

REGIONAL DISTRICT OF NANAIMO
MINUTES OF THE REGULAR BOARD MEETING

Tuesday, June 28, 2022
1:02 P.M.
Board Chambers (Webstreamed)

In Attendance:	Director V. Craig	Vice Chair
	Director K. Wilson	Electoral Area A (joined electronically)
	Director C. Pinker	Electoral Area C
	Director B. Rogers	Electoral Area E
	Director L. Salter	Electoral Area F (joined electronically)
	Director L. Wallace	Electoral Area G (joined electronically)
	Director S. McLean	Electoral Area H (joined electronically)
	Director L. Krog	City of Nanaimo (joined electronically)
	Director S. Armstrong	City of Nanaimo
	Director D. Bonner	City of Nanaimo (joined electronically)
	Director B. Geselbracht	City of Nanaimo (joined electronically)
	Director E. Hemmens	City of Nanaimo (joined electronically)
	Director Z. Maartman	City of Nanaimo (joined electronically)
	Director I. W. Thorpe	City of Nanaimo (joined electronically)
	Director E. Mayne	City of Parksville
	Director A. Fras	City of Parksville (joined electronically)
Director W. Geselbracht	District of Lantzville (joined electronically)	
Director B. Wiese	Town of Qualicum Beach (joined electronically)	
Regrets:	Director T. Brown	Chair
Also in Attendance:	D. Holmes	Chief Administrative Officer
	L. Grant	Gen. Mgr. Planning and Development (joined electronically)
	T. Osborne	Gen. Mgr. Recreation & Parks (joined electronically)
	E. Tian	Gen. Mgr. Engineering & Utilities (joined electronically)
	D. Wells	Gen. Mgr. Corporate Services
	J. Hill	Mgr. Legislative Services (joined electronically)
	G. Smith	Deputy Corporate Officer
	C. Holt	Zoom Moderator
	S. Commentucci	Recording Secretary
	S. Syme	Recording Secretary

CALL TO ORDER

The Chair called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

APPROVAL OF THE AGENDA

22-386

It was moved and seconded that the agenda be approved as amended, to remove additional resolution under item 10.8 and add 9.1.3.1.

10.8 Whiskey Creek Water System Upgrade (WT-0031) - Loan Authorization, Financial plan Amendment, and Contract Award, remove duplicate resolution number 3.

9.1.3 Development Variance Permit and Site Specific Floodplain Bylaw Exemption Application No. PL2022-051-5075 Longview Drive, Electoral Area H, *9.1.3.1 Correspondence

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Regular Board Meeting - June 14, 2022

22-387

It was moved and seconded that the minutes of the Regular Board meeting held June 14, 2022, be adopted.

CARRIED UNANIMOUSLY

COMMITTEE MINUTES

22-388

It was moved and seconded that the following minutes be received for information:

Electoral Area Services Committee Meeting - June 9, 2022

Solid Waste Management Select Committee Meeting - June 7, 2022

CARRIED UNANIMOUSLY

CONSENT AGENDA

At the request of Directors the following items were removed from the Consent Agenda for consideration under Section 7. Items Removed from the Consent Agenda:

7.1.2. Request for Comment on Non-Adhering Residential Use in the Agricultural Land Reserve Application No. PL2021-185 – 3602 Alberni Highway, Electoral Area F

7.1.3. Funding for the Construction of a Multi-sport Playing Surface

22-389

It was moved and seconded that the following items on the Consent Agenda be adopted by consent:

7.1.1. Park Use Regulation Bylaw 1801

7.1.4. Non-Medical Cannabis Retail Store Application No. PL2021-192-1824 Cedar Road, Electoral Area A

7.1.5. Assigning House Numbers to Properties in the Regional District of Nanaimo

7.2.1. Regional Landfill 2022 Closure Project

7.2.2. Business Arising from Delegations

CARRIED UNANIMOUSLY

The items and recommendations referred to above are as follows:

Director Bonner left the meeting

ELECTORAL AREA SERVICES COMMITTEE RECOMMENDATIONS

Park Use Regulation Bylaw 1801

22-390

It was moved and seconded that following the Board's endorsement of the Community Wildfire Resiliency Plans for the Electoral Areas, "Regional District of Nanaimo Park Use Regulations Bylaw No. 1801, 2019" be reviewed for its effectiveness for fire prevention in community and regional parks, including the implications of usage and camping at these parks that may require future amendments of the Bylaw.

ADOPTED ON CONSENT

Non-Medical Cannabis Retail Store Application No. PL2021-192 - 1824 Cedar Road, Electoral Area A

22-391

It was moved and seconded that the Board consider the submissions or comments from the public regarding Non-Medical Cannabis Retail Store Licence Application No. PL2021-192.

ADOPTED ON CONSENT

22-392

It was moved and seconded that the Board adopt the resolution pertaining to Non-Medical Cannabis Retail Store Licence Application No. PL2021-192, as presented in Attachment 6.

ADOPTED ON CONSENT

Assigning House Numbers to Properties in the Regional District of Nanaimo

22-393

It was moved and seconded that a Staff Report be provided to the Board to review the current process for assigning house numbers to properties in the Regional District of Nanaimo and that recommendations for updates to the house numbering process be provided as part of this review.

ADOPTED ON CONSENT

SOLID WASTE MANAGEMENT SELECT COMMITTEE RECOMMENDATIONS

Regional Landfill 2022 Closure Project

22-394

It was moved and seconded that the Board award the Cell 1, Stage 2 North Slope Closure Project to Secure Energy in the amount of \$1,859,370 (exclusive of taxes).

ADOPTED ON CONSENT

22-395

It was moved and seconded that the Board direct staff to procure the necessary ancillary appurtenances associated with the Cell 1, Stage 2 North Slope Closure Project.

ADOPTED ON CONSENT

22-396

It was moved and seconded that the Cell 1, Stage 2 North Slope Closure Total Project Budget (SW-0001) be increased by \$941,066 from \$2,092,089 to \$3,033,155.

ADOPTED ON CONSENT

22-397

It was moved and seconded that the 2022 – 2026 Financial Plan be amended accordingly.

ADOPTED ON CONSENT

Business Arising from Delegations

22-398

It was moved and seconded that staff provide a report to the Board outlining options for the zero waste education funding for the next 3 to 5 years.

ADOPTED ON CONSENT

ITEMS REMOVED FROM THE CONSENT AGENDA

Request for Comment on Non-Adhering Residential Use in the Agricultural Land Reserve Application No. PL2021-185 - 3602 Alberni Highway, Electoral Area F

22-399

It was moved and seconded that the Board provide no comment on Non-Adhering Residential Use Application No. PL2021-185 (ALC File No. 64272) to retain a small trailer/recreational vehicle park for residential use on the subject property, as it more specifically relates to homelessness and affordable housing.

Opposed (6): Director Mayne, Director Wiese, Director Pinker, Director Maartman, Director Fras, and Director Salter

CARRIED

Funding for the Construction of a Multi-sport Playing Surface

It was moved and seconded that the design and construction of a multi-use sport court at Errington Community Park beside the playground be included into the Five Year Financial Plan for Electoral Area F Community Parks and funded by Community Works Funds.

22-400

It was moved and seconded that the funding for the construction of a multi-sport playing surface be referred to the Electoral Area Services Committee.

Opposed (11): Director Armstrong, Director Rogers, Director Pinker, Director Wilson, Director Bonner, Director W. Geselbracht, Director McLean, Director Hemmens, Director Salter, Director Craig, and Director Maartman.

DEFEATED

The Chair called the question on the main motion:

22-401

That the design and construction of a multi-use sport court at Errington Community Park beside the playground be included into the Five Year Financial Plan for Electoral Area F Community Parks and funded by Community Works Funds.

Opposed (6): Director Krog, Director Mayne, Director Wallace, Director Thorpe, Director Fras, and Director Wiese.

CARRIED

COMMITTEE RECOMMENDATIONS

ELECTORAL AREA SERVICES COMMITTEE

Community Wildfire Resiliency Plans for Each Electoral Area

22-402

It was moved and seconded that the Community Wildfire Resiliency Plan for Electoral Area A, be endorsed.

CARRIED UNANIMOUSLY

22-403

It was moved and seconded that the Community Wildfire Resiliency Plan for Electoral Area B, be endorsed.

CARRIED UNANIMOUSLY

22-404

It was moved and seconded that the Community Wildfire Resiliency Plan for Electoral Area C, be endorsed.

CARRIED UNANIMOUSLY

22-405

It was moved and seconded that the Community Wildfire Resiliency Plan for Electoral Area E, be endorsed.

CARRIED UNANIMOUSLY

22-406

It was moved and seconded that the Community Wildfire Resiliency Plan for Electoral Area F, be endorsed.

CARRIED UNANIMOUSLY

22-407

It was moved and seconded that the Community Wildfire Resiliency Plan for Electoral Area G, be endorsed.

CARRIED UNANIMOUSLY

22-408

It was moved and seconded that the Community Wildfire Resiliency Plan for Electoral Area H, be endorsed.

CARRIED UNANIMOUSLY

Director B. Geselbracht joined the meeting.

Request for Comment on Non-Farm Use in the Agricultural Land Reserve Application No. PL2022-065 - 3452 Jingle Pot Road, Electoral Area C

22-409

It was moved and seconded that the Board recommend that the Agricultural Land Commission approve Non-Farm Use Application No. PL2022-065 (ALC File No. 65231) for an astronomical observatory building.

CARRIED UNANIMOUSLY

Development Variance Permit and Site Specific Floodplain Bylaw Exemption Application No. PL2022-051– 5075 Longview Drive, Electoral Area H

22-410

It was moved and seconded that the Board deny Development Variance Permit No. PL2022-051 to reduce the setback to a watercourse to permit the construction of a dwelling subject to the terms and conditions outlined in Attachment 2.

Opposed (3): Director Pinker, and Director McLean and Director Wallace

CARRIED

22-411

It was moved and seconded to refer Development Variance Permit and Site Specific Floodplain Bylaw Exemption Application No. PL2022-051-5075 Longview Drive, Electoral Area H back to the Electoral Area Services Committee.

Opposed (2): Director Wilson, and Director Rogers

DEFEATED

Correspondence

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in Relation to Subdivision Application No. PL2021-167 - 2450 Garry Oak Drive, Electoral Area E

22-412

It was moved and seconded that the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed Lot 1 and the Remainder Lot 1 in relation to Subdivision Application No. PL2021-167.

CARRIED UNANIMOUSLY

Bylaws No. 813.57 and 889.78 - Inclusion of 3 Properties into the French Creek Sewer and Northern Community Sewer Service Areas

22-413

It was moved and seconded that “French Creek Sewerage Facilities Local Service Boundary Amendment Bylaw No. 813.57, 2022” be introduced and read three times, and that, after having been read three times, be forwarded to the Inspector of Municipalities for approval.

CARRIED UNANIMOUSLY

22-414

It was moved and seconded that “Regional District of Nanaimo Northern Community Sewer Local Service Amendment Bylaw No. 889.78, 2022” be introduced and read three times, and that, after having been read three times, be forwarded to the Inspector of Municipalities for approval.

CARRIED UNANIMOUSLY

REPORTS

Section 57 Community Charter Notice of Bylaw Contravention

22-415

It was moved and seconded that the Corporate Officer be authorized to register a Notice at the Land Title Office stating that a resolution has been made under Section 57 of the Community Charter by the Regional District of Nanaimo Board against title of 2570 Peterson Road, LOT A DISTRICT LOT 182 NANOOSE DISTRICT PLAN VIP65017, PID: 023-740-868, ELECTORAL AREA F.

CARRIED UNANIMOUSLY

22-416

It was moved and seconded that the Corporate Officer be authorized to register a Notice at the Land Title Office stating that a resolution has been made under Section 57 of the Community Charter by the Regional District of Nanaimo Board against title of 2791 Transtide Drive, LOT B, DISTRICT LOT 37, NANOOSE DISTRICT, PLAN VIP86425, PID: 027-853-802, ELECTORAL AREA E.

CARRIED UNANIMOUSLY

22-417

It was moved and seconded that the Corporate Officer be authorized to register a Notice at the Land Title Office stating that a resolution has been made under Section 57 of the Community Charter by the Regional District of Nanaimo Board against title of 985 Berry Point Road, LOT B (DD EF47989), BLOCK 8, SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 1673, PID: 017-761-786, ELECTORAL AREA B.

CARRIED UNANIMOUSLY

22-418

It was moved and seconded that file number, 3411 Alberni Hwy, LOT 1, DISTRICT LOT 74, NEWCASTLE DISTRICT, PLAN 38170, PID: 001-017-667, ELECTORAL AREA F, be referred to staff for more information.

Opposed (1): Director Wallace

CARRIED

22-419

It was moved and seconded to refer file number 2830 Clover Close, LOT 4 SECTION 14 RANGE 4 MOUNTAIN DISTRICT PLAN VIP80079, PID: 026-522-403, ELECTORAL AREA C, be referred to staff for more information.

Opposed (1): Director Craig

CARRIED

22-420

It was moved and seconded that the Corporate Officer be authorized to register a Notice at the Land Title Office stating that a resolution has been made under Section 57 of the Community Charter by the Regional District of Nanaimo Board against title of 1080 Nanaimo River Road, THAT PART OF LOT 1, SECTION 5, RANGE 3, CRANBERRY DISTRICT, PLAN 3317, LYING TO THE WEST OF PLAN 450 RW, PID: 000-418-102, ELECTORAL AREA C.

CARRIED UNANIMOUSLY

22-421

It was moved and seconded that file number 1960 Highland Road, LOT 2, DISTRICT LOT 78, NANOOSE DISTRICT, PLAN 29869, PID: 001-341-731, ELECTORAL AREA E, be referred to staff for more information.

Opposed (8): Director Craig, Director Pinker, Director Rogers, Director McLean, Director B. Geselbracht, Director Hemmens, Director Thorpe, and Director W. Geselbracht

CARRIED

22-422

It was moved and seconded that the Corporate Officer be authorized to register a Notice at the Land Title Office stating that a resolution has been made under Section 57 of the Community Charter by the Regional District of Nanaimo Board against title of 2960 Extension Road, LOT 11, BLOCK 9, SECTIONS 12 AND 13, RANGE 2, CRANBERRY DISTRICT, PLAN 716A, PID: 008-561-141, ELECTORAL AREA C.

CARRIED UNANIMOUSLY

22-423

It was moved and seconded that the Corporate Officer be authorized to register a Notice at the Land Title Office stating that a resolution has been made under Section 57 of the Community Charter by the Regional District of Nanaimo Board against title of 2988 Bay Road, STRATA LOT 197 DISTRICT LOT 251 ALBERNI DISTRICT STRATA PLAN VIS5160 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V, PID: 025-247-468, ELECTORAL AREA H.

CARRIED UNANIMOUSLY

22-424

It was moved and seconded that the Corporate Officer be authorized to register a Notice at the Land Title Office stating that a resolution has been made under Section 57 of the Community Charter by the Regional District of Nanaimo Board against title of 1988 & 2000 Stewart Road, LOT 2, DISTRICT LOT 64, NANOOSE DISTRICT, PLAN 47302, PID: 011-947-098, ELECTORAL AREA E.

CARRIED UNANIMOUSLY

RECESS: 2:59

RESUMED: 3:06

Meadowood Community Park and Little Qualicum River Regional Parkland Exchange Agreement and Alternative Approval Process

22-425

It was moved and seconded to refer the Meadowood Community Park and Little Qualicum River Regional Parkland Exchange Agreement and Alternative Approval Process back to the Electoral Area Services Committee.

Opposed (9): Director Craig, Director Wilson, Director Pinker, Director Salter, Director Krog, Director B. Geselbracht, Director Maartman, Director Thorpe, and Director W. Geselbracht

DEFEATED

22-426

It was moved and seconded that the Meadowood Community Park and Little Qualicum River Regional Park Conditional Land Exchange Agreement be approved.

Opposed (2): Director Wallace, and Director Fras

CARRIED

22-427

It was moved and seconded that "Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022" be introduced and read three times.

Opposed (2): Director Wallace, and Director Fras

CARRIED

22-428

It was moved and seconded that the approval of the electors be obtained by an Alternative Approval Process.

Opposed (3): Director Wallace, Director Armstrong, and Director Fras

CARRIED

22-429

It was moved and seconded that the Board approve the Elector Response Form as provided in Attachment 6; establish 4:00 p.m. on August 15, 2022 as the deadline for receiving elector responses for the alternative approval process, and determine the total number of electors of the area to which the approval process applies to be 123,062.

Opposed (7): Director Pinker, Director Rogers, Director McLean, Director Armstrong, Director Mayne, Director Wallace and Director Fras

CARRIED

Regional District of Nanaimo Public Notice Bylaw No. 1851, 2022

22-430

It was moved and seconded that whereas the Regional District of Nanaimo Board considers public notice principles of reliability, suitability, and accessibility; that the Board determine statutory public notice publication once by newspaper and the Regional District of Nanaimo website sufficient in meeting public notice principles.

Opposed (4): Director Rogers, Director Salter, Director Wallace, and Director McLean

CARRIED

22-431

It was moved and seconded that "Regional District of Nanaimo Public Notice Bylaw No. 1851, 2022" be introduced and read three times.

Opposed (4): Director Rogers, Director Salter, Director Wallace, and Director McLean

CARRIED

22-432

It was moved and seconded that “Regional District of Nanaimo Public Notice Bylaw No. 1851, 2022” be adopted.

Opposed (4): Director Rogers, Director Salter, Director Wallace, and Director McLean

CARRIED

Regional District of Nanaimo Development Application, Notification Procedures and Fees Bylaw No. 1845, 2022 - Amended

22-433

It was moved and seconded that the Board rescind third reading of “Regional District of Nanaimo Development Application, Notification Procedures and Fees Bylaw No. 1845, 2022”.

Opposed (3): Director Salter, Director Wallace, and Director McLean

DEFEATED

22-434

It was moved and seconded that the Regional District of Nanaimo Development Application, Notification Procedures and Fees Bylaw No. 1845, 2022 - Amended be referred to staff.

Opposed (1): Director Wilson

CARRIED

Official Community Plan and Zoning Amendment Application No. PL2021-048 1800 & 1810 Galvin Place and PIDs 000441724 and 024585912 Amendment Bylaw No. 1285.38, 2022 and 1152.06, 2022 - Introduction - Electoral Area F

22-435

It was moved and seconded that the Board approve the Proposed Engagement Plan as outlined in Attachment 3.

CARRIED UNANIMOUSLY

22-436

It was moved and seconded that the Board introduce and read “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan Amendment Bylaw No. 1152.06, 2022”, as provided in Attachment 5, two times.

CARRIED UNANIMOUSLY

22-437

It was moved and seconded that the Board has considered the impact of “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan Amendment Bylaw No. 1152.06, 2022”, as provided in Attachment 5, on the current Financial Plan and Waste Management Plans.

CARRIED UNANIMOUSLY

22-438

It was moved and seconded that the Board introduce and read “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.38, 2022”, as provided in Attachment 4, two times.

CARRIED UNANIMOUSLY

22-439

It was moved and seconded that the Public Hearing on “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan Amendment Bylaw No. 1152.06, 2022” and “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.38”, be delegated to Director Salter.

CARRIED UNANIMOUSLY

Zoning Amendment Application No. PL2020-027, 860 Sohier Road - Amendment Bylaw 1285.35, 2021 - Adoption - Electoral Area F

22-440

It was moved and seconded that the Board adopt “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.35, 2021”.

CARRIED UNANIMOUSLY

Regional Groundwater Levels Analysis -- Pre-Summer 2022

L. Fegan, Drinking Water and Water Protection Monitoring Coordinator, presented to the Board.

22-441

It was moved and seconded that the Board receive the "Regional Groundwater Levels Analysis - Pre-Summer 2022" report for information.

CARRIED UNANIMOUSLY

Whiskey Creek Water System Upgrade (WT-0031) - Loan Authorization, Financial Plan Amendment, and Contract Award

22-442

It was moved and seconded that the Regional District of Nanaimo Board authorizes up to \$200,000 be borrowed, under Section 403 of the Local Government Act, from the Municipal Finance Authority on behalf of the property owners within the Whiskey Creek Water Service Area in order to complete the Whiskey Creek water system upgrade project and that the loan be repaid within 5 years, with no rights of renewal.

CARRIED UNANIMOUSLY

22-443

It was moved and seconded that the budget for the Whiskey Creek Water System Upgrade Project (WT-0031) be increased by \$246,000 to \$1,177,000 with the increase funded with \$200,000 from 5-year short-term borrowing and \$46,000 from the Whiskey Creek Water Service Area Capital Reserve Fund, and that the 2022-2026 financial plan be amended accordingly.

CARRIED UNANIMOUSLY

22-444

It was moved and seconded that the construction contract for the Whiskey Creek Water Supply Upgrade Project be awarded to Trittech Group Ltd. at a total value of \$997,403.27 (excluding GST).

CARRIED UNANIMOUSLY

22-445

It was moved and seconded that authorization is granted to the Chief Administrative Officer and the Corporate Officer to execute the contract.

CARRIED UNANIMOUSLY

Zero Waste School Education Contract Extension

22-446

It was moved and seconded that the Board direct staff to enter into a three (3) year contract, with the possibility of two (2) 1-year extensions, with the Nanaimo-Ladysmith Public School District and the Qualicum School District to provide Zero Waste School Education, in an amount not to exceed \$70,000 annually, and a combined total value of \$350,000 for five years.

CARRIED UNANIMOUSLY

Nanaimo River Fire Protection Feasibility Study - Engagement Plan

22-447

It was moved and seconded that the Board endorse the Engagement Plan for the Nanaimo River Fire Protection Feasibility Study.

CARRIED UNANIMOUSLY

NEW BUSINESS

Director Salter provided notice of the following motion:

That, as part of the 2023-2027 financial plan process, the Board direct staff to establish a budget for Area F to provide branded items specific to the Area F communities of Errington, Coombs, Hilliers, Whiskey Creek and Meadowood to be made available and given to organizations for public events, such as tournaments, conferences or other such events to assist with improving awareness of the communities within Area F.

IN CAMERA

22-448

It was moved and seconded that pursuant to the following sections of the *Community Charter* the Board proceed to an In Camera meeting:

- 90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public; and
- 90(1)(m) a matter that, under another enactment, is such that the public may be excluded from the meeting; and
- 90(1)(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2).

CARRIED UNANIMOUSLY

ADJOURNMENT

TIME: 4:24 P.M.

CHAIR

CORPORATE OFFICER