CARRIED

MOVED Director Anderson, SECONDED Director Greves, that "Animal Control Amendment Bylaw No. 941.04, 2013" be introduced and read three times.

CARRIED

MOVED Director Anderson, SECONDED Director Greves, that "Animal Control Amendment Bylaw No. 941.04, 2013" be adopted.

CARRIED

MOVED Director Anderson, SECONDED Director Greves, that "Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Amendment Bylaw No. 1418.02, 2013" be introduced and read three times.

CARRIED

MOVED Director Anderson, SECONDED Director Greves, that "Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Amendment Bylaw No. 1418.02, 2013" be adopted.

CARRIED

REGIONAL AND COMMUNITY UTILITIES

WASTEWATER SERVICES

Bylaw No. 975.58 – Pump & Haul Bylaw Amendment to Include Lot 18, District Lot 78, Nanoose District, Plan 19688 (Electoral Area 'E').

MOVED Director Holme, SECONDED Director Brennan, that the boundaries of the "Regional District of Nanaimo Pump and Haul Local Service Establishment Bylaw No. 975, 1995" be amended to include Lot 18, District Lot 78, Nanoose District, Plan 19688 (Electoral Area 'E').

CARRIED

MOVED Director Holme, SECONDED Director Brennan, that "Regional District of Nanaimo Pump and Haul Local Service Amendment Bylaw No. 975.58, 2013" be introduced and read three times.

CARRIED

WATER SERVICES

Westurne Heights Study Area Petition Results and Service Area Establishing and Borrowing Bylaws (Bylaws 1677 and 1678).

MOVED Director Fell, SECONDED Director McPherson, that Regional District of Nanaimo "Westurne Heights Water Service Study Area Establishing Bylaw No. 1677, 2013" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Fell, SECONDED Director McPherson, that Regional District of Nanaimo "Westurne Heights Water Service Study Area Loan Authorization Bylaw No. 1678, 2013" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

NEW BUSINESS

Agricultural Area Plan Recommended Implementation Action 1.1A.

MOVED Director Veenhof, SECONDED Director Fell, that the Agricultural Area Plan Recommended Implementation Action 1.1A, "consider updating the Agricultural Advisory Committee (AAC) Terms of Reference to allow the AAC to make comments on every application (exclusion, non-farm use, subdivision) that is forwarded to the Agricultural Land Commission (ALC)", be referred to staff for a report on options to proceed; including in those options, the opportunity for optional Area Director comment to be incorporated into the process.

MOVED Director Johnstone, SECONDED Director Brennan, that this item be referred back to the Agricultural Advisory Committee to provide a recommendation on the proposed amendment to the terms of reference.

CARRIED

Rural Signage.

MOVED Director Veenhof, SECONDED Director Fell, that staff be directed to prepare a report to the Board on a proposed consultative process with the intent of identifying rural signage concerns and reducing any impediments to effective signage.

CARRIED

IN CAMERA

MOVED Director Holme, SECONDED Director Young, that pursuant to Section 90 (1) (c), (e), (g), (i) and (j) of the *Community Charter* the Board proceed to an In Camera meeting for discussions related to labour relations, land acquisitions, litigations, solicitor-client privilege and third-party interests.

CARRIED

TIME: 8:06 PM

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1679

**A BYLAW TO AUTHORIZE AN EXPENDITURE FROM THE
NORTHERN COMMUNITY SEWER SERVICE AREA
DEVELOPMENT COST CHARGE RESERVE FUND**

WHEREAS the Northern Community Sewer Service Area Development Cost Charge Reserve Fund was established under Bylaw No. 1442, 2005;

AND WHEREAS in accordance with Section 935(5) of the Local Government Act, the use of development cost charge funds must be authorized by bylaw;

AND WHEREAS the Board has approved the use of development cost charge funds for the purpose of constructing the Qualicum Beach Interceptor Sanitary Forcemain Improvements, and the project is an eligible development cost charge project;

AND WHEREAS the estimated amount to be expended is \$150,550;

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

1. The sum of One Hundred and Fifty Thousand, Five Hundred and Fifty (\$150,550) is hereby appropriated for the purpose of constructing the Qualicum Beach Interceptor Sanitary Forcemain Improvements at Seacrest Place, Qualicum Beach, BC.
2. Should any of the above amount remain unexpended, such unexpended balance shall be returned to the credit of the Reserve Fund.
3. This bylaw may be cited as the "Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1679, 2013".

Introduced and read three times this . . . day of . . . 2013.

Adopted this . . . day of . . . 2013.

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1680

**A BYLAW TO AUTHORIZE AN EXPENDITURE FROM THE
SOUTHERN COMMUNITY SEWER SERVICE AREA
DEVELOPMENT COST CHARGE RESERVE FUND**

WHEREAS the Southern Community Sewer Service Area Development Cost Charge Reserve Fund was established under Bylaw No. 1547, 2005;

AND WHEREAS in accordance with Section 935(5) of the Local Government Act, the use of development cost charge funds must be authorized by bylaw;

AND WHEREAS the Board has approved the use of development cost charge funds for the purpose of the Preliminary and Detailed Design for the replacement of the land section of the Greater Nanaimo Pollution Control Centre Marine Outfall, and the project is an eligible development cost charge project;

AND WHEREAS the estimated amount to be expended is \$150,160;

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

1. The sum of One Hundred and Fifty Thousand, One Hundred and Sixty Dollars (\$150,160) is hereby appropriated for the purpose of Preliminary and Detailed Design for the replacement of the land section of the Greater Nanaimo Pollution Control Centre Marine Outfall at the Greater Nanaimo Pollution Control Centre.
2. Should any of the above amount remain unexpended, such unexpended balance shall be returned to the credit of the Reserve Fund.
3. This bylaw may be cited as the "Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1680, 2013".

Introduced and read three times this day of 2013.

Adopted this day of 2013.

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1681

**A BYLAW TO AUTHORIZE AN EXPENDITURE FROM THE
NORTHERN COMMUNITY SEWER SERVICE AREA
DEVELOPMENT COST CHARGE RESERVE FUND**

WHEREAS the Northern Community Sewer Service Area Development Cost Charge Reserve Fund was established under Bylaw No. 1442, 2005;

AND WHEREAS in accordance with Section 935(5) of the Local Government Act, the use of development cost charge funds must be authorized by bylaw;

AND WHEREAS the Board has approved the use of development cost charge funds for the purpose of the Hall Road Pump Station Upgrade, and the project is an eligible development cost charge project;

AND WHEREAS the estimated amount to be expended is \$667,335;

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

1. The sum of Six Hundred and Sixty-Seven Thousand, Three Hundred and Thirty-Five Dollars (\$667,335) is hereby appropriated for the purpose of the Hall Road Pump Station Upgrade at Hall Road, Qualicum Beach, BC.
2. Should any of the above amount remain unexpended, such unexpended balance shall be returned to the credit of the Reserve Fund.
3. This bylaw may be cited as the "Northern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1681, 2013".

Introduced and read three times this day of 2013.

Adopted thi day of 2013.

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1682

**A BYLAW TO AUTHORIZE AN EXPENDITURE FROM THE
SOUTHERN COMMUNITY SEWER SERVICE AREA
DEVELOPMENT COST CHARGE RESERVE FUND**

WHEREAS the Southern Community Sewer Service Area Development Cost Charge Reserve Fund was established under Bylaw No. 1547, 2005;

AND WHEREAS in accordance with Section 935(5) of the Local Government Act, the use of development cost charge funds must be authorized by bylaw;

AND WHEREAS the Board has approved the use of development cost charge funds for the purpose of the Greater Nanaimo Pollution Control Centre Primary Sedimentation Tank 4 Project, and the project is an eligible development cost charge project;

AND WHEREAS the estimated amount to be expended is \$2,681,555;

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

1. The sum of Two Million, Six Hundred and Eighty-One Thousand, Five Hundred and Fifty-Five Dollars (\$2,681,555) is hereby appropriated for the purpose of the Greater Nanaimo Pollution Control Centre Primary Sedimentation Tank 4 Project at the Greater Nanaimo Pollution Control Centre.
2. Should any of the above amount remain unexpended, such unexpended balance shall be returned to the credit of the Reserve Fund.
3. This bylaw may be cited as the "Southern Community Sewer Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1682, 2013".

Introduced and read three times this day of 2013.

Adopted this : day of 2013.

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1683

A BYLAW TO AUTHORIZE AN EXPENDITURE OF NANOOSE BAY BULK WATER
LOCAL SERVICE AREA DEVELOPMENT COST CHARGE FUNDS

WHEREAS the authority to impose development cost charges within the Nanoose Bay Bulk Water Local Service Area was established by "Regional District of Nanaimo Bulk Water Local Service Area Development Cost Charge Bylaw No. 1088, 1998";

AND WHEREAS in accordance with Section 935(5) of the *Local Government Act*, the use of development cost charge funds must be authorized by bylaw;

AND WHEREAS the Board wishes to authorize the use of development cost charge funds with respect to bulk water infrastructure obtained in 2012 and projected for 2013, and the expenditures are eligible development cost charge program expenditures;

AND WHEREAS the amount expended is projected to be \$251,275;

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

1. The sum of Two Hundred Fifty One Thousand, Two Hundred and Seventy Five Dollars (\$251,275) is hereby appropriated for the purchase of bulk water infrastructure in 2012 and 2013.
2. This bylaw may be cited as the "Nanoose Bay Bulk Water Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1683, 2013".

Introduced and read three times this day of 2013.

Adopted thi day of . 2013.

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1684

**A BYLAW TO AUTHORIZE AN EXPENDITURE OF FRENCH CREEK BULK WATER
LOCAL SERVICE AREA DEVELOPMENT COST CHARGE FUNDS**

WHEREAS the authority to impose development cost charges within the French Creek Bulk Water Local Service Area was established under “Regional District of Nanaimo French Creek Bulk Water Local Service Area Development Cost Charge Bylaw No. 1089, 1998”;

AND WHEREAS in accordance with Section 935(5) of the *Local Government Act*, the use of development cost charge funds must be authorized by bylaw;

AND WHEREAS the Board wishes to authorize the use of development cost charge funds with respect to bulk water infrastructure obtained in 2012 and projected for 2013, and the expenditures are eligible development cost charge program expenditures;

AND WHEREAS the amount to be expended is \$126,505;

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

1. The sum of One Hundred Twenty Six Thousand, Five Hundred and Five Dollars (\$126,505) is hereby appropriated for the purchase of bulk water infrastructure in 2012 and 2013.
2. This bylaw may be cited as the “French Creek Bulk Water Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1684, 2013”.

Introduced and read three times this _____ day of _____ 2013.

Adopted this _____ day of _____ 2013.

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 939.03

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
ANIMAL CONTROL AND LICENSING BYLAW NO. 939, 1994**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend “Animal Control and Licensing Bylaw No. 939, 1994”;

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

1. Citation

This Bylaw may be cited as “Animal Control and Licensing Amendment Bylaw No. 939.03, 2013”.

2. Amendments

“Animal Control and Licensing Bylaw No. 939, 1994 is amended as follows:

- (1) By deleting the definition of “**Vicious Dog**” and replacing it with the definition of “**Dangerous Dog**” as follows:

“**“Dangerous Dog”** means a dog that:

- (a) has killed or seriously injured a person;
- (b) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog; or
- (c) an Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person.”

- (2) By amending the definition of “Enclosure” by deleting the words “vicious dog” and replacing them with the words “dangerous dog”.

- (3) By deleting section 4(3) and replacing it with the following:

“(3) The owner of a dangerous dog shall not permit or allow their dangerous dog:

- (a) to be at large;

- (b) to be in a public place unless the dog is:
 - (i) firmly held on a leash,
 - (ii) firmly held by a person competent to restrain the dangerous dog, and
 - (iii) muzzled by a properly fitted humane muzzling device.
- (c) to be on private land, or in a private building or structure, except with the consent of the owner or occupier of that property, and
 - (i) firmly held on a leash,
 - (ii) firmly held by a person competent to restrain the dangerous dog, and
 - (iii) muzzled by a properly fitted humane muzzling device.”

(4) By amending section 4(4) by deleting the words “vicious dog” and replacing them with the words “dangerous dog”.

(5) By deleting section 4(5) and replacing it with the following:

“(5) the Animal Control Officer is authorized to exercise the authority of an Animal Control Officer under section 49 of the *Community Charter*.”

(6) By amending Schedule B by deleting the words “Vicious Dog” and replacing them with the words “Dangerous Dog”.

3. Severability

In the event that a provision of this bylaw is found to be invalid by a court of competent jurisdiction, the provision may be severed from this bylaw.

Introduced and read three times this day of 2013.

Adopted this day of 2013.

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 941.04

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
ANIMAL CONTROL BYLAW NO. 941, 1994**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend “Animal Control Bylaw No. 941, 1994”;

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

1. Citation

This Bylaw may be cited as “Animal Control Amendment Bylaw No. 941.04, 2013”.

2. Amendments

“Animal Control Bylaw No. 941, 1994” is amended as follows:

- (1) By deleting the definition of “**Vicious Dog**” and replacing it with the definition of “**Dangerous Dog**” as follows:

“**Dangerous Dog** means a dog that:

- (a) has killed or seriously injured a person;
- (b) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog; or
- (c) an Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person.”

- (2) By amending the definition of “Enclosure” by deleting the words “vicious dog” and replacing them with the words “dangerous dog”.

- (3) By deleting section 4(1) and replacing it with the following:

“(1) The owner of a dangerous dog shall not permit or allow their dangerous dog:

- (a) to be at large;

- (b) to be in a public place unless the dog is:
 - (i) firmly held on a leash,
 - (ii) firmly held by a person competent to restrain the dangerous dog, and
 - (iii) muzzled by a properly fitted humane muzzling device.
- (c) to be on private land, or in a private building or structure, except with the consent of the owner or occupier of that property, and
 - (i) firmly held on a leash,
 - (ii) firmly held by a person competent to restrain the dangerous dog, and
 - (iii) muzzled by a properly fitted humane muzzling device.”

(4) By amending section 4(2) by deleting the words “vicious dog” and replacing them with the words “dangerous dog”.

(5) By deleting section 4(3) and replacing it with the following:

“(3) the Animal Control Officer is authorized to exercise the authority of an Animal Control Officer under section 49 of the *Community Charter*.”

(6) By amending section 5(2) by deleting the words “vicious dog” and replacing them with the words “dangerous dog”.

(7) By amending Schedule A by deleting the words “Vicious Dog” and replacing them with the words “Dangerous Dog”.

3. Severability

In the event that a provision of this bylaw is found to be invalid by a court of competent jurisdiction, the provision may be severed from this bylaw.

Introduced and read three times this day of 2013.

Adopted thi day of 2013.

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1418.02

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
BYLAW ENFORCEMENT TICKET REGULATION BYLAW NO. 1418, 2005**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend “Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Bylaw No. 1418, 2005” to include amendments made to “Animal Control and Licensing Bylaw No. 939, 1994”, “Animal Control Bylaw No. 941, 1994” and “Animal Control Regulatory Bylaw No. 1066, 1996”;

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

1. Citation

This Bylaw may be cited as “Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Amendment Bylaw No. 1418.02, 2013”.

2. Amendments

“Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Bylaw No. 1418, 2005” is amended as follows:

- (1) By deleting Schedule 8 in its entirety and replacing it with Schedule 8 attached to this bylaw.
- (2) By deleting Schedule 9 in its entirety and replacing it with Schedule 9 attached to this bylaw.
- (3) By deleting Schedule 13 in its entirety and replacing it with Schedule 13 attached to this bylaw.

Introduced and read three times thi day of 2013.

Adopted th day of 2013.

CHAIRPERSON

CORPORATE OFFICER

Schedule '8' to accompany "Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Bylaw No. 1418, 2005" as amended by Amendment Bylaw No. 1418.02, 2013.

Chairperson

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW ENFORCEMENT TICKET REGULATION
BYLAW NO. 1418, 2005**

SCHEDULE 8

Column I	Column II	Column III
Animal Control and Licensing Bylaw No. 939, 1994	Section No. of Bylaw 939	Amount of Fine
1. Noisy dog	4(1)	\$100.00
2. Dog at Large	4(2)(a)	\$ 50.00
3. Dog harassing/molesting	4(2)(b)	\$100.00
4. Dangerous dog at large	4(3)(a)	\$500.00
5. Uncontrolled dangerous dog, public place	4(3)(b)	\$500.00
6. Uncontrolled dangerous dog, private property	4(3)(c)	\$200.00
7. Unconfined dangerous dog, owner's premises	4(4)	\$200.00
8. No Licence	5(1)	\$100.00

Schedule '9' to accompany "Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Bylaw No. 1418, 2005" as amended by Amendment Bylaw No. 1418.02, 2013.

Chairperson

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW ENFORCEMENT TICKET REGULATION
BYLAW NO. 1418, 2005**

SCHEDULE 9

Column I	Column II	Column III
Animal Control Regulatory Bylaw No. 1066, 1996	Section No. of Bylaw 1066	Amount of Fine
1. Noisy dog	4(1)	\$100.00
2. Dog at large	4(2)(a)	\$ 50.00
3. Dog is harassing/molesting	4(2)(b)	\$100.00
4. Dangerous dog at large	4(3)(a)	\$500.00
5. Uncontrolled dangerous dog, public place	4(3)(b)	\$500.00
6. Uncontrolled dangerous dog, private property	4(3)(c)	\$200.00
7. Unconfined dangerous dog, owner's premises	4(4)	\$200.00

Schedule '13' to accompany "Regional District of Nanaimo Bylaw Enforcement Ticket Regulation Bylaw No. 1418, 2005" as amended by Amendment Bylaw No. 1418.02, 2013.

Chairperson

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW ENFORCEMENT TICKET REGULATION
BYLAW NO. 1418, 2005**

SCHEDULE 13

Column I	Column II	Column III
Animal Control Bylaw No. 941, 1994	Section No. of Bylaw 941	Amount of Fine
1. Dangerous dog at large	4(1)(a)	\$500.00
2. Uncontrolled dangerous dog, public place	4(1)(b)	\$500.00
3. Uncontrolled dangerous dog, private property	4(1)(c)	\$200.00
4. Unconfined dangerous dog, owner's premises	4(2)	\$200.00

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 975.58

**A BYLAW TO AMEND THE BOUNDARIES OF THE
PUMP & HAUL LOCAL SERVICE**

WHEREAS the Regional District of Nanaimo established a *Pump and Haul Service* pursuant to Bylaw No. 975, cited as “Regional District of Nanaimo Pump & Haul Local Service Establishment Bylaw No. 975, 1995”;

AND WHEREAS the Board of the Regional District of Nanaimo has been petitioned by the property owner to expand the boundaries of the service area to include the land legally described as:

Lot 18, District Lot 78, Plan 19688, Nanoose District

AND WHEREAS at least 2/3 of the service participants have consented to the adoption of this bylaw in accordance with section 802 of the *Local Government Act*;

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

1. Amendment

“Regional District of Nanaimo Pump & Haul Local Service Establishment Bylaw No. 975, 1995” is amended by deleting Schedule ‘A’ and replacing it with the Schedule ‘A’ attached to this bylaw.

2. Citation

This bylaw may be cited for all purposes as “Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.58, 2013”.

Introduced and read three times this ___ day of _____, 2013.

Adopted this ___ day of _____, 2013.

CHAIRPERSON

CORPORATE OFFICER

Chairperson

Corporate Officer

BYLAW NO. 975.58

SCHEDULE 'A'

Electoral Area 'B'

1. Lot 108, Section 31, Plan 17658, Nanaimo Land District.
2. Lot 6, Section 18, Plan 17698, Nanaimo Land District.
3. Lot 73, Section 31, Plan 17658, Nanaimo Land District.
4. Lot 26, Section 12, Plan 23619, Nanaimo Land District.
5. Lot 185, Section 31, Plan 17658, Nanaimo Land District.
6. Lot A, Section 31, Plan VIP84225, Gabriola Island, Nanaimo District
7. Lot 120, Section 31, Plan 17658, Nanaimo Land District.
8. Lot 108, Section 12, Plan 23435, Nanaimo Land District.
9. Lot 75, Section 13, Plan 21531, Nanaimo Land District.
10. Lot 85, Section 18, Plan 21586, Nanaimo Land District.
11. Lot 14, Section 21, Plan 5958, Nanaimo Land District.
12. Lot 108, Section 13, Plan 21531, Nanaimo Land District.
13. Lot 84, Sections 12 & 13, Plan 21531, Nanaimo Land District.
14. Lot 72, Section 13, Plan 21531, Nanaimo Land District.

Electoral Area 'E'

1. Lot 1, District Lot 72, Plan 17681, Nanoose Land District.
2. Lot 17, District Lot 78, Plan 14212, Nanoose Land District.
3. Lot 32, District Lot 68, Plan 26680, Nanoose Land District.
4. Lot 13, Block E, District Lot 38, Plan 13054, Nanoose Land District.
5. Lot 13, District Lot 78, Plan 25828, Nanoose Land District.
6. Lot 58, District Lot 78, Plan 14275, Nanoose Land District.
7. Lot 28, District Lot 78, Plan 15983, Nanoose Land District.
8. Lot 23, District Lot 78, Plan 14212, Nanoose Land District.
9. Lot 23, District Lot 78, Plan 28595, Nanoose Land District.
10. Lot 53, District Lot 78, Plan 14275, Nanoose Land District.
11. Lot 12, District Lot 8, Plan 20762, Nanoose Land District.
12. Lot 57, District Lot 78, Plan 14275, Nanoose District
13. Lot 18, District Lot 78, Plan 19688, Nanoose District

Electoral Area 'F'

1. Lot 2, District Lot 74, Plan 36425, Newcastle Land District.

Electoral Area 'G'

1. Lot 28, District Lot 28, Plan 26472, Nanoose Land District.
2. Lot 1, District Lot 80, Plan 49865, Newcastle Land District.

Electoral Area 'H'

1. Lot 22, District Lot 16, Plan 13312, Newcastle Land District.
2. Lot 29, District Lot 81, Plan 27238, Newcastle Land District.
3. Lot 46, District Lot 81, Plan 27238, Newcastle Land District.
4. Lot 9, District Lot 28, Plan 24584, Newcastle Land District.
5. Lot 41, District Lot 81, Plan 27238, Newcastle Land District.
6. Lot 20, District Lot 16, Plan 13312, Newcastle Land District.
7. Lot 1, District Lot 40, Plan 16121, Newcastle District.
8. Lot 27, Plan 16121, District Lot 40, Newcastle Land District.

City of Nanaimo

1. Lot 43, Section 8, Plan 24916, Wellington Land District.

District of Lantzville

1. Lot 24, District Lot 44, Plan 27557, Wellington Land District.
2. Lot A, District Lot 27G, Plan 29942, Wellington Land District.
3. Lot 1, District Lot 85, Plan 15245, Wellington Land District.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1677, 2013

**A BYLAW TO ESTABLISH THE WESTURNE HEIGHTS WATER SERVICE
STUDY AREA**

WHEREAS pursuant to section 796 and 800 of the *Local Government Act* a regional district may, by bylaw, establish and operate any service the Board considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Board of the Regional District of Nanaimo ("Regional District") wishes to establish a service for an engineering analysis to determine the status of the existing Westurne Heights water system and what short-term and long-term improvements are necessary for the Regional District to acquire the water system;

AND WHEREAS the Regional District received sufficient petitions to establish a Westurne Heights Water Service Study Area;

AND WHEREAS the approval of the Inspector of Municipalities has been obtained under section 801 of the *Local Government Act*;

AND WHEREAS participating area approval in each participating area has been obtained under section 797.4 of the *Local Government Act*;

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

1. Citation

This bylaw may be cited for all purposes as the "Westurne Heights Water Service Study Area Establishing Bylaw No. 1677, 2013".

2. Service

The service established by this bylaw is the engineering analysis to determine the status of the existing Westurne Heights water system and what short-term and long-term improvements are necessary for the Regional District to acquire the water system (the "Service").

3. Boundaries

The boundaries of the service area is that part of Electoral Area 'F' shown in heavy outline on the plan attached as Schedule 'A', attached to and forming part of this bylaw.

4. Participating Area

The participating area for the Service is Electoral Area 'F'.

5. Cost Recovery

As provided in section 803 of the *Local Government Act*, the annual cost of providing the Service shall be recovered by one or more of the following:

- (a) property value taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
- (b) parcel taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
- (c) fees and charges imposed under section 363 of the *Local Government Act*;
- (d) revenues raised by other means authorized by the *Local Government Act* or another Act;
- (e) revenues received by way of agreement, enterprise, gift, grant or otherwise.

6. Maximum Requisition

In accordance with section 800.1(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the Service is the greater of:

- (a) Three Thousand Eight Hundred (\$3,800) Dollars; or
- (b) the amount equal to the amount that could be raised by a property value tax rate of \$1.05 per \$1,000 applied to the net taxable value of land and improvements in the service area.

Introduced and read three times thi: day of 2013.

Approved by the Inspector of Municipalities this ___ day of _____, 2013.

Adopted this ___ day of _____, 2013.

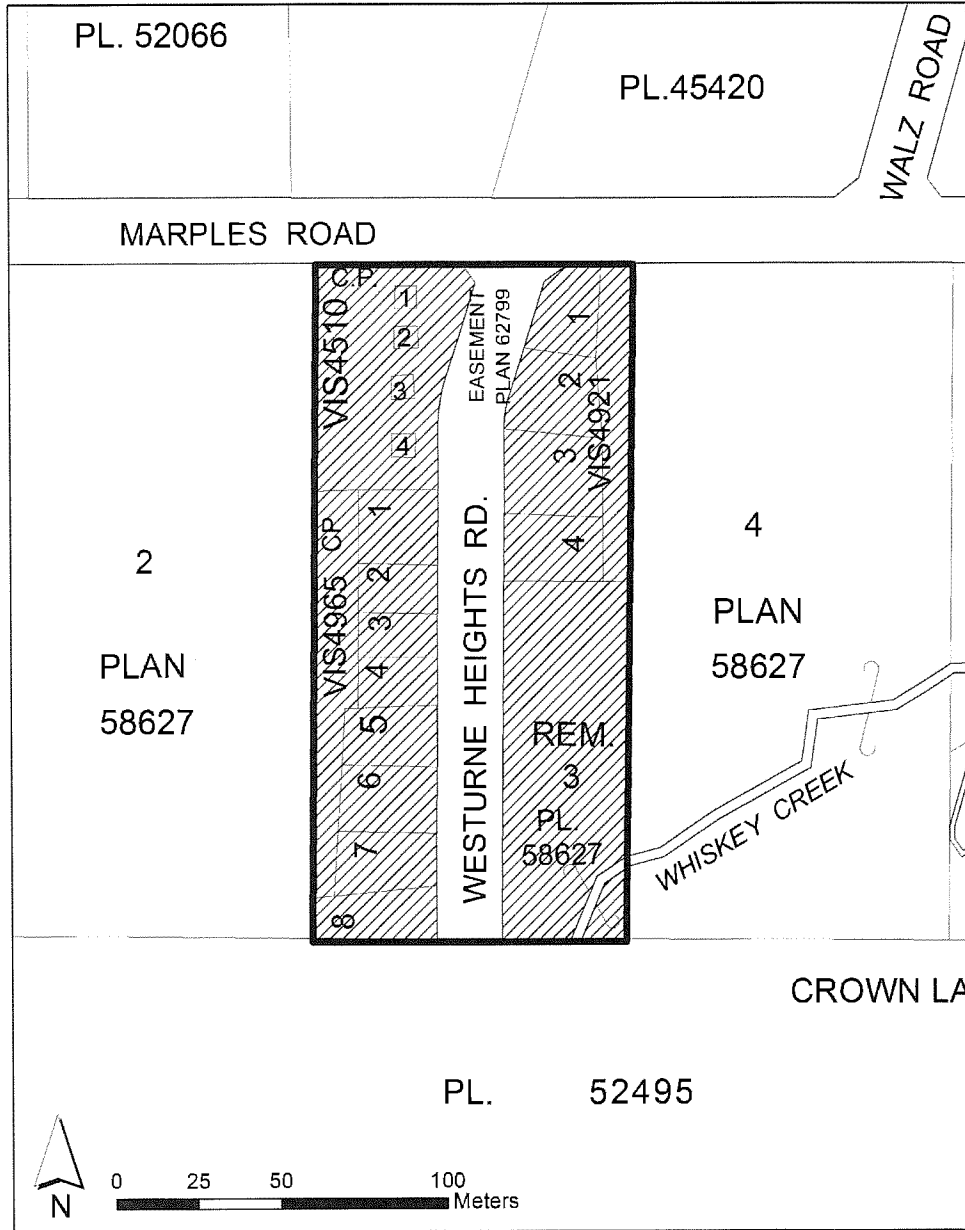
CHAIRPERSON

CORPORATE OFFICER

Schedule 'A' to accompany "Westurne Heights Water Service Study Area Establishing Bylaw No. 1677, 2013"

Chairperson

Corporate Officer



Date: January 2013

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1678

**A BYLAW TO AUTHORIZE THE BORROWING OF
FIFTEEN THOUSAND DOLLARS (\$15,000)
FOR THE WESTURNE HEIGHTS WATER SERVICE STUDY AREA**

WHEREAS the Board of the Regional District of Nanaimo (the "Regional District") established the Westurne Heights Water Service Study Area pursuant to Bylaw No. 1677, cited as "Westurne Heights Water Service Study Area Establishing Bylaw No. 1677, 2013" for the purpose of conducting an engineering analysis to determine the status of the existing Westurne Heights water system;

AND WHEREAS the Board wishes to study and evaluate the Westurne Heights water system and associated works (the "Works") to determine the necessary improvements and costs to upgrade the system to a standard that the Regional District would be willing to own and operate;

AND WHEREAS the estimated cost of the Works, including expenses incidental thereto, is the sum of Fifteen Thousand Dollars (\$15,000);

AND WHEREAS it is proposed that the financing of the said facilities be undertaken by the Municipal Finance Authority of British Columbia pursuant to proposed agreements between that Authority and the Regional District;

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

1. This bylaw may be cited for all purposes as the "Westurne Heights Water Service Study Area Loan Authorization Bylaw No. 1678, 2013".
2. The Board is hereby empowered and authorized to undertake and carry out or cause to be carried out an engineering analysis and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
 - (a) to borrow upon the credit of the Regional District a sum not exceeding Fifteen Thousand Dollars (\$15,000); and
 - (b) to complete an engineering analysis to determine the status of the existing water system and what short-term and long-term improvements are necessary for the Regional District to acquire the water system as authorized under "Westurne Heights Water Service Study Area Establishing Bylaw No. 1677, 2013".
3. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is 5 years.

Introduced and read three times this day of 2013.

Approved by the Inspector of Municipalities this ____ day of _____, 2013.

Adopted this ____ day of _____, 2013.

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA 'H' PARKS AND OPEN SPACE ADVISORY
REGULAR COMMITTEE MEETING
February 27th, 2013**

Attendance: Bill Veenhoff, Chair, Director, RDN Board
Barry Ellis
Richard Leontowich
Valerie Weismiller
David Wiwchar
Nancy Robertson
Dagmar Seydel

Staff: Elaine McCulloch, Parks Planner
Wendy Marshall, Manager of Parks Services
David Palidwor, Superintendent of Park Planning and Development

CALL TO ORDER

Chair Veenhoff called the meeting to order at 4:30 pm

MINUTES

MOVED V. Weismiller, SECONDED D. Seydel that the minutes of the November 28, 2012 be approved.

CARRIED

REPORTS

Monthly Update of Community and Regional Parks and Trail Projects – November, December 2012
Monthly Update of Community and Regional Parks and Trail Projects – January 2013

Ms. Marshall gave a summary of the Community and Regional Parks and Trails Projects Report for November/December 2012 and January 2013 for Electoral Area 'H'.

Water Access Update

V. Weismiller and N. Robertson completed a desk-top review of all 49 water accesses in Electoral Area 'H' from Shaw Hill to Deep Bay and shortlisted those at which development seems most achievable. V. Weismiller, N. Robertson, R. Leontowich and B. Veenhoff will walk these on Saturday, March 2, 2013 and they will meet at the Lighthouse Community Hall at 9:00am. They will look at which are easiest to upgrade and prioritize those which are the most feasible. Staff will review the list and build it into the 5 year project plan.

R. Leontowich would like to know who puts the large logs up at Sunny Beach when this is supposed to be an access. Ms. Marshall noted she will look into this.

Henry Morgan CP Phase 1 Construction-Project Update

Ms. McCulloch provided an update on the Henry Morgan Community Park Construction Project. The public tender for Henry Morgan Park closed on November 30, 2012 and by January 2013 the tendering was completed. IWC from Nanaimo was the successful contractor and J. Hoots from the Lower Mainland was the successful contractor for the pump track. She noted that the playhouse will not be built by the Ballenas woodworking shop as previously hoped but by Jonker Building and Construction at a competitive price. The contractors are confident that the work can be completed in 6 weeks, weather permitting. A sod turning event will be held for the public on March 8th.

MOVED N. Robertson, SECONDED R. Leontowich that the reports be received.

CARRIED

NEW BUSINESS

Dunsmuir Community Park Porta-Potty

Limbing of trees near the entrance of the park has been completed in order to improve visibility into the park. A discussion regarding the ongoing vandalism of the porta-potty at Dunsmuir Community Park resulted in the suggestion that the porta-potty be removed at this time. It may be re-installed once the community consultation regarding the park re-design is completed in 2014.

MOVED B. Ellis, SECONDED N. Robertson that staff contact the tennis club about removing the porta-potty.

CARRIED

Parkland Classification

Mr. Palidwor provided a summary of the RDN Community Parks and Trails Strategy which is now underway. The project is expected to be completed by September 2013.

Mr. Palidwor provided a handout titled "Community Parks Classifications and Land Suitability Criteria". Mr. Palidwor explained each "new" classification in detail. Mr. Palidwor handed out RDN Area F (Community) Park Classifications. He asked the POSAC if a subcommittee of members could provide a review of this Draft classification list. V. Weismiller, N. Robertson, B. Ellis, D. Wiwchar and D. Segal were appointed to review the list and provide comments to Mr. Palidwor (and POSAC members) by April 1, 2013.

ADJOURN

MOVED N. Robertson, SECONDED D. Seydel that the meeting be adjourned at 5:35pm.

CARRIED

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF ELECTORAL AREA 'E' PARKS AND OPEN SPACES ADVISORY
REGULAR COMMITTEE MEETING HELD
Monday March 4, 2013**

Attendance: Director George Holme - Chair
Peter Law
Randy Orr
Gordon Wiebe
Robert Rogers
George Jarvis

Staff: Elaine McCulloch, Parks Planner
Dave Palidwor, Superintendent of Park Planning and Development
Wendy Marshall, Manager of Park Services

Regrets: Vicki Voros

CALL TO ORDER

Director Holme called the meeting to order at 4:30pm.

MINUTES

G. Wiebe noted a spelling error on page 4. 'Finding' in 2nd to last paragraph should be 'funding'.

MOVED G. Wiebe, SECONDED G. Jarvis that the Minutes of the November 5, 2012 meeting be approved with the noted correction.

CARRIED

BUSINESS ARISING FROM THE MINUTES

Nanoose Place Landscaping Request for Assistance

R. Rogers asked for an update on the Nanoose Place request from the Nanoose Place Recreational Society. Ms. Marshall indicated that RDN Parks staff met with the Society on site and flagged the plants/trees that are to be moved. The Society is going to mark the location of the septic tank on the property before the plants can be moved.

UNFINISHED BUSINESS

Blueback Community Park Consultation Process:

Ms. McCulloch provided a series of reports compiled from responses to the Public Survey for the Blueback Community Park in November 2012.

The reports:

- **Blueback Community Park Community Consultation Survey #1 Summary Report: Non-Resident Responses.** The report summarizes how 44 respondents from people who live outside Electoral Area 'E', answered the seven (7) questions concerning their views about Blueback Park. These non-Resident respondents were all Scuba Divers. Their response to Q. 4 included a need for toilets, more parking and a dive staging area.

Blueback Community Park Consultation Survey #1 Summary Report: Resident Responses. The report summarizes how 44 residents of Area E answered seven (7) questions concerning their views about Blueback Park. The majority of residents who responded live within a 20 minute walk of the park. Their responses to Q.4 included improved trail to the beach, removal of Blackberry, include a launch for small watercraft and provide a grassy area.

- **Blueback Community Park Community Consultation Survey #1 Summary Report: All Responses.** The report Residents Survey with the Non Residents Survey with 92 respondents. This report includes the "comments" provided by respondents.

Responses to the survey were categorized by Ms. McCulloch for summary purposes. Ms. McCulloch requests POSAC members to review these Summary reports, and provide comments to her by April 1st.

MOVED G. Wiebe, SECONDED G. Jarvis that the Blueback CP Community Survey report be received.

CARRIED

REPORTS

Monthly Update of Community Parks and Regional Parks and Trails Projects

Ms. McCulloch provided a brief summary of the Community Parks and Regional Parks and Trails Projects for Area E for November/December 2012.

P. Law asked about the status of the RDN Parks discussions concerning the Fairwinds Comprehensive Development Plan. Ms. Marshall responded that RDN Parks staff have responded to Fairwinds proposed plans.

Ms. McCulloch provided a brief summary of the Community Parks and Regional Parks and Trails Projects for Area E –January 2013.

MOVED G. Wiebe, SECONDED G. Jarvis that the Reports be received.

CARRIED

NEW BUSINESS

Parkland Classification

D. Palidwor provided a summary of the RDN Community Parks and Trails Strategy which is now underway. The project is expected to be completed by September 2013.

Mr. Palidwor provided a handout titled "Community Parks Classifications and Land Suitability Criteria". Mr. Palidwor explained each "new" classification in detail. Mr. Palidwor handed out RDN Area E (Community) Park Classifications. He asked the POSAC if a sub committee of members could provide a review of this Draft classification list. R. Rogers, G. Wiebe, V. Voros were appointed to review the list and provide comments to Mr. Palidwor (and POSAC members) by April 1, 2013.

P.Law asked whether the 2001 Nanoose Bay Parks and Open Space Plan is to be referenced in this review. Mr. Palidwor noted that the Nanoose Plan should be reviewed by the sub-committee to ensure nothing is missed.

Mr. Palidwor encouraged POSAC members to attend the Open House following the meeting, as maps of Community Parks and Comment sheets are available for further input into the Parks and Trails Strategy.

ADJOURNMENT

MOVED by G. Wiebe, SECONDED by P.Law, that the meeting be adjourned at 5:30 pm.

CARRIED

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA 'F' PARKS AND OPEN SPACE ADVISORY
REGULAR COMMITTEE MEETING HELD
WEDNESDAY, MARCH 6, 2013**

ATTENDANCE: Julian Fell, Director RDN Board, Chair
Reg Nosworthy
Alfred Jablonski
Steve Chomolok
Colin Anderson
Barbara Smith

STAFF: Elaine McCulloch, Parks Planner
David Palidwor, Superintendent of Park Planning and Development
Joan Michel, Parks and Trail Coordinator

Regrets: Skye Donald

CALL TO ORDER

Chair Fell called the meeting to order at 4:30 p.m.

New member, Colin Anderson, was welcomed and introduced to the committee.

DELEGATION

Elaine Peligren, President of Corcan-Meadowood Residences Association (CMRA) RE: Phase II & III of the Meadowood Community Park Process.

Ms. Peligren thanked staff of the RDN for making the “dream come true” for the Meadowood Community Park and its Phase 1. The grand opening of the Park will likely be in 2014. She made a formal request that the POSAC place Meadowood Park Phase 2 on its Agenda both in 2013 and 2014 and specifically requested consideration for more financial contribution. The CMRA is actively fund raising but needs to have funding in place to support their applications for gaming grants. She presented a design for a 3,000 square foot building for the purpose of a Community Hall.

Chair Fell responded that approximately \$97,000 is taxed for parks and trails in all of Area F including administration costs.

Jerry Anderson who is also with the CMRA spoke regarding the status of the Association: a nonprofit society since 2007 with at least 400 members. He stated that the Meadowood is the fastest growing neighborhood in Area F.

MINUTES

MOVED R. Nosworthy, SECONDED S Chomolok that the Minutes of the Electoral Area F Parks and Open Space Advisory Committee November 19, 2012 meeting be approved.

CARRIED

REPORTS

Monthly Update of Community and Regional Parks and Trail Projects

Ms. McCulloch reviewed the Community Parks and Regional Parks and Trails Projects reports for November, December and January, provided to the committee.

Arrowsmith Community Trail (ACT) Update

Ms. Michel reviewed the Arrowsmith Community Trail (ACT) handout for Act 1 through 6 regarding the Errington School Trail; the Carrothers trail project, Cranswick, Ruffles, and, Price potential trails. The allocated cost for 2013 is \$5,000. In addition the timeline was reviewed. The final trail (Act 6) is the David Lundine trail, which is on private land, could proceed in 2014. She suggested that volunteers could be scoping out the proposed Cranswick trail provided no chain saws would be used to cut trail.

R. Nosworthy complemented Ms. Michel on the presentation format of the handout.

MOVED R. Nosworthy, SECONDED A. Jablonski to receive the Reports.

CARRIED

NEW BUSINESS

Mr. Palidwor provided a handout titled "Community Parks Classifications and Land Suitability Criteria". Mr. Palidwor explained each "new" classification in detail. Mr. Palidwor handed out RDN Area F (Community) Park Classifications. He asked the POSAC if a subcommittee of members could provide a review of this Draft classification list. R. Nosworthy, B. Smith and Chair Fell were appointed to review the list and provide comments to Mr. Palidwor (and POSAC members) by April 1, 2013.

B. Smith questioned the listing of the parks, as there was not a reference to a previous numbered system. Ms. McCulloch will review the handout in order to co-ordinate previous listings with it. B. Smith also questioned whether a park could only have one designation, Ms. McCulloch said that they needed to designate the primary functions but appreciated that parks could have various descriptions within the specific designation.

REQUEST: Made by Chair Fell that the staff provide him, as soon as possible with information on the legal status of the Parks designated at F6 and F9 both near Coombs Station Road. These have been identified as possible sites for a new Fire Hall.

AJOURNMENT

MOVED B, Smith to adjourn at 5:30 p.m.

CARRIED

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE NORTHERN COMMUNITY ECONOMIC DEVELOPMENT SELECT COMMITTEE
MEETING HELD ON TUESDAY, APRIL 9, 2013 AT 2:00 P.M.
IN THE COMMITTEE ROOM**

Present:

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

Also in Attendance:

Paul Thorkelsson	Chief Administrative Officer
Chris Midgley	Manager, Energy & Sustainability
Nicole Hewitt	Recording Secretary

CALL TO ORDER

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

MINUTES

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

CARRIED

DELEGATIONS

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

Mr. Burden provided a visual and verbal report of the Oceanside Initiatives Project.

REPORTS/ PROPOSALS

Northern Community Economic Development Program – Spring 2013 Proposals.

Remove NCED Project Proposals

MOVED Director Willie, SECONDED Director Veenhof, that the SunPump Industry Launch, Of Course Downtown Parksville Has Free Wi-Fi, Oceanside Community Arts Festival and Party on the Drive proposals be denied.

CARRIED

Digital Qualicum – Innovation Island Technology Association.

MOVED Director Veenhof, SECONDED Director Lefebvre, that funding for Digital Qualicum from the Innovation Island Technology Association be awarded funding in the amount of \$4,000.

CARRIED

Lighthouse Country Village Signs – Lighthouse Country Business Association.

MOVED Director Fell, SECONDED Director Holme, that the funding for Lighthouse Country Village Signs from the Lighthouse Country Business Association be awarded full funding in the amount of \$5,000.

Director Veenhof did not vote due to a conflict of interest.

CARRIED

Qualicum Beach Airport Communications and Technology Upgrade – Town of Qualicum Beach.

MOVED Director Willie, SECONDED Director Lefebvre, that the Qualicum Beach Airport Communications and Technology Upgrade from the Town of Qualicum Beach be awarded full funding in the amount of \$15,000; that staff be directed to initiate a dialogue with the Town of Qualicum Beach regarding future funding for the airport.

CARRIED

Nanoose Bay Community Signage Program –Nanoose Community Services.

MOVED Director Veenhof, SECONDED Director Fell, that the Nanoose Bay Community Signage Program from Nanoose Community Services be awarded funding in the amount of \$5,000.

Director Holme did not vote due to a conflict of interest.

CARRIED

Coombs Country Fair – Arrowsmith Agricultural Association.

MOVED Director Lefebvre, SECONDED Director Veenhof, that the funding for the Coombs Country Fair from the Arrowsmith Agricultural Association be awarded full funding in the amount of \$3,000.

CARRIED

MacMillan Arts Centre Centennial Project – Oceanside Community Arts Council.

MOVED Director Lefebvre, SECONDED Director Fell, that the funding for the MacMillan Arts Centre Centennial Project from the Oceanside Community Arts Council be awarded full funding in the amount of \$5,000.

CARRIED

ADJOURNMENT

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

CARRIED

Time: 3:25 pm

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE SUSTAINABILITY SELECT COMMITTEE
MEETING HELD ON TUESDAY, APRIL 16, 2013 AT 2:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

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

Also in Attendance:

Director J. Fell	Electoral Area F
P. Thorkelsson	Chief Administrative Officer
T. Armet	A/ General Manager of Strategic & Community Development
C. Midgley	Manager, Energy & Sustainability
P. Thompson	Manager, Long Range Planning
J. Holm	Manager, Current Planning
T. Pan	Sustainability Coordinator
L. Bhopalsingh	Senior Planner
A. Mercer	Communications Coordinator
B. Miller	Information Technician
N. Hewitt	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order at 2:33pm.

DELEGATIONS

Jim Crawford & Cynthia Hildebrand, Baynes Sound Investments Ltd., re Proposed Rezoning Application for Lands in Area 'H'.

Mr. Crawford and Ms. Hildebrand of Baynes Sound Investments Ltd. presented a visual and verbal overview of their proposed development.

Dianne Eddy, re Proposed Rezoning Application for Lands in Area 'H'.

Ms. Eddy spoke in opposition of the application and provided a visual and verbal overview of the statistical analysis of aquifer levels in Electoral Area 'H'.

LATE DELEGATE

MOVED Director Young, SECONDED Director Veenhof, that the following delegation be permitted to address the Committee.

CARRIED

Ian MacDonell, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area 'H'.

Mr. MacDonell spoke in opposition of the application.

MINUTES

MOVED Director Lefebvre, SECONDED Director Willie, that the minutes of the Sustainability Select Committee meeting held on Wednesday January 16, 2013 be adopted.

CARRIED

REPORTS

Reconsideration of RGS and OCP Amendment Application No. PL2011-060 – Baynes Sound Investments.

MOVED Director Veenhof, SECONDED Director Kipp, that the Board support a review of the application of the Baynes Sound Investments for a new Rural Village Centre at Deep Bay and that the application proceed through the process to amend the Electoral Area 'H' Official Community Plan and the Regional Growth Strategy.

CARRIED

Director Lefebvre left the meeting.

Community Energy and Emissions Plan.

MOVED Director Brennan, SECONDED Director Young, that the Community Energy and Emissions Plan be referred back to staff and come back to the following Sustainability Select Committee.

DEFEATED

MOVED Director Willie, SECONDED Director Kipp, that the Community Energy and Emissions Plan be approved as presented.

CARRIED

Climate and Energy Action Plan.

MOVED Director Willie, SECONDED Director Young, that the proposed Climate and Energy Action Plan be approved as proposed.

CARRIED

Green Building Incentive Program 2013.

MOVED Director Willie, SECONDED Director Veenhof, that the proposed 2013 Green Building Incentive Program be approved.

CARRIED

ADJOURNMENT

MOVED Director Kipp, SECONDED Director Dempsey, that pursuant to Section 90(1) (j) of the Community Charter the Committee proceed to an In Camera Committee meeting to consider items related to third-party interests.

CARRIED

Time 4:35 pm

CHAIRPERSON

TO: Tom Armet, Acting General Manager
Strategic and Community Development

DATE: April 8, 2013

FROM: Chris Midgley
Manager, Energy and Sustainability

FILE:

SUBJECT: RDN Community Energy and Emissions Plan

PURPOSE

To provide a completed draft of the Regional District of Nanaimo *Community Energy and Emissions Plan* (CEEP) for Committee consideration. The CEEP is provided under separate cover.

BACKGROUND

The development of the RDN CEEP has been underway to a greater or lesser extent for several years. In 2007, the RDN received funding from the Federal Government through its Partners for Climate Protection program, administered by the Federation of Canadian Municipalities. The push to complete the CEEP now relates to requests for a final draft of the plan from the FCM.

The RDN CEEP follows a five milestone framework developed by the federal Partners for Climate Protection program. The five milestones are:

1. Emission Inventory and Forecast;
2. Emission Reduction Target;
3. Local Action Plan;
4. Implementation Plan; and
5. Monitoring and Reporting

Of these, the CEEP includes milestones 1-3, with milestones 4 and 5 to follow separately.

RDN Energy and Emission Inventory

In 2010, the Government of British Columbia issued energy use and emission inventories for every jurisdiction in the Province, based on data available for the year 2007. These Community Energy and Emission Inventory (CEEI) reports are appended to the CEEP, and provide the emission inventories for the RDN as a whole, for member municipalities and for the region's unincorporated areas. The reports also establish 2007 as the base year against which future reductions or increases will be measured. The Province has signaled that CEEI reports will continue to be issued in the future, with 2010 inventories anticipated for this year.

The inventories outline energy use and resulting emissions from several sectors and sources in the RDN. Table 1 lists the sectors and sources for energy use and emissions in the CEEI reports.

Table 1: Emission Sectors and Sources in Provincial CEEI Reports

Sector	Source
On-Road Transportation (includes energy use and emissions for 8 categories of vehicles)	Gasoline Diesel Other Fuel
Buildings (includes residential, commercial and a small subset of industrial buildings)	Electricity Natural Gas Heating Oil Propane Wood
Solid Waste	Tonnes of Solid Waste Deposited in Landfill
Land Use Change and Agriculture (includes deforestation from settlement and agriculture, and emissions from enteric fermentation).	Area of land converted (ha) Methane

While an extremely valuable resource, one limitation is that the CEEI reports provide an aggregated emission inventory for unincorporated areas in regional districts. To make the data more locally relevant, the RDN distilled this aggregated inventory into energy use and emission inventories for each of the RDN's electoral areas (EA 'B' is excluded as planning authority for Gabriola and surrounding islands rests with the Islands Trust).

Excerpted from the CEEP, Appendix 1 outlines emissions by jurisdiction, Appendix 2 shows emissions by Electoral Area in the RDN, and Appendix 3 reveals energy use and emissions by sector and source in the RDN. In sum, emission for the RDN totaled 913,414 tonnes of carbon dioxide equivalent in 2007, with 63% of those emissions coming from on-road transportation, 24% coming from buildings, >2% coming from annual solid waste generation, and 11% coming from land use change and agriculture.

In addition to total community energy use and emissions by source and sector, these tables make several other points very clear. First and most obviously, the total emissions in a community are a reflection of the total population in a community – as population increases, the number of emission sources (namely buildings and vehicles) increase as well.

Secondly, it is equally clear that transportation related emissions occupy the largest share of emissions in all communities in the RDN. Not surprisingly, transportation emissions are more dominant in the Region's electoral areas compared to member municipalities. This is due to the fact that in electoral areas, residents tend to be further removed from local services and amenities, and transit services inevitably reach fewer people. However, the Region's urban centres are also auto oriented, with low density communities structured around a linear transportation network.

Also evident in the energy use and emission inventories is the emission intensity of different energy sources. This is most clearly demonstrated in a comparison between the energy consumed as electricity in buildings versus gasoline used in vehicles. In the RDN, we use approximately 8% more energy in the form of gasoline than electricity, measured in gigajoules, but in so doing produce more than ten times the emissions as electricity in our buildings.

Business-as-Usual Energy and Emissions Forecast

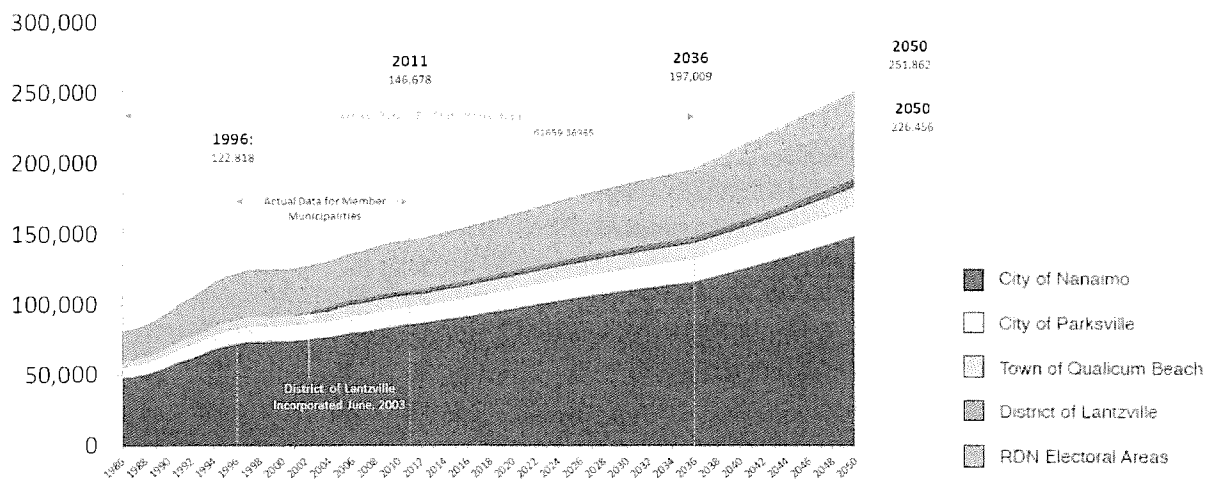
With a baseline emission inventory for 2007, it is possible to estimate emissions into the future. Such a forecast is a coarse estimate as a result of a variety of uncertainties surrounding population growth, energy price fluctuations, technological advances or regulatory changes over time. Nevertheless, building a forecast around a range of assumptions provides an illustration of what is reasonable to expect if business-as-usual today persists into the future.

The forecast included in the CEEP projects community energy use and emissions out to the year 2050. This year was selected because of its prominence in the literature as a mid-to long-term date by which significant reductions must be achieved to confidently avoid temperature increases beyond two degrees Celsius and sea level rise over 1.2 metres by the end of the century.

As noted above, population has the greatest impact on future emissions. Unfortunately, population change is very difficult to predict. All population statistics used in the CEEP were taken from data readily available through BC Statistics, which includes population forecasts out to 2036. The CEEP contemplates energy use and emissions to the year 2050, therefore two population scenarios were considered for the period between 2036 and 2050. The first scenario predicts population to grow at 1% per year after 2036, continuing the trend anticipated from the present to 2036. At that pace, the RDN population reaches 226,456 people in 2050.

The second scenario predicts population to grow more aggressively, at 1.77% per year for the period between 2036 and 2050. At that rate, the population predicted for 2036 (197,009) increases to 251,862 by 2050. This more aggressive scenario has been used as the basis for the emission scenario as it presents the most challenging business-as-usual scenario to address, amounting to a worst case scenario for emissions. Figure 1, taken from the CEEP, shows population growth by jurisdiction to 2050.

Figure 1: RDN Population by Jurisdiction – 1986-2050



It should be noted that since the section of the CEEP that describes population change was drafted, projected growth rates have been revised downwards by BC Stats, so the population forecast in the CEEP is very likely higher than reality. These population numbers, and the overall emission forecast can be adjusted as necessary as better information regarding population becomes available.

In addition to population change, the business-as-usual forecast also relies on anticipating technological improvements and regulatory change over time. Regarding technological improvements, the forecast assumes that the historical trend of efficiency improvements continues into the future. Household appliances, heating systems, and vehicles are all expected improve gradually, incrementally over time.

With respect to regulatory change, the business-as-usual forecast relies on known regulatory changes, primarily changes to the BC Building Code, and mandated vehicle efficiency requirements. Changes to local government policy are explicitly excluded from the business as usual forecast. Figure 2, shows how these gradual incremental changes result in reduced emissions per capita from 5.9 tonnes in 2007, to 4.86 tonnes in 2050, while Figure 3 shows total emissions rising to over 1.2 million tonnes by 2050. The key message from Figures 2 and 3 is that how modest gains in efficiency are easily overwhelmed by population growth over time.

Figure 2: Per Capita Emissions by Sector – 2006-2050

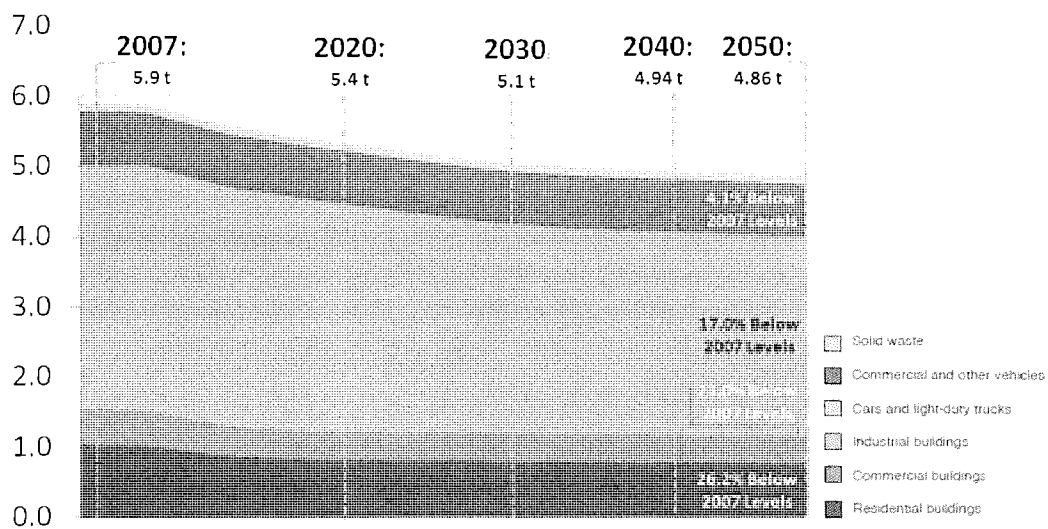
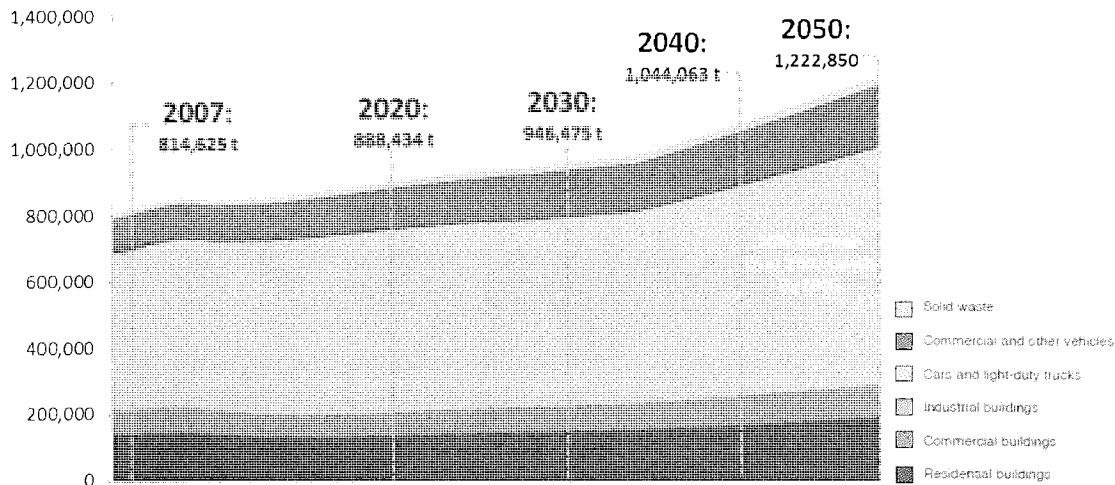


Figure 3: Total Emissions by Sector – 2006-2050



Reduction Target

The target included in the CEEP is the same target that has been incorporated into the Regional Growth Strategy and electoral area OCPs, as well as the Provincial Climate Action Plan and Greenhouse Gas Reduction Targets Act: an 80% reduction below 2007 levels by 2050. The origin of this target lies in the research that suggests atmospheric CO₂ should be held to 500 ± 50 parts per million (ppm), or less than double the pre-industrial level of 280 ppm. This is regarded as the threshold likely to limit average global temperature increase to two degrees Celsius, and sea level rise to less than 1.2 metres, by the year 2100.

It is fully recognized that this is an aspirational target that will not be achieved by the RDN acting in isolation. The purpose adopting the aspirational 80% target is that doing so opens the door to envisioning the full range of measures necessary to achieve such a dramatic reduction. The result in the CEEP is a comprehensive suite of measures for elected officials to prioritize and consider for implementation over time.

The measures necessary to achieve an 80% reduction on emissions found in the CEEP are shown in Table 2 below:

Table 2: Emission Reduction Measure to Achieve an 80 % Reduction by 2050

Residential Buildings

- 50% of all existing residential homes built prior to 2030 have been retrofitted to achieve an EnerGuide rating of 80 or better
- 90% of all new residential construction achieves an EnerGuide rating of 85 or better
- 50% of all new residential construction takes the form of multi-family development
- 50% of all residential dwellings are supplied with renewable, non-fossil fuel energy to meet home energy demand

Commercial and Industrial Buildings

- 50% of all existing commercial and industrial buildings built prior to 2030 are retrofitted to meet the ASHRAE 90.1 (2010) Standard
- 90% of new commercial and industrial buildings meet the ASHRAE 90.1 (2010) Standard

Land Use and Transportation

- 75% of residents in the region choose to live in more compact communities, resulting in a reduction in annual vehicle kilometres travelled per household
- 90% of all drivers stop unnecessary idling
- 50% of all commutes occur in alternatives to the single-passenger vehicle (carpooling, transit, walking, or cycling)
- 50% of drivers use low- or zero-emission vehicles (electric vehicles)

Solid Waste

- 90% of organic waste is diverted from the landfill
- 65% of landfill gas is captured and flared or used for alternative energy

Land Use Change and Agriculture

- 80% of land on rural residential parcels is protected from deforestation in perpetuity
- Carbon sequestration and emission reduction projects are implemented on agricultural land

The CEEP describes four ways in which these measures can be achieved: through outreach and communication; through non-financial incentives (such as expedited permitting); direct financial incentives; and through regulation. Each of these four implementation tools has differing impacts, with outreach resulting in an estimated uptake rate of 5%, and regulation resulting in 90% uptake.

Local Action Plan

The Local Action Plan portion of the CEEP describes a series of actions that are underway, under consideration, or necessary to implement the 80% reduction target. This section of the CEEP is revealing in that it is clear that the RDN is doing a great deal of good work that meets residents' needs and expectations while also reducing emissions, but also describes barriers to actions that have not been implemented, particularly challenges associated with changing land uses in a way that concentrates development within growth containment boundaries, and the general tendency to opt for a softer approach that emphasizes outreach and incentives over regulation.

Implementation, Monitoring and Reporting

Implementation of the Local Action Plan will mirror the RDNs largely successful efforts to promote green building in the region. The Green Building Action Plan outlines a general approach to increasing the number of green buildings in the region. Similarly, a Climate and Energy Action Plan will provide general guidance to staff and elected officials on a range of activities designed to foster a gradual transition to alternative, renewable energy supplies in the region, while also encouraging adaptation to inevitable climate change in our communities. The Climate and Energy Action Plan will come forward for consideration to the Sustainability Select Committee as a separate report.

Monitoring and reporting on energy use, emissions will proceed in conjunction with the Regional Growth Strategy Monitoring project currently in development.

ALTERNATIVES

1. Approve the Community Energy and Emissions Plan as presented.
2. Approve the Community Energy and Emissions Plan with amendments or provide alternate direction.

FINANCIAL IMPLICATIONS

There are no financial implications associated with approving the RDN Community Energy and Emission Plan. Additional work associated with outreach and communications fall within the roles and responsibilities of departmental staff, and will be offered in conjunction with public events already planned for 2013, most notably the Green Building Speaker Series.

Future work that connects the Local Action Plan presented within the CEEP with actual implementation will be proposed under the guidance of a Climate and Energy Action Plan developed in the spirit of the Green Building Action Plan. Proposed projects will be brought forward in future work plans and budgets.

STRATEGIC PLAN IMPLICATIONS

The overarching theme of the Board strategic plan is to build community resilience through self-sufficiency and regional collaboration. While the focus on the CEEP is on emission reduction over time, many of the reduction measures contained in the plan emphasize a transition to alternative, renewable energy systems. If implemented, these measures will increase residents' self-sufficiency, reducing reliance on centralized utilities while increasing local expertise and economic development in a sector poised to grow significantly over the coming decades.

SUMMARY/CONCLUSIONS

After several iterations and refinements, and in fulfillment of long standing direction, the RDN Community Energy and Emission Plan has been completed. The CEEP follows a five milestone framework developed by the federal Partners for Climate Protection, which includes an emission inventory that totals 913,414 tonnes of carbon dioxide equivalent for the RDN in 2007; a business-as-usual emission forecast that reaches over 1.2 million tonnes in 2050, based largely on projected population growth; an emission reduction target of 80% below 2007 levels by 2050, consistent with Provincial targets and widely held views on the reductions necessary to avoid the worst predicted effects of climate change; and a local action plan comprised of the measures necessary to reach that dramatic reduction target over the next 37 years.

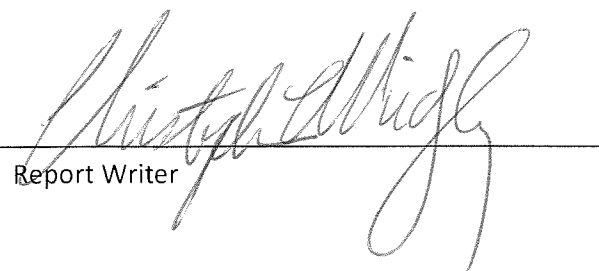
While the target is aspirational in nature, the resulting range of reduction measures are informative and broad reaching, offering a suite of measures that elected officials can prioritize for implementation over time. Generally, the measures outlined in the plan offer a wide range of co-benefits beyond emission reductions, including increasing local self-sufficiency for energy, and creating opportunities for economic development in a sector likely to increase in importance over the coming decade.


It is important to note that in and of itself, the plan has no regulatory force and effect. It is an information tool that is designed to encourage action, while also highlighting the magnitude of the task that achieving significant reductions in emissions entails.

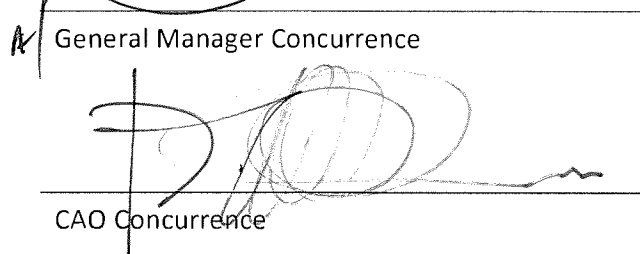
Implementation of the reduction measures identified in the CEEP will be guided by a Climate and Energy Action Plan to be provided separately.

RECOMMENDATION

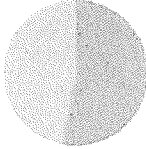


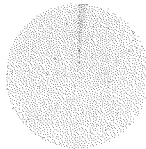


That the Community Energy and Emissions Plan be approved the as presented.


Report Writer


General Manager Concurrence


CAO Concurrence

Appendix 1: Emissions by Jurisdiction in the RDN

Jurisdiction	Population Estimate (2007)*	Proportion of Total RDN Emissions	Emissions (tCO ₂ e)
City of Nanaimo	81,459 (59.3%)	 53%	480,431
City of Parksville	11,314 (8.2%)	 7%	65,760
Town of Qualicum Beach	8,618 (6.3%)	 5%	47,394
District Municipality of Lantzville	3,721 (2.7%)	 2%	19,996
Electoral Areas**	32,294 (23.5%)	 22%	198,645
Entire Region: Land Use Change and Agriculture	-	 11%	101,628
Total	137,406		913,414***

* All population statistics from BC Stats 2006 Census Data.

** Does not include Electoral Area B. The Electoral Areas population is 2006 census data for Electoral Areas A, C, E, F, G and H, provided by BC Stats, with a growth factor of 1.24%.

*** The aggregated 2007 inventory for each jurisdiction does not match inventory for the region as a whole mainly due to a discrepancy in building-related energy use and emissions. The resulting difference equals 6,486 tonnes, or less than 1% of the total emissions for 2007.

Appendix 2: Emissions by Electoral Area in the RDN


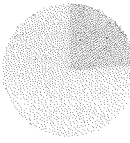


Jurisdiction**	Population Estimate (2007)	Proportion of Electoral Area Emissions	Emissions (tCO ₂ e)
Electoral Area A: Cedar, Cassidy, South Wellington, Yellowpoint	6,835		42,042
Electoral Area C: Extension, Nanaimo Lakes, East Wellington, Pleasant Valley	2,539		15,619
Electoral Area E: Nanoose Bay	5,530		34,015
Electoral Area F: Coombs, Hilliers, Errington, Whiskey Creek, Meadowood	6,763		41,600
Electoral Area G: French Creek, San Pareil, Little Qualicum	7,110		43,700
Electoral Area H: Bowser, Qualicum Bay, Deep Bay	3,517		21,634
Total	32,294		198,610***

* Data provided by the Sheitair Group (now Stantec).

** Does not include Electoral Area B.

*** The aggregated 2007 inventory for the Electoral Areas here differs from those provided in the provincial CEEL reports by 35 tonnes, an insignificant difference.

Appendix 3: Energy Use by Sector and Source in the RDN

Sector	Source	Energy Use (GJ)	Emissions (tCO ₂ e)	Proportion of Total RDN Emissions	Emissions (tCO ₂ e)	
On-Road Transportation	Gasoline	6,634,465	453,006		63%	551,097
	Diesel	1,792,039	126,321			
	Other Fuel	44,258	1,770			
Buildings	Electricity	6,153,738	42,165		24%	222,158
	Natural Gas	2,219,149	113,177			
	Propane	141,464	8,631			
	Heating Oil	820,187	57,815			
	Wood	999,861	370			
Solid Waste	Community Solid Waste	-	15,877		<2%	15,877
Land Use Change and Agriculture	Deforestation - Settlement	-	83,158		11%	101,266
	Deforestation - Agriculture	-	12,482			
	Enteric Fermentation	-	5,628			
Total		18,805,161 GJ				919,000 tCO₂e

* Data provided by the Province of BC's Community Energy and Emissions Inventory (CEEI).

TO:	Chris Midgley Manager, Energy and Sustainability	DATE:	April 5, 2013
FROM:	Ting Pan Sustainability Coordinator	FILE:	6430-05-CEAP
SUBJECT:	Climate and Energy Action Plan		

PURPOSE

To propose a *Climate and Energy Action Plan* to guide efforts to address risks associated with climate change, reduce emissions and enhance local self-sufficiency and community resilience.

BACKGROUND

The Regional District of Nanaimo has recently completed a draft *Community Energy and Emissions Plan* (CEEP). The CEEP provides an energy use and emission inventory for the RDN and member municipalities for the year 2007, a forecast for emissions to the year 2050, establishes an aspirational emission reduction target of 80% below 2007 levels by 2050; and outlines the range of reduction measures necessary to achieve that target.

The CEEP is intended as an information tool rather than a regulatory tool. It indicates the actions that would result in significant emission reductions, but does not impose a set of actions or decisions upon the Board, nor constrain future decision making.

In addition, the CEEP by necessity ignores specific dimensions of climate action that the RDN can and should undertake, namely assessing and addressing the risks and vulnerabilities of RDN assets to increased frequency and intensity of precipitations events, more dramatic storm surges, longer and hotter periods of drought, and other predicted effects of a warming climate.

To provide an implementation framework to advance actions that result in reduced emissions, facilitate a transition to renewable, alternative energy sources in the community, and mitigate risks and vulnerabilities to RDN infrastructure, staff have developed a *Climate and Energy Action Plan*, provided as Appendix 1 to this report. The Plan is modeled after the Green Building Action Plan, which has been a useful tool in guiding an incremental approach to increasing the number of green buildings in the region.

The goal of the *Climate and Energy Action Plan* is “to reduce the risks associated with climate change, and enhance local self-sufficiency and community resilience.”

The six areas of action identified in the Plan are:

1. Build Partnerships and Participate in Complementary Initiatives
2. Develop and Improve Policies and Guidelines
3. Undertake Outreach and Educational Activities
4. Conduct Research and Develop Tools
5. Reduce Regulatory Barriers
6. Monitor and Report Progress

For each year beginning in 2014, one or more projects from the *Climate and Energy Action Plan* will be incorporated into the Energy and Sustainability departmental work plan, subject to Board approval. For 2013, relevant projects have already been approved, and will back reference the Climate and Energy Action Plan, as necessary.

ALTERNATIVES

1. That the *Climate and Energy Action Plan* be approved as proposed.
2. That the *Climate and Energy Action Plan* be amended or alternate direction be given to staff.

FINANCIAL IMPLICATIONS

The estimated cost to complete projects arising from the Climate and Energy Action Plan will range from minimal cost to up to \$20,000. Staff will recommend implementation priorities through the annual budgeting process emphasizing projects that most effectively advance the Board's strategic priorities. This will begin for the year of 2014.

STRATEGIC PLAN IMPLICATIONS

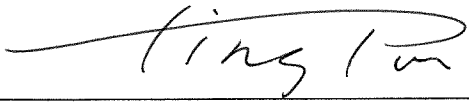
The *Climate and Energy Action Plan* offers a set of actions that will contribute directly to building local self-sufficiency by supporting conservation measures and alternative and renewable energy sources. Building community resilience, managing risks related to a changing climate, and reducing vulnerability of RDN facilities and infrastructure represent responsible management but are also essential in maintaining critical services that support economic activities in the region. A collaborative approach across departments and among jurisdictions is necessary to mitigate risks and adapting to climate related impacts. Ongoing monitoring and reporting will provide the critical feedback needed to make adjustments and measure progress towards meeting the goal of the Plan.

SUMMARY/CONCLUSIONS


A *Climate and Energy Action Plan* is proposed as an implementation framework for the recently completed RDN *Community Energy and Emissions Plan*. Modeled after the *Green Building Acton Plan*, the *Climate and Energy Action Plan* provides six areas of action in support of the goal to reduce the risks associated with climate change and enhance local self-sufficiency and community resilience. Projects that advance the *Climate and Energy Action Plan* will be proposed on an annual basis through the development of departmental work plans and budgets, both subject to Board Approval.

RECOMMENDATION

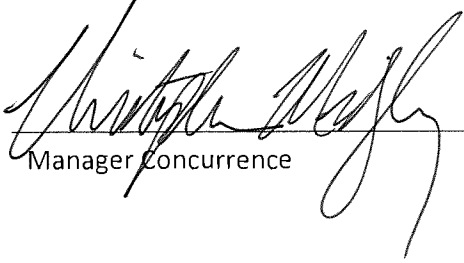
That the proposed *Community Energy and Climate Action Plan* be approved as proposed.



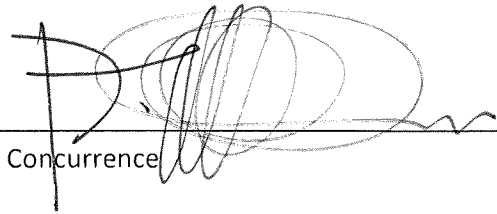
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Goal

To reduce the risks associated with climate change, and enhance local self-sufficiency and community resilience.

Objectives

The objectives are:

- to maintain and enhance RDN staff and elected official awareness and knowledge about the risk associated with climate change and the opportunities on energy conservation, alternative and renewable energy sources, emission reduction and adaptation measures;
- to improve performance of RDN facilities
- to reduce vulnerability of RDN facilities to climate related impacts
- to develop tools and policies that build resilience in the community, facilitate a transition to alternative and renewable energy sources, encourage efficient urban and rural communities, and result in emission reductions;
- to build partnerships to advance best practices in the region;
- to inform residents about options to improve their homes and build local self-sufficiency;
- to provide research to support alternative and renewable energy sources and emission reduction measures in the region.

Actions

1. Build Partnerships and Participate in Complementary Initiatives

- a) The RDN will continue to participate in the Federation of Canadian Municipalities Partners for Climate Protection Program.
- b) The RDN will fulfill its commitment to the Provincial Climate Action Charter by:
 - Being carbon neutral in respect to its operations from 2012 and for the years that follow;
 - Measuring and reporting on the region's GHG emissions;
 - Creating complete, compact, more energy efficient rural and urban communities.

- c) The RDN will collaborate with municipalities, regional governments and other organizations to share information, and develop tools, policies and other materials that facilitate the development of regional climate change strategies.
- d) The RDN will partner with member municipalities to promote the use of renewable energy in the region.

2. Develop and Improve Policies and Guidelines

- a) The RDN will develop guidelines for optimizing the performance of existing facilities and guiding the decisions on future retrofits.
- b) RDN staff will review current development guidelines and bylaws, and develop strategies to adapt to climate related impacts such as sea level rise, rising temperature and related risks.

3. Undertake Outreach and Educational Activities

- a) The RDN will continue outreach and educational activities about energy efficiency, climate related impacts and adaptation for residents. The purpose of these activities is to inspire residents to take actions, and to provide information on the available options to improve self-sufficiency and resilience of their homes and communities.
- b) The RDN will provide information and practical assistance to interested residents about:
 - Incentives and rebates
 - Specific strategies to address issues relevant to local and regional sustainability priorities
 - Local resources and contact information

4. Conduct Research and Develop Tools

- a) The RDN will consider developing an online tool that maps climate related impacts to the communities in the region based on available GIS information. Areas at greater risk of water shortages, floods, landslides, forest fires, storm surges, coastal erosion, stormwater runoff will be assessed and identified within the existing RDN Map interface. This will offer insights on how planning decisions increase or decrease vulnerability to climate related impacts, and inform strategies to avoid these risks.
- b) The RDN will consider studies to assess RDN facilities and infrastructure's vulnerability to climate related impacts such as sea level rise, storm surges, coastal erosions, drought and stormwater runoff.

5. Reduce Regulatory Barriers

- a) RDN staff will review RDN existing building bylaws and planning regulations, and adapt best practices from elsewhere to streamline the development process and reduce regulatory barriers to practices relating to emission reduction and climate adaptation in the region.
- b) The RDN will take an incremental approach to developing incentives that facilitate projects that result in emission reductions such as district energy systems, low impact development, and carbon sequestration. Incentives could include expedited permitting, adjusted fees and charges and density bonuses.

6. Monitor and Report Progress

- a) RDN staff will evaluate the effectiveness of the implemented policy instruments on an ongoing basis.
- b) The RDN will continue to report on progress in meeting emission reduction targets and renewable energy production.

Budget

The RDN Board will consider the allocation of funds to implement selected components of the Action Plan as a part of the budget approval process for each year.

The estimated range of cost for each action item ranges between minimal cost and up to \$20,000.

Timeline

The RDN Board will consider undertaking one or more action items on an annual basis, as a part of the budgetary process for each year.

TO: Chris Midgley
Manager, Energy and Sustainability

DATE: April 5, 2013

FROM: Ting Pan
Sustainability Coordinator

FILE: 6430-05-GBIP

SUBJECT: Green Building Incentive Program 2013

PURPOSE

To propose changes to the Green Building Incentive Program for 2013 that simplifies the Sustainable Development Checklist application process and supports a larger range of residential scale renewable energy systems.

BACKGROUND

The Green Building Incentive Program (the Program) was first established in 2011 as a pilot program for residents in the Electoral Areas and the District of Lantzville. In 2012 the program was refined to increase residents' awareness and uptake. It is intended that the program continue to be evaluated on an annual basis.

Of the five Action Specific Incentive types, both the Home Energy Assessment and Woodstove Exchange Rebates remain very popular with residents. Two Graded Site-Cut Timber rebates have been delivered, while the Solar Hot Water System and Residential Electric Vehicle Charging Station rebates have received minimal interest.

After the introduction of the \$50 Sustainable Development Checklist Meeting incentive in 2012, five project applicants met with the Sustainability Coordinator and completed the Checklist. However, to date most of these applicants have not completed the construction of their projects; therefore they have not claimed any Checklist incentives. Table 1 below summarizes how incentives were distributed in 2012.

Table 1: 2012 Green Building Incentive Program Summary

Incentive	Rebates Awarded	Total Funds	Funds Awarded	Funds Remaining
Home Energy Assessment	112	\$ 8,100.00	\$ 7,450.00	\$ 650.00
Woodstove Exchange	84	\$ 25,000.00	\$ 21,000.00	\$ 4,000.00
Site-cut Timber	1	\$ 500.00	\$ 95.20	\$ 404.80
Solar Hot Water		\$ 750.00		\$ 750.00
EV Charging Station		\$ 500.00		\$ 500.00
Checklist Meeting	3	\$ 500.00	\$ 150.00	\$ 350.00
Checklist Score		\$ 1,000.00		\$ 1,000.00
Total		\$36,350.00	\$28,695.20	\$7,654.80

It is proposed that the 2013 incentive program incorporate the following changes:

1. Simplify the Sustainable Development Checklist and Eliminate the Incentive for Meeting with Sustainability Coordinator

The intent of this change is to streamline the Checklist incentive application process and encourage more homeowners to build homes that result in energy savings and independence, emission reductions, greater self-sufficiency and improved comfort.

A simplified application form reduces the effort and time to complete the application while maintaining high performance requirements. To qualify for the Checklist incentive, applicants are encouraged to build compact houses and achieve high EnerGuide Ratings. To increase the Checklist Score, applicants have the option to pursue bonus points from a section that includes items such as proximity to amenities and renewable energy systems. The proposed Checklist Incentive Application Form is presented in Appendix 1.

The new form is much easier for applicants to complete independently thus eliminating the need for staff assistance. Applicants who pursue bonus points would still be offered the opportunity to meet with the Sustainability Coordinator to review their applications; however they would no longer be offered the \$50 incentive.

2. Replace the Existing Solar Hot Water System Incentive with a Renewable Energy System Incentive

A more general Renewable Energy System Incentive will include photovoltaic and ground or water source geexchange systems, in addition to solar hot water systems. An incentive of \$250 will be offered for each eligible renewable energy system installed.

All other incentives will remain unchanged.

If approved, the revised Green Building Incentive Program will become effective May 1, 2013.

ALTERNATIVES

1. That the 2013 Green Building Incentive Program be approved as proposed.
2. That the 2013 Green Building Incentive Program be unchanged from 2012.
3. That alternate direction be given to staff.

FINANCIAL IMPLICATIONS

The Program is funded with \$20,000 from the Building Inspection service; \$7,654.80 was carried over from the program in 2012. In addition, the RDN and the City of Nanaimo received \$17,969 from BC Lung Association for the region wide 2013 Woodstove Exchange Program.

The alternatives presented will not change the total amount of funding allocated to the program. For Alternative 1, the proposed change may cause more of the available funds to be distributed towards the Checklist incentive. The simplified application process for the Checklist incentive is anticipated to reduce the demand for the Sustainability Coordinator's time by approximately 5%.

For Alternative 2, the distribution of the funds will likely be similar to previous years with the majority going towards the Woodstove Exchange and Home Energy Assessment programs, with few if any incentives supporting renewable energy systems, or new high performance construction projects.

STRATEGIC PLAN IMPLICATIONS

The Green Building Incentives continue to be an effective tool to encourage residents to implement efficiency measures that reduce water and energy consumption, and develop clean and renewable energy supplies. The Incentive Program also provides opportunities to build local expertise in green building, renewable energy technologies, electric vehicle infrastructure, and materials and processes. The program's track record offers valuable insights on civic engagement and behavior change that can be transferred and shared among all member municipalities and, with ongoing monitoring and reporting, provides the basis for continuous improvement.

SUMMARY/CONCLUSIONS

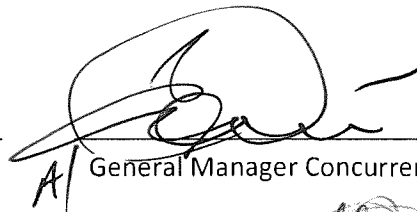
The Green Building Incentive Program will continue to support Action Specific Incentives as well as the Sustainable Development Checklist Incentive. A simplified Checklist will streamline the application process, making incentives easier to access and encouraging applicants to build more compact and energy-efficient homes. A Renewable Energy System Incentive will replace the existing Solar Hot Water Incentive and recognize photovoltaic, geexchange and solar hot water systems as eligible renewable energy systems.

RECOMMENDATION

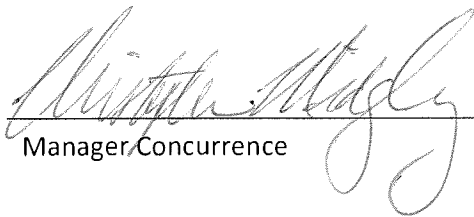
That the proposed 2013 Green Building Incentive Program be approved.



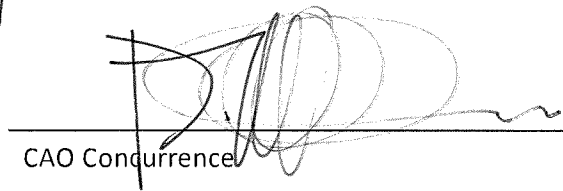
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence



RDN Sustainable Development Checklist

New Construction and Renovation of Residential Development

File Number: _____

Updated April 2013

First Name: _____ Last Name: _____

Subject Property Address: _____

Telephone: _____ Email: _____

Total Area of Living Space (ft²) _____ Total Number of Bedrooms _____

(Check **Home Size Table** on Page 4 to see the home size number that applies to your project.)

EnergyGuide Rating _____

Is the first page of the energy assessment report attached? Yes No

Are bonus points from the Sustainable Development Checklist pursued? Yes No

(Check **Incentive Table** on page 4 to see if you need bonus points to qualify for the Checklist Incentive.)

If so, are the completed Sustainable Development Checklist and supporting documents attached? Yes No Not applicable

EXPIRY DATE: Six months after occupancy or final date on file.

Incentives are limited and will be provided on a first come first served basis until rebate funds run out. If you have any questions about the program, call 250-390-6510 or email sustainability@rdn.bc.ca.

BONUS POINTS (optional): Complete either Option A or Option B below to pursue bonus points.

Option A: Shortcut

Point	Is the project certified to Leadership in Energy and Environmental Design (LEED) or Built Green and achieved the following certification levels?		
10	Platinum	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7	Gold	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5	Silver	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Option B: Step-by-step

Point	Category		
1	Location		
	Is the project located on lands within the Growth Containment Boundary?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	OR		
	Does the project involve the reuse of an existing building?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	OR		
	Is the project located within 3 kilometres (10-minute bike ride) of 5 of the listed destinations?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	<input type="checkbox"/> Community/social centre <input type="checkbox"/> Recreational facility <input type="checkbox"/> School <input type="checkbox"/> Transit stop <input type="checkbox"/> Health care <input type="checkbox"/> Coffee shop <input type="checkbox"/> Financial institution <input type="checkbox"/> Shop/market <input type="checkbox"/> Restaurant <input type="checkbox"/> Childcare facility <input type="checkbox"/> Park		
	OR	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Is the project located within 400 metres of a transit stop?		
3	Renewable Energy Systems		
	Are any of the following systems installed as part of the project by a qualified technician? *	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Solar hot water	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Photovoltaic	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	Geoexchange		
2	Rainwater Management		
	Is rainwater harvested in a cistern with a minimum capacity of 4,546 liters (1,000 gallons) for toilet flushing, irrigation or other uses?*	Yes <input type="checkbox"/>	No <input type="checkbox"/>

RDN Sustainable Development Checklist – Residential Development

1	Site Are all existing mature trees (the trunk diameter is greater than 20 cm, measured 1.5 m above the ground) on site either retained or replaced with new trees?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	OR Is a rain garden incorporated to encourage natural infiltration of rainwater?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	OR When clearing land, is downed wood or debris left in buffer areas or grinded rather than being burned as 'waste'?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	OR Is less than 20% of the property covered in impervious surface such as roofs and pavements (including building footprint, driveway, patio and footpath)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2	Greywater Reuse Is there any greywater system in place for toilet flushing, irrigation or other non-potable uses?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2	Building Materials Is site-cut timber used for structural components in this project? *	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	OR Are materials with low embodied energy used as structural or envelope components in this project? E.g. clay, straw bale, stone.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2	Vegetated Roof Does the building include a vegetated roof system on 50% of the roof area (not including roof area of a garage or other accessory buildings)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
1	Electric Vehicle Charging Station Is a Level 2 Electric Vehicle Charging Station installed in this project? *	Yes <input type="checkbox"/>	No <input type="checkbox"/>
1	Public Education Does this project provide any green building education opportunities?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**Total
Bonus
Points**

*Note: Additional incentives may be available for these specific items. Please check www.rdnrebates.ca for eligibility criteria and application details.

RDN Office Use Only

Look up the **Home Size Table** below and circle the size that applies to this project.

Home Size Table												
Maximum home size (ft2) by number of bedrooms	Home Size	Size 0 or smaller	Size 1	Size 2	Size 3	Size 4	Size 5	Size 6	Size 7	Size 8	Size 9	Size 10
≤1 Bedroom		1050	1090	1135	1180	1225	1275	1325	1375	1430	1485	1545
2 Bedrooms		1600	1665	1730	1795	1865	1940	2015	2095	2180	2265	2350
3 Bedrooms		2200	2285	2375	2470	2565	2670	2770	2880	2995	3110	3235
4 Bedrooms		3000	3120	3240	3370	3500	3640	3780	3930	4080	4245	4410
5 Bedrooms		3300	3430	3565	3705	3850	4000	4160	4320	4490	4670	4850

The **Incentive Table** shows the minimum score needed to qualify for the incentive.

Incentive Table											
Incentive	Size 0 or smaller	Size 1	Size 2	Size 3	Size 4	Size 5	Size 6	Size 7	Size 8	Size 9	Size 10
\$1,000	85	86	87	88	89	90	91	92	93	94	95
\$750	82	83	84	85	86	87	88	89	90	91	92
\$500	77	78	79	80	81	82	83	84	85	86	87

Is the application form completed? Yes No

Are supporting documents submitted? Yes No

EnerGuide Rating _____ + Bonus Points _____ = Total Score _____

The applicant is eligible to receive \$ _____

Reviewed and approved by _____ Date _____



RDN REPORT	
CAO APPROVAL	
EAP	
GGW	
APR 17 2013	
RHD	
BOARD	<input checked="" type="checkbox"/>

MEMORANDUM

TO: Paul Thorkelsson
Chief Administrative Officer **DATE:** April 17, 2013

FROM: Paul Thompson **FILE:** PL2011-060
Manager of Long Range Planning

SUBJECT: Reconsideration of RGS and OCP Amendment Application No. PL2011-060 – Baynes Sound Investments Lot A, District Lots 1 and 86, Newcastle District, Plan 48840; Lots B, District Lots 1 and 86, Plan 38643; Lot C, District Lot 86, Plan 38643 Electoral Area ‘H’

PURPOSE

To provide a summary of the recommendations on the application described above.

BACKGROUND

The attached staff report was provided to the Electoral Area Planning Committee on April 9, 2013 and the Sustainability Select Committee on April 16, 2013. The Staff recommendation on this application is:

1. That the Electoral Area Planning Committee not support the Deep Bay development application by recommending that the Board deny the application.
2. That staff be directed to discuss potential options with the applicant about developing the site consistent with RGS and OCP direction.

The recommendation from the Electoral Area Planning Committee is:

MOVED Director Veenhof, SECONDED Director Stanhope, that the Electoral Area Planning Committee support a review of the application of the Baynes Sound Investments for a new Rural Village Centre at Deep Bay and that the application proceed through the process to amend the Electoral Area ‘H’ Official Community Plan and the Regional Growth Strategy.

CARRIED

The recommendation from the Sustainability Select Committee is:

MOVED Director Veenhof, SECONDED Director Kipp, that the Board support a review of the application of the Baynes Sound Investments for a new Rural Village Centre at Deep Bay and that the application proceed through the process to amend the Electoral Area ‘H’ Official Community Plan and the Regional Growth Strategy.

CARRIED

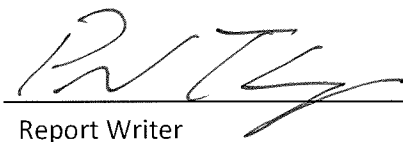
The recommendations are provided to the Board to consider in relation to the Regional Growth Strategy and Electoral Area ‘H’ Official Community Plan amendments application from Baynes Sound Investments.

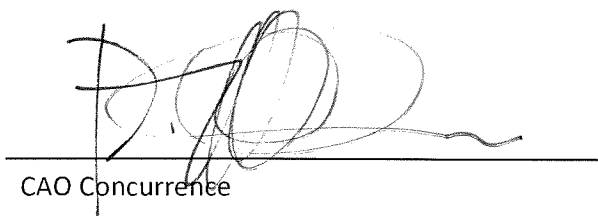
ALTERNATIVES

1. Accept the recommendations from the Electoral Area Planning Committee and the Sustainability Select Committee and support a review of the application by Baynes Sound Investments (BSI) for a new RVC in Deep Bay and that the application proceed through the process to amend the Electoral Area 'H' Official Community Plan and the Regional Growth Strategy.
2. Not to support a review of the application by Baynes Sound Investments (BSI) for a new RVC in Deep Bay and that the application not proceed through the process to amend the Electoral Area 'H' Official Community Plan and the Regional Growth Strategy.

SUMMARY/CONCLUSION

An application to amend the Regional Growth Strategy (RGS) and the Electoral Area 'H' Official Community Plan (OCP) to include a new Rural Village Centre (RVC) within the Growth Containment Boundary (GCB) for a proposed development in Deep Bay has been considered by the Electoral Area Planning Committee and the Sustainability Select Committee. The two committees have made recommendations to the Board. The Board must now make a decision on whether to support the application proceeding through the RGS and OCP amendment process.


Report Writer


CAO Concurrance

TO: Paul Thompson
Manager of Long Range Planning

DATE: March 27, 2013

FROM: Lisa Bhopalsingh
Senior Planner

FILES: PL2011-060

SUBJECT: Reconsideration of RGS and OCP Amendment Application No. PL2011-060 – Baynes Sound Investments
Lot A, District Lots 1 and 86, Newcastle District, Plan 48840; Lots B, District Lots 1 and 86, Plan 38643; Lot C, District Lot 86, Plan 38643
Electoral Area ‘H’

PURPOSE

To re-consider an application to amend the Regional Growth Strategy (RGS) and the Electoral Area ‘H’ Official Community Plan (OCP) to include a new Rural Village Centre (RVC) within the Growth Containment Boundary (GCB) for a proposed development in Deep Bay.

BACKGROUND

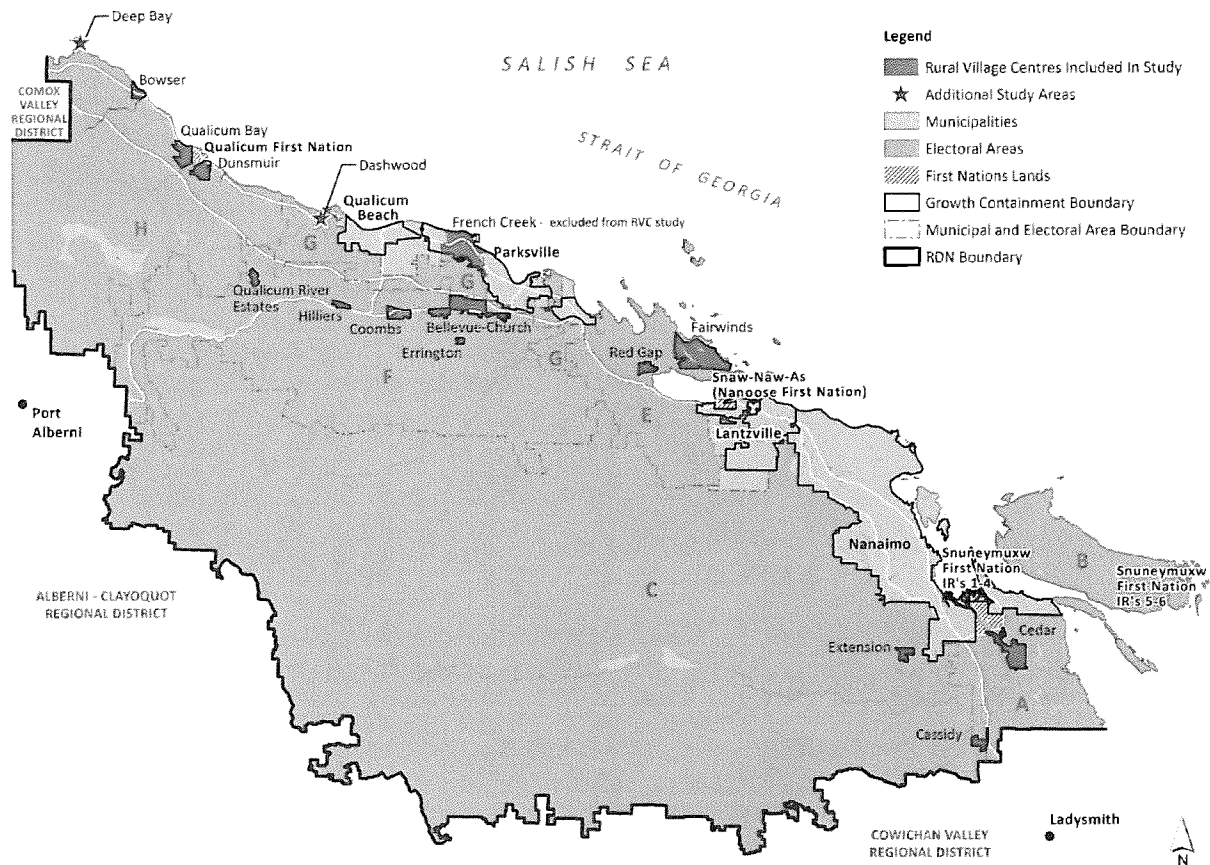
On October 4, 2011 the RDN Board considered an application for a development (see attachment 1 for subject property map) that requires amendments to the Area ‘H’ OCP and RGS to allow a new Rural Village Centre in Deep Bay. The designation of a new Rural Village Centre is necessary to support the density of development proposed for a resort community involving 76 ha of land. This includes a mix of 386 single and multi-family residential units, 6,975 m² of commercial land and 292 recreational vehicle spaces (see attachment 2 for concept plan). The RDN Board directed staff to include the proposal for a new Rural Village Centre in Deep Bay in a region-wide study of Rural Village Centres and put the application on hold pending completion of the study.

The Rural Village Centre study fulfills direction in the Regional Growth Strategy (Policy 4.11) by investigating concerns that some RVCs may never reach their intended function as mixed-use, compact, complete communities. This work will aid the Board and respective communities in prioritizing the investment needed to provide community water and sewer, and transit.

Including Deep Bay in the study allowed for the area to be considered objectively as part of a technical evaluation in order to show how it performs relative to existing RVCs in the study and within a larger regional growth management context. The study also provides potential implications of designating an additional RVC in Deep Bay upon neighbouring RVCs in Electoral Area ‘H’. The Rural Village Centre Study was received by the RDN Board on March 26, 2013. Now that the study has been completed, the RDN Board can reconsider the application for a new RVC at Deep Bay within the context of the information provided by the study.

The RVC study included 13 of the 14 existing Rural Village Centres (see Map 1) in the Regional Growth Strategy¹. Deep Bay was included as an additional Study Area (SA) along with Dashwood in Electoral Area 'G'. In order for the study to determine what is required for each RVC and SA to grow from where it is now to the ideal mixed-use centre as envisioned in the RGS, the study established a baseline for the evaluation based on existing conditions. As well, projections for future growth were based on existing OCP policies. As such it did not take into account any future development proposals for any of the RVCs or SAs including the application under discussion.

Map 1 – Existing Rural Village Centres



The RVC study shows how close/far each of the included RVCs and study areas are from becoming complete, compact, mixed-use communities based on the established criteria. By doing so it highlights each area's strengths and weaknesses. While the study looked at certain characteristics based on current conditions it also provides a projection of future retail demand by analyzing development and market viability based on projections for each RVC as well as anticipated growth and distribution of population throughout the region. The study gives a clear indication of what it would take for each RVC to reach optimum levels of performance.

¹ French Creek RVC was excluded because it is considered to be a mostly developed, mixed-use community with transit service and large areas served by community water and sewer.

The RVC study ranked the Deep Bay study area (which includes the land that forms part of the Bayne Sound Investment Ltd. application) amongst one of the mid to lower performing areas based on the study criteria with a ranking of 5 on a scale of 1-6 (with 1 being the best and six the lowest) along with Dashwood, Dunsmuir, Extension and Hilliers (see attachment 3). The RVC study provides an indication of what would need to happen at Deep Bay in order for it to perform better as a future RVC that would benefit Area 'H' and the region as a whole.

This report provides a discussion of the implications of considering the application which requires the creation of a new RVC at Deep Bay. The results of the RVC study are used to provide context for the application including the need for additions to the Growth Containment Boundary in the Region. Further details on the RVC Study are included in the staff report received by the RDN Committee of the Whole (COW) on March 12, 2013.

ALTERNATIVES

1. That the Electoral Area Planning Committee supports a review of the application by Bayne Sound Investments (BSI) for a new RVC in Deep Bay and that the application proceed through the process to amend the Electoral Area 'H' Official Community Plan and the Regional Growth Strategy.
2. That the Electoral Area Planning Committee recommends that the application be held in abeyance until the completion of the next Electoral Area 'H' Official Community Plan review.
3. That the Electoral Area Planning Committee does not support a review of the application by BSI for a new RVC in Deep Bay and that the application be denied.
4. That the Electoral Area Planning Committee provide an alternate recommendation for the application by BSI for a new RVC in Deep Bay.

FINANCIAL IMPLICATIONS

The financial implications for the RDN, regional communities and Electoral Area 'H' residents vary greatly depending on RDN Board direction. This section of the report addresses financial implications for the RDN. A discussion of longer term economic impacts is included under the section addressing the RGS economic goal.

The staff report received by the Board in October 2011 indicates that if the RDN Board supports amending the RGS and OCP to allow a new RVC at Deep Bay, the potential subdivision that could result would not result in *"any direct short term infrastructure costs for the RDN"*. The report further states that *"the capital cost for the development of local road improvements and community services would be borne by the applicant. The applicant proposes to construct an advanced wastewater treatment system that will be owned and maintained by the strata corporation"*. However it was noted that there would be financial implications if the RDN was asked to take over a wastewater treatment system in the future.

The application includes a preliminary study indicating that the Deep Bay Improvement District (DBID) aquifer has sufficient water to supply the development. The feasibility study specifies that upgrades to water storage capacity and the DBID piping network will be needed to service the proposed

development. The recovery of any capital costs related to supplying water to the proposed development would be the responsibility of DBID to negotiate with the developer.

In the long term there are a variety of unknown potential long term costs, liabilities and risk for the RDN associated with future maintenance of infrastructure such as wastewater treatment, water, sidewalks, parks and rainwater management/stormwater infrastructure.

In terms of staff time and impacts on other ongoing projects, the financial implications of the different alternatives presented in this report are outlined below. Some of these financial implications are the same for the alternatives presented in the staff report to the EAPC on September 2, 2011 and to the RDN Board on October 4, 2011:

Alternative 1 has the greatest immediate impact. Processing an application to amend the RGS requires a significant amount of staff time that would normally be spent on other projects. The RGS establishes criteria under which proposed amendments can follow one of two processes depending upon whether or not the amendment is deemed minor². Based on these criteria, if the RDN Board supports the Baynes Sound Investments Ltd. application proceeding as an amendment application, it would not be considered a minor amendment. The application would have to follow the regular RGS amendment process for land in an electoral area as outlined in Attachment 4. This process reflects steps required under the *Local Government Act* to amend a Regional Growth Strategy.

By supporting the application to amend the RGS, the Electoral Area Planning Committee (EAPC) effectively becomes a sponsor of the application and as such, the RDN incurs all costs associated with a bylaw amendment not covered by application fees. At the time that the application was submitted the only fees applicable were for amending an OCP as there were no provisions to recoup costs specific to amending the RGS³. As a result, for this application, the RDN will have to absorb the additional costs of processing the RGS amendment application beyond the \$800 OCP amendment fee collected in April 2011. As well, staff time spent on this application means that work on other projects in the 2013 Work Plan may have to be deferred.

Alternative 2 would have the greatest financial impact in the near to medium future. An OCP review requires an extensive amount of staff time and other resources. A project of this scale must be included in the yearly budgeting and work plan process and could cost upwards of \$200,000. Depending on the scope of the OCP review there will be costs associated with resources for staff time, studies by professional consultants, committees and public consultation. An OCP review can be expected to take a minimum of one year, however more recent experience suggests OCP reviews take much longer to complete (over 2 years). An OCP review for Electoral Area 'H' has not been included in the 2013 departmental work plan.

Alternative 3 would have the least financial impact as no additional staff time would be required for this application. Costs related to **Alternative 4** are unknown and would depend on the nature of the direction provided to RDN staff.

² Regional Growth Strategy, Bylaw No. 1615, November 22, 2011 Page 4.

³ Amendments to RDN Bylaw No. 1259 (A Bylaw to Establish Fees for Planning Related Products and Services) in November 2011 now require applicants to pay for an RGS amendment in addition to the application fee for the OCP amendment.

LAND USE IMPLICATIONS

Growth Management Implications

The application involves proposed amendments to the Electoral Area 'H' OCP as well as the RGS to add a new Rural Village Centre in Deep Bay. The previous staff report to the Board (received on October 4, 2011) states that growth management implications "*must be considered at the regional level as well as the site level. At the site level the main considerations are design and layout, providing for a mix of uses, efficient servicing and the measures taken to protect environmentally sensitive areas.*"

The previous staff report on the application refers to the 2003 RGS that was in place at the time. This has since been replaced by an updated RGS adopted by the Board in November 2011. The updated RGS carries forward much of the same growth management direction from the 2003 RGS with additional emphasis and new goals addressing climate change and energy consumption, affordable housing, economic resiliency, and food security. The application is discussed below in relation to the goals of the 2011 RGS.

The application includes an extensive amount of information justifying the development. This information is available upon request. An additional submission titled *Deep Bay; A Rural Village Centre* summarizes the applicant's perspective on why the application should be supported (see Attachment No. 6).

At the site level, the development concept put forward in the application demonstrates many of the desirable characteristics specified by the RGS for Rural Village Centres to be compact, complete communities with efficient servicing. This includes a mix of uses, range of housing types and a compact arrangement that supports walking. The application also shows consistency with other RGS Goals to protect environmentally and archaeologically sensitive areas through dedication of green space and strategies to mitigate the impacts of the development on surface water (including the ocean) and groundwater.

Regional level considerations are discussed below with reference to the updated RGS goals and the technical results of the RVC Study. The RGS provides direction on what must be considered when considering changes to the Growth Containment Boundary. *At the regional level the main considerations are:*

1. Have they demonstrated that there is a need for a new village centre;
2. What are the impacts on other established village centres; and
3. Does it contribute to regional goals for urban containment, transportation, GHG emission reductions, affordable housing, agriculture, the economy and protection of rural and resource lands.

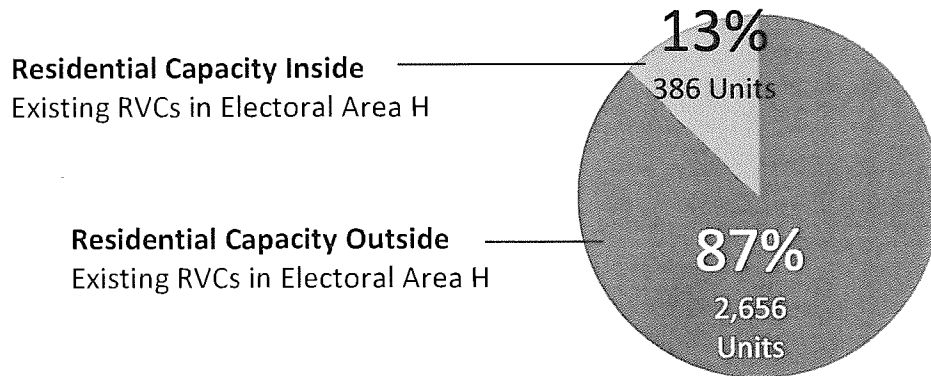
1. Demonstrated need for a new village centre

The RVC study and staff report received by the Board is a resource to help the Board evaluate the 'bigger picture' regional growth management implications of proposals for changes to the GCB in electoral areas including this application that requires a new RVC at Deep Bay.

The results of the RVC study combined with details of the 2011 Census results and the RDN’s 2007 Land Inventory and Capacity analysis show that from a housing needs perspective there is ample land to accommodate anticipated growth in the region for the next 30 years. This includes ample capacity to accommodate growth in existing RVCs in Area ‘H’ as well as in the RGS Rural Residential Land use designation outside of RVCs.

The 2011 Census count for Electoral Area ‘H’ was 3,509 people. This reflected an increase of 1% or 35 people for the five years between 2006 and 2011 Census. With the exception of Electoral Area B, Electoral Area H had the slowest growth of all the RDN’s electoral areas. This fact reinforces the findings of the RDN’s 2007 Land Inventory and Capacity Analysis that, subject to some dramatic change in current and projected growth, there is adequate land to accommodate future demand for residential growth in Electoral Area ‘H’ until 2036 if not beyond.

The RDN’s 2007 Land Inventory and Capacity Analysis calculated capacity for an additional 3,042 residential units in Electoral Area ‘H’ based on OCP land use⁴. With an average Census household size of 2.1 this means that there is the potential to accommodate an additional 6,388 people based on existing land use policies. While some of this residential capacity (13%) is within existing Rural Village Centres the majority (87%) of the residential growth potential is outside RVCs and mostly on lands designated Rural Residential.



The significant growth potential outside of the existing RVCs in Electoral Area ‘H’ is an important consideration in evaluating the need for another RVC in Electoral Area ‘H’, particularly when the existing RVCs continue to struggle to maximize their potential due in part to the ample development potential outside their boundaries.

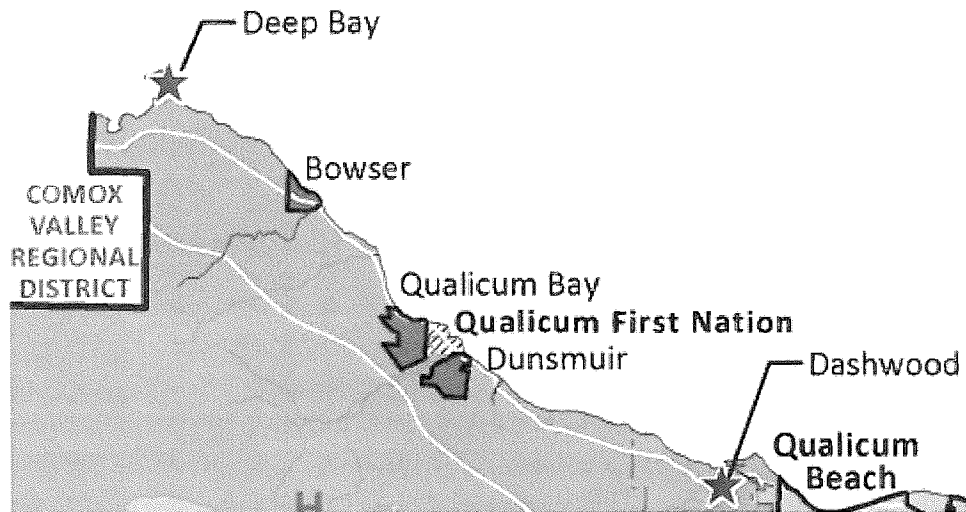
Based on future demand for housing, there is currently no demonstrated need at either the local or regional level for a new RVC at Deep Bay. The proposal mentions a planned expansion of oyster production for a specific company within the shellfish industry and the role of an adjacent Centre for Shellfish Research in drawing “a large number of people to the community for various programmed events”. However, no details are given about what this means in terms of an increased demand for housing and commercial space and how the proposed development would accommodate these needs.

⁴ This calculation for the 3 Area ‘H’ RVCs was based on existing levels of servicing and prior to the completion of the Bowser Rural Village Centre Plan. With wastewater treatment systems in place there would be greater residential capacity within the existing RVCs.

Since the RDN Board put the application on hold, changes to the RGS now allow OCPs to include policies that allow more flexible density based rural residential development rather than the standard parcel size based form of development. The 2011 RGS now allows for OCPs to include policies that support “Alternative Forms of Development” on lands designated Rural Residential. A suite of potential options for communities to consider in their OCPs are outlined in the study received by the Board. The intent of these options is to provide creative solutions to mitigate the environmental impacts of ongoing fragmentation of rural lands currently allowed through the traditional subdivision process. This would allow for clustering of development (without any increase in allowed density) in order to preserve environmentally and archaeologically sensitive areas as well as hazardous lands. Alternative forms of rural development also promote opportunities to service land more efficiently with roads, water and wastewater systems.

2. Impacts on other established village centres

Electoral Area ‘H’ has three designated RVC’s - Bowser, Qualicum Bay and Dunsmuir. Bowser, the closest RVC to the proposed development, is recognized as the commercial centre in Electoral Area ‘H’ with the greatest variety of commercial services and amenities. In contrast to the mostly residential land uses in Dunsmuir, Qualicum Bay has a greater mix of uses and distinct character with its established tourism focus and location of key community amenities serving Area ‘H’ (including the Lighthouse Community Hall, Ambulance and Fire Station).



Bowser performs well in the RVC study evaluation categories both regionally and compared to the other areas included in the study for Area ‘H’ (see Attachment 3). Region-wide Bowser performs the second best in all the evaluation categories behind Cedar RVC which is ranked the highest overall. Qualicum Bay, Dunsmuir and the Deep Bay study area ranked mid to low in all the evaluation categories with Qualicum Bay ranking fourth place and Dunsmuir and the Deep Bay study area ranking fifth. Arguably, if Deep Bay were developed according to the concept included in the application it would score higher based on having a more walkable, compact design and wastewater services.

The RVC study indicates that commercial development at Deep Bay “would likely negatively impact some sales from Bowser” noting that “Bowser could be expected to continue to capitalize on tourist

spending, and spending from the Deep Bay area if the development at Deep Bay does not proceed" (RVC Study pages 61, 63 and 67). The study does not speak to negative impacts of the proposed Deep Bay development on Qualicum Bay and Dunsmuir. That being said, the RV Park included in the proposed development at Deep Bay is likely to have an impact on similar tourist accommodation businesses like the RV parks in the Qualicum Bay area as well as the smaller resorts in Bowser.

3. Does it contribute to Regional Goals?

At the site level, the layout and design of the proposed new village centre at Deep Bay as shown in the concept plan has many of the desirable characteristic the RGS outlines for compact, complete communities. This includes a mix of uses, range of housing types, and community gathering spaces organized to create a compact and walkable community. The proposed layout aims to protect the environment by setting aside 41 ha of the development as dedicated parkland in order to protect significant ecological sites and provide community amenities (including trails, parks and community gardens).

With respect to the specific goals of the RGS, the following discussion outlines how the proposed application contributes to the goals of the 2011 RGS:

1. Prepare for Climate Change and Reduce Energy Consumption

From an energy perspective the applicant indicates that they support the use of LEED principles and promote the use of Alternative Development Standards that use building design, landscaping and site design to reduce infrastructure costs and reduce energy consumption. Onsite rainwater management techniques, walking trails, bike paths, recycling and waste reduction measures are all cited as ways of reducing greenhouse gas emissions.

In terms of including adaptive measures to prepare for the impacts of climate change, the proponents indicate that design elements will be used to help mitigate the impacts of the urban heat island. The proposal indicates that an integrated water management plan will be developed that includes onsite rainwater management and technologies to reduce and re-use water. Furthermore, the intent to retain green space and set back any development from coastal waterfront can also be viewed as an adaptive measure given the increased risks of erosion and landslide associated with more extreme weather events and sea level rise that is anticipated as a result of climate change.

The biggest challenge for the proposed application, from an energy reduction standpoint, is that although the development concept includes a compact, well connected layout that supports walking and cycling and reducing energy consumption, the densities are not high enough to support a truly walkable and transit supported community. The application does not clearly show how it will help reduce energy consumption given that the proposed residential and employment densities are not close to what is needed to support transit or walkability (in terms of going beyond recreational needs to meeting daily employment, retail, educational and other service needs).

2. Protect the Environment

According to studies submitted with the application, the site has been heavily disturbed through logging activities resulting in damage to watercourses. The proponents commit over 50% of the

development site area to park and open space with areas set aside for conservation and rehabilitation. The proposed development concept includes day lighting streams and habitat enhancement to encourage restoration of fish habitat.

The proposal indicates that best practices will be used to conserve, reduce and re-use water as well as for treating wastewater (although it does not say specifically how this will be done). Water for the proposed development would be supplied by the Deep Bay Improvement District (DBID) which uses groundwater supplies. Preliminary studies provided by DBID indicate that there is sufficient capacity to provide water to the Development. The developers indicate that a variety of alternative development standards would be used to reduce the amount of impermeable surfaces.

The impacts of the proposed development versus what would be allowed under current regulations on groundwater re-charge and the marine environment are at this stage unclear. On the one hand there are indications that higher levels of groundwater vulnerability and negative impacts on the marine water quality tend to coincide with the location of development and intensity of human activity. However, there appears to be limited research on which types of human activity are most damaging because it is very difficult to identify the source point of contamination.

The proposed development would require a community wastewater treatment system. Benefits to the shellfish industry are mentioned several times in relation to providing a community wastewater treatment system that could be eventually extended to existing neighbourhoods. If a community wastewater treatment system is built and local residents are willing to invest in infrastructure to access community wastewater treatment then this could potentially address issues of ageing and failing septic systems. More study is required to determine the feasibility of this and understand the financial implications for the RDN and local residents.

Details about the method of wastewater treatment are not fully defined. There are preliminary indications that land based disposal would be considered with potentially some spray irrigation for agricultural use and re-use of treated water to enhance stream flows. Additional detailed information is required to fully determine potential impacts arising from this proposal.

Concerns about the impacts of the currently allowed type and level of development upon shellfish aquaculture have been cited as a rationale for supporting the higher levels of development serviced by a wastewater treatment system as proposed in the application. The RDN's recently completed Agricultural Area Plan (AAP) notes the potential conflicts between aquaculture and agriculture as well as the impacts of urban development on both forms of land use. The AAP supports a variety of actions that resolve these conflicts.

There is no demonstrated evidence that more intensive urban development of 386 residential units, 292 RV units, commercial and recreational buildings along with roads and paved recreation areas (tennis courts, basketball courts) serviced by a community sewage treatment system would be any better than the scale of development that is currently allowed. More details on the proposed wastewater treatment system and disposal options are needed to ascertain the environmental impacts of higher density development on a community wastewater treatment system versus lower density development using modern individual or package treatment systems.

3. Coordinate Land Use and Mobility

The proposed development is compact, fitting well into a 5-10 minute walking radius (200-400 metre distance) with the majority of residential use within close walking distance of the proposed commercial/retail centre and a variety of recreational opportunities.

At the site level the proposed development concept effectively links land use to inter-connected trails and road networks. This includes separate biking and walking paths, and traffic calming that promotes a range of transportation choices including walking, cycling, rail and car use.

The developer indicates that once the development is *“fully realized there is an economic potential for a shuttle bus service to be developed for residents and visitors”*. Deep Bay currently has bus transit service one day a week. This service has not been well used in Electoral Area ‘H’ since it was introduced in March 2012. Although the development if fully built out would result in a significant increase in current residential density, both the residential and employment densities proposed by the development are too low to support a regular transit system that is economically viable.

A preliminary road transportation study provided by the developer indicates that the development will not have a major impact on existing road networks though there will be a need for improvements to allow for a new highway access to the development site. An additional positive aspect of the proposal is that it would provide road access to the Deep Bay Marine Station that currently does not have dedicated highway access.

4. Concentrate Housing and Jobs in Rural Village and Urban Growth Centres

The proposed development aims to concentrate housing and jobs through the creation of a new Rural Village Centre. As a new RVC the development proposal if realized would provide opportunities for a variety of housing types, recreation opportunities and some potential longer term employment through the commercial/retail space.

The number of permanent jobs that the proposed development is anticipated to support at build out is quite low (27 direct Full Time Equivalent (FTE) and 5 indirect FTEs) in contrast to the potential number of residents (approximately 926) that could live in the development at build out. While it is arguable that potential residents might have a home based business, the lack of major growth in local employment suggests that the main market for the development would be retirees or those commuting to workplaces outside the area.

Despite the proposal’s design concept and expressed intentions to follow a variety of sustainability concepts, including Smart Growth Principles, its green field location outside of the existing GCB remains contrary to the intent of the RGS to concentrate growth within existing mixed use centres within the GCB.

In recognition of the significance of considering changes to the GCB, the RGS (Policy 4.3) requires several criteria to support proposed expansion of GCBs. These criteria and the extent to which they are addressed through the proposal received by the RDN Board are discussed in the Summary/Conclusion.

5. Enhance Rural Integrity – Protect and Strengthen the Region’s Rural Economy and Lifestyle.

The proposed development is primarily on lands designated Rural Residential in the Electoral Area ‘H’ OCP. The RGS recognizes that one of the challenges to increasing the proportion of growth within GCBs is the extensive potential for large lot development in rural areas particularly on land designated Rural Residential. Residential development outside of the GCB continues to fragment ecosystems and lands valued for groundwater recharge and aquifer protection as well as resource uses (agriculture, aquaculture, and forestry).

To address this issue the RGS does not support the designation of more Rural Residential land and provides policies intended to minimize the impacts of development that is currently allowed. The RGS also allows for OCPs to be amended to include alternative forms of development on Rural Residential land that would allow smaller minimum parcel sizes outside the GCB providing there is no overall increase in density or the potential number of new lots (RGS Policy 5.13). This is intended to reduce the fragmentation of land and allow for more land to be conserved in order to mitigate the ecological and economic impacts of residential development of rural lands.

The RDN Board received a study on November 27, 2012 that presented a range of options to minimize the impacts of development of Rural Residential lands. This study of Alternative Forms of Rural Development provides a suite of options that can be considered by communities as amendments to their Official Community Plans.

Should the RDN Board decide not to proceed with considering the application to amend the RGS there would be an opportunity for the applicant to request that the Area ‘H’ OCP be amended to include options for alternative forms of development that would better meet RGS goals to protect the environment and rural areas while supporting community appropriate levels of development.

6. Facilitate the Provision of Affordable Housing

The development proposal includes: 84 single family attached units, 136 single family detached units, 120 multi-family residential units and, 46 seniors housing units. A range of housing types caters to a variety of life stages from singles, to families to seniors. The proposal indicates that the developer will work with the RDN to explore options including *“the provision of secondary suites and live/work studios and apartments above the commercial space”*. Rental suites can help make housing more attainable for owners and renters. Well designed and adaptable suites can also support the ability of housing to adapt to changing needs of individuals and families.

The application states that a range of price points and tenure types will be available but does not specify what these will be. The application also notes that through the development of comprehensive zoning *“the opportunity is provided to increase densities that allows for the negotiation of public amenities including affordable housing”*. Future negotiated agreements will be required to guarantee that the development will meet the thresholds for affordability that make housing attainable for a range of income levels.

Reliance on owning a private automobile is another factor for housing affordability particularly in more rural areas. The development lacks the densities needed to support an efficient transit service. This means that housing costs will be compounded by transportation costs associated with the need to own a private vehicle to access jobs, schools, retail, medical and other daily needs.

Given the significance of the proposed change, should the Board decided to proceed with considering the application then it would be wise to consider OCP policies to ensure that a proportion of the proposed units in the development meets the intent of RGS Goal 6 and structure agreements so that the provision of affordable housing units are secured and tied to the land irrespective of future changes in ownership.

7. Enhance Economic Resiliency

One of the challenges for local governments is evaluating the full costs of development by weighing anticipated economic benefits with the long term costs of providing services and amenities to low density populations. This level of analysis is rarely undertaken given the complexity of factors involved and the way costs are distributed amongst different levels of government. In rural areas of the RDN this includes ongoing servicing and maintenance of rural roads and storm water infrastructure that are paid for through provincial taxes.

Another challenge is the role of local government in considering the market viability of proposed developments and the financial stability of developers to undertake projects. There are many examples of projects both within the RDN and neighbouring regional districts that have been approved at the OCP level and that have stalled or been scaled back due to lack of market demand or inadequate funds to follow through on the development.

Some may argue that market viability and financial stability of proposals should not be a consideration for local governments in making substantial changes to land use bylaws to accommodate growth. However, a failure to consider market conditions may see local governments undertake processes that are resource intensive and require a high level of community engagement only to be left with lands that remain undeveloped or underdeveloped due to lack of demand for many years. In such cases the lands may change hands multiple times over many years before being fully developed. The result is any anticipated benefits to the community of accepting significant land use changes may not be realized.

Should the Board support the development proceeding, the applicant's economic study⁵ estimates that from project start-up to build out "total government revenue from the project is expected to be \$14.3 million by 2025" of which \$8.4 million would be generated by regional property tax and \$1.66 million from RDN permits and fees. The RDN is estimated to benefit from over \$925,000 in anticipated annual tax revenues once the project is fully build out.

The applicant puts forward estimates for employment generated during the construction phase and resulting from the commercial development after build out is completed. Forecasts for retail expenditures by residents of the proposed development are also provided with estimates of \$25 million being generated by build out. This is based on an anticipated 60% average occupancy rate of the RV

⁵ Deep Bay Benefits Analysis, G.P. Rollo & Associates, Land Economists Ltd, January 2010, Section 8, page 13, Deep Bay Development Concept.

park. The commercial space if built out is estimated to create 27 FTE direct jobs plus and an additional 5 FTE indirect jobs.

The RGS supports the provision of new tourism facilities and developments that attract new tourists and increase length of stay (Policy 7.11). In keeping with this policy, the proposal includes RV Resort Units with 292 spaces and a range of amenities intended to attract longer term visits. Increased tourism would benefit local businesses including the proposed retail on the site. Like retail, employment in service industry jobs related to tourism are typically not high paying. Nevertheless there would be spin-off opportunities for small business to capitalize on tourism traffic.

It is not currently known whether or not there is demand for an RV park of this scale and to what extent a new RV park in this location would impact business for existing RV parks in electoral Area 'H' and other tourist accommodations like bed and breakfasts, motels or resorts. Although not intended, the RV park may also potentially be used as a form permanent housing. This is difficult to regulate and occurs in other areas of the region where RV parks are allowed.

8. Enhance Food Security

The RDN Board adopted the region's first Agricultural Area Plan (AAP) on October 23, 2012. The AAP was created with the input of a diversity of stakeholders including agricultural and aquaculture producers, processors, retailers and consumers.

One of the AAP's Goals is to "Support Agriculture and Aquaculture in Land Use Regulations and Policies". A specific action identified under this goal is to "continue to work with member municipalities to encourage the efficient use of existing urban and future urban lands as identified in the RDN's Regional Growth Strategy" (7.1E page 53 AAP).

Both the RGS and AAP support aquaculture and agriculture. The AAP recognizes the potential sources of conflict between agriculture and aquaculture, in particular citing "*issues of water use and the potential effects of runoff from agricultural and urban land uses into aquaculture sites*" (AAP page 2). This includes coordinated actions to address surface water issues and concerns (4.2B) such as strengthening the RDN's development approval process to consider the water-related impacts of new development on both aquaculture and agriculture (7.1D).

In keeping with RGS policies, the majority of the ALR lands on Lot C within the development proposal are not identified for subdivision or development aside from a portion identified for commercial along Highway 19A. The ALR lands on Lot C are identified as being potentially suitable for wastewater disposal using spray irrigation.

9. Celebrate Pride of Place

The proposed development includes a variety of initiatives that support Goal 9 of the RGS. This includes:

- Protection of the waterfront areas that include archeological and environmentally sensitive sites.
- Public access to the waterfront and recreational areas through parks and trails.
- Extensive areas set aside to preserve ecologically sensitive areas.
- A community centre and amenities that are intended to be accessible to the wider community beyond the development.

The proposed development site is in an area of great historic and cultural significance to First Nations particularly Qualicum and K'ómoks First Nation. The application includes a summary of Archaeological Studies, Future Requirements and Opportunities for the site that states *"the archaeological site on the property may be one of the most significant in British Columbia"*. The summary references an Archaeological Impact Assessment (AIA) that was finalized in 2007 (also included in the application) that clearly maps out a site on the northwest coastal boundary of the site which shows signs of *"long-term prehistoric human occupation"*. The summary notes that if this site (identified as DiSe 13) can be avoided then no further archaeological studies will be required.

It should be noted that the AIA was done using an early development concept that is not part of the current application. In keeping with the RGS policies to protect important historic and cultural resources and cultural sites (Policy 9.1), the proposed development concept appears to dedicate the majority of this DiSe 13 area as "natural open space" however, there appears to be proposed trails and possibly residential development either within or close to the DiSe 13 boundary. If the Board allows the application to proceed then the AIA mapping should be updated to show how the proposed development concept will affect the archaeological areas identified.

10. Provide Services Efficiently – Provide Efficient, Cost-Effective Services and Infrastructure.

The RGS does not support the provision of *"new community water and/or sewer services to land designated as Rural Residential"* with the possibility of exceptions *"in situations where there is a threat to public health or the environment due to the domestic water supply or wastewater management method being used"* (Policy 10.2).

The RGS also supports new community water and wastewater systems that are publically owned (Policy 10.3). The proposed development would tie into the water services provided by the Deep Bay Improvement District (DBID). The proposal includes a preliminary servicing report that indicates that the DBID aquifer has enough water to supply the development (along with existing development). However, the water system does not have sufficient capacity (water storage volume and piping network) to provide the flows needed for water consumption and fire protection.

As there is no nearby community wastewater treatment system, the proposed development requires a new system. Based on RGS policies this would have to be publically owned. The servicing report indicates that the *"entire wastewater system will be privately owned, operated and maintained by the strata corporations set up during the development"*. Should the application proceed, further

information regarding the provision of wastewater treatment and ownership would need to be resolved.

The RGS also includes a policy (10.7) about not rezoning lands to implement OCP policies for higher density development until community water and sewer services can be provided. Given the significance of water and wastewater treatment on the ability to develop to the densities proposed, if the Board supports the development application to proceed then proof of water and wastewater treatment will be required as part of the RGS and OCP amendment process.

Consistent with the RGS (Policy 10.10) the application indicates that the developer will work with the RDN to develop a system for three streams of onsite solid waste recycling. This includes providing facilities for recycling, composting and a section for re-use of household goods.

11. Enhance Cooperation Among Jurisdictions

The decision about whether or not to proceed with reviewing this development application has implications for relationships with the development industry and private land owners with regard for supporting the growth management goals of the RGS. Considering an application of this magnitude sets a precedent that other applications to consider major changes to the GCB will be considered in rural electoral areas. If the RGS is continually challenged and amended, this will compromise attempts to get support for a coordinated approach to growth management and 'buy in' to the RGS.

Allowing the application for proposed development in Deep Bay to proceed does not necessarily mean the RDN Board will approve the development. It does however establish an expectation for considering future applications for developments that require significant amendments to the Growth Containment Boundary to create new RVCs.

Official Community Plan Implications

Lots A and B are currently designated Rural Lands in the OCP with a minimum parcel size of 4.0 ha (10 acres). Lot C is within the ALR and designated in the OCP as Resource with a minimum parcel size of 8.0 ha (20 acres). A small portion of Lot C, located to the north of Highway 19A, is proposed for commercial development. To allow the proposal as currently expressed, the rural designated properties would need to be amended to the village centre designation. The portion on the northeast corner of Lot C would also need to be included in the new village centre designation as the OCP requires (Policy 2, Section 5.5 – Village Centres) that *“commercial sites shall only be located in areas designated as village centres”*. This proposed commercial area would also need to be removed from the ALR.

OCPs are created for and by the community. They are policy documents that reflect community expectations regarding future land use and development for a defined area. Significant changes to OCP policies require comprehensive public consultation with the community. The public consultation section of the proposal outlines a lengthy list of meetings and discussions with consultants, local individuals, groups, commercial interests, RDN staff and other stakeholders undertaken in the development of this proposal. Although there appear to be a few Open Houses providing information to the community, as a whole the Electoral Area 'H' community (and the RDN Board) has not had the opportunity to fully discuss, debate and understand the implications of a new rural village centre. Furthermore, as the

designation of a new rural village centre has region-wide implications there have also been no opportunities for the regional community to provide input.

The Board will recall the lengthy and comprehensive process to develop the Bowser Village Centre Plan involving the Electoral Area 'H' community. A similar process for the Cedar Village Centre in Electoral Area 'A' was initiated in 2011 and is still underway (Cedar Main Street Project). These planning processes provide community members with an opportunity to 'flesh out' the detail of community expectations for development in rural village centres that already exist and that are recognized within an electoral area OCP and the RGS. Given the significant changes expected and required by the creation of a new rural village centre, from an OCP perspective, consideration of such a proposal would benefit from a full community consultation process along the lines of the periodic full OCP review.

Sustainability Implications

As with the growth management implications, the sustainability implications must also be considered at the site level and the regional level. At the site level, the applicant is proposing to take several measures to make the development more sustainable. Among the measures focused at the site level: a compact walkable community, a mix of housing, local shops and services, green buildings, preservation of greenspace, the potential for local food production, narrower streets, on-site rainwater management and servicing.

At the regional level however, the proposal requires that a new rural village centre be created in a location that is not currently intended as a developed area. RVCs are intended to accommodate smaller amounts of growth in keeping with their rural settings. To date there is no information that supports a demonstrated need for a new RVC in this location particularly when adjacent RVCs and surrounding rural areas have ample land for future residential growth.

There are aspects of the proposed development at Deep Bay (including the full servicing of development) that set it apart from many of the existing RVCs that continue to struggle with implementation. The benefits of a fully serviced development could possibly be extended to existing development in Deep Bay. However, more information is needed to fully understand the implications to the RDN and community members if the RDN is asked to be responsible for the wastewater treatment system in this area.

Public Consultation Implications

The RGS and 2013-2015 Board Strategic Plan both support transparency in decision making and involving community members in decisions that affect them. The *Local Government Act* requires opportunities for public consultation regarding amendments to Official Community Plans and the Regional Growth Strategy.

To date, the Area 'H' Community and the wider RDN regional community have not had an opportunity to fully discuss and understand the implications of the proposed changes put forward in the application. As per the statutory requirements, the Board must approve a public consultation plan for RGS amendments considered under both regular and minor amendment processes. The plan will identify meaningful opportunities for the public to speak to the amendment in relation to the regional sustainability goals of the RGS.

Considering the scale of the amendment and the provisions in the OCP for comprehensive consultation with the community, it would be necessary to consider a more extensive process than undertaken for previous RGS amendment applications. As outlined in the Financial Implications of this report, this consultation process is both yet to be fully outlined and is not part of the departmental work plan established in the 2013 Business Planning and Budgeting process.

Inter-governmental Implications

A decision to alter the Growth Containment Boundary would be of interest to member municipalities who have jurisdiction over lands intended to receive the majority of the Region's future growth along with adjacent regional districts and their member municipalities as well as First Nation governments.

Should the EAPC support bringing the application forward and the Board agree to consider it as an amendment to the RGS then it will proceed as a 'regular' amendment to the RGS and follow a legislated process as outlined in the *Local Government Act* (see Attachment 4). If the addition of a new RVC at Deep Bay is approved through a full Electoral Area 'H' OCP review process then it can be considered as a 'minor amendment' to the RGS. This means that it can proceed through a relatively less onerous RGS amendment process. *Attachment 5* shows the steps involved in a minor amendment process.

As outlined in the 'regular' and 'minor' RGS amendment process (Attachment 4 and 5), consideration of the application will require referrals to each member municipality and adjacent Regional District. Referrals will also be provided to provincial and federal agencies and First Nations. Section 857 of the *Local Government Act* requires that before an RGS amendment can be adopted by the Board, it must be accepted by each member Municipal Council and adjacent Regional Board during an established referral period. If one or more local governments do not accept the amendment, then the Minister of Community, Sport and Cultural Development will establish a dispute resolution process between the affected parties.

SUMMARY/CONCLUSIONS

Following the completion of a region-wide study of Rural Village Centres, the EAPC can now re-consider an application to create a new Rural Village Centre at Deep Bay in Electoral Area 'H'. An amendment to the RGS is required to support the proposed development which involves including an area of 76 ha inside the GCB .

The development proposal must be examined from both the site level and the regional level. At the site level, the proposal is to create a master planned resort community based on compact residential neighbourhoods that are walkable to a central commercial area that includes small retail, a community building and public gathering spaces. The applicant proposes 51% of the land be designated for park land and open space, being used for trails to connect the community and for conservation of the undisturbed natural areas of the site. The proposal also envisions development that is fully serviced by the local water district and a strata operated sewage collection and treatment system. While it does have a mix of uses and range of housing types, the proposed densities are low for a newly designated village centre.

From a regional growth management perspective, the proposal does not fit with the RDN’s established growth management strategy which is aimed at containing growth within existing designated urban areas and village centres. Indeed, the proposal presents significant competition to existing RVCs that are not yet fully realized or able to reach their own potential as desired under the RGS and respective OCP.

While the proposal provides for positive action on a number of goals established in the Regional Growth Strategy it does not address in a comprehensive way the established RGS policy requirements for a GCB expansion.

Requirement for GCB Expansions (RGS Policy 4.3)	How well requirements are addressed by the application
<ul style="list-style-type: none"> A land inventory demand and supply analysis that assesses the need for additional land to be included within the GCB and the impact the proposed expansion would have on the development of land inside GCBs located elsewhere in the region; 	<p>The application does not show a demand for the proposed residential or tourist development. Nor does it provide an evaluation of the impacts upon other developable land inside the GCB located elsewhere in the region.</p> <p>The last region-wide residential land inventory demand and supply analysis done in 2007 showed that there was ample land in the region and in Area ‘H’ to accommodate anticipated growth. Since then the 2011 Census showed that growth was slower than anticipated and predominantly occurring within the GCB in Urban Centres like the City of Nanaimo. There has also been a significant increase in land included in the GCB.</p> <p>The RVC study reinforces findings that there is ample development capacity in existing RVCs and discusses the impacts of the proposed RVC in Deep Bay upon Bowser.</p> <p>An updated land inventory would be useful to verify information that strongly suggests that there is no need for additional land to be included in the GCB.</p>
<ul style="list-style-type: none"> A land use concept plan; 	<p>The application includes a well-developed land use concept plan.</p>
<ul style="list-style-type: none"> An environmental impact assessment that identifies environmentally sensitive areas; 	<p>The application includes an “Ecology and Wildlife Assessment” that identifies environmentally sensitive areas including wetlands, riparian areas along with nesting and perch trees. It is noted that this assessment was used to guide the development of the land use concept.</p>
<ul style="list-style-type: none"> A surface water or hydro-geological study that assesses the availability and quality of water to service the proposed development with a community water system, and the potential impacts of development on watershed function, including recharge capacities and surface runoff, as well as, on long term water supply to existing development and undeveloped lands located within GCBs; 	<p>The application includes a “Ground Water Feasibility Study”. The study provides information about the long term capacity of aquifers in the Deep Bay Improvement District to supply water to the development in addition to existing development.</p> <p>Also included is an “Aquatic Resource Environmental Assessment Report” which provides a list of objectives that it is recommended that the development meet. More detail is needed about the measures that will be taken and the potential impacts of the development on watershed function including recharge capacities and surface runoff.</p>

Requirement for GCB Expansions (RGS Policy 4.3)	How well requirements are addressed by the application
	Further study that includes the use of a water balance model would help understand the impacts of the proposed development concept on rainwater management and the watershed as a whole.
<ul style="list-style-type: none"> A study that identifies how wastewater disposal will be addressed and what the impacts will be on the capacities of existing treatment facilities; 	<p>The application includes a "Wastewater Treatment and Disposal Considerations Feasibility Report" that discusses potential options but does not specify how wastewater treatment and disposal will be addressed.</p> <p>This is a preliminary report that indicates the need for a proper Environmental Impact Summary to be done to establish the impacts of the selected option for wastewater treatment and disposal. This information is needed to evaluate the environmental impacts of the proposed development.</p> <p>There are no nearby treatment facilities for the proposed development to connect to or have an impact upon so this information is not needed.</p>
<ul style="list-style-type: none"> An evaluation of the impacts on community vulnerability to disasters and impacts upon the provision of emergency services; 	<p>The application includes a 2005 Geotechnical Report that recommends the suitability of the site for residential use provided appropriate setbacks (10-5 meters) are used for waterfront and riparian channel slopes that have a higher risk of failure due to seismic events or erosion.</p> <p>This report does not include an evaluation of the proposed developments impact on community vulnerability to disasters and the impacts upon the provision of emergency services (police, fire, ambulance). Further study would be required should the application proceed.</p>
<ul style="list-style-type: none"> An inventory of aggregate deposits within the proposed boundaries of the GCB; 	There is no inventory of aggregate deposits provided with the application. This would be required should the application proceed.

Requirement for GCB Expansions (RGS Policy 4.3)	How well requirements are addressed by the application
<ul style="list-style-type: none"> • A transportation study that identifies: • Existing road traffic conditions; • Downstream impacts of additional traffic resulting from the proposed development; and • Demand for transit service. 	<p>The proposal includes a “Traffic Impact Assessment” conducted in January 2011 that focuses on vehicular traffic by looking at existing conditions and forecasting anticipated changes based on the build out of the development.</p> <p>The traffic assessment indicates that the developer should provide a new intersection for an access road to the development from Highway 19A. The assessment concludes that such an intersection would be able to accommodate the anticipated peak traffic flows post build out with a stop control until 2020. The study concludes that additional traffic resulting from the development will have little impact on the adjacent roads and the intersection of Gainsberg Road/Highway 19A.</p> <p>The traffic impact assessment does not discuss the anticipated demand for transit although the application mentions the possibility of a shuttle bus service and working with the RDN to provide transit. This information would be required should the application proceed.</p>

From an OCP perspective a proposal of this scale and scope necessitates a broad and comprehensive community review, such as that typically undertaken during the review of an Electoral Area OCP. At this time a review of the Electoral Area ‘H’ OCP is not included in approved departmental work plans nor is such a review expected to be considered in the near term.

Considering the housing and RVC needs of Electoral Area ‘H’ and the region as a whole there is no demonstrated need to designate a new Rural Village Centre given the following factors:

- Adequate undeveloped land in the RDN’s existing RVC’s and Rural Residential designated lands to accommodate future growth;
- Existing capacity to absorb future population growth in the region’s Urban Centres including large proposed developments in Nanaimo;
- Potential impact from proposed developments in the adjacent Comox Valley Regional District including a large development in Union Bay which may affect the successful implementation of the proposed development plan;
- Potential negative impacts on the Bowser RVC if there is additional retail growth in Deep Bay to compete for the same pool of residents;
- Potential negative impacts on small resorts, tourist accommodation and RV Parks in Bowser and Qualicum Bay as the proposal will provide significant competition to existing operators; and
- Likely negative impacts on the residential growth in Bowser due to competing development potential.

There is currently no demonstrable evidence that a development of this scale with wastewater treatment will have less impact on the environment (including marine ecosystems) than the level of

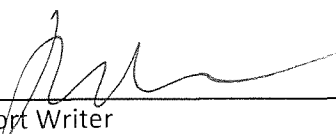
development currently allowed. Particularly given the existence of a variety of policies and legislation to ensure that currently allowed land uses adhere to measures to mitigate impacts on the environment including water quality. This includes the opportunity to amend the Area 'H' OCP to accommodate Alternative Forms of Development.

Should the EAPC and RDN Board support the application proceeding staff recommend that the applicant be required to provide further information to fulfill the requirements for proposed RGS amendments and better demonstrate the need for a change of this magnitude to the Area 'H' OCP and RGS.

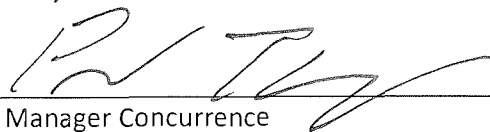
In light of the information presented in this report Staff recommends the Board consider Alternative 3.

RECOMMENDATIONS


1. That the Electoral Area Planning Committee not support the Deep Bay development application by recommending that the Board deny the application.
2. That staff be directed to discuss potential options with the applicant about developing the site consistent with RGS and OCP direction.



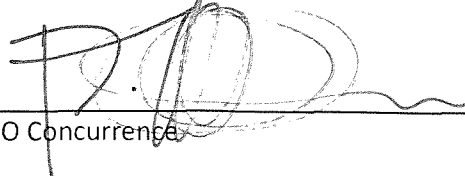
Report Writer



Manager Concurrence

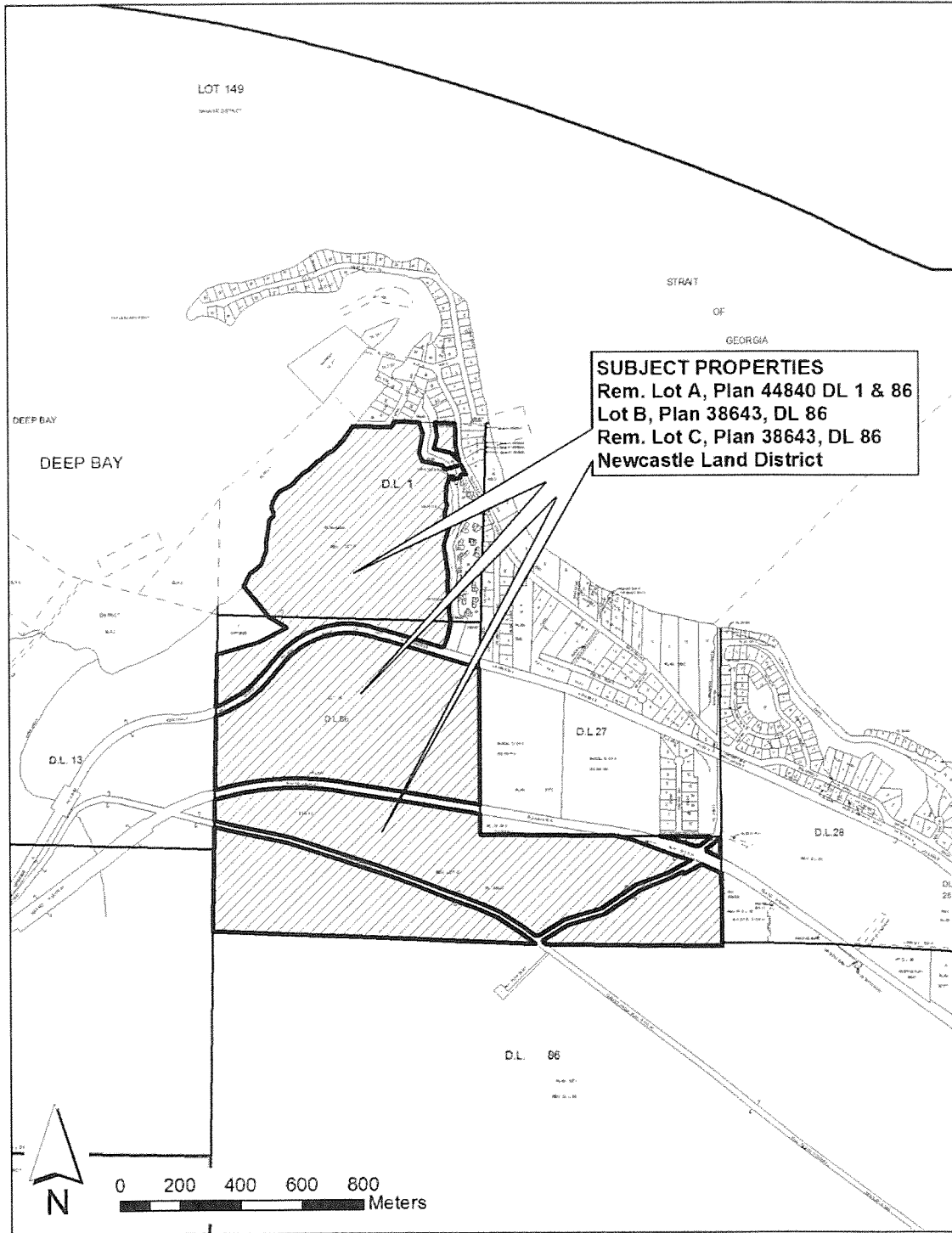


General Manager Concurrence



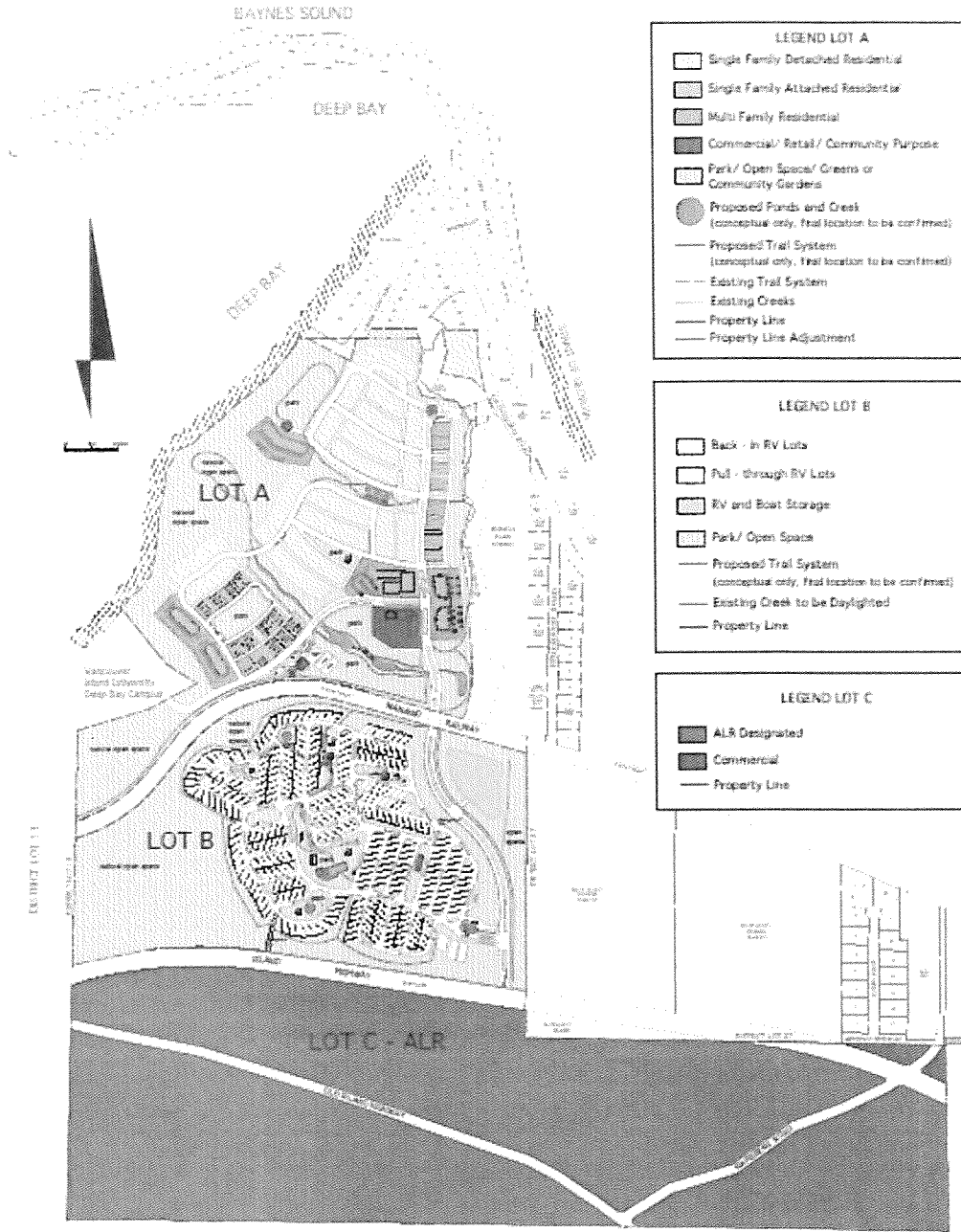
CAO Concurrence

Attachment 1
Location of Subject Properties in Deep Bay Development Proposal



BCGS MAPSHEET: 92F.047.32

Attachment 2 Concept Plan



DEEP BAY DEVELOPMENT

Proposed Development Layout

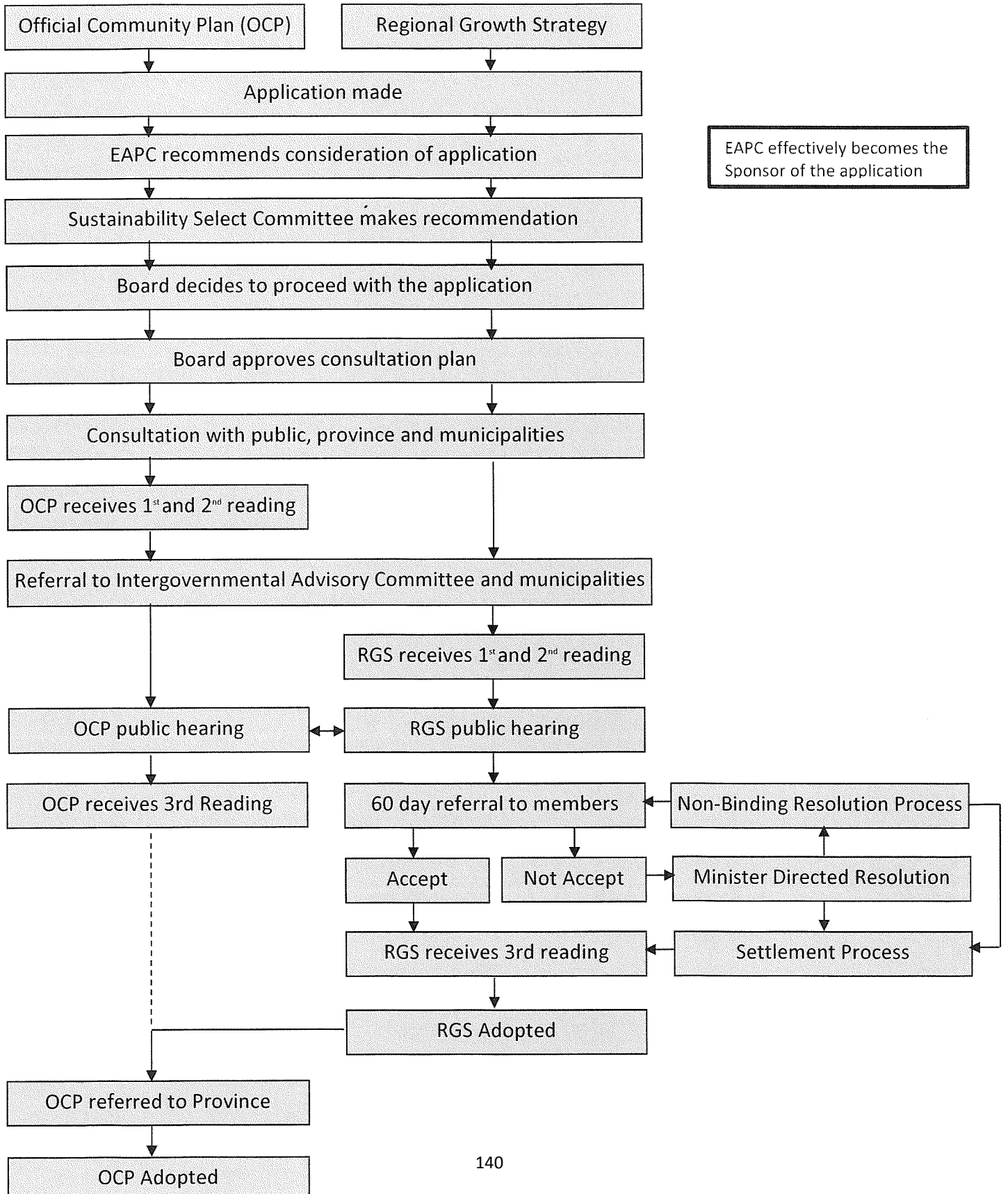
January, 2011

Attachment 3

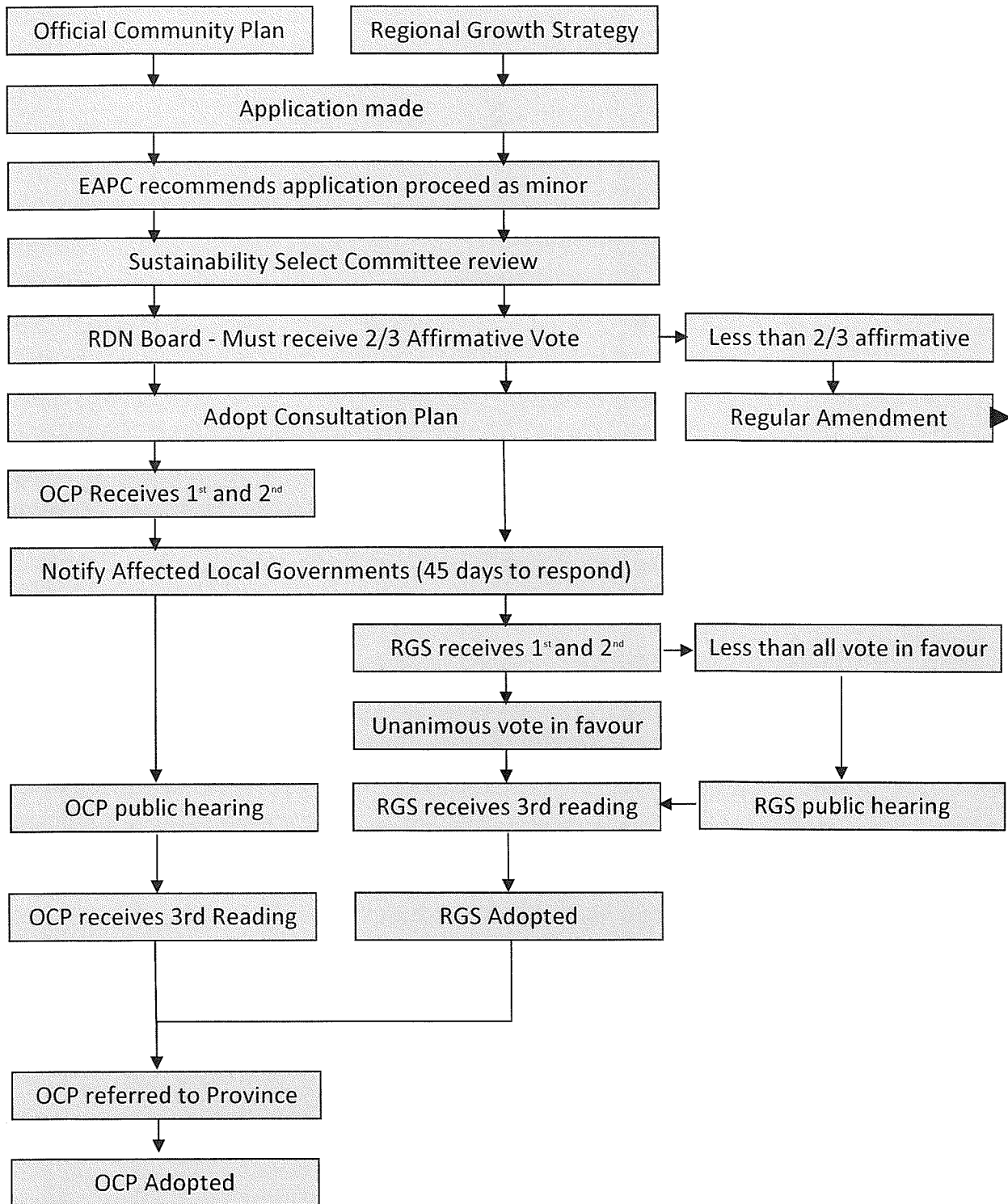
The table below shows how the RVC's are ranked relative to each other for each evaluation category and for all three categories combined.

OVERALL EVALUATION SUMMARY WITH RVC'S RANKED					
Electoral Area	RVC/SA	Community Structure & Land Use	Development & Market Viability	Water & Wastewater Infrastructure	RANKING (lowest is best)
A	Cedar	1	1	1	1
H *	Bowser	1	1	2	2
E	Red Gap	1	1	2	2
F	Coombs	1	1	3	3
E	Fairwinds	3	1	1	3
F	Bellevue – Church Road	3	1	2	4
A	Cassidy	3	1	2	4
F	Errington	1	2	3	4
H *	Qualicum Bay	2	2	2	4
G	Dashwood SA	2	3	2	5
H *	Deep Bay SA	3	2	2	5
H *	Dunsmuir	2	3	2	5
C	Extension	2	3	2	5
F	Hilliers	2	2	3	5
F	Qualicum River Estates	3	3	3	6

Attachment No. 4
Regular Amendment Process for the Regional Growth Strategy – Electoral Area



Attachment 5
RGS Minor Amendment Process Triggered by OCP Amendment Application in Electoral Area





RDN REPORT	
CAO APPROVAL ###	
EAP	
COW	
APR 16 2013	
RHD	
BOARD	✓

MEMORANDUM

TO: Jeremy Holm
 Manager, Current Planning

DATE: April 12, 2013

FROM: Kristy Marks
 Planner

FILE: PL2011-108

SUBJECT: Zoning Amendment Application No. PL2011-108 – Addison
 Lot 1, Section 7, Range 3, Cranberry District, Plan VIP68949 – 2610 Myles Lake Road
 Electoral Area 'C'

PURPOSE

To receive the report of the Public Hearing containing the summary of the minutes and submissions of the Public Hearing held on April 10, 2013, and further, to consider Bylaw No. 500.381, 2013 for third reading and adoption.

BACKGROUND

Bylaw No. 500.381 (see Attachment 1) was introduced and given first and second reading on March 26, 2013. This was followed by a Public Hearing held on April 10, 2013. The Public Hearing minutes and submissions are attached for the Board’s consideration (see Attachment 2).

The purpose of the Amendment Bylaw is to rezone the subject property (See Attachment 3) from Rural 6 Zone Subdivision District ‘V’ (50.0 ha minimum parcel size) to Rural 6 Zone Subdivision District ‘D’ (2.0 ha minimum parcel size) in order to permit a four-lot subdivision pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". As a condition of approval, the applicant has submitted a cheque in the amount of \$2000 as a community amenity contribution to the Regional District of Nanaimo for the Extension Recreation Society to be used for parks-related improvements located in the Area ‘C’ Extension Village Centre. The proposed amendment does not require the approval of the Ministry of Transportation and Infrastructure as the site is located more than 800 metres from a controlled access highway in accordance with Section 52 of the *Transportation Act*.

ALTERNATIVES

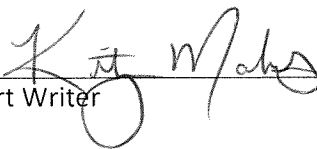
1. To receive the report of the Public Hearing and give third reading to and adopt “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.381, 2013.”
2. To receive the report of the Public Hearing and deny “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.381, 2013.


SUMMARY/CONCLUSIONS

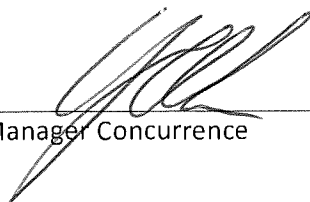
The purpose of Amendment Bylaw No. 500.381, 2013 is to rezone the subject property from Rural 6 Zone Subdivision District 'V' (50.0 ha minimum parcel size) to Rural 6 Zone Subdivision District 'D' (2.0 ha minimum parcel size) in order to permit a four-lot subdivision. The proposal is consistent with the "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw No. 1148, 1999" policies for Rural Lands. "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.381, 2013" was considered by the Board and given first and second reading on March 26, 2013. The associated Public Hearing was held on April 10, 2013. Given that the conditions of approval have been met and the Bylaw does not require approval from the Ministry of Transportation and Infrastructure prior to adoption, staff recommends that Amendment Bylaw No. 500.381, 2013 be considered for third reading and adoption.

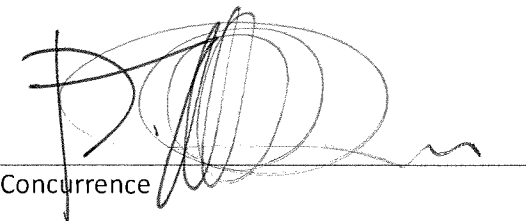
RECOMMENDATIONS

1. That the report of the Public Hearing held on April 10, 2013 on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.381, 2013" be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.381, 2013" be read a third time.
3. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.381, 2013" be adopted.


Report Writer


A/ General Manager Concurrence


Manager Concurrence


CAO Concurrence

Attachment 1

Proposed Amendment Bylaw No. 500.381, 2013

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500.381

**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. 500.381, 2013".
- B. The "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:

By rezoning the lands as shown on the attached Schedule '1' and legally described as:

Lot 1, Section 7, Range 3, Cranberry District, Plan VIP68949

from Rural 6 Zone, Subdivision District 'V' to Rural 6 Zone, Subdivision District 'D'.

Introduced and read two times this 26th day of March 2013.

Public Hearing held this 10th day of April 2013.

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

Adopted this ____ day of _____ 201__.

Chairperson

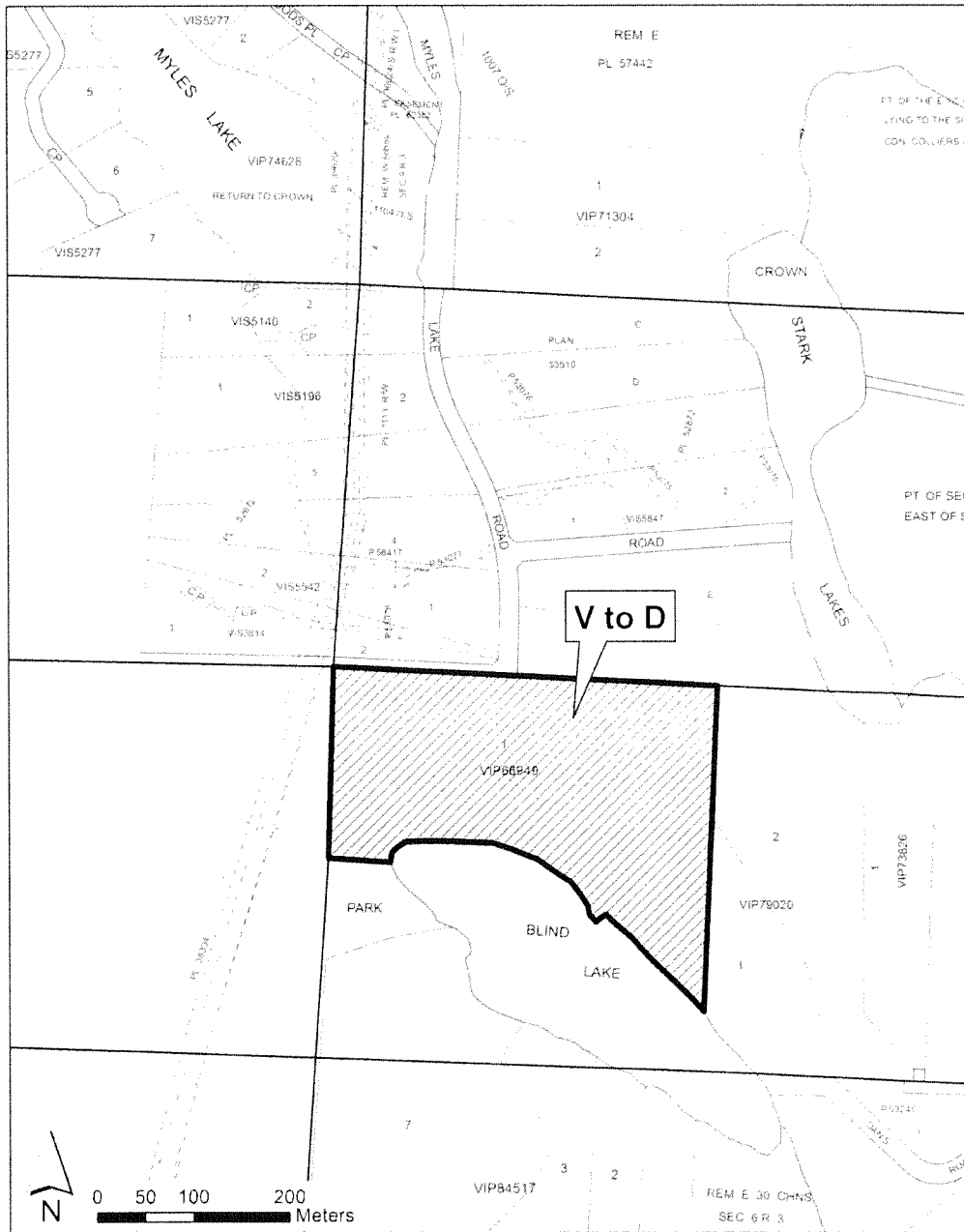
Corporate Officer

Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.381, 2013."

Chairperson

Corporate Officer

Schedule 1



BCGS MAP/SHEET 923 001 34

Attachment No. 2

**Summary of the Public Hearing
Held at Extension Community Hall, 2140 Ryder Street, Extension
April 10, 2013 at 7:00 pm
To Consider Regional District of Nanaimo Land Use and Subdivision
Amendment Bylaw No. 500.381, 2013**

Summary of Minutes and Submissions

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

PRESENT:

Maureen Young	Chairperson, Director, Electoral Area 'C'
Kristy Marks	Planner
Tyler Brown	Planner
Linda & Chuck Addison	Property Owners

There were 6 people in attendance in addition to the applicants and Regional District representatives.

The Chair called the hearing to order at 7:11 pm, introduced those present representing the Regional District, and outlined the procedures to be followed during the Hearing.

Kristy Marks provided an explanation of the proposed amendment bylaw and application.

The Chair called for formal submissions with respect to Bylaw 500.381, 2013.

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

Steven H Lewis, 2525 Myles Lake Road raised concern about the potential for increased traffic on Myles Lake Road and the ability of the road to handle the increased traffic without any upgrades.

Sharon Bennett, 2505 Godfrey Road expressed her support of the proposal.

Ralph Bennett, 2505 Godfrey Road also expressed support of the proposal and stated that he did not believe the increased traffic from three new lots would be problem.

Chuck Addison, the applicant, expressed that Ministry of Transportation and Infrastructure is responsible for Myles Lake Road and that he will be required to dedicated additional road through the subdivision process.

The Chair called for any further submissions.

The Chair called for further submissions for the second time.

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

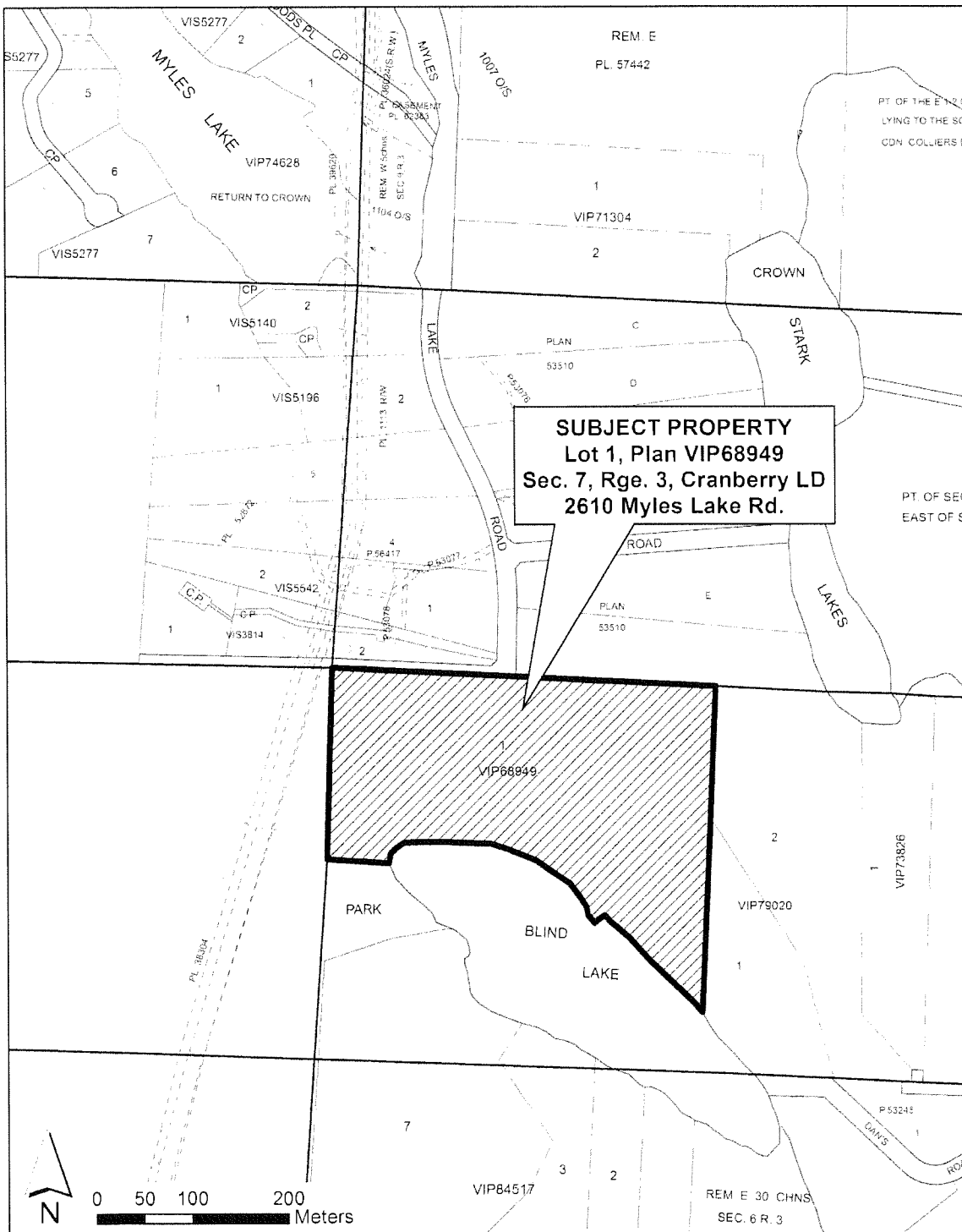
There being no further submissions, the Chair adjourned the hearing at 7:24 pm.

Certified true and accurate this 10th day of April, 2013.

A handwritten signature in black ink, appearing to read 'Tyler J. Brown', written over a horizontal line.

Tyler J. Brown
Recording Secretary

Attachment 3
Subject Property Map





RDN REPORT		###
CAO APPROVAL		
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COW		
APR 12 2013		
RHD		
BOARD	✓	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: April 12, 2013

FROM: Lainya Rowett
Senior Planner

FILE: PL2012-035

SUBJECT: Zoning Amendment Application No. PL2012-035 – Bylaw 500.379 - 928323 BC Ltd.
Lot 1 District Lot 81, Nanoose District, Plan 1799 - 691 Wembley Road
Electoral Area 'G'

PURPOSE

To receive the report of the Public Hearing containing the summary of the minutes and submissions of the Public Hearing held on April 8, 2013, and to consider Amendment Bylaw No. 500.379, 2013, for third reading.

BACKGROUND

Amendment Bylaw No. 500.379 (see Attachment 1) was introduced and given first and second reading on March 26, 2013. This was followed by a public hearing held on April 8, 2013. The summary of the minutes and submissions is attached for the Board's consideration (see Attachment 2).

The proposed Amendment Bylaw would rezone the subject property located at 691 Wembley Road in Electoral Area 'G' from Rural 1 Zone, Subdivision District 'F', to Residential 1 Zone, Subdivision District 'Q' in order to facilitate a proposed subdivision of the property into approximately 38 residential lots and park dedication (see Attachment 3 for subject property map and Attachment 4 for proposed plan of subdivision).

ALTERNATIVES

1. To receive the report of the Public Hearing and give third reading to "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.379, 2013."
2. To receive the report of the Public Hearing and deny "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.379, 2013."

SUMMARY/CONCLUSIONS

The purpose of Amendment Bylaw No. 500.379, 2013 is to amend the existing zoning for the subject property located at 691 Wembley Road in Electoral Area 'G' to facilitate a proposed subdivision of the property into 38 residential lots with park land dedication. The Amendment Bylaw was introduced and given first and second reading on March 26, 2013 and it proceeded to Public Hearing on April 8, 2013.

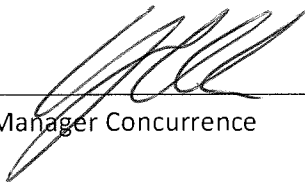
The requirements set out in the Conditions of Approval (see Attachment 5) are to be addressed by the applicant prior to the Board's consideration of the Bylaw for adoption. The Bylaw must also be approved by the Ministry of Transportation and Infrastructure prior to adoption. Staff recommends that Bylaw No. 500.379, 2013, be considered for third reading.

RECOMMENDATIONS

1. That the report of the Public Hearing held on April 8, 2013 on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.379, 2013" be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.379, 2013" be read a third time.



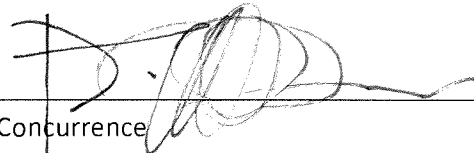
Report Writer



Manager Concurrence



A/ General Manager Concurrence



CAO Concurrence

Attachment 1

Proposed Amendment Bylaw No. 500.379, 2013

REGIONAL DISTRICT OF NANAIMO

Bylaw No. 500.379

**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. 500.379, 2013".
- B. "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 1 District Lot 81, Nanoose District, Plan 1799

from Rural 1 Zone, Subdivision District 'F' to Residential 1 Zone, Subdivision District 'Q'

Introduced and read two times this 26th day of March 2013.

Public Hearing held this 8th day of April 2013

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

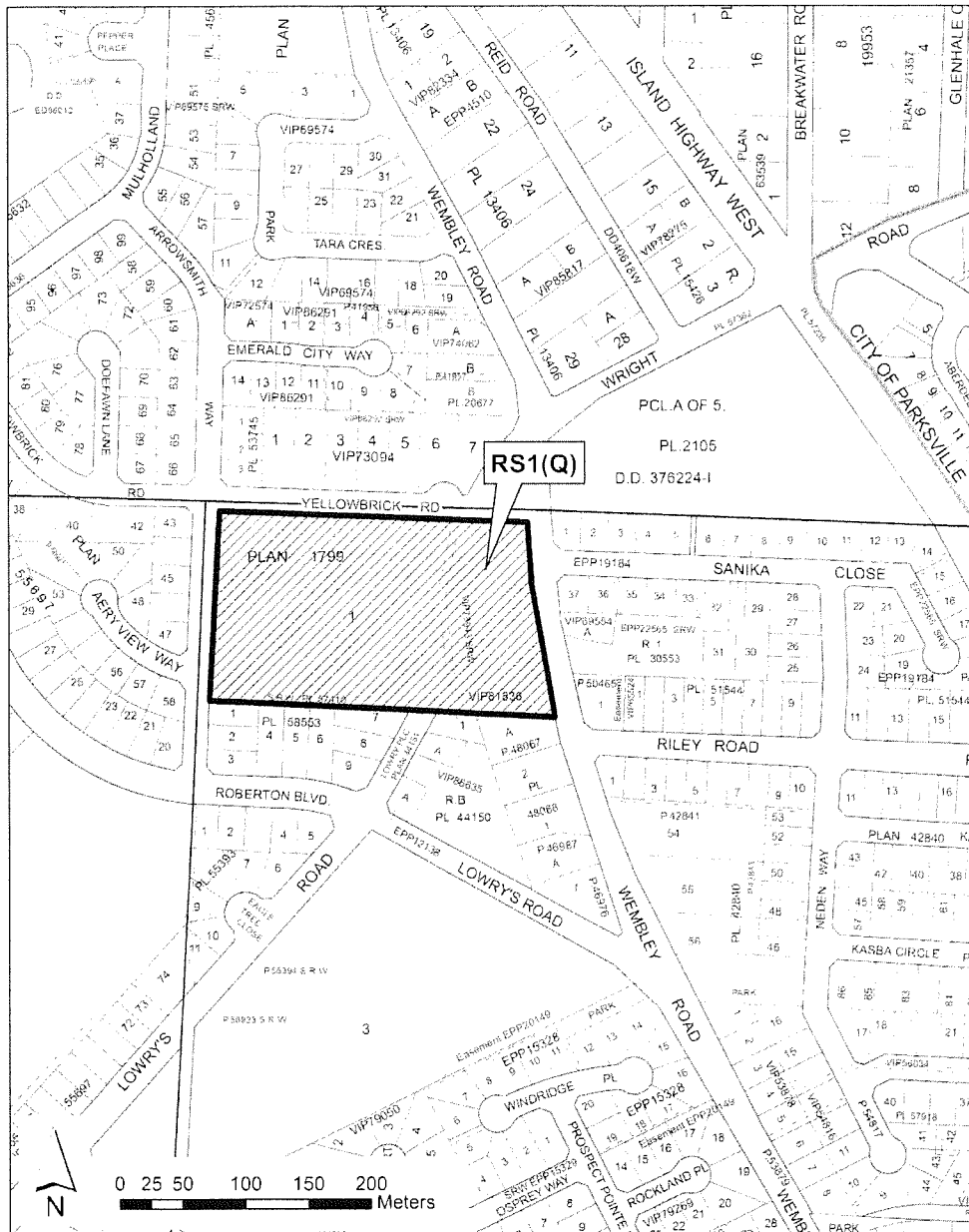
Corporate Officer

Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.379, 2013"

Chairperson

Corporate Officer

Schedule '1'



Attachment 2

**Summary of the Public Hearing
Held at Oceanside Place
830 Island Highway West, Parksville
April 8, 2013 at 7:00 pm
To Consider Regional District of Nanaimo Land Use and Subdivision
Amendment Bylaw No. 500.379, 2013**

Summary of Minutes and Submissions

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

PRESENT:

Joe Stanhope, RDN	Chairperson, Director, Electoral Area 'G'
Lainya Rowett, RDN	Senior Planner
Tyler Brown, RDN	Planner
Helen Sims	Agent

Fifteen members of the public attended the meeting.

The Chairperson called the Hearing to order at 7:00 pm, introduced those present representing the Regional District, and outlined the procedures to be followed during the Hearing.

The Senior Planner provided an explanation of the proposed amendment bylaw including a proposal to dedicate park land through a future subdivision application.

The Chairperson called for formal submissions with respect to Bylaw 500.379, 2013.

Three written submissions were received at the Hearing, and the following comments were received.

Nora Crosby and Margaret Ingram, 688 Riley Road, expressed concerns about traffic on Wembley Road, and potential negative impacts on property values. Suggested there should be traffic calming measures.

Michael Jessen, 1266 Jukes Place, spoke on behalf of the French Creek Residents Association and expressed the following concerns:

- There has been no coordinated urban planning with regards to roads, park, etc;
- Traffic flow has been neglected in planning;
- Water supplies in the area are a real concern;
- Local government is not controlling land use with respect to water demand/usage;
- Road and trail commitments must be met by local government;
- Rainwater runoff should be handled on-site; and
- MOTI Subdivision process must be opened up to provide public review.

Dave Courtice, 680 Arrowsmith Way, requested further clarification on potential road changes in the area and future subdivision.

Terry Myer, 809 Arrowsmith Way, voiced concern over traffic speeds on Wembley Road and questioned how traffic will be controlled.

Sonya Hicke, 1067 Robertson Boulevard, expressed concern that new development and closure of vehicular access from Yellowbrick Road to Wembley Road would increase traffic further on Robertson Boulevard.

Ted Malyk, 1355 Hodge's Road, expressed concern about closure of vehicular access from Yellowbrick Road to Wembley Road.

Glen Popp, 1145 Yellowbrick Road, inquired how to contact MOTI and give input on its decisions.

The Chairperson called for further submissions for the second time.

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

There being no further submissions, the Chairperson adjourned the hearing at 7:23 pm.

Certified true and accurate this 8th day of April, 2013.

A handwritten signature in cursive script, appearing to read 'Tyler J. Brown', written over a horizontal line.

Tyler J. Brown
Recording Secretary

Rowett, Lainya

From: Hewitt, Nicole on behalf of email_planning
Sent: Thursday, April 04, 2013 1:51 PM
To: Rowett, Lainya
Subject: FW: Application PL2012-035 691 Wembley road

-----Original Message-----

From: Bruce Fowler [<mailto:bruce.fowler@telus.net>]
Sent: Saturday, March 30, 2013 8:17 PM
To: email, planning
Subject: Application PL2012-035 691 Wembley road

I live at 1063 Robertson Boulevard and my back lot line borders on the subject property - 691 Wembley Road. I have no objections to the proposed zoning amendment based on the 38 residential lot, minimum 700 metre minimum parcel size indicated in the recent RDN Notification in the local paper. I am assuming here that each 700 metre parcel would be for a single family residence as is the case in the surrounding neighbourhood.

With reference to the "park" associated with the 38 lots in the RDN Notification, my personal opinion is that the RDN stop allowing these postage stamp sized "Parks" in this type of small infill development as they are seldom used, maintained, or upgraded by residents into anything valued by the local community. I would rather have the RDN take cash in lieu of parkland where possible, and then use these funds to purchase and/or develop larger local parks that truly capitalize on some of our amazing local natural beauty.

I'll be off island shortly, and won't be back until after the Public Hearing meeting on April 8, 2013. I can however be reached by email at: bruce.fowler@telus.net, or by cell phone at 250-927-1463. Please feel free to contact me if you wish to discuss this email further.

Thank you

Bruce Fowler

04/04/2013 12:12 FAX 2502484594

HANCON HOLDING

001

RECEIVED

APR 04 2013

11:00 AM

11:00 AM

Hans Heringa P. Eng.
#4-1080 Industrial Way,
Parksville, BC, V9P 2W8
Tel: 250 248 2381 Fax: 250 248 4894
Email: hancon@shawcable.com

3rd April 2013

3 Pages

By Fax: 250-390-7511
RDN Planning
6300 Hammond Bay Road
Nanaimo, BC, B9T 6N2

Dear Sir/Madam:

Re: Proposed Zoning Amendment Bylaw No. 500.379, 2013

We wish to oppose the Bylaw for the following valid reasons, and otherwise for the RDN to be fully aware of the following substantial outstanding issues that still need to be addressed here.

1. Our Company, BC0362893 B.C. LTD., or Wembley Estates Ltd., has given recent Notice of Claim to the City of Parksville, the RDN and to the MoT, (and has a beneficial Trust Interest and Claim in the undeveloped Stanhope Road Right of Way between Wembley Road and Ackerman Road), that needs to be properly addressed.

This specific Road Right of Way of 12.5m was dedicated to MoT on the condition that there was to be a 25m Stanhope connector highway, built at a future date, from the Island Highway to Wembley Road at MoT's sole cost. MoT is presently investigating with old files, and with Victoria, and they are to respond soon to our Company. Our Company is presently being placed in good standing. This Company will require compensation for its lands and trees; or the lands will have to be fully developed within the Stanhope Connector Road, as was the earlier promise and commitment by MoT to the Developer, or these specific Lands must be returned to the Developer. Obviously, the offsite multi-use trail cannot/should not be built here, until this other earlier issue has been satisfactorily resolved. And this trail may never be an option, because of the earlier clear Trust Condition.

So the Trust Condition of this proposed cash contribution for a trail for this project and location, and this Developer, needs to be changed.

2. There is a concern by our Company, Lost Lake Properties Ltd., (LLP) about the ability of EPCOR to provide an adequate water supply to the Development. EPCOR has just requested my Company, LLP, to waive its entitlement to 10 additional and presently unused water services, and its past interest in the surplus capacities of Wells #9 and #10. We have not agreed to this as yet, and we want proper compensation for the loss of 10 water services and surplus well waters, as a minimum condition. We believe that it is only appropriate that no further expansions for/with water servicing be allowed here, until our pre-existing situation is first

04/04/2013 12:13 FAX 2502454594

HANCON HOLDING

002

fully resolved. LLP simply doesn't want its 10 surplus water services and surplus water being assigned or sold to another Project.

3. Rascal Trucking Ltd. still has an unresolved/unpaid Account in the amount of \$51,213.00 plus interest, against B & W Land Corp, Breakwater Enterprises Ltd., Water Management Branch, and Ministry of Forests, Land and NRO (McE), in regard to the French Creek watermain intake and crossing at Miller Road, performed in 2004. This outstanding issue still needs to be properly resolved, and should be before EPCOR is allowed to further expand its water system that relies on this crossing, not properly paid for.

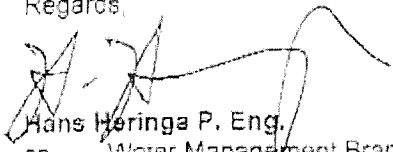
4. Ring Contracting Ltd. still has an unresolved unpaid Account in the approximate amount of \$53,650 plus HST against Lot G Holdings Ltd., Mr. and Mrs. Stahley (the former owners of this property), and T J Engineering Ltd. for the installation of the offsite sanitary sewer down Lowry Road and through these Stahley Lands. As we recall, Mr and Mrs. Stahley, the predecessors of Title, refused/neglected to sign a contract for the work, and later made representations that these same Lands would never be developed, and that the sanitary sewer was of no value to them or to their Lands. This aspect, the legalities and the past representations all need to be further reviewed. Perhaps the Stahley's will now pay the outstanding earlier Ring Contracting Ltd. account as part of this additional development? The RDN and the other Parties involved, (i.e. the Developer) certainly need to be aware of this outstanding account, in regard to the sanitary sewer line running down Lowry Road and through these Lands to Yellowbrick Road.

5 Also, there is the issue in regard to Yellowbrick Road. We recall too, that Yellowbrick Road was to become a cul-de-sac with no additional connection to Wembley Road upon completion of the development. Past commitments should be respected, and a road redesign may be warranted. It is the existing Lot owners on Yellowbrick Road that should probably have the say on this, in our opinion.

Under the circumstances, we believe that a 6 month delay with the Bylaw is likely warranted, while all of these outstanding issues are reviewed, and settled.

Thank you.

Regards,


Hans Heringa P. Eng.
cc Water Management Branch
Christopher Moch
Rick Couroux

Tim Silvernagel, Ministry of Transportation

HH/SK1



REGIONAL DISTRICT OF NANAIMO

Notice of a PUBLIC HEARING

Application No. PL2012-035

691 Wembley Road

Electoral Area 'G'

A Public Hearing has been scheduled in your area concerning a proposed Zoning Amendment Bylaw No. 500.379, 2013 and will be held:

Date: Monday, April 8th, 2013
Location: OceanSide Place, 830 West Island Highway, Parksville
Multi-Purpose Room (2nd Floor)
Time: 7:00 pm

What is the Zoning Amendment about?

To rezone the property located at 691 Wembley Road as outlined in bold on the map below from Rural 1 Zone, Subdivision District 'F' (minimum parcel size 1.0 ha) to Residential 1 Zone, Subdivision District 'O' (minimum parcel size 700 m² with community water and sewer).

How will this affect me?

If adopted, this Amendment Bylaw would permit a future subdivision of the subject property into 38 residential lots and park.

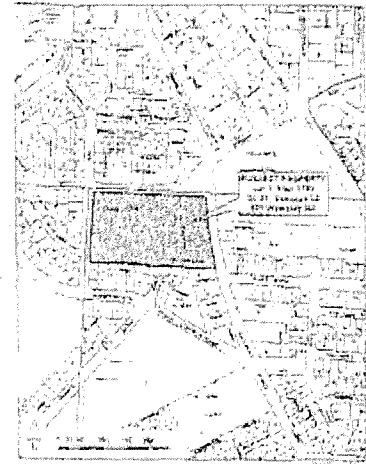
Where can I get more information?

A copy of the proposed bylaw and relevant documents may be inspected at the Regional District of Nanaimo office at 6300 Hammond Bay Road, Nanaimo until Monday, April 8th, 2013. Office hours are Monday to Friday 8:30 am to 4:30 pm, with extended hours on Wednesdays 8:30 am to 5:30 pm, excluding statutory holidays.

The Public Hearing for this bylaw will be held by Director Stanhope or his alternate as a delegate of the Board.

Questions or Comments?

Please contact the RDN Planning Department at:
Phone: 250-390-6610 or toll free in BC 1-877-607-4111
Fax: 250-390-7511 Email: planning@rdn.bc.ca
Mail: 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2



French Creek Residents' Association

c/o 1266 Jukes Place
Parksville, B.C.
V9P 1W5

April 8, 2013

Board of Directors and Staff
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, B.C.
V9T 6N2

Attn. Dir. Joe Stanhope, Chair

Dear Directors and Staff:

Subject: Zoning Amendment Bylaw No. 500.379, 2013 – 691 Wembley Rd.

It is our understanding that the above referenced proposal is essentially based on the material presented to and discussion at a Public Information Meeting in the summer of 2012.

Our society takes the following view with respect to this rezoning and the subdivision process that will probably take place in the following years.

1. The French Creek community is not receiving the benefit of co-ordinated urban planning with respect to the provision of roads, sidewalks, and parks – usually strongly referenced against the needs of children, pedestrians, cyclists and schools.
2. The community senses that attention to vehicular traffic (patterns, behaviour and flow) have been neglected. The recent addition of several new subdivisions in the past year has added to that concern.
3. Water supplies for future development are becoming a real concern. Recent technical studies delivered to the Drinking Water - Watershed Protection Technical Advisory Committee paint a grim picture for the condition of French Creek (the watercourse) and its adjoining aquifers. Hydrogeologists have rated these watershed features as "highly stressed". It is questionable whether further residential development in the watershed should be encouraged.
4. Local government's ability to affect water source control is virtually non-existent. Local government can only affect the demand characteristics and the use of water through its powers to control land use. This is an opportunity for the Board to exercise those powers.

5. At the earlier PIM we heard numerous comments about commitments from authorities about roads and trails -- particularly commitments or promises to people who were buying homes in the nearby areas. These commitments should be fully enumerated and included in the land-use planning for this and neighbouring properties.
6. Any approval to rezone this property must include a requirement to handle rainwater on-site, on the subject property using retention or detention structures and the adoption of rain garden features. See APEGBC **Innovation** magazine March/April 2013 "Unlocking the Rainwater Management Potential of a Single-Family Lot"
7. The subdivision process must be opened up to provide public review. Most ratepayers do not realize that the Provincial Approving Officer (not the RDN) handles subdivision -- and public hearings of any kind are not part of the process.

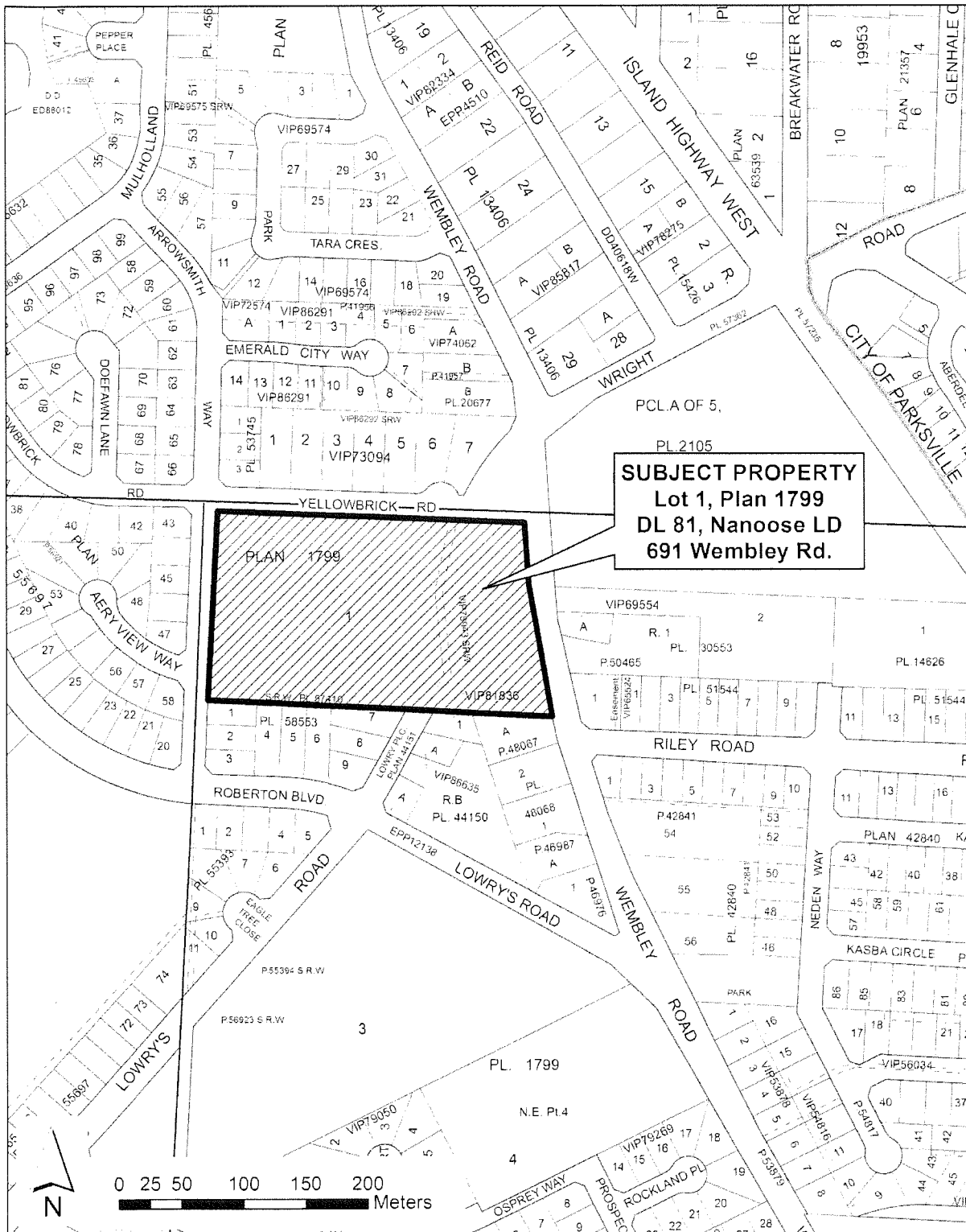
We fully appreciate that the potential rezoning of the property is supported by the Official Community Plan. The RDN Board of Directors does have discretion in how they can guide the land use on the property as a condition of rezoning approval. We encourage the Board to consider the above issues and concerns.

Sincerely,



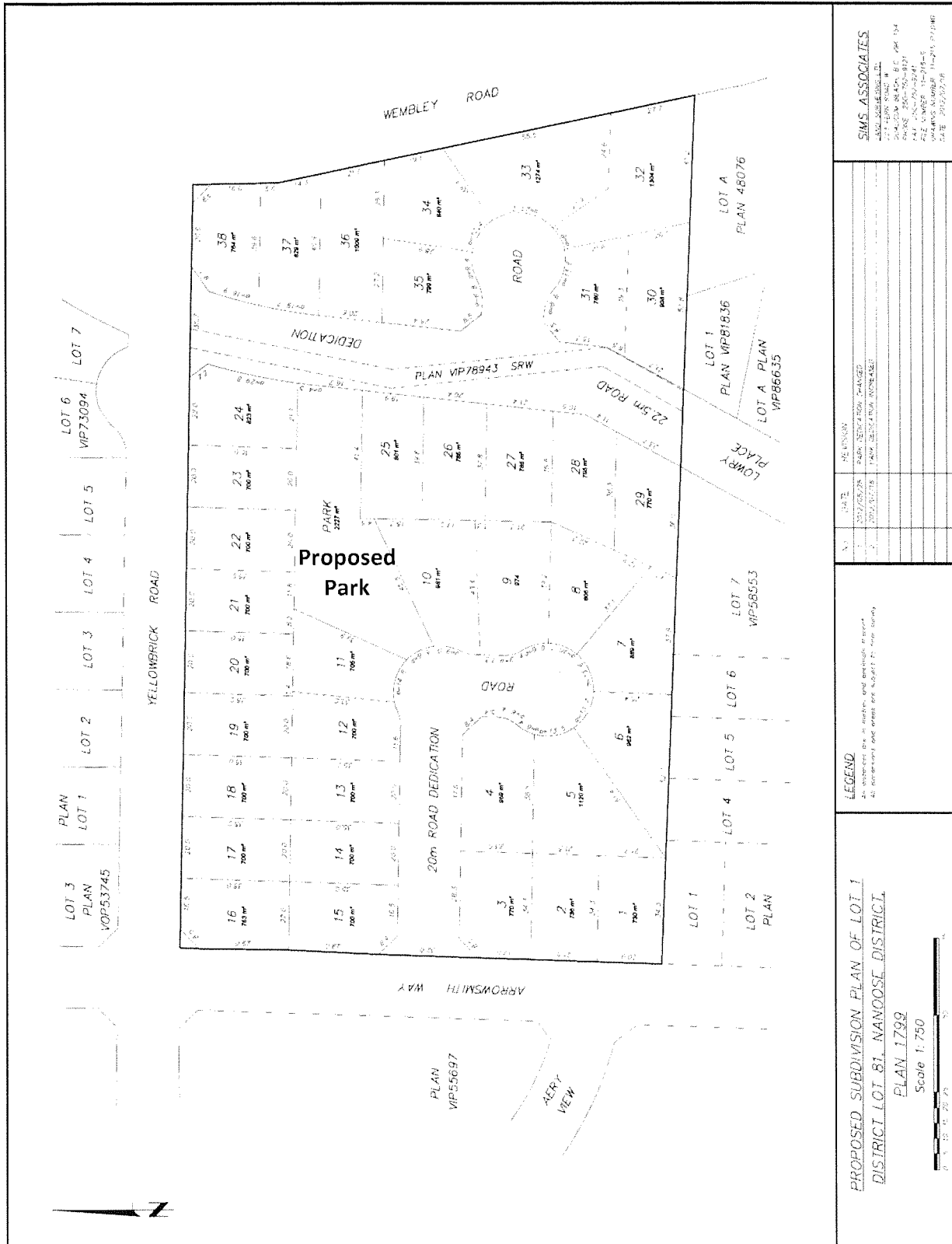
Michael Jessen, P.Eng.
Secretary, French Creek Residents' Association

Attachment 3
Location of Subject Property



BCGS MAPSHEET: 92F.039.1.3

Attachment 4
Proposed Plan of Subdivision & Park Dedication



SIMS ASSOCIATES
 4500 JAGGED HILL
 277 LEON ROAD W.
 SUITE 200
 VANCOUVER BC V6V 2E4
 TEL: 604-271-2241
 FAX: 604-271-2242
 WWW.SIMSASSOCIATES.COM

NO.	DATE	REVISION
1	2012/05/29	PLAN SUBMITTED TO AUBURN
2	2012/07/19	PLAN SUBMITTED TO AUBURN
3	2012/07/19	PLAN SUBMITTED TO AUBURN
4	2012/07/19	PLAN SUBMITTED TO AUBURN
5	2012/07/19	PLAN SUBMITTED TO AUBURN
6	2012/07/19	PLAN SUBMITTED TO AUBURN
7	2012/07/19	PLAN SUBMITTED TO AUBURN
8	2012/07/19	PLAN SUBMITTED TO AUBURN
9	2012/07/19	PLAN SUBMITTED TO AUBURN
10	2012/07/19	PLAN SUBMITTED TO AUBURN
11	2012/07/19	PLAN SUBMITTED TO AUBURN
12	2012/07/19	PLAN SUBMITTED TO AUBURN
13	2012/07/19	PLAN SUBMITTED TO AUBURN
14	2012/07/19	PLAN SUBMITTED TO AUBURN
15	2012/07/19	PLAN SUBMITTED TO AUBURN
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33	2012/07/19	PLAN SUBMITTED TO AUBURN
34	2012/07/19	PLAN SUBMITTED TO AUBURN
35	2012/07/19	PLAN SUBMITTED TO AUBURN
36	2012/07/19	PLAN SUBMITTED TO AUBURN
37	2012/07/19	PLAN SUBMITTED TO AUBURN
38	2012/07/19	PLAN SUBMITTED TO AUBURN

LEGEND
 1. All dimensions are in meters, and enough to permit
 2. All dimensions are in meters, and enough to permit
 3. All dimensions are in meters, and enough to permit

PROPOSED SUBDIVISION PLAN OF LOT 1
DISTRICT LOT 81, NANOOSE DISTRICT
PLAN 1799
 Scale 1:750

Attachment 5
Conditions of Approval for Zoning Amendment Application

The following is required prior to the Amendment Bylaw No. 500.379, 2013 being considered for adoption:

1. The subject property shall be developed generally in accordance with the proposed plan of subdivision prepared by Sims Associates dated July 18, 2012 and attached as Schedule 2.
2. The applicant shall provide a community amenity contribution in the amount of \$32,000.00 for the future development of a multi-use trail within the Stanhope Road right-of-way.
3. The applicant shall construct a soft surface trail within the proposed park dedication to the satisfaction of the General Manager of Strategic & Community Planning. The trail will be secured prior to adoption and constructed prior to subdivision final approval.
4. The applicant shall register a section 219 restrictive covenant to ensure that future development on lots immediately adjacent to the park complies with the following criteria:
 - Fencing along the common boundary of the residential lot and the park shall be limited to low permeable fencing. It will also be encouraged that landscaping be maintained to provide visual surveillance to the park;
 - Buildings and structures on lots where the rear lot line is common to the park shall be articulated with windows, porches, and decks that are oriented to provide maximum visual surveillance of park. Points of access to the park, such as gates, will be encouraged to provide a direct connection to the park from each lot; and,
 - Dumping of yard waste or refuse in the park area is prohibited.



RDN REPORT		
CAO APPROVAL ###		
EAP		
COW		
APR 15 2013		
RHD		
BOARD	✓	

MEMORANDUM

TO: J. Harrison
Director of Corporate Services

DATE: April 23, 2013

FROM: J. Hill
Manager of Administrative Services

SUBJECT: Vancouver Island Regional Library Borrowing Bylaws No. 1673, 1674 and 1675

PURPOSE

To report the results of the alternative approval process for “Regional Library Capital Financing Service Loan Authorization Bylaw No. 1673, 2013” and Indebtedness Agreement between the Regional District of Nanaimo and the Vancouver Island Regional Library.

BACKGROUND

At its regular meeting held January 22, 2013, the Board gave three readings to Bylaws No. 1673, 1674 and 1675 (see attachments 1-3) which would authorize the Regional District of Nanaimo (RDN) to borrow up to \$9.5 million for the purpose of lending \$9.5 million to the Vancouver Island Regional Library (VIRL), to enable the VIRL to purchase the Downtown Harbourfront Library building located at 90 Commercial Street in the City of Nanaimo. In addition, the RDN and VIRL would be required to enter into an Indebtedness Agreement (see attachment 4) which would commit the RDN to borrow and lend the funds to VIRL, and would commit VIRL to register a mortgage as security on the property and to pay all costs associated with the debt and obtaining elector approval.

In accordance with the *Community Charter* the Board directed staff to proceed with an alternative approval process to seek elector approval in the entire service area for “Regional Library Capital Financing Service Loan Authorization Bylaw No. 1673, 2013” and an Indebtedness Agreement related to this funding. The boundaries of the service area include all of the RDN - Electoral Areas A, B, C, E, F, G & H, the City of Nanaimo, the City of Parksville, the Town of Qualicum Beach and the District of Lantzville.

Those electors in opposition to the adoption of the bylaw and agreement are required to sign an Elector Response Form and submit it to the RDN prior to the established deadline. In order to receive elector approval, the number of Elector Response Forms received could not exceed 10% of the electors in the RDN. Section 86 of the *Community Charter* states that:

“approval of the electors by alternative approval process is obtained if at the end of the time for receiving elector responses, the number of elector responses received is less than 10% of the number of electors of the area to which the approval process applies.”

For the purpose of conducting the alternative approval process, the number of eligible electors in the RDN was determined to be 112,533 electors. In order for Bylaw No. 1673 and the Indebtedness

Agreement to receive elector approval, less than 10%, or 11,253, Elector Response Forms must have been received by the deadline of April 9, 2013. The results of the alternative approval process are shown on the attached Corporate Officer's Certification (attachment 5). There were a total of 13 Elector Response Forms received by April 9, 2013, which is less than 10% of the electors; therefore, Bylaw No. 1673 and the Indebtedness Agreement between the RDN and VIRL are deemed to have received approval of the electors.

Bylaws No. 1674 and 1675 provide the mechanism for the RDN to proceed with the borrowing and interim financing of the loan to the VIRL as soon as possible. More specifically, Bylaw No. 1674 authorizes the entering into an agreement respecting the financing between the RDN and the Municipal Finance Authority of BC, and Bylaw No. 1675 authorizes the RDN to borrow temporarily pending the issuance of securities and before entering into long term debt.

ALTERNATIVES

1. That the bylaws to establish the borrowing authority to provide the Vancouver Island Regional Library capital financing to purchase the Downtown Harbourfront Library building located at 90 Commercial Street, Nanaimo, BC, be adopted.
2. That the Board not proceed with the adoption of these bylaws.

FINANCIAL IMPLICATIONS

Bylaw No. 1673 provides that the maximum amount the Regional District of Nanaimo may borrow to lend to VIRL to purchase the Downtown Harbourfront Library building located at 90 Commercial Street, Nanaimo, is \$9.5 million. Based on a residential property assessed at \$100,000, the cost to the individual homeowner would be \$0.00 per annum as the VIRL would be entirely responsible for all costs to service the borrowing as well as any out of pocket cost the RDN might incur to undertake the approvals necessary for this initiative.


SUMMARY/CONCLUSIONS

At the January 22, 2013 Board meeting, Bylaws No. 1673, 1674 and 1675 received three readings and the Board directed staff to proceed with an alternative approval process to seek elector approval in the service area for Bylaw No. 1673 and an Indebtedness Agreement related to this borrowing. In order to receive elector approval, the number of Elector Response Forms received by the RDN could not exceed 10% (11,253) of the electors of the participating area (all of the RDN). The total number of responses received by the deadline of April 9, 2013 was 13, therefore the bylaw and Indebtedness Agreement are deemed to have received elector approval. Subsequently, staff recommends that Bylaws No. 1673, 1674 and 1675 be adopted, and that the Board authorize the execution of the Indebtedness Agreement.


RECOMMENDATION

1. That "Regional Library Capital Financing Service Loan Authorization Bylaw No. 1673, 2013" be adopted.
2. That "Regional Library Capital Financing Service Security Issuing Bylaw No. 1674, 2013" be adopted.

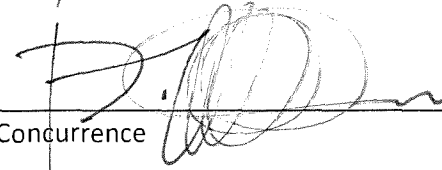
3. That "Regional Library Capital Financing Service Interim Financing Bylaw No. 1675, 2013" be adopted.
4. That the Chair and the Chief Administrative Officer be authorized to execute the Indebtedness Agreement with Vancouver Island Regional Library.



Report Writer



Director Concurrence



CAO Concurrence

REGIONAL DISTRICT OF NANAIMO**BYLAW NO. 1673****A BYLAW TO AUTHORIZE BORROWING FOR THE PURPOSE OF
PROVIDING FUNDS TO THE VANCOUVER ISLAND REGIONAL LIBRARY
FOR CAPITAL PURPOSES**

WHEREAS the Regional District of Nanaimo established the Regional Library Capital Financing Service pursuant to Bylaw No. 1632, cited as "Regional Library Capital Financing Service Establishment Bylaw No. 1632, 2011", for the purpose of borrowing funds to lend to the Vancouver Island Regional Library to finance capital projects;

AND WHEREAS pursuant to Section 179(1)(b) of the *Community Charter*, the Board of the Regional District of Nanaimo proposes to enter into an agreement with the Vancouver Island Regional Library (the "Lending Agreement") to lend funds to enable the Vancouver Island Regional Library to purchase 90 Commercial Street, Nanaimo, BC, legally described as Air Space Parcel 1, Section 1, Nanaimo District, Air Space Plan VIP 65336 (the "Library Land") for an estimated cost of \$9,500,000;

AND WHEREAS elector approval to enter into the Lending Agreement and adopt this bylaw has been obtained in accordance with Sections 819 and 823.1 of the *Local Government Act* by an alternative approval process;

AND WHEREAS the financing is to be undertaken by the Municipal Finance Authority of British Columbia pursuant to proposed agreements between the Authority and the Regional District of Nanaimo;

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

1. The Regional District of Nanaimo is hereby authorized to borrow funds to lend to the Vancouver Island Regional Library to enable the Vancouver Island Regional Library to purchase the Library Land and for that purpose may enter into the Lending Agreement and all other agreements necessary or desirable in connection therewith.
2. The total amount to be borrowed under the authority of this bylaw shall not exceed \$9,500,000.
3. The maximum term for which debentures may be issued to secure the debt created by this bylaw is 25 years.
4. The borrowing authorized relates to the Regional Library Capital Financing Service established pursuant to Bylaw No. 1632, cited as "Regional Library Capital Financing Service Establishment Bylaw No. 1632, 2011".
5. This bylaw may be cited for all purposes as "Regional Library Capital Financing Service Loan Authorization Bylaw No. 1673, 2013".

Introduced and read three times this 22nd day of January, 2013.

Received the approval of the Inspector of Municipalities this 6th day of February, 2013.

Received the approval of the electors by Alternative Approval Process this 9th day of April, 2013.

Adopted this _____ day of _____.

CHAIRPERSON

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1674

**A BYLAW TO AUTHORIZE THE ENTERING INTO OF AN
AGREEMENT RESPECTING FINANCING BETWEEN THE
REGIONAL DISTRICT OF NANAIMO (THE "REGIONAL
DISTRICT") AND THE MUNICIPAL FINANCE AUTHORITY
OF BRITISH COLUMBIA (THE "AUTHORITY")**

WHEREAS the Authority may provide financing of capital requirements for regional districts and for their member municipalities by the issue of debentures, or other evidence of indebtedness of the Authority and lending the proceeds therefrom to the Regional District on whose request the financing is undertaken;

AND WHEREAS, pursuant to the provisions of Section 825 of the *Local Government Act*, the amount of borrowing authorized by the following Loan Authorization Bylaw, the amount already borrowed under the authority thereof, the amount of authorization to borrow remaining thereunder and the amount being issued under the authority thereof by this bylaw is as follows:

Regional District	L/A Bylaw No.	Purpose	Amount Borrowing Authorized	Amount Already Borrowed	Borrowing Authority Remaining	Term of Issue (Yrs.)	Amount of Issue
Nanaimo	1673	Regional Library Capital Financing Service	\$9,500,000	Nil	\$9,500,000	25	\$9,500,000

Total Financing pursuant to Section 825

\$9,500,000

AND WHEREAS the Regional Board, by this bylaw, hereby requests that such financing shall be undertaken through the Authority;

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

1. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Nanaimo Regional District and its municipalities hereinbefore referred to, in Canadian Dollars or in such other currency or currencies as the Authority shall determine so that the amount realized does not exceed Nine Million Five Hundred Thousand Dollars (\$9,500,000) in Canadian Dollars and/or the equivalent thereto and at such interest and with such discounts or premiums and expenses as the Authority may deem consistent with the suitability of the money market for sale of securities of the Authority.
2. Upon completion by the Authority of financing undertaken pursuant hereto, the Chairperson and Director of Finance of the Regional District, on behalf of the Regional District and under its seal shall, at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements which said agreement or agreements shall be substantially in the form annexed hereto as Schedule 'A' and made part of this bylaw (such agreement or agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
3. The Agreement in the form of Schedule 'A' shall be dated and payable in the principal amount or amounts of money in Canadian Dollars or as the Authority shall determine and subject to the *Local Government Act*, in such other currency or currencies as shall be borrowed by the Authority pursuant to Section 1 and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
4. The obligations incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority and shall bear interest at a rate to be determined by the Treasurer of the Authority.
5. The Agreement shall be sealed with the seal of the Regional District and shall bear the signatures of the Chairperson and Director of Finance.
6. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
7. If during the currency of the obligations incurred under the said Agreement to secure borrowings in respect of Regional Library Capital Financing Service Loan Authorization Bylaw No. 1673, the anticipated revenues accruing to the Regional District from the operation of the said Regional Library Capital Financing Service are at any time insufficient to meet the annual payment of interest and the repayment of principal in any year, there shall be requisitioned an amount sufficient to meet such insufficiency.

8. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided however that if the sums provided for in the Agreement are not sufficient to meet the obligations of the Authority, and deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional District shall make provision to discharge such liability.
9. At the request of the Treasurer of the Authority and pursuant to Section 15 of the *Municipal Finance Authority Act*, the Regional District shall pay over to the Authority such sums and execute and deliver such promissory notes as are required pursuant to said Section 15 of the *Municipal Finance Authority of British Columbia Act*, to form part of the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.
10. This bylaw may be cited as "Regional Library Capital Financing Service Security Issuing Bylaw No. 1674, 2013.

Introduced and read three times this 22nd day of January, 2013.

Adopted this ____ day of _____

CHAIRPERSON

CORPORATE OFFICER

Chairperson

Corporate Officer

C A N A D A
PROVINCE OF BRITISH COLUMBIA

AGREEMENT
REGIONAL DISTRICT OF NANAIMO

The Regional District of Nanaimo (the "Regional District") hereby promises to pay to the Municipal Finance Authority of British Columbia (the "Authority") at its Head Office in Victoria, British Columbia, the sum of _____ in lawful money of Canada, together with interest thereon from the _____, at varying rates of interest, calculated semi-annually in each and every year during the currency of this Agreement; and payments of principal and interest shall be as specified in the table appearing on the reverse hereof commencing on the _____, provided that in the event the payments of principal and interest hereunder are insufficient to satisfy the obligations of the Authority undertaken on behalf of the Regional District, the Regional District shall pay over to the Authority such further sums as are sufficient to discharge the obligations of the Regional District to the Authority.

Dated at _____ British Columbia, this ____ of _____, 20__.

IN TESTIMONY WHEREOF and under the authority of Bylaw No. cited as "Regional Library Capital Financing Service Security Issuing Bylaw No. 1674, 2013", this Agreement is sealed with the Corporate Seal of the Regional District and signed by the Chairperson and the Director of Finance thereof.

Chairperson

Director of Finance

Pursuant to the *Local Government Act*, I certify that the within Agreement has been lawfully and validly made and issued and that its validity is not open to question on any ground whatever in any court of the Province of British Columbia.

Dated this ____ day of _____, 20__.

Inspector of Municipalities of British Columbia

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1675

**A BYLAW TO AUTHORIZE TEMPORARY BORROWING
OF MONEY PENDING THE ISSUANCE OF SECURITIES
WHICH HAVE BEEN AUTHORIZED**

WHEREAS pursuant to Section 823.2 of the *Local Government Act* a regional district may, where it has adopted a loan authorization bylaw, borrow temporarily without further assents or approvals, from any person under the conditions therein set out;

AND WHEREAS by "Regional Library Capital Financing Service Loan Authorization Bylaw No. 1673, 2013" ("Bylaw No. 1673"), the Board of the Regional District of Nanaimo was authorized to borrow upon the credit of the Regional District a sum not exceeding \$9,500,000.00 for the purpose of lending funds to the Vancouver Island Regional Library service for the purpose of permitting the Vancouver Island Regional Library to acquire land at 90 Commercial Street, Nanaimo, B.C.;

AND WHEREAS the remaining authorized borrowing power under the said Bylaw No. 1673 stands at \$9,500,000.00;

AND WHEREAS the Board wishes to borrow temporarily before entering into long term debt;

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

1. The Board of the Regional District of Nanaimo is hereby authorized and empowered to borrow temporarily from any person or body corporate, sums not exceeding \$9,500,000.00 solely for the purposes specified in Bylaw No. 1673.
2. The form of obligations, to be given to the lender in acknowledgement of the liability of the said Regional District Board shall be a promissory note, or notes, bearing the Corporate Seal of the Regional District of Nanaimo and signed by the Chairperson and Director of Finance of the Regional District.
3. The proceeds from the sale of debentures or so much thereof as may be necessary shall be used to repay the money so borrowed.
4. This bylaw may be cited as "Regional Library Capital Financing Service Interim Financing Bylaw No. 1675, 2013".

Introduced and read three times this 22nd day of January, 2013.

Adopted this ____ day of _____.

CHAIRPERSON

CORPORATE OFFICER

INDEBTEDNESS AGREEMENT

THIS AGREEMENT made as of the ____ day of ____, 2013.

BETWEEN:

Vancouver Island Regional Library, an entity incorporated under the laws of the Province of British Columbia and having its head office at Box 3333, 6250 Hammond Bay Road, Nanaimo, British Columbia

(hereinafter referred to as the "VIRL")

OF THE FIRST PART,

--and--

Regional District of Nanaimo, an entity incorporated under the laws of the Province of British Columbia and having its head office at 6300 Hammond Bay Road, Nanaimo, British Columbia.

(hereinafter referred to as "Regional District")

OF THE SECOND PART.

WHEREAS the VIRL has requested the Regional District to borrow, on VIRL's behalf, to a maximum sum of Nine Million Five Hundred Thousand (\$9,500,000.00) Dollars, for the purchase of 90 Commercial Street, Nanaimo, in the Province of British Columbia;

AND WHEREAS the VIRL desires to provide the Regional District with commitments with respect to obtaining such loan, and sufficient security and comfort for undertaking to secure the loan on behalf of the VIRL;

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the respective covenants and agreements of the parties contained herein, the sum of one dollar paid by each party hereto to each other party hereto, and other good and valuable consideration, (the receipt and sufficiency of which is hereby acknowledged by each of the parties hereto), it is agreed as follows;

ARTICLE ONE – DEFINITIONS AND INTERPRETATION

1.1 Definitions. In this Agreement unless something in the subject matter or context is inconsistent therewith:

- a) **"Business Day"** means any day other than a Saturday or Sunday, or holiday, on which Canadian chartered banks are open for business in Nanaimo, British Columbia.
- b) **"Indebtedness"** means the obligations of the VIRL to the Regional District, as detailed in Article 2.2 of this Agreement;
- c) **"Loan"** means the amount that the Regional District will borrow from the MFA, which funds it will advance to the VIRL, to a maximum principal sum of Nine Million Five Hundred Thousand (\$9,500,000.00) Dollars, and interest thereon;

- d) “**Loan Agreement**” means the agreement between the MFA and the Regional District, which sets out the terms and conditions of the Loan;
- e) “**MFA**” means the Municipal Finance Authority of British Columbia;
- f) “**Mortgage**” means the mortgage to be granted by the VIRL in favour of the Regional District to be registered against the title to the property located at 90 Commercial Street, in the City of Nanaimo, in the Province of British Columbia.

ARTICLE TWO – THE LOAN AND INDEBTEDNESS

2.1 The Loan. The Regional District hereby agrees that, on the terms and subject to the conditions set forth herein, and the terms agreed to with the MFA, it will secure the Loan from the MFA for the benefit of the VIRL, and then advance the Loan to the VIRL, for the purchase of 90 Commercial Street, Nanaimo by the VIRL.

2.2 The indebtedness. The VIRL agrees to be liable to the Regional District for the aggregate of the following obligations:

- a) Payment of any and all obligations and liabilities owing by the Regional District to the MFA pursuant to the Loan Agreement and any other documents or security granted by the Regional District to the MFA pursuant thereto;
- b) Payment of any and all costs or outlays, of any nature whatsoever, incurred by the Regional District with respect to the negotiation, preparation, execution and delivery of the Loan Agreement and this Agreement, as well as all actions under the Loan Agreement and this Agreement; and
- c) The VIRL agrees to indemnify and hold the Regional District harmless from any costs, claims, outlays, expenses, and liabilities, of any nature whatsoever, that the Regional District may be responsible for, arising, directly or indirectly, out of this Agreement, or the negotiation, execution and delivery of the Loan Agreement, or the advancement of the Loan;

(all of which obligations, indebtedness and liabilities are herein collectively called the “Indebtedness”).

ARTICLE THREE – FORM OF THE MORTGAGE

3.1 Mortgage. Prior to the Regional District obtaining the Loan from the MFA, the VIRL shall secure the Indebtedness by granting the Mortgage, which shall be registered as a first financial charge over the property located at 90 Commercial Street, in the City of Nanaimo, in the Province of British Columbia, legally described as Air Space Parcel 1, Section 1, Nanaimo District, Air Space Plan VIP 65336.

ARTICLE FOUR – REPAYMENT OF THE INDEBTEDNESS

- 4.1 Repayment of the Loan.** The VIRL shall pay to the Regional District all principal amounts of the Loan, together with any interest or other amounts payable, all in accordance with the terms and conditions of the Loan Agreement. It is the intent of the VIRL, that it will share in the costs of the borrowing amongst all its members as per all its other normal operating budget costs. It is also the intent of the VIRL, to ensure full payment of the regular repayment amounts of the Loan due, prior to the payment due date set out in the Loan Agreement.
- 4.2 Prepayments and Early Payments.** The VIRL shall be entitled to prepay any of the outstanding principal amount of the Loan, subject to the terms and conditions of the Loan Agreement, provided the VIRL also pays whatever penalties or restrictions on repayment are set out therein. However, any gains calculated by MFA, such as the early repayment of MFA gains earned through the investment of proceeds, shall be for the benefit of VIRL.
- 4.3 Repayment of other indebtedness.** If there are any payments required to be made by the VIRL to the Regional District in addition to payments on the Loan, then the VIRL shall make such payments to the Regional District within (30) days of receipt of an invoice from the Regional District detailing such obligations of the VIRL.
- 4.4 Type and Place of Payment.** All payments by the VIRL, shall be made or delivered to the Regional District at the following address:
- 6300 Hammond Bay Rd., Nanaimo, BC V9T 6N2
Attention: Director of Finance

ARTICLE FIVE –CONDITIONS PRECEDENT

- 5.1** The obligations of the parties with respect to the consummation of any arrangements under this Agreement are subject to the waiver or fulfillment, in writing, of the following conditions precedent on the dates set out:
- a) The arrangement of the Loan Agreement between the Regional District and the MFA, on terms and conditions that are acceptable to the Regional District and the VIRL, in their sole respective discretions, on or before December 31, 2013, and
 - b) The agreement on the form and substance of the documents comprising the Mortgage, on terms and conditions acceptable to the Regional District and the VIRL, in their sole respective discretions, on or before December 31, 2013;

In the event that the foregoing conditions precedent are not waived or declared fulfilled, in writing by both parties, by the applicable dates set out above, then all obligations of the Regional District and the VIRL hereunder shall be null and void.

- 5.2** The obligations of the Regional District with respect to the consummation of any arrangements under this Agreement are subject to the waiver or fulfillment, in writing, of the following conditions precedent on the dates set out:

- a) The Regional District providing statutory notice of the intention to provide assistance by way of lending money under section 185 of the *Local Government Act*.
- b) The Regional District obtaining the necessary approval from its electors and from the supervising ministries of the Provincial Government, on terms and conditions that are acceptable to it in its sole discretion, on or before December 31, 2013; and
- c) The Regional District obtaining advance of the Loan from the MFA on or before December 31, 2013.

In the event that the foregoing conditions precedent are not waived or declared fulfilled, in writing by the Regional District, by the applicable dates set out above, then all obligations of the Regional District and the VIRL hereunder shall be null and void.

ARTICLE SIX – REPRESENTATIONS AND WARRANTIES

6.1 Representations and Warranties of the VIRL. To induce the Regional District to enter into this Agreement and to make the Loan, the VIRL makes the following representations and warranties which shall survive the execution and delivery of this Agreement and the Mortgage:

- a) neither the execution and delivery of this Agreement nor compliance with the terms, conditions and provisions hereof, will conflict with or result in a breach of any of the terms, conditions, or provisions of:
 - i. any agreement, instrument or arrangement to which the VIRL is now a party or by which it is or may be bound, or constitute a default thereunder;
 - ii. any judgment or order, writ, injunction or decree of any court; or
 - iii. any applicable law or government regulation.
- b) no action of, or filing with any governmental or public body or authority is required to authorize, or is otherwise required in connection with, the execution, delivery and performance of this Agreement by the VIRL.

ARTICLE SEVEN – MORTGAGE COVENANTS

7.1 Covenants of the VIRL. From the date of this agreement and thereafter until the indebtedness is paid in full:

- a) The VIRL will notify the Regional District immediately if the VIRL shall default in a material manner in the payment of any of its indebtedness for borrowed money, whether such indebtedness now exists or shall hereafter be created. The VIRL also shall notify the Regional District immediately if there shall occur a material event of default under any mortgage, indenture or instrument (including without limitation this Agreement) under which there may be incurred or evidenced, any indebtedness of the VIRL for borrowed money, whether such indebtedness now exists or shall hereafter be created;

- 8.4 Time is of the Essence.** Time shall be of the essence of this Agreement and of every part hereof and no extension or variation of the Agreement shall operate as a waiver of this provision.
- 8.5 Entire Agreement.** This Agreement constitutes the entire agreement between the parties with respect to all of the matters herein and its execution has not been induced by, no do any of the parties rely upon or regard as material, any representations or writings whatever not incorporated herein and made a part hereof and may not be amended or modified in any respect except by written instrument signed by the parties hereto.
- 8.6 Enurement.** This Agreement shall ensure to the benefit of and be binding upon the parties and their respective successors and assigns.
- 8.7 Currency.** Unless otherwise provided for herein, all monetary amounts referred to herein shall refer to the lawful money of Canada.
- 8.8 Headings for Convenience Only.** The division of this Agreement into articles and sections is for convenience of reference only and shall not affect the interpretation or construction of this Agreement.
- 8.9 Governing Law.** This agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia and the federal laws of Canada applicable therein and each of the parties hereto agrees irrevocably to conform to the exclusive jurisdiction of the Courts of such Province as located in Nanaimo, British Columbia.
- 8.10 Gender.** In this Agreement, words importing the singular number shall include the plural and vice versa, and words importing the use of any gender shall include the masculine, feminine, and neuter genders and the word "person" shall include an individual, a trust, a partnership, a body corporate, an association or other incorporated or unincorporated organization or entity.
- 8.11 Calculation of Time.** When calculating the period of time within which or following which any act is to be done or step taken pursuant to this Agreement, the date which is the reference date in calculating such period shall be excluded. If the last day of such period is not a Business Day, then the time period in question shall end on the first business day following such non-business day.
- 8.12 Legislation References.** Any references, in this Agreement to any law, by-law, rule, regulation, order or act of any government, governmental body or other regulatory body shall be construed as a reference thereto as amended or re-enacted from time to time or as a reference to any successor thereto.
- 8.13 Severability.** If any Article, Section or any portion of any Section of this Agreement is determined to be unenforceable or invalid for any reason whatsoever, that unenforceability of invalidity shall not affect the enforceability or validity of the remaining portions of this Agreement and such unenforceable or invalid Article, Section or portion thereof shall be severed from the remainder of this Agreement.

8.14 Transmission by Facsimile. The parties hereto agree that this Agreement may be transmitted by facsimile or such similar device and that the reproduction of signatures by facsimile or such similar device will be treated as binding as if originals and each party hereto undertakes to provide each and every other party hereto with a copy of the Agreement bearing original signatures forthwith upon demand.

IN WITNESS WHEREOF the parties have duly executed this Indebtedness Agreement this ____ day of _____,

REGIONAL DISTRICT OF NANAIMO:

Per: _____
Chairperson

Per: _____
Corporate Officer

VANCOUVER ISLAND REGIONAL LIBRARY:

Per: _____
(Authorized Signing Officer)

Per: _____
(Authorized Signing Officer)

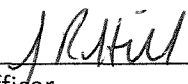
REGIONAL DISTRICT OF NANAIMO**CORPORATE OFFICER'S CERTIFICATION**

I, the undersigned Corporate Officer, as the person assigned responsibility for corporate administration under section 198 of the *Local Government Act*, certify the results of the alternative approval process that was conducted to obtain the opinion of the electors for the "Regional Library Capital Financing Service Loan Authorization Bylaw No. 1673, 2013" and Indebtedness Agreement between the Regional District of Nanaimo and the Vancouver Island Regional Library as follows:

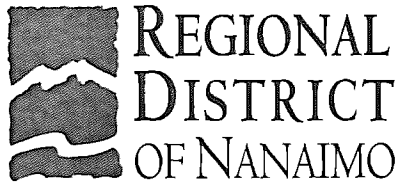
112,533 Estimated number of electors
13 Number of elector response forms submitted by the deadline
0 Number of elector response forms rejected
13 Number of elector response forms accepted
.0001 Percentage of estimated electors who validly submitted elector response forms

and in accordance with Section 86 of the *Community Charter*, the approval of the electors was obtained.

DATED this 9th day of April, 2013.



 Corporate Officer



RDN REPORT		#
CAO APPROVAL		#
EAP		
COW		
APR 17 2013		
RHD		
BOARD	<input checked="" type="checkbox"/>	

MEMORANDUM

TO: Randy Alexander
General Manager, Regional and Community Utilities

DATE: April 17, 2013

FROM: Mike Donnelly
Manager of Water & Utility Services

FILE: 5500-22-NB-01

SUBJECT: Memorandum of Understanding - Regional District of Nanaimo / City of Parksville
Water Supply Agreement - Nanoose Water Connection

PURPOSE

To obtain Board approval for a Memorandum of Understanding (MOU) between the City of Parksville (COP) and the Regional District of Nanaimo (RDN) for the supply of water to the Nanoose Bay Peninsula Water Service Area (NBPWSA).

BACKGROUND

In 2001 the RDN constructed a water supply line along Northwest Bay Road in Nanoose to facilitate the interconnection of RDN water local service areas in Nanoose and to provide for the transmission of Englishman River water to the (NBPWSA). This supply line was conceived as part of the original Arrowsmith Water Service (AWS) bulk water system and it was intended that the line be used, as needed, to benefit both the COP and NBPWSA by conveying Englishman River water to the NBPWSA in the summer months and NBPWSA water to the COP in the winter.

The "City of Parksville and Regional District of Nanaimo Water Supply Agreement" was executed in October, 2002 and renewed in 2008. This agreement expires on April 30th 2013. Final agreement on a renewal of the agreement has been delayed to allow the COP time to carry out water distribution modeling on their water system. This modeling will allow City staff to ensure any commitments for provision of water to the NBPWSA can be met. The COP intake on the Englishman River normally operates between May and October, which coincides with the period during which the RDN system requires additional water.

The proposed Memorandum of Understanding would be in place until April 30th 2014 or until the agreement is renewed. RDN and COP staff have reviewed the proposed Memorandum of Understanding and have agreed to bring the document forward to the respective Council and Board. A copy of the MOU is appended as Attachment A.

ALTERNATIVES

1. Execute the Memorandum of Understanding.
2. Provide staff with alternate direction.

FINANCIAL IMPLICATIONS

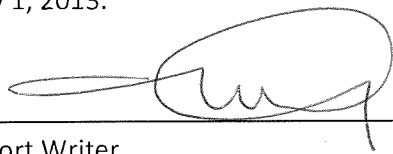
Costs for the provision of water to the NBPWSA would remain as outlined in the existing agreement. Annual costs for water to the NBPWSA are in the range of \$45,000 to \$50,000 per year depending on demand.

SUMMARY/CONCLUSIONS

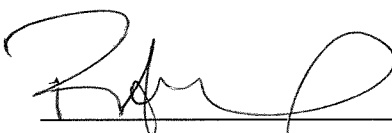
The existing agreement between the COP and the RDN for provision of water to the NBPWSA expires on April 30th, 2013. The COP is currently carrying out a water modeling study to ensure that any agreed supply volumes can be met. This study is currently underway but will not be completed in time to renew this agreement. As a result a Memorandum of Agreement has been developed by both COP and RDN staff that will allow for the existing terms of the agreement to be extended until the study work has been completed and a renewed agreement is in place.

RECOMMENDATIONS

That the Board direct staff to execute the City of Parksville/Regional District of Nanaimo Water Supply Agreement Memorandum of Understanding with the City of Parksville for a 1-year period commencing May 1, 2013.

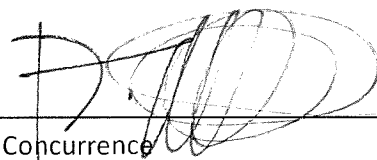


Report Writer



General Manager Concurrence

Manager Concurrence



CAO Concurrence

April 8, 2013

Memorandum of Understanding (MOU)

between

Regional District of Nanaimo and City of Parksville

**WATER SUPPLY AGREEMENT
NANOOSE BAY PENINSULA SURFACE WATER CONNECTION**

Re: Extension of Agreement

Whereas the Regional District of Nanaimo (the "RDN") and the City of Parksville (the "City") entered into a water supply agreement dated May 1st, 2008, for a term of 5 years and is due to expire on April 30th, 2013; and

Whereas the RDN wishes to enter into a new agreement with the City for water supply and as the City is currently finalizing a review of water distribution modeling to assess the possible impacts of supplying water under the current agreement terms a new agreement cannot be finalized at this time;

Therefore the RDN and the City agree to extend the current agreement until the earlier of April 30, 2014 or the date that a new agreement is executed.

Regional District of Nanaimo

City of Parksville

Date

Date