

REGIONAL DISTRICT OF NANAIMO

COMMITTEE OF THE WHOLE

TUESDAY, JANUARY 22, 2002

7:30 PM

(Nanaimo City Council Chambers)

A G E N D A

PAGES

CALL TO ORDER

ELECTION OF DEPUTY CHAIRPERSON

DELEGATIONS

- 4 **Glen Jamieson**, Mount Arrowsmith Biosphere Region, re Presentation to the Board.
- 5 **Howard Fowler**, re ALR Exclusion No. 0115 - Virginia Road - Area F.
- 6 **Lee England**, re Construction of an IcePlex at Arbutus Meadows - Nanoose Bay - Area E.

MINUTES

- 7-12 Minutes of the Development Services Committee meeting held on Tuesday, November 20, 2001.
- 13-15 Minutes of the Environmental Services Committee meeting held on Tuesday, November 27, 2001.
- 16-21 Minutes of the Corporate & Community Services Committee meeting held on Tuesday, December 4, 2001.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

- 22-26 **Paula Barrett**, Georgia Strait Crossing Pipeline Limited, re Pipeline progress.
- 27-28 **Walter Gray**, City of Kelowna, re Provincial Cycling Network Program.
- 29-44 **Barry O'Neill**, CUPE BC, re Community Charter.

DEVELOPMENT SERVICES

BUILDING INSPECTION

- 45-48 Section 700 Filings.

BYLAW ENFORCEMENT

- 49-51 Land Use and Building Bylaw Contraventions - D. Dorman - 2220 Cedar Road - Area A.

PLANNING

- 52-77 ALR Exclusion No. 0115 - Fowler - Virginia Road - Area F.

COMMUNITY SERVICES

RECREATION & PARKS

- 78-83 Haslam Creek Bridge Funding - Trans Canada Trail. (Map included as separate enclosure)
- 84-86 Parkland Acquisition Fund Bylaw No. 1282 - Old Errington School.
- 87-89 MacMillan Park in Cathedral Grove.
- 90-93 Community Parks Local Service Amendment Bylaw No. 805.02 - Area G and Bylaw No. 804.02 - Area F.

ENVIRONMENTAL SERVICES

LIQUID WASTE MANAGEMENT

- 94-96 Newcastle Island - Transfer of a Fee Simple Interest to the City of Nanaimo.

SOLID WASTE MANAGEMENT

- 97-124 Amendments to Water, Sewer, Garbage and Recycling Collection User Fee Rates.
- 125-128 Illegal Dumping Prevention Program - Penalties and Program Publicity.

UTILITIES/ENGINEERING

- 129-134 Morningstar Streetlighting LSA Boundary Amendment Bylaw No. 869.02 - Area G.
- 135-139 San Pareil Water Supply LSA Rates & Regulations Amendment Bylaw No. 1172.01 - Area G.

CORPORATE SERVICES

ADMINISTRATION

- 140-153 Recovery of Feasibility Study Costs for New Services.

COMMISSION, ADVISORY & SELECT COMMITTEE

Lantzville Parks & Open Space Advisory Committee.

154-158

Minutes of the Lantzville Parks & Open Space Advisory Committee meetings held November 26, 2001 and January 7, 2002. (for information)

That the Parks and Open Space Committee recommend the Board of the Regional District of Nanaimo write to the BC Assets and Land Corporation to expand on the rationale for the lands and request reconsideration for a portion of DL 105 to be provided for a staging area for recreational opportunities within the Lantzville Foothills.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

IN CAMERA

That pursuant to Section 242.2 (I)(h) of the Local Government Act the Board proceeds to an In Camera meeting to consider a matter of potential litigation.



**BIOSPHERE
REGION**

Mount Arrowsmith Biosphere Foundation

January 8, 2002

To: Linda Burgogyne
Regional District Of Nanaimo

I would like to request the opportunity to make a presentation to ^{the Board} you on January 22, at which time we will present the Board with a framed copy of the certificate from UNESCO that formally designates the Mount Arrowsmith Biosphere Reserve. Please notify me (756-7223) of the time this might occur. Thanking you in advance,

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Jamieson".

Glen Jamieson
President, MABF

Box 217, Parksville, B.C. Canada V9P 2G4

Phone: (250) 248-5593 (eves. & weekend) or (250) 756-7223 (day); Fax: (250) 756-7138; e-mail: mabf@nanaimo.ark.ca

PAGE
4

To : Administrative Services
Nandino Regional District
Attention: Maureen Pearce
FAX: 250-390-4163

From: Howard M. Fowler
291 Virginia Rd.
Coombs, B.C.
P.O. Box 54
VOR-1M0
Ph. (250) 248-3882
FAX:

DATE: January 14, 2002

I understand my A.L.R. Application comes before the Board on January 22, 2002. I request permission to speak to the Board on that application, and will make myself available to answer any questions the Board may have.

Respectfully Submitted:

Howard M. Fowler
owner of parcel subject of
application.

Phone (250) 248-3882

FAX (250) 218-3882

January 14, 2001

Maureen Pearce
Manager of Administrative Services
Regional District of Nanaimo

Dear Maureen Pearce,

My name is Lee England, I am the representative for Dr. Sam Bau who is proposing to construct an IcePlex at Arbutus Meadows in Nanoose Bay.

I am writing to request that we be put on the agenda for the RDN Directors meeting which is being held on January 22/02

Sincerely


Lee England
752-0664

PAGE
6

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE
MEETING HELD ON TUESDAY, NOVEMBER 20, 2001, AT 7:30 PM
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, BC

Present:

Director E. Hamilton	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Director D. Haime	Electoral Area D
Director J. McLean	Electoral Area F
Director J. Stanhope	Electoral Area G
Director R. Quittenton	Electoral Area H
Alternate	
Director F. Demmon	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Director T. Krall	City of Nanaimo
Director D. Rispin	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. McNabb	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
B. Lapham	General Manager of Development Services
P. Shaw	Manager of Community Planning
S. Schopp	Manager of Inspection & Enforcement
C. Mason	General Manager of Corporate Services
N. Avery	Manager of Financial Services
W. Thexton	Senior Accountant
N. Tonn	Recording Secretary

DELEGATIONS

Charlotte Caswell, Stan Wheat & Chuck Lang, re Horne Lake Park Management Plan.

The delegation raised their concerns with respect to the possible loss of the leasing arrangement currently in place at Paradise Bay and at Scout Camp on Horne Lake. The current seasonal recreational occupants have invested a considerable sum in the upkeep of the area and requested that this be considered as part of the Horne Lake Park Management Plan and its implementation.

Richard Varela, re Horne Lake Park Management Plan.

Mr. Varela, Program Director for Horne Lake Cave Tours, provided an overview of past practices which allowed a number of educational programs held at the Horne Lake Caves and in the park under the auspices of Horne Lake Cave Tours and made available to area students. Mr. Varela also expressed his interest in participating as a member of the proposed Horne Lake Park Advisory Committee.

Director Quittenton joined the meeting.

LATE ITEMS

DELEGATIONS

MOVED Director McLean, SECONDED Director Haime, that the following delegations be permitted to address the Committee.

Art Cowie, re ALR Exclusion - Wosk - 365 Meadow View Place - Area G.

CARRIED

Mr. Cowie provided a short overview of his client's application for exclusion from the ALR and noted that the provincial government is considering a review of ALR policies and management as part of its Core Review. In consideration of this information, Mr. Cowie requested that the application for exclusion be approved or, failing that, that the application be deferred at this time.

Jim Bowman, re 333 Malaspina Drive - Area B.

Mr. Bowman noted his efforts to comply with building regulations and requested that the Committee not approve the filing against his property to allow him sufficient time to complete any changes required.

MOVED Director Stanhope, SECONDED Director Sherry, that the delegations be received.

MINUTES

CARRIED

MOVED Director Sherry, SECONDED Director Westbrook, that the minutes of the regular Development Services Committee meeting held October 16, 2001, be adopted.

CORRESPONDENCE/COMMUNICATIONS

CARRIED

Charlotte Caswell, re Horne Lake Park Management Plan.

MOVED Director Rispin, SECONDED Director Krall, that the correspondence received from Charlotte Caswell with respect to Paradise Bay and Scout Camp Area of Lot 40 on Horne Lake, be received for information.

CARRIED

Tim Galavan, re Scout Camp - Block 40, Horne Lake.

MOVED Director Rispin, SECONDED Director Krall, that the correspondence received from Tim Galavan with respect to the existing leasing policy in the area known as Scout Camp, be received for information.

CARRIED

BUILDING INSPECTION

Section 700 Filings.

The Chairperson listed each filing and asked that any property owner in the audience wishing to address the Committee come forward when their name was called.

MOVED Director Sherry, SECONDED Director Westbrook, that a notice be filed against the titles of the properties listed, pursuant to Section 700 of the *Local Government Act* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued:

- (a) Lot 2, Section 13, Range 1, Plan 11269, Cedar Land District, 1960 Cedar Road, Electoral Area 'A', owned by Druid Holdings Ltd.;
- (b) Lot 4, Section 8, Range 3, Plan 30579, Cedar Land District, 2477 Enefer Road, Electoral Area 'A', owned by J. Vickers and P. Grandison;

- (c) Lot 62, Section 12, Plan 23619, Gabriola Island, Nanaimo Land District, 1150 Chappel Place, Electoral Area 'B', owned by W. Hamilton;
- (d) Lot 2, Section 6, Plan 42450, Gabriola Island, Nanaimo Land District, 2925 North Road, Electoral Area 'B', owned by J. Allen;
- (e) Lot 6, Block 9, Section 23, Plan 1673, Nanaimo Land District, 1034 Berry Point Road, Electoral Area 'B', owned by I. MacKay;
- (f) Lot 3, Section 21, Plan 23484, Gabriola Island, Nanaimo Land District, 333 Malaspina Drive, Electoral Area 'B', owned by M. and M. Bowman;
- (g) That part of Lot 1, District Lot 79, Plan 4877, Nanoose Land District, lying to the south east of a boundary parallel to and perpendicularly distant 100 feet from the North West boundary of said Lot, except part in Plan 41577, 2419 East Island Highway, Electoral Area 'E', owned by D. and S. Miller;
- (h) Lot A, District Lot 39, Plan VIP55692, Nanoose Land District, 2038 Rocking Horse Place, Electoral Area 'E', owned by 616393 BC Ltd.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Application No. 0106 & Development Permit No. 0125 – Maibach Industries/Brown – 2093 South Wellington Road – Area A.

MOVED Director Elliott, SECONDED Director Krall:

- 1. That Development Permit Application No. 0125 submitted by Keith Brown, acting as agent for Maibach Industries, to allow for the authorized operation of outdoor display of heavy equipment and vary the signage requirements on the property legally described as Lot 1, Section 12, Range 7, Cranberry District, Plan 18166, be approved subject to notification procedures pursuant to the *Local Government Act* and subject to the conditions outlined in Schedule No. 1.
- 2. That Amendment Application No. 0106 to create a new Comprehensive Development (CD 11) zone by amending the text for a Commercial 4 (CM4) zone by removing "Outdoor Sales" as a permitted use and replacing it with "Heavy Equipment Display" for the property legally described as Lot 1, Section 12, Range 7, Cranberry District, Plan 18166 be given 1st and 2nd reading subject to the conditions outlined in Schedule No. 1.
- 3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.279, 2001" proceed to Public Hearing.
- 4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.279, 2001" be delegated to Director Elliott or his alternate.

CARRIED

Application No. 0107 – Bruce & Cindy Senini – Dickinson Road – Area D.

MOVED Director Haime, SECONDED Director McNabb:

- 1. That Amendment Application No. 0107, submitted by Bruce Senini and Cindy Senini, to rezone the subject property legally described as Lot 2, District Lot 37, Wellington District, Plan VIP64358, from Residential 2 (RS2), Subdivision District 'D' to Residential 1 (RS1), Subdivision District 'F' be given 1st and 2nd reading.
- 2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.280, 2001" be advanced to a public hearing subject to the conditions outlined in Schedule No. 1.

3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.280, 2001" be delegated to Director Haime or her alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Temporary Use Permit 0103 & Development Permit No. 0117 – Nanoose Harbour Holdings – 3500 Fairwinds Drive – Area E.

MOVED Director Stanhope, SECONDED Director McLean, that Temporary Commercial Use Permit No. 0103 and Development Permit No. 0117 submitted by Nanoose Harbour Holdings Ltd. for the property legally described as Part of District Lot 78, Nanoose District to allow a temporary real estate office use, proceed to a public information meeting prior to the Board's consideration of these permits, subject to the conditions outlined in Schedule No. 1 and the notification requirements pursuant to the *Local Government Act*.

CARRIED

DEVELOPMENT VARIANCE PERMIT

Application No. 0014– Inkahute – 2655 & 2665 East Island Highway – Area E.

MOVED Director Stanhope, SECONDED Director Rispin, that Development Variance Permit Application No. 0014, submitted by Fern Road Consulting Ltd. on behalf of Inkahute Development Corporation, for the property legally described as Lot 2, Plan 14576, and the Remainder of Block B, Plan 1610, both of District Lot 79, Nanoose Land District, to vary the minimum setback requirements, maximum dwelling unit height, and minimum parcel size requirement as shown on Schedule No. 2, be approved, subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

OTHER

ALR Exclusion – Wosk – 365 Meadow View Place – Area G.

MOVED Director Stanhope, SECONDED Director Westbrook, that the application for exclusion from the Agricultural Land Reserve for the property legally described as Lot G, District Lot 12, Nanoose District, Plan 30913 be denied and that the Land Reserve Commission be advised that the application is not proceeding.

MOVED Director Demmon, SECONDED Director Quittenton, that this item be deferred to allow for completion of the Growth Management Plan review.

DEFEATED

The question was called on the main motion.

The motion CARRIED.

ALR Exclusion – Law & Devereaux – Godfrey Road – Area C.

MOVED Director Sherry, SECONDED Director Westbrook,:

1. That the application for exclusion from the Agricultural Land Reserve for the property legally described as Lot 1, Section 10, Range 3 and of Section 11, Ranges 2 and 3, Cranberry District, Plan VIP60641 be denied.

2. That an application for a transfer of lands in the Agricultural Land Reserve for the property legally described as Lot 1, Section 10, Range 3 and of Section 11, Ranges 2 and 3, Cranberry District, Plan VIP60641 be referred to the Growth Management Review Process as an amendment consideration; therefore the referral of a resolution by the Board to the Land Reserve Commission as input for the LRC's decision will be withheld pending the results of the Growth Management Review Process.

CARRIED

Noise Control Establishing and Regulatory Bylaws – Areas 'D' and 'H'.

MOVED Director Haime, SECONDED Director Westbrook, that a Public Information Meeting be held on "Electoral Area 'D' Service Establishment Bylaw No. 1264, 2001" and "Electoral Area 'D' Noise Control Regulatory Bylaw No. 1265, 2001", to be chaired by Director Haime or her alternate, prior to the consideration of the bylaws by the Board.

CARRIED

MOVED Director Quittenton, SECONDED Director Westbrook, that a Public Information Meeting be held on "Electoral Area 'H' Service Establishment Bylaw No. 1266, 2001" and "Electoral Area 'H' Noise Control Regulatory Bylaw No. 1267, 2001", to be chaired by Director Quittenton or his alternate, prior to the consideration of the bylaws by the Board.

CARRIED

Temporary Commercial Use Permit No. 0108 –Tower Fence Products – 1882 Fielding Road – Area A.

MOVED Director Elliott, SECONDED Director McNabb, that Temporary Industrial Use Permit Application No. 0108, submitted by Tower Fence Products for the parcel legally described as Lot A, Section 14, Range 6, Cranberry District, Plan 7057 be approved as outlined on Schedules No. 1 and 2 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

Horne Lake Park Management Plan – Area H.

MOVED Director Quittenton, SECONDED Director Rispin,:

1. That the Draft Terms of Reference for the appointment of a Parks Advisory Committee be received for information by the Board.
2. That the Board direct staff to proceed with the selection criteria for the appointment of a Park Advisory Committee to assist in the completion of the Horne Lake Park Management Plan.
3. That staff be directed to proceed with the completion of a draft Horne Lake Management Plan, to be presented to the public at a public information meeting prior to consideration by the Board.

CARRIED

ADJOURNMENT

MOVED Director Rispin, SECONDED Director McLean, that this meeting adjourn to provide for an in camera session.

CARRIED

TIME: 8:58 PM

IN CAMERA

MOVED Director Rispin, SECONDED Director McLean, that pursuant to Section 242.2(I)(e) of the *Local Government Act* the Committee proceed to an In Camera Development Services Committee Meeting to consider a matter of acquisition of land affecting the Local Government.

CARRIED

The meeting reconvened at 9:21 pm.

2002 Provisional Budget Presentation.

The General Manager of Development Services presented a verbal summary of the services provided by the Building Inspection, Bylaw Enforcement and Community Planning departments including each department's service goals, key actions and major budget highlights.

MOVED Director Westbrook, SECONDED Director Holdom, that the 2002 Development Services provisional budget be approved.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 9:43 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ENVIRONMENTAL SERVICES COMMITTEE MEETING
HELD ON TUESDAY, NOVEMBER 27, 2001, AT 7:30 P.M. IN THE
COUNCIL CHAMBERS OF THE CITY OF NANAIMO
455 WALLACE STREET, NANAIMO, B.C.**

Present:

Director L. Sherry	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director G. Holme	Electoral Area E
Director J. McLean	Electoral Area F
Director J. Stanhope	Electoral Area G
Alternate	
Director J. Pipes	Electoral Area H
Director J. Macdonald	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director G. Korpan	City of Nanaimo
Director D. Rispin	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
J. Finnie	General Manager of Environmental Services
C. Mason	General Manager of Corporate Services
W. Moorman	Manager of Engineering & Utilities
C. McIver	Manager of Solid Waste
N. Avery	Manager of Financial Services
W. Thexton	Senior Accountant
N. Tonn	Recording Secretary

MINUTES

MOVED Director Krall, SECONDED Director Holme, that the minutes of the Environmental Services Committee meeting held on Tuesday, October 23, 2001 be adopted.

CARRIED

SOLID WASTE

Solid Waste Management Regulation Amendment Bylaw No. 894.14.

MOVED Director Holdom, SECONDED Director Westbrook,:

1. That "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw No. 894.14, 2001" be introduced and read three times.
2. That "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw No. 894.12, 2001" be adopted.

CARRIED

Backyard Composter Distribution – Program Termination.

MOVED Director Westbrook, SECONDED Director Hamilton, that the back yard composter distribution program termination report be received for information.

CARRIED

MOVED Director Westbrook, SECONDED Director Pipes, that the back yard composter distribution program be terminated.

CARRIED

Zero Waste Workplan and Budget.

MOVED Director Westbrook, SECONDED Director Stanhope, that the Board receive the 2002 Zero Waste Workplan and Budget for information.

MOVED Director Korpan, SECONDED Director Rispin, that the proposed new graphic component be deleted from the budget.

DEFEATED

The question was called on the main motion.

The motion CARRIED

Illegal Dumping Prevention Program Workplan and Budget.

MOVED Director Krall, SECONDED Director Holdom, that the Board receive the 2002 Illegal Dumping Prevention Program workplan and budget for information.

A recorded vote was requested.

The motion CARRIED with Directors Holme, Hamilton, Westbrook, Sherry, Haime, Sperling, Macdonald, Holdom, McNabb, Elliott, Krall, Korpan, Rispin and Stanhope voting in the affirmative and Directors Pipes and McLean voting in the negative.

MOVED Director Korpan, SECONDED Director Westbrook, that staff bring forward a report to the next Environmental Services Committee meeting with a detailed breakdown of the illegal dumping files generated by Malaspina University/College and RDN Bylaw Enforcement Officers and how these details may be best publicized as a deterrent component of the illegal dumping prevention program.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that a letter be sent to AVICC recommending a minimum fine of \$2,000 for illegal dumping under the Ministry of Water Land and Air Protection regulations.

CARRIED

Waste Export Contract Renewal.

MOVED Director Stanhope, SECONDED Director Hamilton,:

1. That the Board request a five-year renewal to the contract with the Greater Vancouver Sewerage & Drainage District to collect, transship and dispose of approximately 17,000 tonnes of RDN municipal solid waste annually.
2. That the Board request a five-year extension to the authorization from the Ministry of Water, Land and Air Protection for interim export of RDN waste.

CARRIED

PRESENTATION

2002 Provisional Budget.

The General Manager of Environmental Services presented a visual and verbal summary of the services provided by the Solid Waste, Liquid Waste and Engineering and Utilities departments within the Environmental Services area including their service goals, key activities and major budget highlights.

MOVED Director Westbrook, SECONDED Director Stanhope,:

That \$100,000 be identified on the development cost charge reserve list for pump station upgrades and that a report be forwarded by staff identifying projects which would benefit or qualify for funds from the development cost charge reserve, and

That \$100,000 be used from the French Creek Pollution Control Centre Development Cost Charge Reserve Fund to reduce the 2002 tax requisition.

CARRIED

MOVED Director Westbrook, SECONDED Director Holme, that the Environmental Services 2002 Provisional Budget, as amended, be approved.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 9:03 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE CORPORATE & COMMUNITY SERVICES
COMMITTEE MEETING HELD ON TUESDAY, DECEMBER 4, 2001,
AT 7:30 P.M., IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, B.C.**

Present:

Director J. Stanhope	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Director E. Hamilton	Electoral Area C
Alternate	
Director B. Jepson	Electoral Area D
Director G. Holme	Electoral Area E
Director J. McLean	Electoral Area F
Director R. Quittenton	Electoral Area H
Director J. Macdonald	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Alternate	
Director R. Cantelon	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director D. Rispin	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
N. Connelly	General Manager, Community Services
C. Mason	General Manager, Corporate Services
T. Osborne	Manager of Recreation & Parks
N. Avery	Manager of Financial Services
W. Thexton	Senior Accountant
N. Tonn	Recording Secretary

DELEGATIONS

Don Levirs, re Twinning of District 69 Arena.

Mr. Levirs voiced his concern with the limited number of options considered by the District 69 Arena Committee with respect to obtaining extra ice surface for District 69 and urged the Board to refer this item back to the Arena Committee for further investigation of options.

Annette Tanner, re MacMillan Park in Cathedral Grove.

Ms. Tanner provided a visual and verbal presentation with respect to the Provincial Government's proposed addition to MacMillan Park and stressed the need for a further addition of lands to the park to protect the remaining giant ancient Douglas firs in Cathedral Grove. The Board was urged to write to the Minister of Water, Land and Air Protection and request a cost benefit study regarding the expansion of MacMillan Provincial Park through the acquisition of additional lands.

LATE DELEGATIONS

MOVED Director Holme, SECONDED Director Westbroek, that the following delegations be permitted to address the Committee.

CARRIED

Bob Sanders, re Twinning of the District 69 Arena.

Mr. Sanders, Chairperson, District 69 Arena Committee, reviewed options discussed during Arena Committee meetings and urged the Board to approve the arena twinning proposal to go to referendum in 2002.

Peter Kucey, re Twinning of the District 69 Arena.

Mr. Kucey, Parksville Golden Oldies Sports Association provided a short history of the existing arena and its use by various groups and stressed the need for expansion to facilitate the ever growing number of interested groups in utilizing the existing recreational facility.

Ian MacDonald, re Twinning of the District 69 Arena.

Mr. MacDonald, representing Oceanside Minor Hockey, spoke in favour of the twinning proposal with respect to the District 69 Arena and noted that the major costs in expansion are not in the construction but in the operating expenses, thereby making the twinning proposal a very economically viable choice.

MOVED Director Holme, SECONDED Director Sherry, that the delegations be received.

CARRIED

MINUTES

MOVED Director Sherry, SECONDED Director Westbroek, that the minutes of the Corporate and Community Services Committee meeting held on October 2, 2001 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Shirley Hine, City of Parksville, re Twinning of the District 69 Arena.

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence received from the City of Parksville with respect to the twinning of the District 69 Arena, be received.

CARRIED

AVICC, re Resolutions for 2002 Annual General Meeting.

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence received from AVICC with respect to submission of resolutions for the 2002 Annual General Meeting, be received.

CARRIED

AVICC, re Offshore Oil & Gas Moratorium.

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence received from AVICC with respect to a common initiative involving Coastal Communities in advancing the lifting of the Hecate Strait Oil and Gas Moratorium, be received.

CARRIED

AVICC, re the Island Medical Program.

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence received from AVICC with respect to the Island Medical Program, be received.

CARRIED

ADMINISTRATION

Board Procedure Bylaw No. 1268.

MOVED Director Westbrook, SECONDED Director Krall,:

1. That notice be provided to the public that, effective January 2002, Electoral Area Planning Committee meetings will be held at 4:00 pm and Committee of the Whole meetings will be held at 7:30 pm on the fourth Tuesday of each month.
2. That the "Regional District of Nanaimo Board Procedure Bylaw No. 1268, 2001" be introduced and read three times.
3. That the "Regional District of Nanaimo Board Procedure Bylaw No. 1268, 2001" be adopted.

MOVED Director Westbrook, SECONDED Director McLean that the Electoral Area Planning Committee meeting schedule be deferred back to staff.

CARRIED

MOVED Director McLean, SECONDED Director Westbrook, that Board Procedure Bylaw No. 1268 be amended to retain the current policy which allows recorded votes at Committee meetings.

DEFEATED

The question was called on the main motion as amended.

The motion CARRIED.

Results of the Parkland Acquisition Referendum.

MOVED Director Krall, SECONDED Director Sperling, that the official results of the Electoral Area 'B' Parkland Acquisition Referendum be received for information.

CARRIED

FIRE PROTECTION

Fire Services Agreement – Dashwood Volunteer Fire Department.

MOVED Director Holme, SECONDED Director Hamilton, that the Chairperson and General Manager, Corporate Services, be authorized to execute a service agreement with the Dashwood Volunteer Fire Department for a five year period ending December 31st, 2006.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

District 69 Recreation Commission.

MOVED Director Macdonald, SECONDED Director Quittenton, that the minutes of the District 69 Recreation Commission meeting held November 15, 2001 be received for information.

CARRIED

Twinned Arena Project:

MOVED Director McLean, that the twinned arena approach be rejected, other suitable locations to construct an arena sheet within the District 69 area of the Regional District be researched and that staff report back to the Board.

The motion failed for lack of a seconder.

MOVED Director Macdonald, SECONDED Director Quittenton,:

1. That the twinned arena design proposal (option 1) that includes the addition of a second ice sheet and a leisure ice sheet to the existing arena at a \$7.5 million project cost be approved and advanced to referendum in District 69, subject to confirmation from the City of Parksville on their steps to provide for their consideration of site approvals and a 30 year lease arrangement in tandem with the Regional District's referendum, tentatively scheduled for March 2002.
2. That the Regional District strongly recommend that the City of Parksville make reductions as outlined in the report for development cost charges and identified off-site service upgrades, such as water, sewer and roads related to the District 69 arena twinning project.
3. That the Regional District confirm with the City of Parksville the City's intent to undertake a separate City referendum in tandem with the District's arena twinning project referendum to address a community park trust condition that provides for a five year limitation on a lease of the property, subject to a majority vote of the owners – electors of the City.

CARRIED

Lantzville Parks & Open Space Advisory Committee.

MOVED Director Jepson, SECONDED Director Sherry, that the minutes of the Lantzville Parks & Open Space Advisory Committee meetings held August 27, September 24 and October 29, 2001, be received for information.

CARRIED

Nanoose Bay Parks and Open Space Advisory Committee.

MOVED Director Holme, SECONDED Director Cantelon, that the minutes of the Nanoose Bay Parks and Open Space Advisory Committee meeting held October 1, 2001, be received for information.

CARRIED

Electoral Area 'G' Parks, Recreation and Greenspace Advisory Committee.

MOVED Director Holme, SECONDED Director Hamilton, that the minutes of the Electoral Area 'G' Parks, Recreation and Greenspace Advisory Committee meeting held November 7, 2001, be received for information.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATION

MacMillan Park in Cathedral Grove.

MOVED Director Westbrook, SECONDED Director Holdom,:

1. That the Board send a letter to the Honourable Joyce Murray, Minister of Water, Land and Air Protection, asking that the Minister initiate a cost benefit study regarding expanding MacMillan Provincial Park by acquiring approximately 500 hectares of private land from Weyerhaeuser, which includes both old growth and second growth forest to the south of the current park, instead of the 100 hectares currently being considered where the oldest and largest giants were logged one year ago.
2. That the Board send a letter to Weyerhaeuser requesting that they voluntarily suspend any logging in the 500 hectares adjacent to MacMillan Provincial Park for one year to give an opportunity to study and possibly acquire the lands for park expansion.

MOVED Director Sherry, SECONDED Director Westbrook, that these two items be dealt with in seriatim.

MOVED Director Holme, SECONDED Director McNabb, that this item be tabled for one month to allow staff to obtain further information from the parties involved.

CARRIED

Island Medical Program.

MOVED Director Holdom, SECONDED Director McNabb, that a letter of support be sent to the District's MLA and copied to AVICC with respect to the Island Medical Program to ensure that funding commitments remain to ensure the success of the program.

CARRIED

NEW BUSINESS

BOARD APPOINTMENTS

Electoral Area 'A' Parks, Recreation & Greenspace Advisory Committee.

MOVED Director Holme, SECONDED Director Quittenton, that Lynette Aldcroft, Judy Burgess, Frank Garnish, Kerri-Lynne Wilson and David G. Williamson be appointed to the Electoral Area 'A' Parks, Recreation & Greenspace Advisory Committee for a term ending December 31, 2003.

CARRIED

Grants-in-Aid Committee.

MOVED Director Holme, SECONDED Director Quittenton, that Deborah Bromley-Anvelt, J.P. Hugh Sproule and Frank Van Eynde be appointed to the Grants-in-Aid Committee for a term ending December 31, 2002.

CARRIED

Performance Review Committee.

MOVED Director Holme, SECONDED Director Quittenton, that Arthur Lightburn be appointed to the Performance Review Committee for a term ending July 2002.

CARRIED

PRESENTATION

2002 Community Services Provisional Budget.

The General Manager of Community Services presented a visual and verbal summary of the District 69 Arena, District 69 Recreation Coordination, Ravensong Aquatic Centre, Gabriola Island Parks and Recreation, Community Parks, Regional Parks, Transit and Regional Development services budgets including service goals, key actions and major 2002 budget highlights.

District 69 Recreation Coordinating Budget.

MOVED Director Macdonald, SECONDED Director Westbrook, that the District 69 Recreation Coordinating Provisional Budget tax requisition be increased by \$50,000 to raise the portion allocated to Grants-in-Aid.

CARRIED

District 69 Arena Budget.

MOVED Director Westbrook, SECONDED Director Quittenton, that the Board approve a 8% user fee increase effective September 2002 in addition to the 8% fee increase provided for on January 1, 2002 for the District 69 Arena.

CARRIED

MOVED Director Holme, SECONDED Director Krall, that the 2002 Community Services Provisional budget be approved as amended.

CARRIED

2002 Corporate Services Provisional Budget.

The General Manager of Corporate Services presented a visual and verbal summary of the service areas within the Corporate Services department including an overview of business plans, benchmarks and major budget highlights.

MOVED Director Rispin, SECONDED Director Holme, that the 2002 Corporate Services Provisional budget be approved.

CARRIED

IN CAMERA

MOVED Director Holme, SECONDED Director Rispin, that pursuant to Section 242.2(I)(a) of the *Local Government Act* the Committee proceed to an In Camera Meeting to consider a personnel issue.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 9:50 PM

CHAIRPERSON

PAGE
21

**GEORGIA
STRAIT
CROSSING
PIPELINE LIMITED**

Georgia Strait Crossing
Pipeline Limited

333 Dunsmuir Street
13th Floor
Vancouver, B.C. V6B 5R3
Canada

Chairperson George Holme and Board
Regional District of Nanaimo
Box 40
Lantzville, BC
V0R 2H0

REGIONAL DISTRICT
OF NANAIMO

DEC 31 2001

CHAIR	<input checked="" type="checkbox"/>	GMCrs	
CAO		GMDS	
GMCrs		GMES	
<i>C. Campbell</i>			

20 December 2001

Dear Chairperson Holme and Board:

In order to keep you informed of the progress on the Georgia Strait Pipeline Project we are forwarding you a copy of the December 2001 Update.

If you have questions regarding the project or would like any other information regarding the Georgia Strait Pipeline please do not hesitate to contact me at (250) 755-4781.

Yours truly,

C. Campbell

Paula Barrett
Public Affairs Coordinator

a wholly-owned
subsidiary of

BC Hydro 

PAGE
22

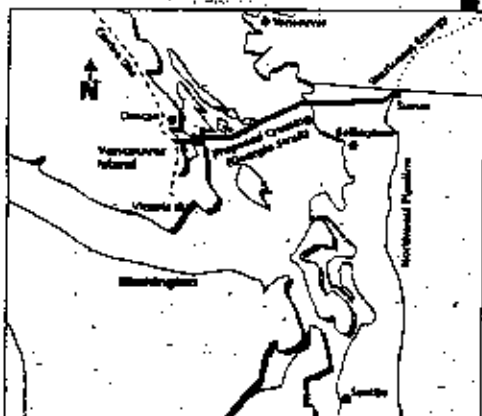
GEORGIA STRAIT CROSSING PROJECT

U P D A T E

DECEMBER 2001

I N S I D E

- Regulatory Submissions
- NEB/CEAA Joint Review Process
- New Proposed In-Service Date for GSX Project



Georgia Strait Crossing Pipeline Limited (GSX PL) is a wholly-owned subsidiary of the British Columbia Hydro and Power Authority (BC Hydro).

GSX Project Enters Review Phase

GSX PL Files Supplementary Information

On October 5, 2001, GSX PL filed Supplemental Information to its application to the National Energy Board (NEB). This supplement contains information on additional project studies and activities carried out since the application was filed with the NEB in April 2001. It includes updated information on the Environmental and Socio-Economic Impact Assessment, the Environmental Protection and Reclamation Plans, details on consultation activities as well as significant engineering developments.

Specific new or updated information includes:

- findings from recent off-shore geotechnical investigations conducted off Cape Keppel, Salt Spring Island
- minor Vancouver Island route modifications and related environmental surveys
- revised pipeline trenching criteria on the marine segment
- biological survey work on both the marine and land segments
- an update of the public, government agency and First Nations input the project has received
- information from First Nations' traditional use studies

This information can be seen on the GSX Canada Pipeline Regulatory website (www.gsxreg.com) or at the locations listed on the back page.

The Proposed Pipeline

The Georgia Strait Crossing (GSX) Project is jointly sponsored by British Columbia Hydro and Power Authority (BC Hydro) and Williams Gas Pipeline Company (Williams). The Project involves the design, construction and operation of a natural gas pipeline, one segment in Canada and one in the United States.

The project will enable natural gas from the Huntington/Sumas supply hub to be delivered to markets on Vancouver Island and in northwestern Washington. The Canadian portion of the project (marine and land components) comprises approximately 60 km. of 41 cm. diameter pipe.

The 44 km. marine portion begins at a point on the Canada-United States border in Boundary Pass, west of the Strait of Georgia. The pipeline route travels through Swanson Channel and Satellite Channel to a landfall at Boatswain Bank near Manley Creek on Vancouver Island.

The land portion of the route extends approximately 16 km. from the landfall to an interconnection point with the existing Centra pipeline on Vancouver Island, northwest of Shawnigan Lake.

Williams

BC Hydro

PAGE 2

The Application

On April 24, 2001, Georgia Strait Crossing Pipeline Limited (GSX PL) filed an application with the National Energy Board for a Certificate of Public Convenience and Necessity (CPCN). A CPCN is required to authorize the construction and operation of the Canadian portion of the Georgia Strait Crossing (GSX) pipeline project. An application for the U.S. portion of the project was submitted to the Federal Energy Regulatory Commission.

The five-volume application to the NEB describes the economic, environmental and engineering aspects of the project; it also summarizes the input received between November 1999 and March 2001 from a range of interested parties.

View the application on the project's regulatory website at www.gsxreg.com or, at the locations listed on the back page.

New Proposed In-Service Date

In consideration of the anticipated timelines for completing the regulatory review of the GSX Project, the proposed in-service date for the pipeline has been delayed to October 2004. This will:

- accommodate a thorough review of the project
- ensure that the GSX facilities are built during favourable construction windows
- minimize environmental and cost impacts
- reduce construction risk factors

The revision of the in-service date has not altered the scope purpose or need for the GSX Project.

Land Negotiations - Vancouver Island

GSX PL property representatives are continuing with the process of acquiring land rights needed for the project. Formal statutory right-of-way offer packages have been presented to all property owners and negotiations regarding the acquisition of land rights are being conducted in accordance with the terms of the *National Energy Board Act* and established industry practices.

Discussions with affected property owners will continue through each phase of the project to ensure all commitments are met and that any inconvenience is minimized.



Example of an existing pipeline right-of-way

The Regulatory Process

IEB/CEAA Joint Review Panel

The regulatory process for the GSX Project has now begun. This process will include a thorough review of all aspects of the project, including the potential environmental effects.

In September 2001, the federal Environment Minister and the Chair of the NEB established a Joint Review Panel to review the Canadian portion of the Georgia Strait Crossing Project. The NEB and Canadian Environmental Assessment (CEA) Agency signed an agreement forming the three-person panel and the CEA Agency announced a participant funding program.

The Joint Review Panel will address the requirements of both the *Canadian Environmental Assessment Act* and the *National Energy Board Act* and will be responsible for ensuring that the public has opportunities to review and comment on the application.

In late October 2001, NEB and CEA Agency staff hosted public events on Vancouver Island and the Gulf Islands to explain and field questions regarding the project review process and intervenor funding opportunities.

In early November 2001, the Joint Review Panel (the Panel) issued Directions on Procedure providing details of the GSX Project review process.

The oral hearing will take place in British Columbia at locations to be announced later by the Panel. Anyone interested in the Panel's timetable and the Directions on Procedure can visit the:

- National Energy Board website at www.neb-one.gc.ca
- Canadian Environmental Assessment Agency website at www.ceaa-acee.gc.ca

Joint Review Timetable Highlights

Event	Date
Public Consultation Sessions Commence (see below for further details)	January 11, 2002
Information Requests to GSX PL	by March 28, 2002
Intervenor Witness Evidence	by May 9, 2002
Joint Review Panel Report	January 2002

Joint Review Panel Public Consultation Sessions

The Joint Review Panel will host public consultation sessions for people to provide comments on what issues they believe should be considered at the oral hearing. The Panel also wishes to receive comments on any additional information that people think should be requested of GSX PL. The sessions will be held as follows:

January 11, 2002	Vancouver
January 12, 2002	Sidney
January 12, 2002	Sidney (including First Nations interests)
January 14, 2002	Coblescote, Cowichan Valley, Vancouver Islands
January 15, 2002	Prince of George (including First Nations interests)
January 16, 2002	Fort St. John
January 17, 2002	Victoria
January 18, 2002	Stouffville

Further information on these public consultation sessions (including venue location details) will be announced later by the Joint Review Panel.

PAGE 15

Accessing Project Documents

GSX PL set up a dedicated website to provide interested parties with timely access to materials relating to the Application filed with the National Energy Board (NEB). The website displays the five volumes of the application and additional information submitted to the NEB as part of the regulatory review process.

This information can be viewed at www.gsxreg.com

As well, copies of the application and other documents are available for viewing at the following locations:

**VANCOUVER ISLAND REGIONAL LIBRARY
SOUTH COWICHAN BRANCH**
2720 Mill Bay Road
Mill Bay

SALT SPRING ISLAND PUBLIC LIBRARY
129 McPhillips Avenue
Ganges
Salt Spring Island.

**VANCOUVER ISLAND REGIONAL LIBRARY
PORT ALBERNI BRANCH**
4245 Wallace Street
Port Alberni

**VANCOUVER ISLAND REGIONAL LIBRARY
DUNCAN BRANCH**
2687 James Street
Duncan

PENDER ISLAND PUBLIC LIBRARY
4407 Bedwell Harbour Road
North Pender Island

**VANCOUVER ISLAND PUBLIC LIBRARY
SIDNEY/NORTH SAANICH BRANCH**
10091 Resthaven Drive
Sidney

**SATURNIA COMMUNITY CLUB
C/O SUSIE WASHINGTON-SMYTH**
Saturnia Island

GREATER VICTORIA PUBLIC LIBRARY
735 Broughton Street
Victoria

MAYNE ISLAND LIBRARY
Miner's Bay
Mayne Island

**VANCOUVER PUBLIC LIBRARY
CENTRAL BRANCH**
Level 4 (Sciences & Technology Division)
350 West Georgia Street
Vancouver

Why is the GSX Pipeline Needed?

There is a need for additional natural gas transmission service to Vancouver Island. The GSX-pipeline will transport natural gas to new and expanding markets on Vancouver Island. Powerex Corp. (a wholly-owned subsidiary of BC Hydro) has requested transportation service in order to supply natural gas to the new power generation facility at Campbell River and a second facility on Vancouver Island which is currently in the detailed site evaluation phase.

The GSX pipeline will generate numerous benefits, including:

- providing a new infrastructure for delivering natural gas to Vancouver Island
- increasing the security of natural gas supply to Vancouver Island by using a different pipeline corridor to the Island
- providing low-cost future expansion of natural gas transmission capacity to Vancouver Island to supply growing markets
- providing employment, business and procurement opportunities in British Columbia

Consultation and Communications

THE GSX PROJECT TEAM WILL CONTINUE TO MEET WITH INTERESTED PARTIES TO PROVIDE INFORMATION THROUGH ALL PHASES OF PROJECT DEVELOPMENT.

TO GET IN TOUCH WITH THE GSX PROJECT TEAM WITH YOUR QUESTIONS OR COMMENTS, TRY OUR:

PROJECT WEBSITE:
www.georgiastrait.twc.com

TOLL-FREE INFORMATION LINE:
1-800-663-1377

E-MAIL:
gsx@bchydro.com

FAX NUMBER:
(250) 755-7120

MAILING ADDRESS:
Georgia Strait Crossing Project
c/o BC Hydro Community Relations - Vancouver Island
P.O. Box 1500
Nanaimo, B.C.
V9R 5M3

City of Kelowna



Office of the Mayor

December 21, 2001
File: 8320-00

REGIONAL DISTRICT OF NANAIMO			
DEC 31 2001			
CHAIR	<input checked="" type="checkbox"/>	GMCrs	<input checked="" type="checkbox"/>
CAO	<input checked="" type="checkbox"/>	GMDS	<input checked="" type="checkbox"/>
GMCrs	<input checked="" type="checkbox"/>	GMES	<input checked="" type="checkbox"/>
C.D. Corropean			

The Honourable Judith Reid
Minister of Transportation
Room 306 Parliament Buildings
Victoria, BC V8V 1X4

Dear Minister Reid:

Re: Provincial Cycling Network Program

The City of Kelowna recognizes cycling as a low-cost, environmentally sound means of transportation and a healthy form of recreation that can be enjoyed by people of all ages. In addition, support of cycling as an alternate form of transportation is important to the development of the City of Kelowna as a healthy and liveable community.

The Provincial Cycling Network Program has been an important contributing factor in advancing cycling initiatives in the City of Kelowna. The City Council, at its regular meeting of Monday December 17, 2001 unanimously endorsed the following resolution:

THAT the City of Kelowna endorse the continuation of the Provincial Cycling Network Program and urge the Provincial Government to free it from the core review as soon as possible;

AND THAT all local MLA's be informed of this motion and the importance of keeping the program intact;

AND THAT a copy of this motion be circulated to other municipalities with a cycling plan in place urging them to pass similar motions;

AND FURTHER THAT the Cycling Coalition be advised of this motion.

I trust that our support of this most valued program will be considered in the ongoing review of Provincial programs.

All the best to you in 2002!

Yours truly,

Walter Gray
MAYOR

c.c. Toireasa Strong, Director of Administration, City of Abbotsford
Ted Tisdale, Chief Administrator, City of Chilliwack
Greg S. Betts, Principal Appt. Officer, District of Coldstream
C. Wayne Vollrath, Corporate Administrator, City of Kamloops
Randall L. Rose, Chief Administrator, District of Lake Country
Kelly Daniels, Chief Administrative Officer, Regional District of Nanaimo
Rob Roycroft, City Manager, City of Parksville
Rob Whitwham, Director of Administration, City of Prince George
Tim Wood, Administrator, City of Penticton
Peter Jmaeff, CAO, Clerk, District of Peachland
George Duncan, Chief Administrative Officer, City of Richmond
Robert M. Sharp, Municipal Administrator, District of Saanich
Judy Rogers, Principal Appt. Officer, City of Vancouver
Ron Campbell, Chief Administrator, City of Vernon
Joe E. Martignago, Chief Administrative Officer, City of Victoria
Jim Godfrey, Principal Appt. Officer, Resort Municipality of Whistler
Francis Van Loon, BC Cycling Coalition



CANADIAN UNION OF PUBLIC EMPLOYEES
BRITISH COLUMBIA DIVISION

510 - 4940 Canada Way, Burnaby, British Columbia V5G 4T3
www.cupe.bc.ca
Tel: 604-291-9119 Fax: 604-291-9043

REGIONAL DISTRICT OF NANAIMO			
DEC 31 2001			
CHAIR	GMCS		
CAD	GMDS		
GMCS	GMES		
CW Corrup ✓			

December 28, 2001

George W. Holme, Chair, and Board
Regional District of Nanaimo
6300 Hamond Bay Rd
Nanaimo BC V9T 6N2

Dear Chair and Board:

Please find attached a copy of the submission from the BC Division of the Canadian Union of Public Employees (CUPE) to the Community Charter Council.

Across BC CUPE represents 25,000 men and women who work delivering municipal services. While we sometimes have disagreements with local governments we believe our members are partners with you in delivering those services where we represent your workers.

We have serious concerns about the way in which the Charter is being written and about some of the directions it appears to be taking. CUPE believes the consultation process has been too closed so far and that opening the consultation after the legislation is written is too late.

More concretely, we are concerned that the carefully worded language of the promise not to download leaves far too much room for costs to be pushed onto local governments. We are already seeing this happen with policing and museums.

Finally, we are concerned about the promise of a more business-based model of accountability. British Columbians in our communities are customers of municipal services. In many senses your employees and many other members of our communities are partners with local governments. Above all, however, they are citizens and this implies much more than can be covered by annual reports and annual meetings.

We hope you will find our submission of interest and will share some of our concerns.

Yours sincerely,

Barry O'Neill
President

BONLC
OPEIU-15

ENCLOSURE (1)

F:\2001\Letters\Barr\mayorsoun.fm.doc

Barry O'Neill, President
Colleen Jordan, Secretary-Treasurer

PAGE 29

Brief to the Community Charter
Committee on

The Community Charter:
The Future of Local Government
In British Columbia



Submitted by the
Canadian Union of Public Employees
BC Division

December 1, 2001

**Brief to the Community Charter Committee on
The Community Charter: The Future of Local Government in
British Columbia**

By the Canadian Union of Public Employees, BC Division

December 1, 2001

EXECUTIVE SUMMARY

- The Canadian Union of Public Employees (CUPE) BC Division represents 25,000 workers in local governments across British Columbia delivering all aspects of local services.
- CUPE has serious concerns about the consultation process that is leading to the creation of the Community Charter. Writing of legislation should follow consultation with the broad public, not precede it.
- Establishment of local governments as a new "order of government" will have very different impacts on local governments. Municipalities will be affected by their size and capacity. The provincial government should assume financial responsibility for transition costs and for any litigation that may arise from a new Community Charter.
- The provincial government has promised to ban "offloading," however their definition of offloading is narrow and misleading. No new service delivery should be imposed on municipalities without their consent. Reduction in provincial funding for needed local services should be included in the definition of offloading.
- The Community Charter Council should oppose provisions for cutting taxes for business that would place local governments in a destructive competition with one another.
- Changes in powers for local governments should not be used to impose a provincial priority of having services delivered by business rather than delivered by local governments.
- The Community Charter Council should stress to the provincial government that being a citizen is not the same as being a customer or a shareholder.

INTRODUCTION

The BC Division of the Canadian Union of Public Employees (CUPE) would like to comment on the development of a new Community Charter to establish the structure of local government in British Columbia.

CUPE is making this submission despite the fact there has been no call for public participation. While recognizing that consultation is planned after the legislation is drafted, CUPE believes that this is too late. The place for public input on this critical issue is before the legislation is drafted and accepted by the government as a priority.

CUPE BC has a critical interest in this issue. We represent 25,000 men and women who deliver municipal services in this province. Our members deliver financial and human resources services as accountants, buyers, clerks and cashiers. They design and manage the computer systems and enforce the bylaws. CUPE members are engineers, inspectors, appraisers and negotiators. We work in transit systems and in some cases manage electrical utilities. Our members work to build better communities as planners and community development officers. CUPE members keep our communities safe, clean and functioning as labourers, equipment operators and skilled trades people. Working in parks and recreation centers CUPE members make our communities better places to live. As workers in critical areas like water operations and building inspections, they ensure the safety of all our citizens.

These CUPE members know what it takes to run a successful community, but they have an even bigger stake in the issue of how local governments work. CUPE members are citizens, customers of local services and taxpayers. They are partners in delivering services in our communities. It is in these roles that CUPE members, and all other British Columbians, deserve a greater say than they have been permitted in the development of a new framework for local government.

CUPE supports steps being taken to build the capacity of our local governments to deliver services. We have profound concerns, however, regarding some of the directions that have been suggested for the new Community Charter. Language being used by the provincial government suggests wonderful opportunities for local governments. The community Charter Council must look beyond the surface and identify where real problems exist.

Recommendations

The Community Charter Council should recommend to government that a full public consultation take place on the future of local governments before a Bill is drafted, not after.

The Community Charter Council should examine ways in which new legislation could be introduced flexibly recognizing that different local governments have different levels of capacity to act as an "order of government". This might involve phasing in or offering different levels of provincial services where they are wanted or required.

The Community Charter Council should recommend that no staffing cuts be made in the provincial Ministry until such time as new legislation is fully implemented and that the provincial government should provide transitional funding to municipalities to assist them in conforming with new legislation.

The Community Charter Council should recommend that the provincial government assume responsibility for the cost of any litigation arising from the new Community Charter until such time as an adequate body of jurisprudence has been developed regarding its provisions.

The Community Charter Council should recommend that the provincial government make stronger commitments regarding offloading. Offloading should include assignment of any new responsibilities. It should also include reductions in provincial funding for programs necessary in communities.

The Community Charter Council should recommend against allowing tax concessions to encourage the establishment of new business or to head off local business layoffs. Such concessions should be the responsibility of the provincial government and should be delivered on a regional, not a local government level.

The Community Charter Council should recommend any new local government legislation not be used to impose a provincial government view of how services should be delivered.

Further, the Community Charter Council should recommend that the provincial government not impose the restrictions of the Agreement on Internal Trade on local government procurement.

The Community Charter Council should recommend the provincial government not undermine any accountability mechanisms, including counter petitions, which permit local residents a full say in how services are delivered in their community.

The Community Charter Council should make clear to government that a local government is not a business and that the complicated relationship of residents as customers, partners but first and foremost citizens must be recognized.

CONSULTATION: NOBODY'S LISTENING

The provincial government, as part of its New Era Document, committed itself to revising legislation controlling local government in British Columbia. So far the process for this change has not been inclusive. The Community Charter Council was created by legislation to draft this new Charter. Material before the Council has been kept secret. Consultations have been held exclusively with local governments. There has been no room for the public at the table.

According to the "consultation" document, the following timetable will be followed:

"Timetable	
Regional consultations	October to November 2001
Interim CCC report to Cabinet	January 15, 2001
Draft Charter tabled in Legislative Assembly In white paper form	February 2001
Public consultation	March to Mid-June 2001
Final CCC report to Cabinet	July, 2002
Introduction of Community Charter in the Legislative Assembly for enactment." ¹	Fall Session, 2002

British Columbians should be suspicious of this process. First, the Charter Council is drawn from an extremely narrow group of people. The Charter Council represents municipal politicians, provincial politicians and provincial bureaucrats. No one sits on the Charter Council representing the needs of people receiving services from communities. There are no representatives of the people who actually work delivering services in our communities. There are no representatives of the hundred of other groups that make up our communities.

This timetable specifically cuts the public out of the important early stages of discussion of the Charter. The Autumn 2001 discussions were for municipal politicians only. The public was not invited. When this issue was raised in conversations at the UBCM convention, provincial officials suggested the public might be able to "sit in the audience." Minister Nebbeling said that people could write letters, but that there was no room on the Charter Council for "special interest groups."

If the door was closed to public discussions at the early stages, how much room is there for the public to influence decisions in 2002? As early as August, Community Charter Minister Ted Nebbeling said the Charter Committee would seek input in several cities, however he added, "I think 95 percent of the Charter will be adopted as it's written now."²

Providing more detail, Minister Nebbeling told the Vancouver Courier that the Charter will have only about 200 sections compared to 1,130 sections in the 1999 Local Government Act. Minister

¹ The Community Charter: A Discussion Paper, BC Minister of State for Community Charter, October 2001.

² Vancouver Courier, Wednesday, August 08, 2001

Nebbeling went on to tell the UBCM at their convention in September that he felt the Bill distributed in February would be very close to the final product.

In short, nothing the government or the Charter Committee has done to date gives any reason to believe the public will be able to have any impact whatsoever on the Community Charter.

The provincial government says it is creating a "new order of government" for all British Columbians yet it is offering no genuine input for the people of British Columbia. Municipal politicians have a critical role to play in the development of new laws governing our communities. The French political thinker Georges Clemenceau said, "War is too important to be left to the generals." In the same vein the creation of a new order of local government is too important to be managed solely by politicians and bureaucrats. It must be open to broad consultation in all its phases.

Recommendation:

The Community Charter Council should recommend to government that a full public consultation take place on the future of local governments before a Bill is drafted, not after.

A NEW ORDER OF GOVERNMENT: WHAT ARE THE IMPLICATIONS?

The plans for a Community Charter mean a great deal more than simply giving towns and cities in British Columbia more powers. It means giving them a great deal more responsibility. And even in those cases where communities will have more opportunities, these opportunities will require work and skills that may not be available.

The Community Charter discussion paper says that it will reinforce in law that municipalities are an order of government without really discussing in detail how many municipalities will have the resources to act as an order of government. As of 1997 there were at least 75 organized communities in BC with a population of less than 5,000 (see appendix A).

What does it mean for a small community when the consultation paper says the Charter "will enable municipalities to become more self reliant by providing them with greater autonomy, independence, new powers and better financial and other tools for governing communities and delivering services?"³

The Consultation Paper offers local governments broad powers to determine what services to provide and how to deliver them. But it appears to offer little in the way of support to those communities in providing those services. At the UBCM provincial officials talked of how Ministry staff would have less of an overview function and would work with communities offering information on how to work under the Community Charter. The consultation paper says that the "Community Charter proposes a shift from an emphasis on giving provincial approval to

³ The Community Charter: A Discussion Paper, BC Minister of State for Community Charter, October 2001, page 4.

providing high quality advice and assistance to local governments.”⁴ However, in the Estimates for the fiscal year ending in March 2002 the former Ministry of Municipal Affairs is shown as having 425 employees.⁵ Under the current government’s expenditure reduction plan this Ministry, like others, will be cut by between 20 and 50 per cent.⁶ In other words, it is likely that the Municipal Affairs function in government may have as few as 200 full time equivalent employees by 2002. The resources will simply not be there for “high quality advice and assistance.”

With a new law governing municipalities, this sort of support could be particularly critical to a smaller community. The current local government act offers broad powers, however, it also stipulates in detail that certain activities may be undertaken. The new Community Charter will dramatically reduce the size of the legislation (according to Minister Nebbeling) working instead with broader powers and generalizations. Moving to broader language will open the door to ambiguities. Ambiguity, as all local governments have found, leads to legal challenges and a lack of continuity.

More broadly crafted municipal legislation will lead to a greater reliance on litigation. This will lead to increased financial burdens that will be particularly difficult for small communities. There is no indication in any of the Community Charter documents that any support will be offered to communities facing litigation arising from the new Charter. And it appears there will be few people in the provincial government to provide “high quality advice and assistance” that might avoid litigation.

Recommendation

The Community Charter Council should examine ways in which new legislation could be introduced flexibly recognizing that different local governments have different levels of capacity to act as an “order of government”. This might involve phasing in or offering different levels of provincial services where they are wanted or required.

The Community Charter Council should recommend that no staffing cuts be made in the provincial Ministry until such time as new legislation is fully implemented and that the provincial government should provide transitional funding to municipalities to assist them in conforming with new legislation.

The Community Charter Council should recommend that the provincial government assume responsibility for the cost of any litigation arising from the new Community Charter until such time as an adequate body of jurisprudence has been developed regarding its provisions.

⁴ The Community Charter: A Discussion Paper, BC Minister of State for Community Charter, October 2001, page 16

⁵ Estimates: Fiscal Year Ending March 31, 2002, Ministry of Finance and Corporate Affairs, Government of British Columbia, page 193.

⁶ Premier Gordon Campbell, Speech to the UBCM Annual Convention, September 2001

OFFLOADING – A DEFINITION SO NARROW AS TO BE MEANINGLESS

Offloading has been a major issue for BC municipalities. In the past the provincial government has cut its grants to towns and cities while at the same time cutting support for other programs that local governments could not do without.

Local governments had high hopes from the Liberal New Era Document, which promised to “Outlaw ‘offloading’ of provincial government costs onto the backs of local property taxpayers.”⁷ This promise was outlined more clearly in a consultation document presented to the UBCM convention on September 26, 2001. Offloading was defined as:

“Proposals

- To assign new duties to a municipality, or
- Require a municipality to act in relation to a matter in respect of which the province previously acted
- To vacate a field and leave it to a municipality.”⁸

A close examination of this promise finds it to be incredibly narrow in two important ways. First the definition of offloading by the province is the assignment of new responsibilities without required resources. The provincial government has specifically exempted from this definition a situation where the province simply cuts its own funding for a service needed locally without abandoning the field altogether. This issue was raised at the UBCM convention when Minister Nebbeling was asked about provincial cuts for funding to museums that local governments might be forced to pick up. The Minister denied this met the definition of offloading because no new responsibility had been assigned.

Similar questions have been raised about police funding, particularly for rural areas and small communities. Solicitor General Rich Coleman has said the province is reviewing the current police funding formula that sees the province paying policing costs for electoral areas and communities under 5,000 population.⁹ On November 20 the Mayor of the Village of Belcarra wrote to the Minister of Public Safety and Solicitor General. In his letter he protested any course of action that would transfer policing costs to small communities.¹⁰

The transfer of policing costs may also affect larger communities. One of the strategies being considered is the costing back to RCMP detachments of operating expenses of provincial units assisting local investigations. In one investigation the Provincial Undercover Unit and the Unsolved Homicide Unit incurred costs of more than \$70,000. In future there is the possibility for as much as 90 per cent of these costs to be costed back to a municipality.

⁷ Liberal Party election 2001 New Era document, page 9

⁸ Community Charter Consultation Phase I: Some selected highlights of the Proposed Community Charter for initial discussion purposes, Ministry of State for Community Charter, September 26, 2001.

⁹ Funding formula for policing costs in BC communities under review, CivicInfoBC, October 31, 2001

¹⁰ Ralph Drew, Mayor of Belcarra, correspondence to Hon. Rich Coleman, Minister of Public Safety and Solicitor General, November 23, 2001.

Because this is not a transfer of a new responsibility, this shifting of costs to local governments would escape the province's definition of "offloading."

Policing has the potential to be a huge cost burden shifted to local governments but it is only one of many. The province is committed to cutting 20 to 50 per cent from Ministry budgets aside from health care and education. The Ministry of Children and Family Development alone spends \$1 billion annually for contracted community services meeting vital needs in our communities. Thanks to previous provincial cuts local governments are already spending far more than they ever did on such services as homeless shelters, transition homes, women's shelters and other services. Some local governments are contributing to or are looking at contributing to detox services. Local governments will be forced to pick up at least a portion of these costs in the interest of protecting the quality of life in their communities. Again, this will avoid the province's definition of "offloading."

There is still another aspect where the careful wording of the New Era Document has left the door open to even further offloading. The election commitment was no offloading "on the backs of property taxpayers." Community Charter discussions, however, focus heavily on new areas of revenue for local governments. For example, "The Community Charter proposes to introduce new flexibility such as the power to earn revenues from water, sewage, and sewage treatment services."¹¹ The province could force local governments to take greater responsibility in the area of water safety to be paid for from water fees. This would not be on the backs of property taxpayers and so "offloading" promise would still not be broken.

As they currently stand, Community Charter discussions on "offloading" are almost meaningless.

Recommendation:

The Community Charter Council should recommend that the provincial government make stronger commitments regarding offloading. Offloading should include assignment of any new responsibilities. It should also include reductions in provincial funding for programs necessary in communities.

TAX EXEMPTIONS - BRINGING THE RACE TO THE BOTTOM HOME

One element of proposals for the Community Charter will make it even more difficult for local governments to raise money for needed services. The Charter consultation document proposes to allow new tax exemptions to businesses to stimulate new activity or "as a hedge against threatened job loss."¹² This proposal is superficially appealing. One could imagine a local government cutting taxes for a business facing possible shutdown. The proposal, however, opens

¹¹ The Community Charter: A Discussion Paper, BC Minister of State for Community Charter, October 2001, page 14

¹² The Community Charter: A Discussion Paper, BC Minister of State for Community Charter, October 2001, page 16.

local governments to "cuthroat" competition. It offers business the potential to "leapfrog" among communities to get the best offer.

In the past years we have seen provinces cut their taxes in a race to the bottom that would allow them to say they had the lowest tax levels. Business was the winner; services were the loser. This proposal would force local governments to go in the same direction. A municipality that gave tax relief to an enterprise to encourage it to establish itself would force surrounding municipalities to do the same. Municipalities serving primary industries would have businesses lined up for concessions that would be harder to refuse as competing districts bought in.

The final result would be less money for services without any gain in competition. If everyone cuts their taxes, there is no competitive improvement for anyone. There is only a loss of revenues and a concurrent reduction in services.

While we have seen some situations in the past where tax concessions have been granted, these concessions have been brokered through the provincial involvement of agencies such as the Job Protection Commission. Under the Job Protection Act property taxes may be deferred or amended under certain circumstances. This has happened in a number of communities. This is the model that should be followed, not a model of aggressive competition between communities.

Recommendation

The Community Charter Council should recommend against allowing tax concessions to encourage the establishment of new business or to head off local business layoffs. Such concessions should be the responsibility of the provincial government and should be delivered on a regional, not a local government level.

GRANTING NEW POWERS- CUT ONLY THE ONES THE PROVINCE AGREES WITH

Discussion surround the new Community Charter has been largely couched in terms of new powers and flexibility it would provide for local governments. The Charter consultation document promises to "enable municipalities to become more self reliant by providing them with greater autonomy, independence, new powers and better financial and other tools for governing communities and delivering services."¹³

More specifically, the consultation paper promises to provide the ability to exercise broad powers in areas such as, for example, health and well being of persons. The province has so far shown little flexibility in granting powers when such powers might be used in a way the province disapproves of.

The City of Burnaby has had a longstanding proposal to use Development Cost Charges (DCC's) to fund social housing in their community. Council took the position that social housing was a

¹³ The Community Charter: A Discussion Paper, BC Minister of State for Community Charter, October 2001, page 4

vital component of a livable city and that the social housing stock was often threatened by development. Burnaby Council received support for this position from the UBCM Executive.¹⁴

On October 7, 2001 Ministry of Community, Aboriginal and Women's Services George Abbott responded to Burnaby and rejected their proposal. The Minister disagreed that DCC's were an appropriate tool to address the problem of social housing.¹⁵ So much for autonomy even when supported by the UBCM.

The Charter consultation paper makes it clear that the provincial government will not tolerate any interference with business. It says, "Clearly the question of how to deal best with the powers of regulation, prohibition and imposing requirements is an area for legislative development. The Community Charter proposes that the power to prohibit would be limited – *for example, it would not apply in relation to business and business activities.*"¹⁶ (emphasis added)

At the same time, the provincial government is in the process of imposing a new procurement regime on local governments under the auspices of the Agreement on Internal Trade (AIT). Previously, local governments in BC had been exempted from these provisions, a position that had been supported by the UBCM and the Federation of Canadian Municipalities (FCM). On July 18 Minister of Management Services Sandy Santori presented a submission regarding tendering of government contracts to an open Cabinet meeting. His submission called for the extension of "procurement provisions of the Agreement on Internal Trade (AIT) to Crown corporations and municipalities, academic institutions, schools, social service agencies and health (MASSH) sectors, to reduce inter provincial trade barriers, as they are not currently subject to these provisions."¹⁷

Among other things, this would eliminate the possibility of local governments exercising local procurement choices that supported local communities.

It seems apparent that the broader use of flexible powers by local governments will be permitted only so long as they mirror the provincial agenda established by the government.

Recommendation

The Community Charter Council should recommend any new local government legislation not be used to impose a provincial government view of how services should be delivered.

Further, the Community Charter Council should recommend that the provincial government not impose the restrictions of the Agreement on Internal Trade on local government procurement.

¹⁴ McQuillan, Michael, Social DCCs hit roadblock in Victoria, Burnaby News Leader, November 14, 2001

¹⁵ George Abbott, Minister of Community, Aboriginal and Women's Services, correspondence to D.P. Drummond, Mayor of Burnaby, October 9, 2001.

¹⁶ The Community Charter: A Discussion Paper, BC Minister of State for Community Charter, October 2001, page 11

¹⁷ Cabinet Submission, Open Tendering on Government Contracts, Ministry of Management Services, July 18, 2001

ACCOUNTABILITY: A LOCAL GOVERNMENT IS NOT A BUSINESS

While citizens have reason to be concerned about a number of issues raised by the Community Charter, changing notions of local government accountability is perhaps the most important.

The consultation document states "The Community Charter Council will be considering a move to a more corporate model of accountability by ending counter-petitions and eliminating referenda for a range of issues."¹⁸ The paper continues, "By eliminating many electoral assent requirements, local governments may be able to operate more effectively and efficiently, saving both time and money. Instead of relying on voter assent to allow public input into decision making, municipalities would be accountable to its citizens through public notices, hearings, annual reports, annual meetings and performance measurement."

With its focus on effectiveness and efficiency the provincial government seems to have overlooked one important aspect of local government: democracy. Local government elections in British Columbia traditionally have very low turn outs; frequently less than 35 per cent. Provisions for voter assent have served to guarantee public support exists for major projects or for major changes in the way services are delivered.

The counter-petition process has been a particular target for this provincial government, which has promised to eliminate it in the Community Charter. Minister Nebbeling and his officials were emphatic on the issue at the UBCM convention in September. Speaking to a convention forum the Minister said the counter petition process had done nothing but derail good community proposals. He said referendums were not democratic when dealing with issues such as private partnerships or borrowing.¹⁹

The question arises, however, as to just how damaging the counter-petition process has been. A number of people at the UBCM convention suggested it had, in fact, served as a useful barometer of public opinion. A survey undertaken for the former Ministry of Municipal Affairs found that in only 13 per cent of cases were counter-petitions successful. In more than two thirds of cases, no one had signed the petition.²⁰ Perhaps as significant, the UBCM shows no resolution in their files calling for elimination of the counter petition process.

Results of Counter Petition Opportunities		
Survey of Municipalities		
No One Signed	38	69%
Less than 1%	5	9%
2 to 5%	5	9%
More than 5%	7	13%
	55	100%

Source: Debates of the BC Legislative Assembly, Monday, May 8, 2000, Afternoon Sitting, Volume 19, Number 10.

¹⁸ The Community Charter: A Discussion Paper, BC Minister of State for Community Charter, October 2001, page 18

¹⁹ Notes from the UBCM convention.

²⁰ Debates of the BC Legislative Assembly, Monday, May 8, 2000, Afternoon Sitting, Volume 19, Number 10.

The Community Charter Council and all British Columbians should ask themselves why the provincial government is so determined to eliminate democratic rights from local governments. They should ask why referendums should be replaced by annual reports and annual general meetings.

One reason is clear. The current provincial government believes that the counter petition process stand in the way of imposing a business driven agenda on municipalities. On May 20, 1999 the current Community Charter Minister complained in the legislation that counter petitions stood in the way of public private partnerships (P3s). He said:

"In the township of Langley there was a project proposed by the council that consisted of a community facility. The community facility was to be built by a joint partnership of the council and a private partnership. That project went sideways. It went sideways for a number of reasons. First of all, the opportunity for 5 per cent of the community to demand a referendum on the project – where the wishes of 95 per cent were not being considered, as a consequent – scared off the developer."²¹

This ties in very well with comments made by Ministry officials at the UBCM convention. Brian Walisser, Executive Director Local Government Policy and Research, told a workshop that the Community Charter was moving in the direction of partnerships. He said the Local Government Act had moved only hesitatingly in that direction.

In other words, the provincial government intends to use the Community Charter to strip democratic rights that might stand in the way of corporate rights.

There are economic issues here that are too detailed to go into in depth. Suffice to say that public private partnerships are rarely found to deliver on their financial promises. In May 1999 Ted Nebbeling in the Legislature pointed to P3s in Nova Scotia schools as an example British Columbia should copy. On June 21, 2000 the Province of Nova Scotia issued a press release announcing that it was abandoning the use of partnerships to finance new schools. The Minister of Education said \$32 million had been lost through the P3 fiasco. He said, "Too many children and communities are awaiting new schools. When you think \$32 million would build three of those schools, its hard not to get angry."²² It appears that while Nova Scotia has learned its lesson, British Columbia has not.

While finances are important, they are not the most important issue for our local governments. More important still is the democratic right for people to choose how their services will be delivered. For example, in polling conducted this spring 75 per cent of British Columbians indicated that they wanted their water system to be publicly owned and operated. This was not an issue of money; it was an issue of public confidence. The Community Charter process suggests British Columbians will lose the right to make those kinds of decisions in the interest of efficiency.

²¹ Debates of the BC Legislative Assembly, May 20, 1999, Volume 15, Number 9, page 12714.

²² New Plan For School Construction, Nova Scotia Ministry of Education News Release, June 21, 2000.

Recommendation

The Community Charter Council should recommend the provincial government not undermine any accountability mechanisms, including counter petitions, that permit local residents a full say in how services are delivered in their community.

The Community Charter Council should make clear to government that a local government is not a business and that the complicated relationship of residents as customers, partners but first and foremost citizens must be recognized.

CONCLUSION

The Canadian Union of Public Employees has profound concerns about the Community Charter process. It appears to be less about reorganizing local government than it is about imposing a provincial agenda of privatization of services. Municipalities are not businesses. They are there to deliver needed services efficiently and effectively and in a manner that is acceptable to citizens.

Just as important, the Community Charter Council should recognize the complex relationship between local governments and their residents. People in our communities relate to their local governments in some cases as customers, and in some cases almost as shareholders. As local government employees CUPE members often work as partners through programs such as City Watch which has been adopted in some communities. In all cases, however, residents are citizens. As citizens, they have rights that no amount of annual general meetings and performance measurement will ever meet.

Appendix A

Communities in British Columbia Less than 5,000 Population

Communities:	Population (1997)		
Zeballos	249	Warfield	1,814
Silverton	252	Burns Lake	1,880
Lytton	329	Ashcroft	1,976
Slocan	345	100 Mile House	2,017
Hazelton	358	Gold River	2,023
Sayward	461	Fort St. James	2,130
Granisle	468	Fruitvale	2,175
Alert Bay	556	Chase	2,578
Radium Hot Springs	574	Logan Lake	2,589
Port Clements	596	Cumberland	2,725
New Denver	604	Elkford	2,804
Belcarra	699	Invermere	2,879
Midway	702	Enderby	2,907
Clinton	756	Princeton	2,964
Port Edward	767	Lillooet	2,984
McBride	793	Sicamous	2,986
Greenwood	809	Lake Cowichan	3,006
Sechelt Indian Government	810	Chetwynd	3,054
Stewart	824	Port McNeill	3,085
New Hazelton	866	Tumbler Ridge	3,848
Pouce Coupe	925	Rossland	3,866
Tahsis	960	Gibsons	3,881
Anmore	1,014	Sparwood	4,057
Harrison Hot Springs	1,056	Armstrong	4,119
Masset	1,070	Golden	4,171
Taylor	1,087	Houston	4,235
Kaslo	1,107	Grand Forks	4,267
Hudson's Hope	1,161	Osoyoos	4,295
Montrose	1,167	Oliver	4,498
Pemberton	1,173	Vanderhoof	4,672
Cache Creek	1,184	Fort Nelson	4,734
Keremeos	1,195	Peachland	4,770
Salmo	1,252	Duncan	4,861
Tofino	1,283	Metchosin	4,922
Telkwa	1,329		
Fraser Lake	1,343		
Port Alice	1,359		
Valemount	1,371		
Lions Bay	1,391		
Highlands	1,522		
Ucluelet	1,729		
Nakusp	1,809		
Lumby	1,809		

Open 491
G:\reg\kent\working\Brf Comm Charter Cmtee no-29 01



REGIONAL DISTRICT OF NANAIMO			
JAN 11 2002			
CHAIR		GMCrS	
CAO		GMDS	
GMCrS		GMES	
<i>C. Smith</i>			

MEMORANDUM

TO: Stan Schopp
Manager, Building Inspection Services

DATE: January 11, 2002

FROM: Allan Dick
Senior Building Inspector

FILE: 3810-20

SUBJECT: Local Government Act - Section 700 - Contravention of Bylaw
Meeting Date - January 22, 2002

PURPOSE

To provide for the Committee's review, proposed Section 700 filings on properties which have outstanding occupancy or safety issues that contravene Building Bylaw No. 1250.

BACKGROUND

The individual area inspectors have worked closely with the property owners to resolve outstanding issues prior to the sending of letters. A minimum of two letters addressing deficiencies has been sent to the registered property owners. Where required, the Manager and/or the Senior Building Inspector have been involved with proposed resolutions. At this time we are unable to approve construction at the indicated addresses.

SUMMARY OF INDIVIDUAL INFRACTIONS

Electoral Area 'A'

1. Owners Name: *Wayne Pirart*
Legal Description: *Lot 2, Section 16, Range 1, Plan 27225, Cedar District*
Street Address: *2022 Walsh Road*

Summary of Infraction:

- October 9, 2001 - notice posted; permit required to locate mobile
- October 11, 2001 - permit application received
- November 20, 2001 - owner notified permit ready for pick up
- December 20, 2001 - stop work posted; permit not picked up and work progressing
- December 21, 2001 - certified letter sent; refused by owner
- January 7, 2002 - senior inspector contacted owner who claims financial difficulties

2. Owners Name: *Garry and Doreen Laird*
Legal Description: *Lot A, Section 6, Ranges 1 and 2, Plan VIP68448, Cedar District*
Street Address: *2683 Cedar Road*

Summary of Infraction:

- December 4, 2001 - stop work order posted
- December 5, 2001 - permit application received for garage
- December 19, 2001 - owner refuses to provide engineering required to complete permit
- January 8, 2002 - inspector requested engineering again; owner refuses

Electoral Area 'B'

1. Owners Name: *Clifford and Deborah Guest*
Legal Description: *Lot B, Section 19, Plan 33183, Nanaimo District, Gabriola Island*
Street Address: *900 Bertha Avenue*
Summary of Infraction:
January 24, 2001 - notice posted; building permit required
April 25, 2001 - letter sent certified mail; permit required
May 4, 2001 - verification of certified mail received
May 29, 2001 - letter sent; apply for permit to avoid 700 action
June 12, 2001 - verification of certified mail received
September 6, 2001 - owner contacted by senior inspector; 700 filing process explained; will work to resolve issues
September 20, 2001 - letter couriered; notification of 700 process
September 21, 2001 - filing process cancelled; permit application received
December 7, 2001 - unable to issue permit; cannot meet Gabriola Island Land Use Bylaw No. 177 requirements
January 7, 2002 - owner willing to remove tenants and apply for permit to alter accessory building. Owner informed 700 process will continue until building legalized.

2. Owners Name: *Darren Rinaldi*
Legal Description: *Lot 21, Section 3, Plan 23540, Nanaimo District, Gabriola Island*
Street Address: *1815 Lackehaven Drive*
Summary of Infraction:
October 2, 2001 - letter sent; woodstove inspection incomplete; permit expired
December 6, 2001 - second letter sent; pending enforcement action
January 7, 2002 - owner not responding; forward for 700 filing

3. Owners Name: *Pamela Edge and Laurence Holbrook*
Legal Description: *Lot 15, Section 9, Plan 30347, Nanaimo District, Gabriola Island*
Street Address: *1440 Hess Road*
Summary of Infraction:
January 17, 2001 - letter sent; permit expired
February 2, 2001 - inspection conducted; 30 days to complete
March 6, 2001 - second letter sent; senior inspector to contact owner
March 13, 2001 - permit to complete required; owner to apply at Gabriola Office March 20th
October 2, 2001 - letter sent; woodstove inspection incomplete
December 6, 2001 - sent follow up letter re woodstove inspection; pending enforcement action
January 9, 2002 - senior inspector contacted owner; 700 filing process explained

4. Owners Name: *Cindy O'Dell and Dean Smith*
Legal Description: *Lot 24, Section 21, Plan 24297, Nanaimo District, Gabriola Island*
Street Address: *280 Malaspina Drive*
Summary of Infraction:
November 7, 2001 - stop work posted
November 13, 2001 - letter sent certified mail; stop work
November 22, 2001 - verification of certified mail received
December 12, 2001 - second letter sent certified mail; pending enforcement action
December 21, 2001 - verification of certified mail received
January 7, 2002 - senior inspector attempted to contact owner; left message on machine

5. Owners Name: *Ricky Johannes / Eugene Foley*
Legal Description: *Lot 28, Section 9, Plan 30347, Nanaimo District, Gabriola Island*
Street Address: *1575 Hess Road*

Summary of Infraction:

December 2001 – complaint received regarding illegal construction
December 17, 2001 – status inspection; photos taken
January 9, 2002 – property appears to be listed for sale; receiving enquiries from realtors
January 10, 2002 – owner contacted and informed of 700 filing process

Electoral Area 'E'

1. Owners Name: *Francesco Ariello*
Legal Description: *Lot E, District Lots 1 and 181, Plan 10875, Nanoose District*
Street Address: *951 Shorewood Drive*

Summary of Infraction:

October 16, 2001 – Stop Work Order posted
October 18, 2001 – letter sent certified mail; stop work
October 17, 2001 – received fax from owner in response to Stop Work Order
October 25, 2001 – letter from S. Schopp explaining permit is required
December 4, 2001 – letter sent to owner requesting he contact the BI department
December 5, 2001 – no response from owner; forward for 700 filing. Senior Inspector contacted owner; explained legal non-conforming use; BOV required
December 7, 2001 – Manager discussed file with applicant's solicitor
January 7, 2002 – no response from owner

2. Owners Name: *Charles Eggins*
Legal Description: *Lot 24, Block E, District Lot 38, Plan 13054, Nanoose District*
Street Address: *1392 Pilot Way*

Summary of Infraction:

November 13, 2001 – letter sent; occupancy required
December 3, 2001 – owner advised he cannot complete the work at this time due to health and financial reasons. Inspector informed owner of 700 process

Electoral Area 'G'

1. Owners Name: *Lestle and A'lona Jensen*
Legal Description: *Lot 7, Block 5, District Lot 11, Plan 1223, Newcastle District*
Street Address: *230 Cortes Road*

Summary of Infraction:

October 3, 2001 – status report left on site; permit required
October 9, 2001 – letter sent via courier; permit required notice
October 30, 2001 – letter sent; pending enforcement action
November 9, 2001 – no response; forward for 700 filing
January 7, 2002 – Senior inspector attempted to contact owner; no answer

RECOMMENDATION

That a notice be filed against the titles of the properties listed, pursuant to Section 700 of the *Local Government Act* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued.

Report Writer

Manager Concurrence

General Manager Concurrence

C.A.O. Concurrence

COMMENTS:

devs/reports/2002/3810-20-Section700 January.doc



REGIONAL DISTRICT OF NANAIMO			
JAN 15 2002			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	

MEMORANDUM

TO: Stan Schopp
Manager, Building Inspection Services

DATE: January 15, 2002

FROM: Maude Mackey
Bylaw Enforcement Officer

FILE: 4020 20 02A008

SUBJECT: Contravention of "Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001" & "Regional District of Nanaimo Land Use & Subdivision Bylaw 500, 1987"

PURPOSE

To consider filing a section 700 notice on title and to obtain the Board's direction regarding ongoing land use and building bylaw contraventions on the above property.

BACKGROUND

Property: 2220 Cedar Road
Legal Description: Lot 1, Plan 26245, Section 10, Range 2, Cedar District
Property Owner: Darlene S. Dorman
2321 Thomas Place
Nanaimo, BC V9X 1W9

Zoning: Rural 4

The Development Services Committee of October 16, 2001 considered this property for a section 700 filing for a mobile home sited without a building permit and in contravention of Regional District of Nanaimo Land Use & Subdivision Bylaw 500, 1987 as the site area of the property was insufficient to accommodate a second residence on the property. The property owner subsequently addressed the November 13th, 2001 Board meeting and acknowledged her contraventions. She further requested time to allow her to approach an adjoining property owner and attempt to negotiate the acquisition of additional property to comply with the site area requirements of Bylaw 500. The section 700 filing was subsequently postponed for a 60 day period to accommodate Ms. Dorman's request.

It should be noted that prior to the Mobile home being sited, Ms. Dorman did attempt to obtain a building permit and was advised by staff at that time that the site area of her property was insufficient to accommodate a second residence. The mobile was then sited without the required permit. Since the postponement was granted, the unit also now has an addition, also placed without a building permit.

Ms. Dorman has made little progress in bringing her property into compliance with applicable regulations. She was recently spoken to by staff and indicates that MOTH has said no to acquisition of a portion of the right-of-way. Adjacent private property owners are also unwilling to sell Ms. Dorman property however a commercial nursery adjoining the property is open to discussion on the issue. It will take some time to complete these negotiations and to legalize any property obtained. In the interim, staff recommends proceeding with the filing and restricting Ms. Dorman to a 6 month period to resolve outstanding concerns failing which, the legal action necessary be initiated to bring the property into compliance with applicable regulations.

ALTERNATIVES

1. The Regional District proceed with filing a notice of Bylaw contravention on the title of the property and that staff be directed to take the legal action necessary should these issues remain unresolved after a 6 month period.
2. The Regional District proceed with filing a notice of Bylaw contravention on the title of the property and that staff be directed to not pursue the matter any further.

FINANCIAL IMPLICATIONS

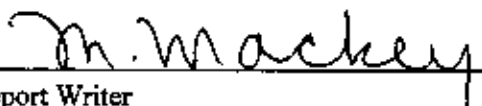
The estimated cost of legal action should it become necessary, is approximately \$3,000.00 including disbursements.

SUMMARY/CONCLUSIONS

This property is subject to both land use and building bylaw regulations. The property owner has already had a 60 day postponement to bring her property into compliance and has failed to do so. She has in fact constructed a further addition to the illegally sited mobile.

RECOMMENDATION

That a section 700 filing be placed on the title of the property and should the outstanding land use and building bylaw concerns not be rectified by July 15, 2002, that staff be directed to proceed with the legal action necessary to ensure Lot 1, Section 10, Range 2, Cedar District, Plan 26245 is in compliance with the requirements of both Regional District of Nanaimo Land Use and Subdivision Bylaw 500, 1987 and Regional District of Nanaimo Building Regulations & Fees Bylaw 1250, 2001.



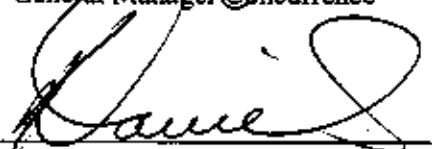
Report Writer



Manager Concurrence



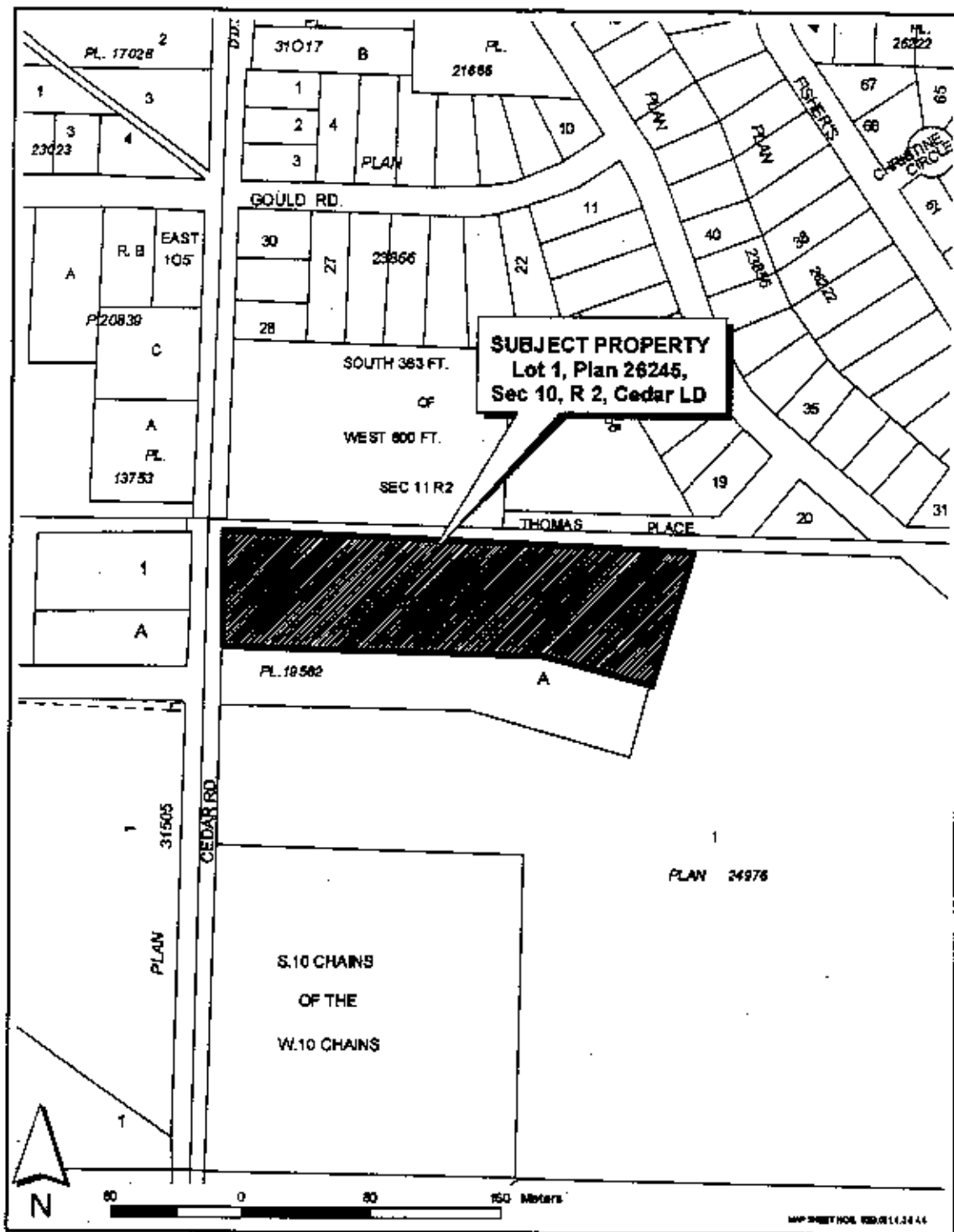
General Manager Concurrence



CAO Concurrence

COMMENTS:

devsr/reports/2002/4020 20 02A008 - 2220 Cedar (Dorman)





REGIONAL DISTRICT OF NANAIMO			
JAN 14 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
[Signature]			
DATE:		January 11, 2002	
FILE:		6635 02 0115	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

FROM: Deborah Jensen
Planner

SUBJECT: ALR Exclusion No. 0115 - Fowler
That Part of Lot 1, District Lot 141, Nanoose and Newcastle Districts, Plan 2273,
Lying to the North of a Boundary Parallel to and Perpendicularly Distant 977 Feet
from the Northerly Boundary of Said Lot 1
Electoral Area 'F' - Virginia Road

PURPOSE

To consider an application for exclusion of land from the Agricultural Land Reserve.

BACKGROUND

The Regional District of Nanaimo has received an application to exclude approximately 16.3 hectares (40.3 acres) of land from the Agricultural Land Reserve (ALR). Applications for exclusion are forwarded to the Board in accordance with the Land Reserve Act and Regional Growth Management Plan policies and to highlight potential OCP amendments or rezoning implications. Recommendations by the Board are then forwarded to the Land Reserve Commission as input for their decision. However, if the Regional Board provides a resolution stating the "application cannot proceed" due to inconsistency with an approved Official Community Plan, Section 22(4)(2)(b) of the Agricultural Land Reserve Act provides for the application to be withheld and cancelled. Applications for exclusion of land from the ALR that require an amendment to an Official Community Plan cannot be considered for approval by the Land Reserve Commission unless so authorized by resolution of the Regional District.

The subject parcel is located in Electoral Area 'F' and lies between Virginia Road and French Creek (see Attachment No. 1). Lands to the north and northwest and one parcel to the south and are located in the ALR. The applicant's stated intention is to subdivide the property into 2.0 hectares (5 acres) parcels (see Schedules No. 1 and 2).

The Growth Management Plan (GMP) designates the subject property as "Resource Lands and Open Spaces" land (see Schedule No. 3).

The Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999 designates the subject property as "Resource Land Within the ALR" (see Schedule No. 4).

Previous ALR applications have been made in the area. For the period from 1977 to 1994, numerous applications were made for exclusion, subdivision and non-farm use. The Land Reserve Commission generally refused the applications for exclusion; however, a 1989 appeal by Mr. Fowler for exclusion of the entire 61 hectare parcel identified as District Lot 23, located adjacent to the subject property, resulted in Certificate of Order #1000/89 allowing the exclusion. The Commission has allowed a number of the applications for subdivision and non-farm uses in the area.

PAGE 52

Director McLean (Electoral Area 'F') has indicated support for the ALR exclusion based upon unsuitable soils. Director McLean's comments are attached (*see Schedule No. 5*).

ALTERNATIVES

1. To provide a Board Resolution recommending the ALR exclusion application be considered for approval subject to an amendment to the Growth Management Plan, and forward this resolution to the Land Reserve Commission as input for their decision.
2. To provide a Board Resolution recommending the ALR exclusion application be referred to the growth management review process for consideration with other applications to amend the Plan.
3. To provide a Board resolution recommending that the ALR exclusion application be denied but that an application to subdivide the land to a minimum parcel size as designated by the Electoral Area Official Community Plan and Electoral Area F Zoning and Subdivision Bylaw be recommended for approval upon adoption of the Bylaws.
4. To provide a Board Resolution denying the ALR exclusion application, and advise the Land Reserve Commission that the application is not proceeding.

VOTING

All Directors – one vote, except Electoral Area 'B'.

GROWTH MANAGEMENT PLAN IMPLICATIONS

The Growth Management Plan (GMP) designates the subject property as "Resource Lands and Open Space," which reflects those lands contained in the ALR or FLR. Land use control of these lands is shared among the landowners, the local jurisdiction, and the provincial government.

Generally, policies contained within the Growth Management Plan support the retention of agricultural lands, propose limits to rural residential sprawl and to promote the protection of the rural land base. Specifically, policy 3D of the GMP states that OCPs will include policies supporting retention of land in the Agricultural Land Reserve. These policies would not support subject application.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

The Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999 designates the subject property as "Resource Land Within the ALR". This designation is intended to allow for agriculture, forestry, natural resource extraction and environmental conservation opportunities. Parcels within this designation are characterized by uses supported by the ALR and FLR, such as agriculture, forestry, primary processing and outdoor recreation uses, including campgrounds; the OCP stipulates that these parcels shall have a minimum parcel size of 4.0 hectares where located in the Agricultural Land Reserve. This 4.0-hectare minimum permitted parcel size would also apply to lands excluded from the ALR, as the lands would remain within the Resource Lands designation. Therefore, an OCP amendment would be required to allow a reduction in minimum parcel size. It is noted that at the time of writing this report, the Board has directed staff to bring forward proposed amendments to the Electoral Area 'F' Official Community Plan and draft Zoning and Subdivision Bylaw that propose a minimum parcel size of 2.0 hectares for subdivision within the ALR.

LAND USE IMPLICATIONS

The subject property is located adjacent to Virginia Road. One parcel to the south and lands to the north and northwest are located in the ALR. Lands to the immediate west, across French Creek, are located in the FLR. Lands to the east are not in the ALR and consist of large lot residential properties. The applicant's primary argument for exclusion of the subject property from the ALR is that the land is not viable for agricultural use (*see Schedule No. 2*), and suggests the property be subdivided to 5-acre parcels, in keeping with the adjacent development. Staff notes there is currently no zoning within Electoral Area F and, therefore, no regulated minimum parcel size however the Regional District must consider authorizing the application to proceed as it is contrary to the Electoral Area 'F' Official Community Plan and Growth Management Plan.

PUBLIC CONSULTATION IMPLICATIONS

To date, no inquiries have been received as a result of this application.

SUMMARY/CONCLUSIONS

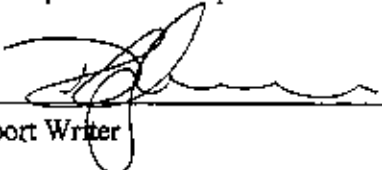
The Regional Board has been requested to provide a resolution to be forwarded to the Land Reserve Commission for an application to exclude approximately 16.3 hectares (40.3 acres) of land from the ALR for the purpose of subdividing the property to 5-acre parcels.

Policies in the Regional Growth Management Plan and the Electoral Area 'F' Official Community Plan do not support the applicant's proposal.

RDN staff would recommend, in the interests of compliance with RGMP policy and OCP policy, that the application for exclusion be referred to the Growth Management Plan Review Process as both the Growth Management Plan and Electoral Area 'F' OCP require amendments for the application to proceed. The Board can then provide further consideration and a recommendation to the Land Reserve Commission as input for their decision.

RECOMMENDATION

That the application for exclusion from the Agricultural Land Reserve for the property legally described as that part of Lot 1, District Lot 141, Nanoose and Newcastle Districts, Plan 2273, Lying to the North of a Boundary Parallel to and Perpendicularly Distant 977 Feet from the Northerly Boundary of Said Lot 1, be referred to the Growth Management Review Process as an amendment consideration; thereby deferring a decision by the Board to allow the application to be considered until the Growth Management review process is completed.



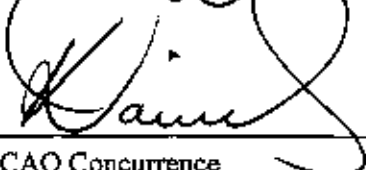
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsval/reports/2002/alt ja 6635 02 0115 Fowler.doc

Schedule No. 1 (Page 1 of 3)
 Application for Exclusion from the ALR



APPLICATION BY LAND OWNER
 under Section 13 (6), 15 (1) or 22 (1) of the Agricultural Land Reserve Act
 or
 under Section 34 or 36 of the Agricultural Land Reserve Procedure Regulation

NOTE: The information on this form is collected to process your application under the Agricultural Land Reserve Act. All applications are available for review by the public. If you have any questions about the collection and use of this information, contact the Land Reserve Commission and ask for the staff member who will be handling your application.

PART I APPLICANT

Registered Owner: <i>Howard Morris Fowler</i>		Agent:	
Address: <i>P.O. Box 59, Coombs, B.C.</i> <i>V0R-1M0</i>		Address:	
<i>891 Virginia Road</i>			
Postal Code: <i>V0R-1M0</i>		Postal Code:	
Tel. (home) <i>248-3852</i> (work) <i>SAME</i>	Tel.:	Fax:	
Fax:	E-mail:	E-mail:	

PART II TYPE OF APPLICATION (Check appropriate box)

<input type="checkbox"/> INCLUSION under Sec. 13 (6) of the Act	<input type="checkbox"/> SPECIAL CASE SUBDIVISION in the ALR under Sec. 36 of the Regulation (Subdivision along the ALR boundary)
<input checked="" type="checkbox"/> EXCLUSION under Sec. 15 (1) of the Act	<input type="checkbox"/> SPECIAL CASE USE in the ALR under Sec. 34 of the Regulation
<input type="checkbox"/> SUBDIVISION or USE in the ALR under Sec. 22 (1) of the Act	State which paragraph of Sec. 34 (2) describes the proposed use <input type="checkbox"/>

PART III LOCAL GOVERNMENT JURISDICTION (Indicate Regional District or Municipality)

NANAIMO Regional District (ARCB F)

PART IV IDENTIFICATION OF LAND UNDER APPLICATION (Show land on plan or sketch)

Legal Description:	Size of Each Parcel (Ha.)	Date Acquired (Mo.) (Yr.)
<i>Lot 1, Pt. 2273, D.L. 141 NANOOSE AND NEWCASTLE DISTRICTS, The Northerly</i>	<i>12.15 Ha. (30 ACRES)</i>	<i>Dec. 23, 1997</i>
<i>977 FT. Folio Number 05 769 09168, 085 15</i>		
<i>(See accompanying Map, and see Report by Fitzpatrick Land Resource Consultants, Penticton, B.C. also included.</i>		
Total Hectares:	<i>12.15 Ha.</i>	

PAGE 55

Schedule No. 1 (Page 2 of 3)
Application for Exclusion from the ALR

PART 5: OTHER HANDS OWNED OR SEIZED WITHIN THIS COMMUNITY	
Legal description	Present use
1. <u>Lot 1A PL: VI P6319 B DL: 23</u>	<u>Rough Pasture (5 AC - OUT OF ALR)</u>
2. <u>Lot A PL: VI P6319 B DL: 23</u>	<u>Rough Pasture - 5 AC, OUT OF ALR</u>
3. <u>Lot B PL: VI P6319 B DL: 23</u>	<u>House - Barn - Open Horse Shelter</u>
4. <u>Lot C PL: VI P6319 B DL: 23</u>	<u>5 AC, OUT OF ALR</u>
5. <u>Lot D PL: VI P6319 B DL: 23</u>	<u>Rough Pasture - 5 AC, OUT OF ALR</u>

PART 6: CURRENT USE OF LAND UNDER APPLICATION (Show information on plan or sketch)
List all existing uses on the entire parcel: orchard, hayfield, pasture, wooded, etc.
Very Poor Rough Pasture for several horses, from May to Sept. over 26 1/2 AC. as class 5 & 6 (not improvable) land. Balance is class 7.
Describe all buildings: No buildings however two small open horse shelters.
26 1/2 AC. is fenced to contain horses. No hay fields.

Describe the main physical characteristics: flat, hilly, rocky, clay or sandy soil, watercourses, roads, etc.
26 1/2 AC. undulating fairly flat with approx. 80% poorly drained clay with little or no topsoil. Balance of 26 1/2 AC. mostly gravel. 3 1/2 acres west of runway station is to 20% steep, hilly, and bedrock at surface. The 26 1/2 acres is class 5, 6, and 7, not improvable.

PART 7: USES ON ADJACENT LOTS (Show information on plan or sketch)
Describe all uses: pasture, hay, vegetables, poultry, dairy, trailer park, community hall, etc.
Describe all buildings: house, barn, school, etc.
North: Rough Pasture for several horses. Several rental houses. ALR.
East: Five acre parcels. All out of ALR.
South: Several rental units. In ALR.
West: Recently logged land. ALR.

PART 8: PROPOSAL AND REASONS FOR APPLICATION (Show on plan or sketch if appropriate)
This application should not be necessary. The Fine Tuning Maps show the area was fine tuned, but it was not. The parcel should never have been included in the Agricultural Land Reserve, but at the least should properly have been removed from the Reserve at the time of the Fine Tuning Program. It would have been if the program had been properly conducted. It's considered use is probably subdivision into 5 acre parcels, but in any case a use compatible with whatever zoning is in place for the area. However, as class 5, 6, and 7 land, and not improvable, it has no place in an Agricultural Land Reserve. I respectfully request permission to attend all hearings on this matter.
I also wish it a matter of record that payment of application fees are made under protest as the derivation is on the part of the Crown, not the applicant.

DECLARATION
I declare that the information contained in the application is, to the best of my knowledge, true and correct.
Howard M. Fowler

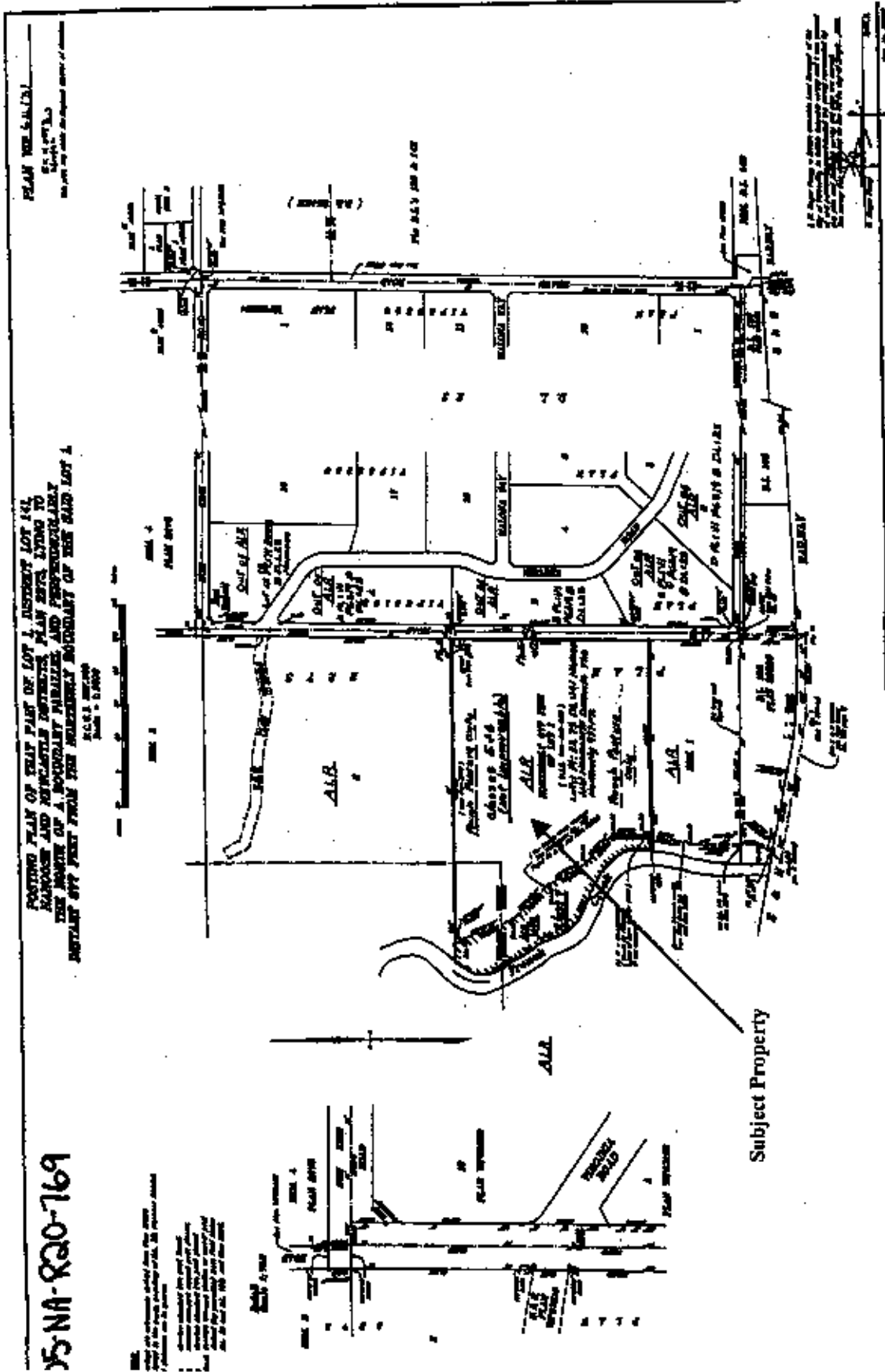
Date: Dec. 11, 2001
Signature of Owner(s): Howard M. Fowler

- The following must be enclosed:
- Application fee
 - Certificate of Title or Title Search Print
 - Assessment/Tax Notice
 - Agent authorization (if using agent)
 - Map or sketch showing details requested
 - Proof of Notice of Application *(See instructions)
 - Photographs (optional)

INCOMPLETE OR MISSING INFORMATION WILL DELAY YOUR APPLICATION
Should this application be successful, it in no way implies that other necessary approvals or permits will be granted. Zoning, subdivision, building, sewage disposal, access and availability of services, including water, should be checked by all applicants.

PAGE 5/6

Schedule No. 1 (Page 3 of 3)
Application for Exclusion from the ALR



25 NA-920-769

Schedule No. 2 (Page 1 of 16)
Information to Accompany
ALR Application for Exclusion

AGROLOGIST'S REPORT

Application to the
Land Reserve Commission to
Exclude Land from the Agricultural Land Reserve

Parcel:
Northerly 977 Feet of Lot 1 D.L 141
near Coombs, BC

Owner:
Howard Fowler

Submitted:
August 31, 2001

 *J. Fitzpatrick*
Fitzpatrick Land Resource Consultants

Joe Fitzpatrick, P.Ag.
1246 Edgewood Drive
Penticton BC
V2A 4B1

(250) 488-0544

joe_fitzpatrick@telus.net

PAGE
58

Schedule No. 2 (Page 2 of 16)
Information to Accompany
ALR Application for Exclusion

2

Introduction

This report was prepared to provide supporting documentation for an application to exclude the northerly 977 feet of Lot 1 D.L. 141 from the Agricultural Land Reserve (ALR). The parcel would then be subdivided into low density residential lots of approximately 2 hectares each. Each new parcel would have a covenant placed on it preventing industrial development.

The parcel was inspected April 16-17 and August 30, 2001 by Joe Fitzpatrick P.Ag. Site and soil information was collected at ten locations, which are shown on Figure 1. The portion surveyed is shaded in yellow.

Lot Description and History

The Parcel is located approximately 300 metres north of Coombs. Access is by Virginia Road, which crosses railroad tracks and connects to Highway 4 east of Coombs.

The west side of the lot slopes steeply down to French Creek, and includes a portion of an inactive fluvial plain. Under this proposal, the fluvial plain area would not be disturbed or developed, as the creek provides salmon habitat.

The effectively arable (surveyed) portion of the parcel has an area of 10.8 hectares, is fenced into paddocks and provides pasture for horses. There are no buildings nor is irrigation water available. The elevation is approximately 85 metres.

Lot 23 to the east has been excluded from the ALR and subdivided into 2 hectare lots. The lots are primarily residential, though there are a few businesses located there, including a helicopter repair facility, an auto salvage yard, and a boarding stable.

The remainder of Lot 1, approximately 3.5 – 4 hectares shares the southern boundary of the subject parcel. Lot 2, about 20 hectares shares the northern boundary.

Mr. Fowler reports that the regional district has no zoning for this area

There is an abundance and variety of hobby farms in the area, but the nearest large scale agricultural enterprises are located at least 3 kilometres away. This parcel is separated from large parcels by the creek, small parcels and the village of Coombs.

PAGE
59

Schedule No. 2 (Page 3 of 16)
Information to Accompany
ALR Application for Exclusion

3

Agricultural Potential

Detailed site and soil descriptions are presented at the end of this report. Most of the soil profiles are gleysols, with three Cowichan and five Parksville in a total of ten described. Sites near the west edge were identified as Brigantine (Gleyed Dystric Brunisol) and Fairbridge (Gleyed Eluviated Dystric Brunisol). Much of the parcel has an agricultural capability rating of 5W, which masks several limitations at the Class 2-3 level, including low fertility (F), complex topography (T), undesirable soil structure (D), and aridity (A).

Cowichan and Parksville soils generally are poorly drained and have perched water tables for much of the year. Soil pH is reported to be in the range of 4.6 to 5.7. Typical organic matter content for the surface 20 cm is around 9% in Cowichan and 5% in Parksville. These soils require drainage for optimum agricultural use, and in the case of Cowichan, tines must be closely spaced. They are used for hay and pasture. For annual crops, spring planting is delayed by the wet soil conditions. (Jungen et al, 1989)

Silty clay loam is the dominant texture of the Cowichan profiles on this parcel. The thickness of the Ah horizon found on the parcel is typical for this soil series.

The Parksville soils at this parcel share traits of the imperfectly drained profiles. They differ from the Brigantine in drainage and taxonomy, but the textures are similar. Concretions were found in most Parksville pits, a trait of Fairbridge soil. The Ah horizon is thinner than is typical for Parksville.

There are several factors which may be restricting drainage:

1. The subsoil has a fairly dense, massive structure, hence low porosity and hydraulic conductivity.
2. There may be cemented layers lower in the profile. None were detected within the sampling depth, but cementation was found in a road cut near the creek (Site #5).
3. Bedrock is thought to be present within 3 metres of the surface.

For most of this field, soil drainage is not feasible. Tile drains would have to be installed at a close spacing. The water would be carried to the lowest point, which is in the southeast corner. But from there, there is nowhere for the water to go. Proper drainage would require a regional effort and good coordination between governments and neighbours, which is unlikely to be achieved given the fact that this parcel is isolated from large, agricultural parcels. For this reason, drainage improvement ratings are not shown with the agricultural capability in the pit descriptions.

The average Climatic Moisture Deficit is estimated to be approximately 220 mm from which the Climatic Capability for Agriculture was determined to be 4A(1)

PAGE
160

Schedule No. 2 (Page 4 of 16)
Information to Accompany
ALR Application for Exclusion

4

(Coligado, 1981). For most of the field there is a soil Agricultural Capability Subclass 3A for aridity, though three small mounds with Subclass 5A were observed. Irrigation water is unavailable: wells in the area have low flow rates, and French Creek is salmon-bearing, so gaining water rights is unlikely.

The field would benefit from improvements in soil fertility, including the addition of organic amendments, liming and fertilization. Organic amendments would also help to improve soil structure. However, this would not affect the Agricultural Capability Class unless the drainage can be improved.

There is 2T-3T complex topography throughout most of the field, though in the northwest corner it is classified at 4T.

Results of this site inspection may be compared to Jungen et al, 1989, the highest intensity soil survey to be performed in this area. An average inspection density of one pit per 8 hectares was reported. However, neither the subject parcel nor D.L. 23 (then not subdivided) were inspected in the survey though at the reported survey intensity they would have received one or two, and eight inspections respectively. The presence of Cowichan and Brigantine soils was correctly identified. However, the main component of the largest map unit, where Parksville was found was labelled McLean Creek, silt loam marine deposits over gravelly moraine. The area in the northeast corner, identified as Trincomali, is in fact Cowichan, a very different soil. A ridge in the southwest was identified as a Qualicum – Beddis complex, which is reasonable for the map unit, though on the parcel only a small amount was found.

Impact on Agriculture

The proposal to exclude and subdivide the northerly 977 feet of Lot 1 D.L. 141 will have no effect on existing major agricultural operations.

Given the small size of the parcel, and its separation from agricultural areas, opportunities for irrigation and drainage improvement are unlikely to be available. In its current state the parcel is non-arable, so its exclusion from the Agricultural Land Reserve would not affect the British Columbia agriculture industry.

Making five or six lots out of one parcel, located next to the village of Coombs, would provide opportunities for households to develop small businesses, which may contribute to agriculture or tourism in the area.

Schedule No. 2 (Page 5 of 16)
Information to Accompany
ALR Application for Exclusion

5

References

- Coligado, M.C. 1981. Letter to Howard Fowler regarding climate of the Coombs area.
- Day, J.H.; Farstad, L.; Laird, D.G. 1959. Soil survey of southeast Vancouver Island and Gulf Islands, British Columbia. Report No. 6 of the British Columbia Soil Survey.
- Howes, D.E.; Kenk, Evert. 1997. Terrain classification system for British Columbia (Version 2). MOE Manual 10.
- Jungen, J.R.; Christie, P.J.; Philp, J.P. 1989. Soils of southeast Vancouver Island – Parksville, Qualicum Beach, Courtenay, and Port Alberni areas. B.C. Soil Survey Report No. 57, MOE Technical Report 30. 219 p.
- Kenk, Evert and Cotic, Yvan. 1983. Land capability classification for agriculture in British Columbia. MOE Manual 1.
- Lacey, H.O. 1966. Drainage through ditches and surface grading. B.C. Department of Agriculture.
- Luttmerding, Herb; Demarchi, D.A.; Lea, E.C.; Meidinger, D.V.; Vold, T. 1990. Describing Ecosystems in the Field (2nd Ed.). MOE Manual 11.
- Soil Classification Working Group. 1998. The Canadian System of Soil Classification (3rd Ed.) NRC Research Press Table 1.

PAGE
102

Schedule No. 2 (Page 6 of 16)
Information to Accompany
ALR Application for Exclusion

Site and Soil Profile Descriptions



Site #1

Soil Name: Cowichan (CO)
Soil Taxonomy: Humic Gleysol
Terrain Classification: sczWp
Slope: Complex 0-1%, Class 1 – 2
Drainage: Poor
Depth to Water Table 50 cm
Agricultural Capability: 5W, some 6W nearby

Test Pit #1

<i>Horizon</i>	<i>Depth (cm)</i>	<i>Description</i>
AOp	0-17	Very dark grayish brown (10YR 3/2m); silt loam or silty clay loam mixed with peaty material; contains 10% soft rotting wood; moderate medium granular structure; friable; non-plastic; 5% gravel. Hand texturing was difficult due to high organic matter content.
Btjg	17-40	Dark grayish brown (2.5Y 4/2m); silty clay loam to silty clay; many prominent reddish yellow (7.5YR 6/6m) mottles; massive, breaking into moderate fine angular blocky structure; firm; 1% gravel. Estimated sand content 15%
BCg	40-85	Dark grayish brown (2.5Y 4/2m); silty clay loam; many prominent reddish yellow (7.5YR 6/6m) mottles; massive structure; 1% gravel.

Schedule No. 2 (Page 7 of 16)
Information to Accompany
ALR Application for Exclusion

7



Site #2

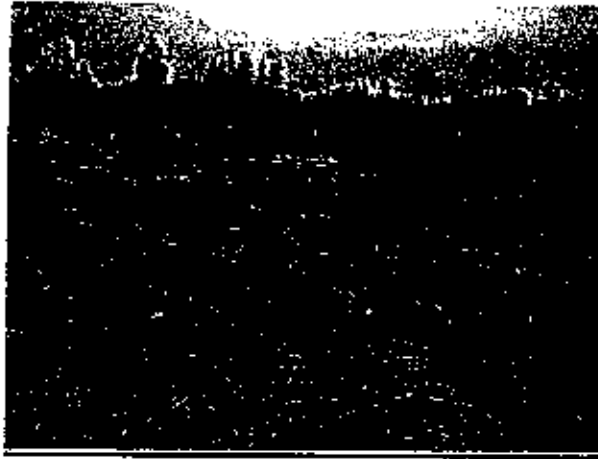
<i>Soil Name:</i>	Parksville
<i>Soil Taxonomy:</i>	Orthic Gleysol
<i>Terrain Classification</i>	sWv sczWb
<i>Slope:</i>	Complex 0-6% short slopes, Class 3
<i>Drainage:</i>	Poor to imperfect
<i>Depth to Water Table</i>	35 cm
<i>Agricultural Capability:</i>	5W

Test Plt #2

<i>Horizon</i>	<i>Depth (cm)</i>	<i>Description</i>
Ah	0-5	Brown (10YR 4/3m) sandy loam; weak medium granular structure; very friable; 3% gravel.
Bmgj1	5-12	Sandy loam; few faint mottles; friable; 3% gravel.
Bmgj2	12-40	Light olive brown (2.5Y 5/3m); sandy loam; distinct (10YR 4/3m) mottles; 3% gravel.
BCg	40-80	Silty clay loam to clay loam; massive; firm.

Schedule No. 2 (Page 8 of 16)
Information to Accompany
ALR Application for Exclusion

8



Site #3

Soil Name: Parksville
Soil Taxonomy: Orthic Gleysol
Terrain Classification: zsWb
Slope: Complex 0-6% short slopes, Class 3
Drainage: Poor to imperfect
Depth to Water Table 30 cm
Agricultural Capability: 5W

Test Plt #3

<i>Horizon</i>	<i>Depth (cm)</i>	<i>Description</i>
Ah	0-5	Brown (10YR 4/3m) sandy loam; weak medium granular structure; very friable; 3% gravel.
Bmgj1	5-12	Sandy loam; few faint mottles; friable; 3% gravel.
Bmgj2	12-42	Light olive brown (2.5Y 5/3m); sandy loam; distinct (10YR 4/3m) mottles; 3% gravel.
Bg	42-65	Loam; prominent mottles.

Schedule No. 2 (Page 9 of 16)
Information to Accompany
ALR Application for Exclusion

9

Site #4

Soil Name: Brigantine
Soil Taxonomy: Gleyed Dystric Brunisol
Terrain Classification: szWv
sczWb
Slope: Complex 0-8% short slopes, Class 3
Drainage: Imperfect
Depth to Water Table: >85 cm
Agricultural Capability: 4WA

Test Pit #4

<i>Horizon</i>	<i>Depth (cm)</i>	<i>Description</i>
Ah	0-6	Loam; weak fine granular; friable; 3% gravel.
Bmgj1	6-82	Loam to clay loam; faint mottles; moderate to weak medium angular blocky structure; friable; 1% gravel.
Bmgj2	62-85	Silty clay loam; distinct mottles; friable to firm; 1% gravel.

PAGE
106

Schedule No. 2 (Page 10 of 16)
 Information to Accompany
 ALR Application for Exclusion

10

Site #5

Soil Name: Steep slope, coarse textured
 (cut is Fairbridge)
Soil Taxonomy: Gleyed Eluviated Dystric Brunisol
Terrain Classification: szWb
gszMb
 Rt
Slope: road cut at slope break
Drainage: -
Depth to Water Table: -
Agricultural Capability: 7T

Test Pit #5

<i>Horizon</i>	<i>Depth (cm)</i>	<i>Description</i>
Ahe	0-7	Dark yellowish brown (10YR 4/4m); loam; weak fine subangular blocky structure; very friable; slightly plastic; 1% gravel.
Bfj	7-42	Light yellowish brown (10YR 6/4m); loam; moderate fine angular blocky structure; friable; slightly plastic; zero coarse fragments.
BCgj	42-110	Loam; mottled; moderate coarse angular blocky; friable; slightly plastic; zero coarse fragments.
IICBx	110-215	Olive brown (2.5Y 4/4m); loam; firm held by silica cement, patchy but most common near the top and bottom of the layer; 15% gravel, 5% cobbles, 5% stones.
IIIRC	215+	shale bedrock

Schedule No. 2 (Page 11 of 16)
 Information to Accompany
 ALR Application for Exclusion

11

**Site #6**

Soil Name: Parksville
 Soil Taxonomy: Orthic Gleysol
 Terrain Classification: szWb
 Slope: Complex 2-9% short slopes, Class 3 - 5
 Drainage: Poor to imperfect
 Depth to Water Table 40 cm
 Agricultural Capability: 5W

Test Pit #6

Horizon	Depth (cm)	Description
Ahcc	0-5	Brown (10YR 5/3.5m); loam; weak fine granular structure; concretions 3 mm diameter; friable; slightly plastic.
Bmgjcc	5-37	Brown (10YR 4.5/3m); loam; faint mottles; weak coarse angular blocky structure; concretions; friable; slightly plastic.
Bg	37-65	Loam; many fine prominent mottles; massive (fairly compact) breaking into weak medium to fine angular blocky structure; friable; slightly plastic.

PAGE
 18

Schedule No. 2 (Page 12 of 16)
Information to Accompany
ALR Application for Exclusion

12

Site #7

Soil Name: Parksville
Soil Taxonomy: Orthic Humic Gleysol
Terrain Classification: czsWb
Slope: Complex 0-2%, Class 1 – 2
Drainage: Poor to imperfect
Depth to Water Table 50 cm
Agricultural Capability: 5W

Test Pit #7

<i>Horizon</i>	<i>Depth (cm)</i>	<i>Description</i>
Apcc	0-12	brown to dark brown (7.5YR 3.5/2m); loam; weak fine granular structure; concretions 4 to 8 mm diameter; friable; nonplastic; zero coarse fragments.
Bmgjcc	12-55	Brown (10YR 5/3m); loam; few faint mottles; friable; slightly plastic; zero coarse fragments.
Bg	55-70	Yellowish brown (10YR 5/4m) matrix & mottles mixed together; loam to sandy clay loam; many fine prominent mottles; 5% gravel.

PAGE
169

Schedule No. 2 (Page 13 of 16)
Information to Accompany
ALR Application for Exclusion

13

Site #8

Soil Name: Parksville
Soil Taxonomy: Orthic Humic Gleysol
Terrain Classification: szWv
cszWb
Slope: Complex 0-2%, Class 1 – 2
Drainage: Poor to imperfect
Depth to Water Table 40 cm
Agricultural Capability: 5W

Test Pit #8

Horizon	Depth (cm)	Description
Ahecc	0-18	Very dark grayish brown (10YR 3/2m); loam, abundant charcoal; friable; nonplastic; concretions smaller than 4 mm diameter, 2% gravel.
Bgcc	18-45	Light olive brown (2.5Y 5/3m); loam; common medium prominent (7.5YR 5/6m) mottles; friable; slightly plastic; zero coarse fragments; concretions up to 3 mm diameter
lIBg	45-65	Silty clay loam; many fine prominent mottles; firm; plastic; no concretions; zero coarse fragments.

Schedule No. 2 (Page 14 of 16)
Information to Accompany
ALR Application for Exclusion

14

Site #9

Soil Name: Cowichan
Soil Taxonomy: Orthic Humic Gleysol
Terrain Classification: czWp
Slope: Complex 0–1%, Class 1
Drainage: Poor
Depth to Water Table 33 cm
Agricultural Capability: 5W

Test Pit #9

<i>Horizon</i>	<i>Depth (cm)</i>	<i>Description</i>
Ahe	0-11	Very dark brown (10YR 2/2m); silt loam or silty clay loam, charcoal present; friable; nonplastic; zero coarse fragments.
Btjg	11-55	Light olive gray (5Y 6/2m); silty clay loam; many medium prominent (7.5YR 5/5m) mottles; firm; plastic; zero coarse fragments.

Schedule No. 2 (Page 15 of 16)
Information to Accompany
ALR Application for Exclusion

15

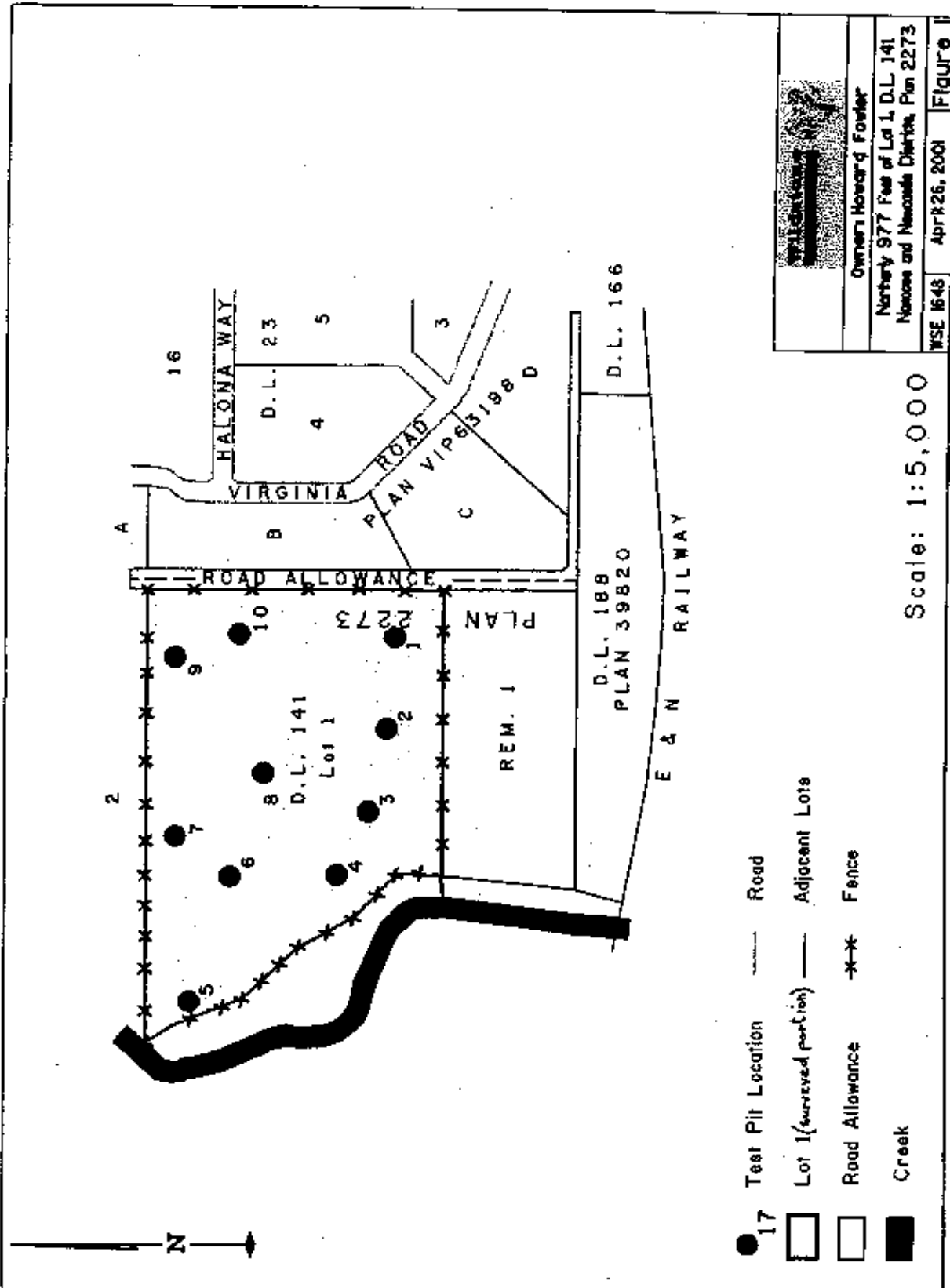
Site #10

Soil Name: Cowichan
Soil Taxonomy: Orthic Humic Gleysol
Terrain Classification: bW^cy
czWp
Slope: Complex 0-1%, Class 1
Drainage: Poor
Depth to Water Table not checked
Agricultural Capability: 5W

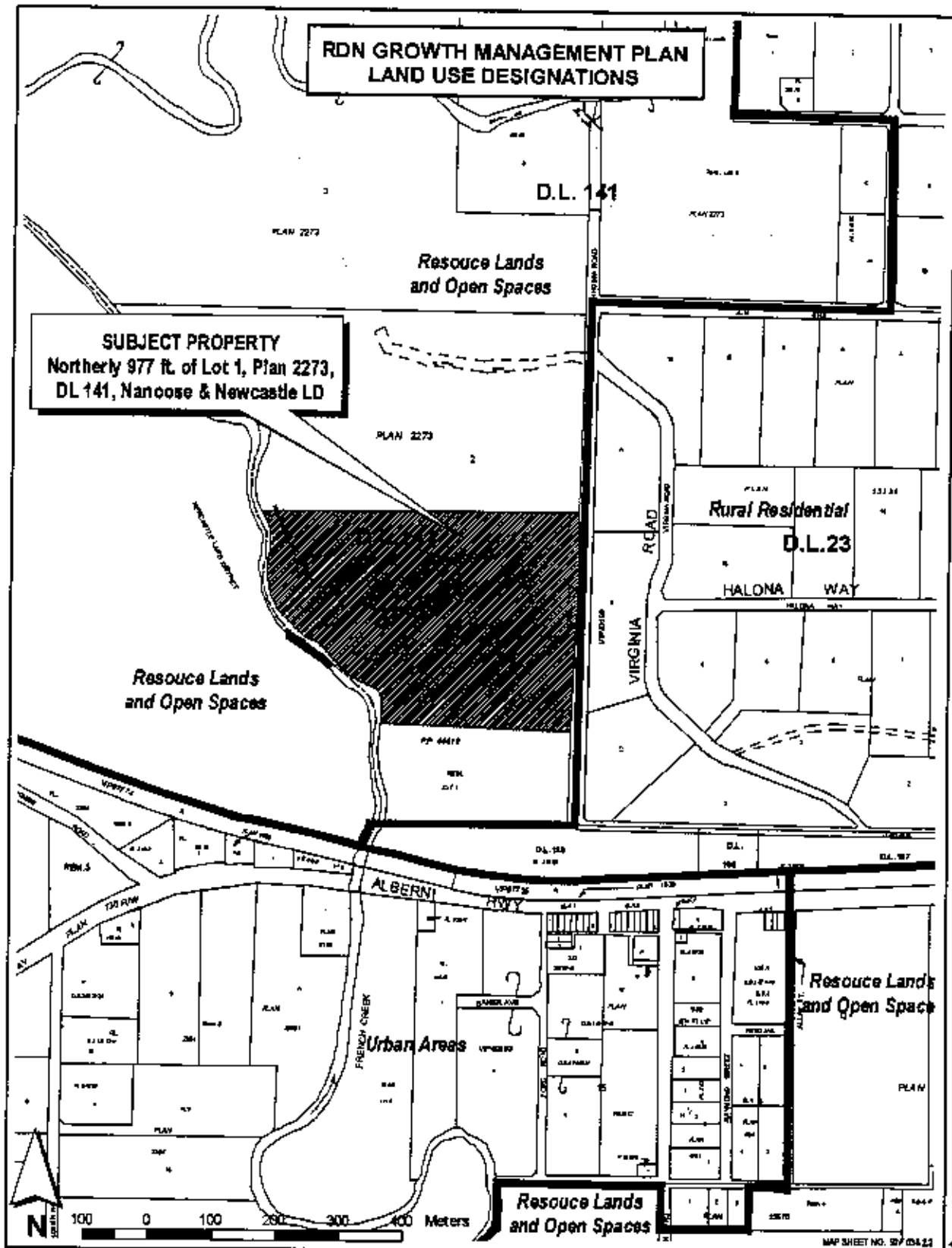
Test Pit #10

<i>Horizon</i>	<i>Depth (cm)</i>	<i>Description</i>
	0-70	This was excavated with an auger beside a large rock (metamorphic, contains quartzite), apparently an erratic boulder. This rock is inconsistent with the bedrock (shale) found at Test Pit #5. The soil profile is similar to those of Test Pits #1 and #9.

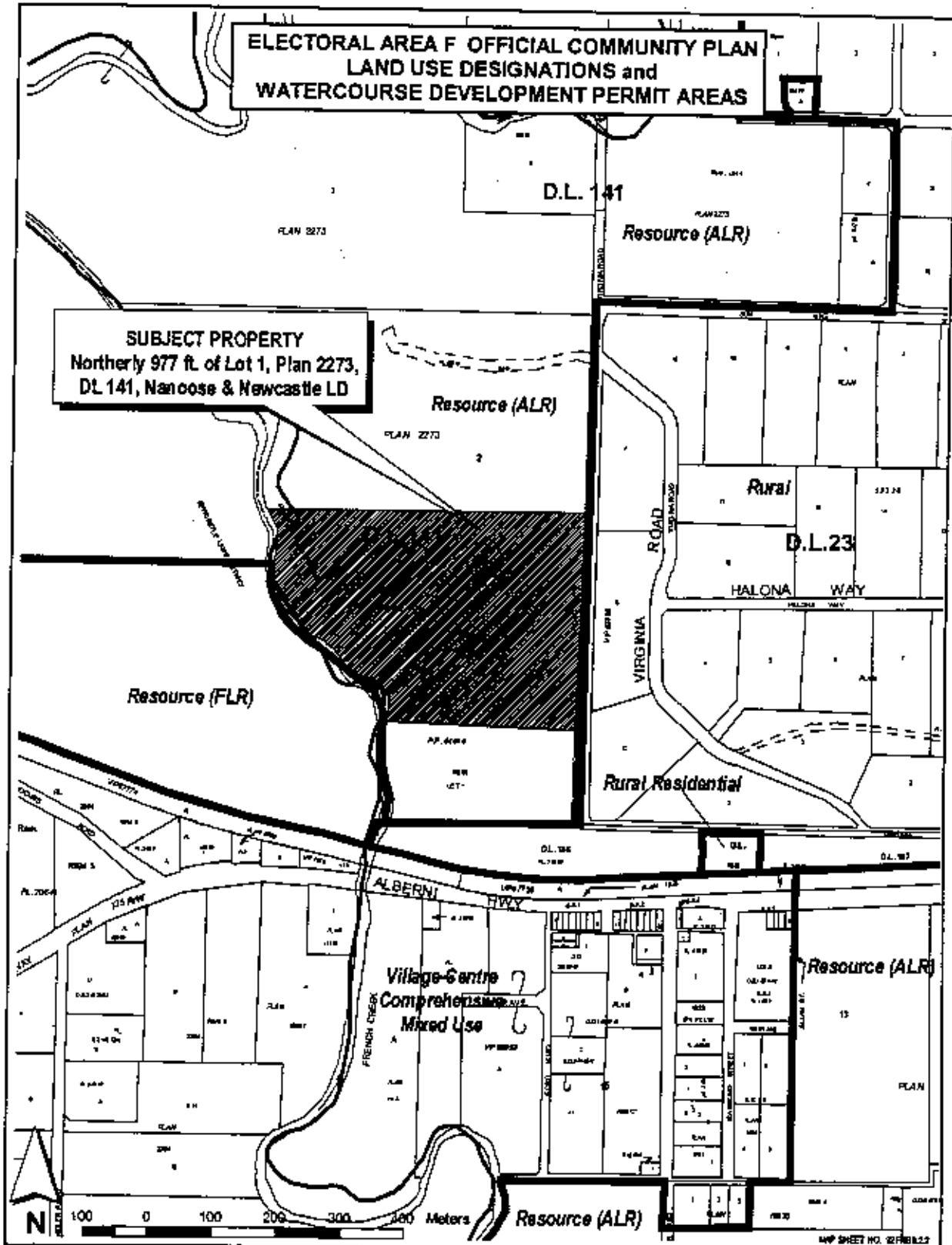
Schedule No. 2 (Page 16 of 16)
 Information to Accompany
 ALR Application for Exclusion



Schedule No. 3
Growth Management Plan
Land Use Designation



Schedule No. 4
Official Community Plan Land Use Designation
And Watercourse Development Permit Area



Schedule No. 5
Director Comments



REGIONAL
DISTRICT
OF NANAIMO

File: ALR 0115

December 17, 2001

Director J. McLean
PO Box 76
1115 McLean Road
Coombs, BC V0R 1M0

Dear Director McLean:

RE: *ALR Application 0115*
That Part of Lot 1, District Lot 141, Nanoose and Newcastle Districts, Plan
2273, Lying to the North of a Boundary Parallel to and Perpendicularly
Distant 977 Feet from the Northerly Boundary of Said Lot 1
Off of Virginia Road Electoral Area: 'F'
RDN Map Reference No: 92F.033.2.2

Enclosed is a copy of an application for exclusion from the Agricultural Land Reserve on the above-mentioned property located in Electoral Area F. The applicant affirms the subject property has poor agricultural potential and proposes to subdivide the parcel into five-acre lots. The Electoral Area 'F' Official Community Plan designates the property as Resource Lands within the ALR.

Your comments with respect to this application would be appreciated by January 4, 2002. These comments will be forwarded, along with the application prepared by staff, to the LRC for their decision.

Yours truly

Deborah Jensen
Planner

Enclosures

1. ALR Application

DIRECTOR'S COMMENTS:

As Director for area F I approve of this application to proceed to the Land Commission, The soils in this area is not suitable for agricultural use without extensive development that would not viable at this time.

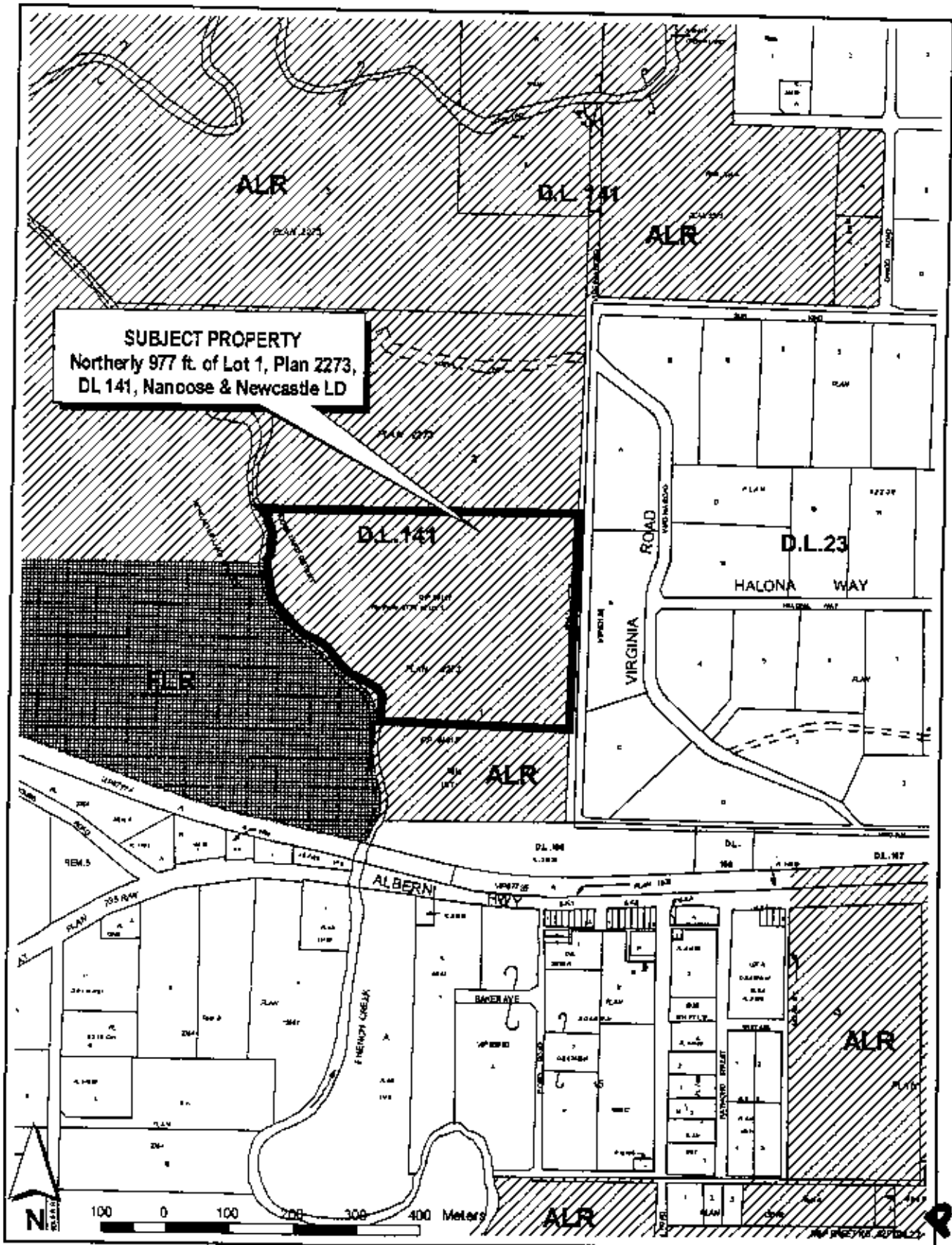
Jack McLean Director Area F

4300 Hammond Bay Rd.
Nanaimo, B.C.
V9T 6N2

Mc (250)390-4111
Toll Free: 1-877-407-4111
Fax: (250)390-4143

RDN Website: www.rdn.bc.ca

Attachment No. 1
Subject Property Map



JAN 15 2002

CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	

MEMORANDUM

TO: Tom Osborne
Manager Recreation and Parks

DATE: January 14, 2002

FROM: Joan Michel
Trails Coordinator

FILE: 6040-30 TCT

SUBJECT: Haslam Creek Bridge Funding
Trans Canada Trail

PURPOSE

To update the Board on the status of the Trans Canada Trail (TCT) from Ladysmith to Nanaimo, and request a reallocation of \$40,000 in capital funds from the Regional Parks Budget to complete the financing requirements for the proposed Haslam Creek Bridge, to be constructed by August 31, 2002 as part of the TCT.

BACKGROUND

At the September 11, 2001 Board meeting, a resolution was passed to direct staff to:

1. negotiate trail partnership agreements with the TCT Committee,
2. negotiate bridge tenure agreements with Weyerhaeuser, and
3. enter into a project management agreement with the Land Use Coordinating Office should provincial funding be available for the Haslam Creek bridge project.

Since late August, staff and the TCT Committee have worked to conclude an authorized TCT route from Ladysmith to the City of Nanaimo. Through a combination of agreements concluded between the TCT and private landowners/government, and between the RDN and private landowners, the national trail route has now been secured through RDN territory. Within five years, all TCT licences will roll-over to the RDN. The connecting route south to Ladysmith has also been determined, and the Regional District of Cowichan Valley is committed to securing it. Appendix 1 (under separate cover) details the TCT route located in the RDN and the attached map indicates the general trail corridor and bridge locations.

The proposed Haslam Creek Bridge is the first of two large bridges to be built on the RDN's section of the TCT. The Haslam Creek Bridge will sit on Weyerhaeuser and TimberWest lands, above an 18 metre canyon. Both companies support the TCT and agree to the siting of a multi-use non-vehicular TCT bridge on their property. Weyerhaeuser and TimberWest have drafted licences to authorize the Haslam Creek Bridge. The licence agreements are similar in nature to ones already in place between the RDN and the companies in respect of, for example, the Arrowsmith Trail. The Haslam Creek licences will be concluded when all bridge financing is secured.

Staff commissioned a surveyed site plan, environmental assessment and geo-technical study of the proposed Haslam Creek Bridge site. Officials from the Ministry of Sustainable Resources and Fisheries and Oceans Canada inspected the site and support preliminary bridge plans. A detailed submission for \$80,000 in construction funding was submitted to the Land Use Coordination Office (LUCO), based on a total construction budget of \$95,000 for a 32 metre-long, 1.25 metre-wide metal truss bridge. The TCT Foundation is providing \$15,000 towards bridge construction.

In mid-December, LUCO awarded the RDN \$50,000 towards the cost of constructing the Haslam Creek Bridge. This money represents surplus provincial funds from previous TCT commitments that will not be fully achieved before the provincial TCT program runs out March 31, 2002. The \$50,000 grant was awarded to the RDN on two conditions: (1) that all required bridge funding is secured by March 31, 2002, and (2) that the bridge is completed by August 31, 2002. A copy of their letter is attached.

Because the Province was not able to fund more than \$50,000, the RDN is being asked by the TCT to cover the shortfall of \$30,000. Further to the results of the geo-technical study, which identified some instability at the immediate canyon top and requires bridge footings to be set back an additional five to six metres each side resulting in a 43 metre span, a further \$10,000 will be required. To address the lengthened span and tight construction budget, a hanging bridge is now being pursued for the Haslam Creek crossing. BC Parks has a number of hanging bridges on its Juan de Fuca Trail at the south west end of Vancouver Island, and will provide designs to the RDN at no cost. Customizing existing bridge plans will help reduce the cost of bridge construction.

ALTERNATIVES

1. To authorize expenditure of up to \$40,000 from the Regional Park budget for construction of the proposed 43-metre Haslam Creek Bridge.
2. To forego \$50,000 in provincial funds and \$15,000 in TCT funds on offer until March 31, 2002 for Haslam Creek Bridge construction, and delay project completion to 2003 or beyond depending upon success in raising funds from other sources as yet unknown.

FINANCIAL IMPLICATIONS

1. The requested \$40,000 from the Regional Parks budget is available from capital funds set aside for the proposed Top Bridge crossing over the Englishman River, as detailed in the BC-Canada Infrastructure application submitted by the Regional District in February 2001. The Province has only just begun to expend under the Infrastructure program, in all cases for water and sewage projects. It is considered unlikely, though not impossible, that the Province will make infrastructure commitments for recreational projects during 2002. No other significant bridge funding sources for 2002 have been identified. Consequently, it is possible to consider using part of the \$80,000 in Regional Parks capital funds set aside for Top Bridge in 2002 for completion of an equally important bridge in the southern part of the region this year.

Regional Parks operating funds are being used to provide project coordination for the Haslam Creek Bridge project, along with preliminary site studies. Construction will be tendered as a design/build project, the same process as used for the \$83,000 28-metre metal truss Barclay

Crescent Millennium Bridge completed in 2000. Construction of Haslam is to be completed by the end of August 2002, in accordance with the requirement set by LUCO. Bridge maintenance will be funded through the Regional Parks operating budget. Short- and mid-term operating costs on BC Parks' hanging bridges have been used to account for the future costs of a Haslam crossing.

2. With the demise of BC's TCT funding program and a general program of expenditure cutbacks in motion, it is unlikely that the Province will offer much in the way of bridge funding opportunities for some time to come. The search for bridge building money will now be considerably harder and will require the development of new major funding partners. Fundraising for the bridge over the Nanaimo River, required to complete the TCT within the RDN and expected to cost over \$200,000, begins once Haslam Creek crossing has been completed.

INTERGOVERNMENTAL IMPLICATIONS

The RDN will gain a share of the Province's \$5 million commitment to the Trans Canada Trail in BC. Bridge construction permits required by the Ministries of Sustainable Resource Management and Water, Land and Air Protection and Fisheries and Oceans Canada should be obtainable in due course. The proposed early summer construction period will tie in well with the fish window for Haslam Creek.

COMMUNITY IMPLICATIONS

As documented in the Haslam Creek Bridge proposal to LUCO, well over \$75,000 in volunteer labour (from unskilled to professional) has been expended on the Trans Canada Trail route from Ladysmith to Nanaimo over the last few years. There is strong public awareness of and support for the TCT in the Regional District of Nanaimo, awareness and support that will be significantly augmented with the arrival of hanging bridge over the canyon at Haslam Creek. Strong public support and enthusiasm for the TCT will be essential to successful and timely fundraising for the Nanaimo River Bridge in light of retreating provincial funding.

Major landowners Weyerhaeuser and TimberWest are showing their strong support for the TCT by providing licensed access to their private property for the public trail. The majority of the approximately 35 kilometre TCT route within the Region, including the site of the proposed Haslam Creek Bridge, is located on private forest company land. In view of the relative lack of Crown land in the Region, the companies' support and the momentum they have provided to the TCT project are particularly valuable.

To date, most Regional Trail activity has occurred in the northern half of the Region. The completion of the Haslam Creek Bridge in the south of the Region, and the consequent linking of two-thirds of the Ladysmith to Nanaimo TCT route, will help to equalize trail development within the Region as well as offer the south a solid recreational and tourism asset. Resort owners in the vicinity of Haslam Creek, e.g., the Rondalyn Resort, support bridge development and the increased business that the bridge and TCT route are expected to produce for them.

SUMMARY

The Regional District has expressed its support for the TCT within the Region. Major landowners Weyerhaeuser and TimberWest are actively facilitating TCT development by granting public access across their private lands. Community volunteers have undertaken over three years of dedicated service to the cause. The Province awarded the RDN up to \$50,000 toward the cost of constructing the Haslam Creek Bridge. This money represents surplus provincial funds from previous TCT commitments that will not be fully achieved before the provincial TCT program runs out March 31, 2002. The \$50,000 grant was awarded to the RDN on two conditions: (1) that all required bridge funding is secured by March 31, 2002, and (2) that the bridge is completed by August 31, 2002. The Trans Canada Trail Foundation has awarded the RDN \$15,000 towards the construction of the Haslam Creek Bridge. The construction costs for the bridge will total \$105,000. Required capital funds from the RDN totalling \$40,000 are available from the Regional Parks budget, specifically from the \$80,000 amount set aside in the provisional budget for the now unlikely development of Top Bridge in 2002.

RECOMMENDATION

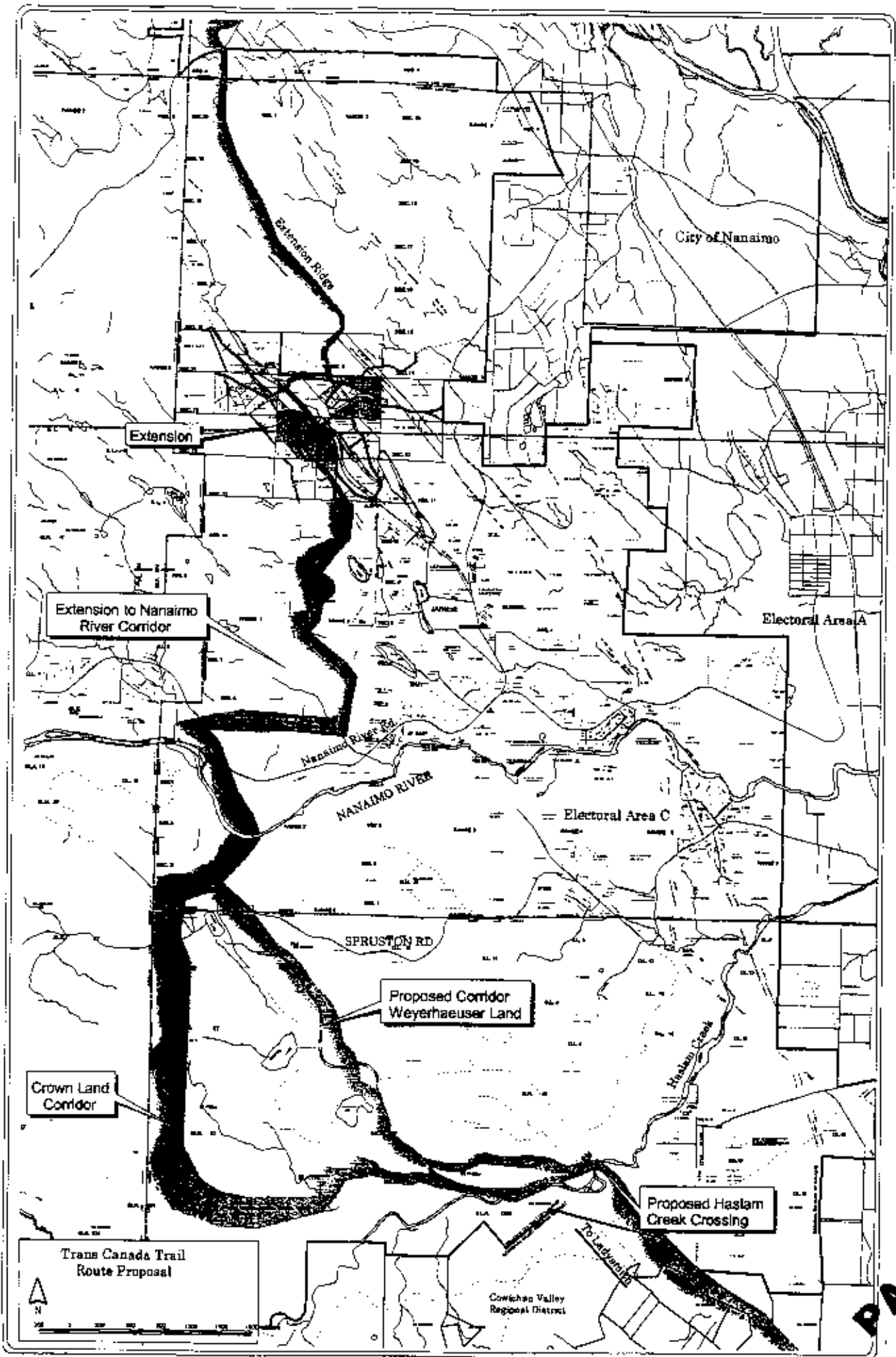
That a reallocation of \$40,000 in capital from the Regional Parks budget for the construction of the Trans Canada Trail Haslam Creek Bridge by August 31, 2002 be approved.

per *M. Farlane*
Report Writer

per *M. Farlane*
Manager Concurrence

Stonely
General Manager Concurrence

Daive
C.A.O Concurrence





December 14, 2001

Tom Osborne
Manager, Recreation and Parks
Regional District of Nanaimo
Box 1119
Parksville, BC
V9P 2H2

Post-It™ Fax Note	7671E	Date	12/14/02	# of pages	1
To	RON	From			
Co./Dept.		Co.	Rec & Parks		
Phone	Attention	Phone #			
Fax #	Neil Connolly	Fax #	Marthyron		

Dear Mr. Osborne:

Thank you for your letter of December 3, 2001 regarding the Haslam Creek Bridge project, and for the provision of the requested background information.

As noted in your letter, this office is not in a position to meet the full funding request for the completion of the \$95,000 Haslam Creek bridge project. However, this office is prepared to provide up to \$50,000 for completion of this project, subject to:

- Written confirmation from your office that all other project funding is in hand prior to March 31, 2002.
- Written confirmation that the Haslam Creek bridge will be installed and operational no later than August 31, 2002.

Could you please advise regarding the ability of the Regional District of Nanaimo to meet these conditions. I am hopeful that we can continue to work together to close this cap in the Trans Canada Trail on Vancouver Island.

Regards,

Brian Springinotic
TCT Coordinator

Trans Canada Trail
Project Office

Mailing Address:
PO Box 9435 Stn Prov Govt
Victoria BC V8W 9V3
Facsimile (250) 358-5092

Location:
4th Floor 780 Blanshard St
Victoria

PAGE
33



JAN 15 2002

CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
		<i>Col W.</i>	

MEMORANDUM

TO: Kelly Daniels
Chief Administrative Officer

DATE: January 14, 2002

FROM: Neil Connelly
General Manager, Community Services

FILE: 6140-20-AREA F

SUBJECT: Parkland Acquisition Fund Bylaw/Area F Property Purchase

PURPOSE

To provide for the release of Area F community park reserve funds to complete a property purchase from School District 69.

BACKGROUND

At the January 8th, 2002 Board meeting a resolution was passed for the Regional District to complete purchase arrangements with School District 69 for the acquisition of the Old Errington School. To meet the payment arrangements \$75,000 would be utilized from the Area F Community Parks reserve fund. These funds have been collected over the years, at the time of the subdivision, in lieu of parkland dedication. The balance of the funds required for the purchase are to be paid over three years in \$25,000 installments from the annual operating budget. Bylaw No. 1282, attached, provides for the release of the community parks reserve funds.

ALTERNATIVES

1. To give three readings and adopt Bylaw No. 1282, 2002.
2. Do not release reserve funds and abandon the property purchase.

FINANCIAL IMPLICATIONS

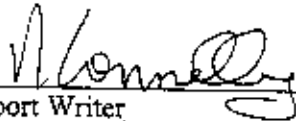
The park reserve fund balance for Area F is \$83,154.32. The use of \$75,000 for this initiative will reduce the reserve fund to \$8,154.32, which would be available to assist with other park acquisitions.

SUMMARY/CONCLUSIONS

Funding arrangements for the completion of the purchase of the Old Errington School from School District 69 call for an initial installment of \$75,000. The Area F parkland reserve fund provides the source of funding for this installment. Bylaw No. 1282 authorizes the release of the funds.

RECOMMENDATION

1. That "Parkland Acquisition Fund (Electoral Area F) Expenditure Bylaw No. 1282, 2002" receive three readings.
2. That "Parkland Acquisition Fund (Electoral Area F) Expenditure Bylaw No. 1282, 20002" having received three readings, be adopted.



Report Writer



CAO Concurrence

COMMENTS:

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1282**

**A BYLAW TO AUTHORIZE AN EXPENDITURE
OF FUNDS FROM THE PARKLAND
ACQUISITION FUND**

WHEREAS the Parkland Acquisition Reserve Fund was established under Bylaw No. 750;

AND WHEREAS is deemed desirable to expend a portion of the Reserve fund monies for the purchase of parkland in Electoral Area 'F';

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

1. The sum of Seventy-Five Thousand Dollars (\$75,000.00) is hereby appropriated from the Parkland Acquisition Reserve Fund to be expended for the purchase of Lots 20, 21, and 22, Block 46, District Lot 139, Nanoose District, Plan 1989 and Lot A, District Lot 139, Nanoose District, Plan 9104;
2. Should any of the above amount remain unexpended, such unexpended balance shall be returned to the credit of the Reserve Fund.

This Bylaw may be cited as "Parkland Acquisition Fund (Electoral Area F) Expenditure Bylaw No. 1282, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

SECRETARY



REGIONAL DISTRICT OF NANAIMO			
JAN 15 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	

MEMORANDUM

TO: Kelly Daniels
Chief Administrative Officer

DATE: January 15, 2002

FROM: Neil Connelly
General Manager, Community Services

FILE: 6130-01

SUBJECT: MacMillan Park in Cathedral Grove Update Report

PURPOSE

To consider additional information and any follow-up action from the December request by the Western Canada Wilderness Committee related to the proposed expansion of MacMillan Provincial Park.

BACKGROUND

At the December 4, 2001 Corporate and Community Services Committee meeting a delegation representing the Mid Island Chapter of the Western Canada Wilderness Committee (WCWC) approached the Board regarding MacMillan Park in Cathedral Grove. They referred to discussions involving Weyerhaeuser and the provincial government regarding the expansion of the Park. Their request to the Regional Board was as follows:

1. Send a letter to the Honourable Joyce Murray, Minister of Water, Land and Air Protection, asking that the Minister initiate a cost benefit study regarding expanding MacMillan Provincial Park by acquiring approximately 500 hectares, of private land from Weyerhaeuser which includes both old growth and second growth forest to the south of the current park, instead of the 100 hectares currently being considered where the oldest and largest giants were logged one year ago.
2. Send a letter to Weyerhaeuser requesting that they voluntarily suspend any logging in the 500 hectares adjacent to MacMillan Provincial Park for one year to give an opportunity to study and possibly acquire the lands for park expansion.

A map of the proposed park additions as outlined in the WCWC submission is attached. Additional background information on the proposal included references to windthrow risk and events, tourism benefits and the opportunity to protect a significant area of old growth forest.

The Board at the December 11, 2001 Inaugural Meeting passed a motion "that this item be tabled for one month to allow staff to obtain further information from the parties involved."

Updated information from the WCWC indicates that similar presentations have been made to other local governments in the area. Qualicum Beach Council, Port Alberni Council and the Alberni Clayoquot Regional District Board have passed resolutions related to the WCWC request.

A WCWC presentation on the matter is scheduled for the January 21, 2002 City of Parksville Council meeting. Other future presentations are scheduled for the City of Victoria and the local Chamber of Commerce groups.

Weyerhaeuser has indicated that they are open to a land exchange and/or purchase proposal under acceptable terms and would like to have any arrangement with the province address some of their own land issues in the mid-island. Their discussions with the province are continuing. Mr. Jim Sears, Manager of the South Island Timberlands, also advises that they will not be logging in the areas under discussion.

BC Parks staff in the Parksville district office indicate that the Parks Ministry, Ministry of Forests and the BC Assets and Lands Corporation, with the support of the local MLA, are currently involved in an evaluation of the proposal. Factors being taken into consideration are wind sheltering, the winter habitat required for elk and habitat protection and public safety and parking. No decisions have been reached by the Ministers involved at this point in time.

ALTERNATIVES

1. To receive the update report for information.
2. To receive the update report and provide for follow-up action with a Board resolution on forwarding letters to the Minister of Water, Land and Air Protection and Weyerhaeuser, as requested by the WCWC.

FINANCIAL IMPLICATIONS

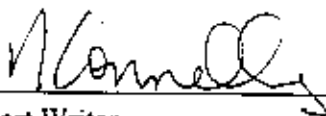
None.

SUMMARY/CONCLUSIONS

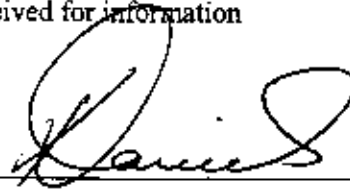
The WCWC made a presentation to the Board regarding MacMillan Provincial Park in December. They asked that the Regional District request that the Minister of Water, Land and Air Protection initiate a cost benefit study regarding expanding MacMillan Provincial Park and that a letter be sent to Weyerhaeuser requesting that they voluntarily suspend any logging for one year in the area adjacent to the Park. The Board tabled the item for one month to allow staff to obtain further information from the parties. This report outlines some additional information available from other local governments, from the province, the company and the WCWC. BC Parks indicates that studies and discussions with Weyerhaeuser are presently underway to assess the appropriate size and arrangements for an expanded park area based on factors involving public safety and parking and habitat and old growth tree protection. On that basis and given that Weyerhaeuser has suspended logging activity in the area, staff recommend alternative one.

RECOMMENDATION:

That the update report on the Western Canada Wilderness Committee request to the Board on the proposed expansion of MacMillan Provincial Park be received for information

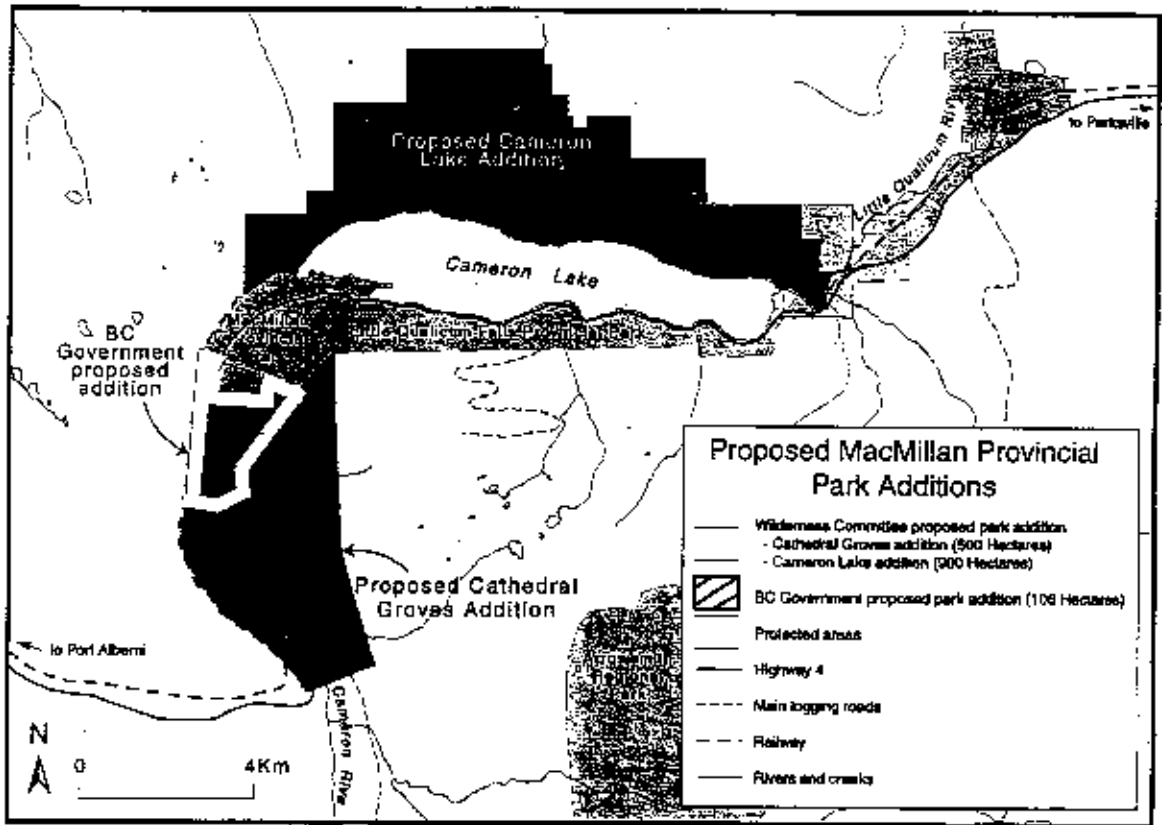


Report Writer



CAO Concurrence

COMMENTS:





REGIONAL DISTRICT OF NANAIMO		
JAN 15 2002		
CHAIR		GMCrs
CAO		GMDS
GMOs		GMES
		<i>CAD</i> ✓

MEMORANDUM

TO: Kelly Daniels
Chief Administrative Officer

DATE: January 8, 2002

FROM: Neil Connelly
General Manager Community Services

FILE:

SUBJECT: Community Parks Local Service
Requisition Bylaws – Area F and G

PURPOSE

To consider Amendment Bylaws to increase the maximum tax requisition limits for the Community Parks budgets in Area G and F.

BACKGROUND

In December, the Regional Board approved the 2002 provisional budget, which included the Community Parks budgets for Electoral Areas F and G. The budgets for those two functions provided for a tax requisition increase. In Area F, the increase was related to the funding required for a proposed property acquisition and in Area G the change to the requisition reflected the resources required for the 2002 parks program. Accordingly, bylaw amendments are required to increase the requisition in Area F from \$7,600.00 to \$43,000.00 and in area G from \$25,000.00 to \$29,000.00.

ALTERNATIVES

1. Approve Bylaws No. 804.02 and No. 805.02 to increase the Community Parks tax requisition for Electoral Areas F and G, to \$43,000.00 and \$29,000.00 respectively.
2. Do not change the current requisition limits and amend the 2002 Community Parks budgets by eliminating the proposed initiatives.

FINANCIAL IMPLICATIONS

Alternative 1

Area F property owners' cost for the Community Parks function will increase from \$1.40 per \$100,000.00 to \$9.20 per \$100,000.00. This change will provide an opportunity to make a significant property purchase for the Electoral Area.

Area G property owners' cost for Community Parks will rise from \$3.90 per \$100,000.00 to \$4.60 per \$100,000.00. This change will allow a slight expansion of resources for Community Park development in the area.

Alternative 2

The opportunity for the property acquisition in Electoral Area F would likely be abandoned due to not being able to meet financing deadlines.

The Area G function would not be impacted by a rollback in 2002, however all of the remaining prior year surpluses will be depleted resulting in a potential increase of \$10,000.00 in 2003 to maintain the current level of services.

SUMMARY

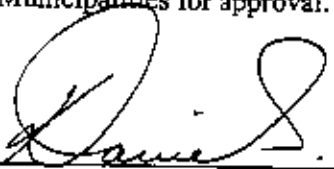
Bylaw amendments are required to the Area F and Area G Community Park establishing bylaws to provide for increased tax requisition limits to reflect the budgets and work programs provided for in the 2002 provisional budget. Without these amendments, particularly in Area F, the proposed 2002 program cannot be accomplished.

RECOMMENDATIONS

1. That "Electoral Area G Community Parks Local Service Requisition Bylaw No.805.02, 2002" be given three readings and forwarded to the Inspector of Municipalities for approval.
2. That "Electoral Area F Community Parks Local Service Requisition Bylaw No.804.02, 2002" be given three readings and forwarded to the Inspector of Municipalities for approval.



Report Writer



CAO Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 804.02

A BYLAW TO AMEND THE REQUISITION LIMIT IN THE
ELECTORAL AREA 'F' COMMUNITY PARKS LOCAL SERVICE
ESTABLISHMENT BYLAW NO. 804, 1990

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

1. Section 4 of Bylaw No. 804, is hereby repealed and the following substituted therefore:
 4. The maximum amount that may be requisitioned for this service shall be the sum of Forty Three Thousand Dollars (\$43,000).
2. This bylaw may be cited as "Electoral Area 'F' Community Parks Local Service Requisition Amendment Bylaw No. 804.02, 2002".

Introduced and read three times this 12th day of February, 2002.

Received the approval of the Inspector of Municipalities this ____ day of _____, 2002.

Adopted this ____ day of _____, 2002.

Chairperson

General Manager, Corporate Services

PAGE
22

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 805.02

A BYLAW TO AMEND THE REQUISITION LIMIT IN THE
ELECTORAL AREA 'G' COMMUNITY PARKS LOCAL SERVICE
ESTABLISHMENT BYLAW NO. 805, 1990

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

1. Section 4 of Bylaw No. 805, is hereby repealed and the following is substituted therefore:
 4. The maximum amount that may be requisitioned for this service shall be the sum of Twenty-Nine Thousand Dollars (\$29,000.00).
2. This Bylaw may be cited as "Electoral Area 'G' Community Parks Local Service Requisition Amendment Bylaw No. 805.02, 2002".

Introduced and read three times this 12th day of February, 2002.

Received the approval of the Inspector of Municipalities this _____ day of _____, 2002.

Adopted this _____ day of _____, 2002.

Chairperson

General Manager, Corporate Services



REGIONAL DISTRICT OF NANAIMO			
JAN 10 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
		<i>Col</i>	<input checked="" type="checkbox"/>

MEMORANDUM

TO: John Finnie, P.Eng.
General Manager of Environmental Services

DATE: January 8, 2002

FROM: Dennis Trudeau
Manager of Liquid Waste

FILE: 2260-20-NEW

SUBJECT: Liquid Waste Management
1172RW Newcastle Island

PURPOSE

To transfer a fee simple interest on Newcastle Island from the Greater Nanaimo Sewer and Drainage District (GNS&DD) to the City of Nanaimo.

BACKGROUND

When the GNS&DD amalgamated in the 1970's there were some charges and interests that were assigned inappropriately. The City of Nanaimo has been sorting out the District and City interests and filing the appropriate transfers on a charge-by-charge basis.

In the course of their investigations they have discovered a fee simple interest exists for a sewer line on Newcastle Island for the GNS&DD (Appendix "A"). The interest in this land is not required for Regional District operations and the City is requesting that the ownership of this property be transferred to them.

FINANCIAL IMPLICATIONS

The market value of the property is listed at \$24,300.00. The Freehold Transfer agreement indicates \$1.00 and other valuable consideration as payment for the fee simple interest.

The transfer of this land has no effect on current or future operations of the Greater Nanaimo Pollution Control Center.

SUMMARY/CONCLUSIONS

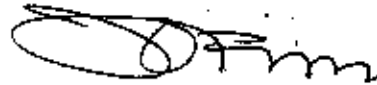
The City of Nanaimo has determined that the District holds fee simple interest property on Newcastle Island for a sewer line. Any sewer line operated on Newcastle Island would be operated by the City of Nanaimo and therefore the Fee simple interest for this property is not required by the District.

RECOMMENDATION

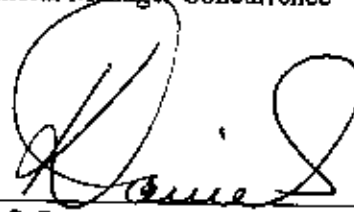
1. That the Board approve the transfer of "That part of Newcastle Island, Nanaimo District, shown outlined in red on Plan 1172 RW" to the City of Nanaimo.



Report Writer



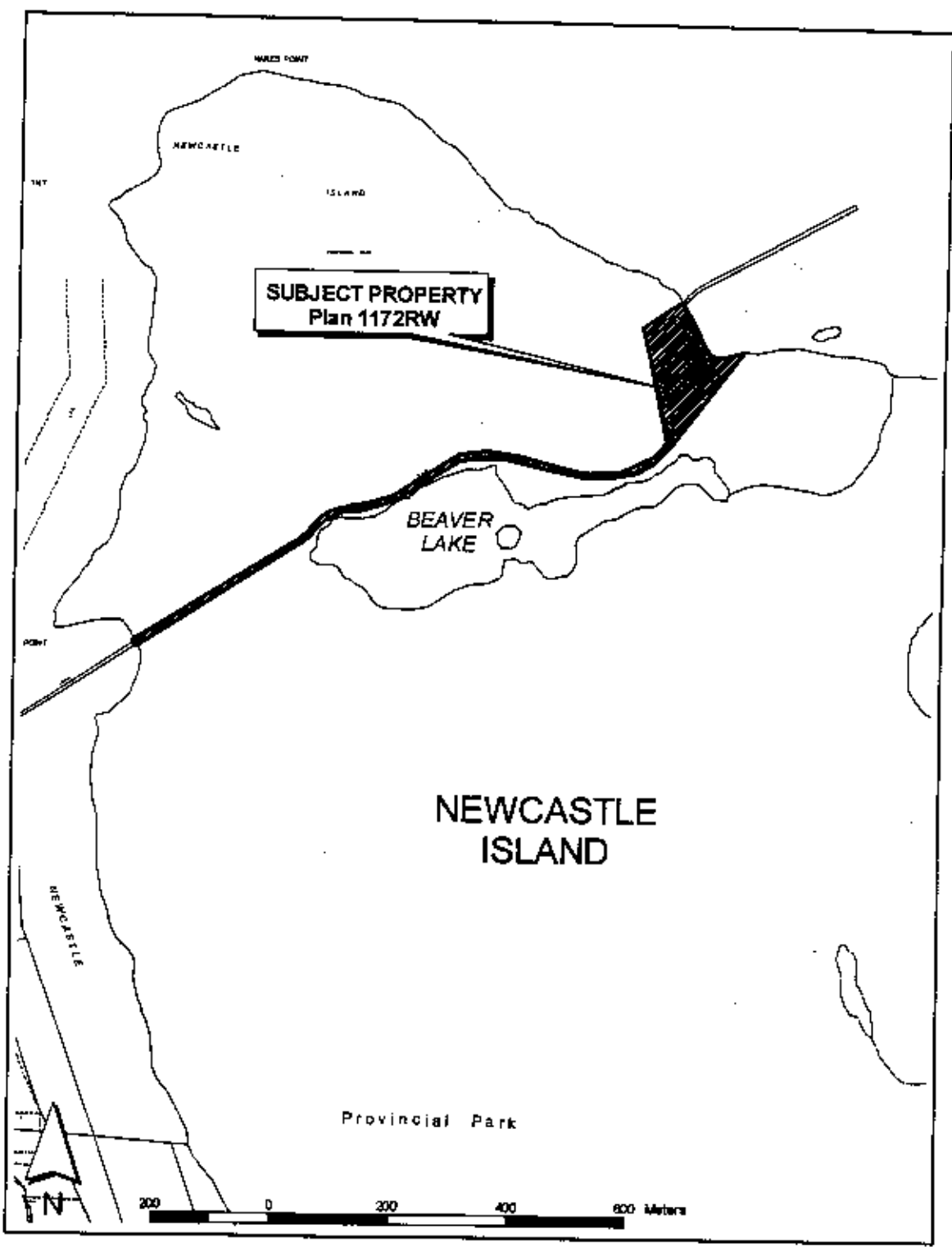
General Manager Concurrence



CAO Concurrence

COMMENTS:

APPENDIX "A"





REGIONAL DISTRICT OF NANAIMO			
JAN 10 2002			
CHAIR		GMCrS	
CAO		GMDS	
GMCrS		GMEB	
			FILE:

MEMORANDUM

December 28, 2001

TO: John Finnie
General Manager, Environmental Services

FROM: N. Avery
Manager, Financial Services

SUBJECT: Amendments to Water, Sewer, Garbage and Recycling Collection User Fee Rates

PURPOSE:

To introduce for adoption, bylaws which will increase water, sewer and garbage and recycling collection user fees as proposed in the 2002 provisional budget.

BACKGROUND:

The 2002 provisional budget proposes an increase to all utility user fees of 2%, with the exception of garbage & recycling collection fees, which rise 5% as a result of a renewed contract for collection services (including additional materials collection) and increased landfill tipping fees, and sewer user fees in French Creek, which will rise from \$131.20 to \$145.65 to ensure a balanced operating budget. No significant changes are expected for the annual budget and staff have accordingly, prepared the relevant bylaws for this purpose.

ALTERNATIVES:

- 1. Adopt all of the bylaws as presented.
- 2. Propose amendments to the user fees and adopt amended bylaws accordingly.
- 3. Make no changes in 2002 to user fees.

FINANCIAL IMPLICATIONS:

Alternative 1

The tables below summarize the changes proposed:

	Bylaw No.	2001	2002 proposed
Garbage/Recycling	1009.05		
Weekly		86.15	90.42
Bi-weekly		72.60	76.23
Recycling only		25.00	26.25

PAGE
97

	Bylaw No.	2001	2002 proposed
Water user fees			
Nanoose Bay Peninsula			
Madrona/Wall Beach	727.08/886.05	.50/1.00/1.50 per m ³	.51/1.02/1.53 per m ³
Fairwinds	764.01	.50/1.00/1.50 per m ³	.51/1.02/1.53 per m ³
Arbutus Park Estates	726.08	.50/1.00/1.50 per m ³	.51/1.02/1.53 per m ³
West Bay Estates	815.06	.50/1.00/1.50 per m ³	.51/1.02/1.53 per m ³
Nanoose Bay	524.11	.50/1.00/1.50 per m ³	.51/1.02/1.53 per m ³
Other Water Supply Areas			
Surfside Water	700.08	.30/.61/.89 per m ³	.31/.62/.91 per m ³
French Creek Water	619.07	.31/.61/.93 per m ³	.32/.62/.95 per m ³
Decourcey Water	1097.03	.50/1.00/1.50 per m ³	.51/1.02/1.53 per m ³
Sewer User Fees			
Fairwinds	765.08	68.05	69.45
French Creek Sewer	422.09	131.20	145.65

Alternative 2

Reductions in user fee revenues will result in lower operating surpluses. The current surpluses help maintain relative stability in user fees by absorbing some fluctuations in operating revenues and expenses. Lower surpluses must be compensated for by increased property taxes or reductions in maintenance and ongoing capital improvements. While the 2002 budgets would not be immediately affected by a lower or no increase in user fees, this action will likely only postpone the increase to a later year at which time it may need to be larger to bring the budget back into balance. Staff do not recommend reducing the French Creek Sewer proposed user fee as this budget is basically at a breakeven point in 2002.

Alternative 3

The same comments as under Alternative 2 apply.

SUMMARY/CONCLUSIONS:

The 2002 provisional budget proposes increases to user fees as follows:

Water and sewer	2%
Garbage & recycling	5%

The French Creek Sewer budget is an exception to the above noted changes – its user fee will rise from \$131.20 to \$145.65 to ensure a balanced operating budget. This particular operating budget is not in a position to absorb a reduction in user fees without a reduction in basic maintenance expenditures.

Staff do not expect any significant changes arising before the annual budget is refined and recommend adopting the bylaws as presented.

RECOMMENDATION:

1. That "Regional District of Nanaimo French Creek Sewer Specified Area Regulation and Rates Amendment Bylaw No. 422.09, 2002" be introduced for first three readings.

That "Regional District of Nanaimo French Creek Sewer Specified Area Regulation and Rates Amendment Bylaw No. 422.09, 2002" having received three readings be adopted.

2. That "Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 542.11, 2002" be introduced for first three readings.

That "Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 542.11, 2002" having received three readings be adopted.

3. That "Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.07, 2002" be introduced for first three readings.

That "Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.07, 2002" having received three readings be adopted.

4. That "Regional District of Nanaimo Surfside Properties Water Specified Area Regulations and Rates Amendment Bylaw No. 700.08, 2002" be introduced for first three readings.

That "Regional District of Nanaimo Surfside Properties Water Specified Area Regulations and Rates Amendment Bylaw No. 700.08, 2002" having received three readings be adopted.

5. That "Regional District of Nanaimo Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.08, 2002" be introduced for first three readings.

That "Regional District of Nanaimo Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.08, 2002" having received three readings be adopted.

6. That "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.08, 2002" be introduced for first three readings.

That "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.08, 2002" having received three readings be adopted.

7. That "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.10, 2002" be introduced for first three readings.

That "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.10, 2002" having received three readings be adopted.

8. That "Regional District of Nanaimo Fairwinds Sewerage Specified Area Regulations and Rates Amendment Bylaw No. 765.08, 2002" be introduced for first three readings.

That "Regional District of Nanaimo Fairwinds Sewerage Specified Area Regulations and Rates Amendment Bylaw No. 765.08, 2002" having received three readings be adopted.

9. That "Regional District of Nanaimo West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.06, 2002" be introduced for first three readings.

That "Regional District of Nanaimo West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.06, 2002" having received three readings be adopted.

10. That "Regional District of Nanaimo Wall Beach Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 886.05, 2002" be introduced for first three readings.

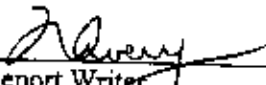
That "Regional District of Nanaimo Wall Beach Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 886.05, 2002" having received three readings be adopted.

11. That "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.03, 2002" be introduced for first three readings.

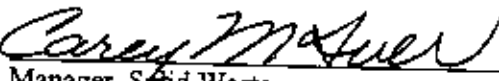
That "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.03, 2002" having received three readings be adopted.

12. That "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.05, 2002" be introduced for first three readings.

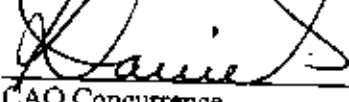
That "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.05, 2002" having received three readings be adopted.


Report Writer


Manager, Engineering & Utilities


Manager, Solid Waste


General Manager Concurrence


CAO Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 422.09

**A BYLAW TO AMEND THE REGIONAL
DISTRICT OF NANAIMO FRENCH CREEK
SEWER SPECIFIED AREA BYLAW NO. 422, 1979**

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

1. Schedule 'A' of Bylaw No. 422 is hereby repealed and Schedule 'A' attached hereto and forming part of this bylaw is substituted therefore.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo French Creek Sewer Specified Area Regulation and Rates Amendment Bylaw No. 422.09, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

FRENCH CREEK SEWER USER RATES

Classification	Annual Rate
Single Family Residence	\$ 145.65
Apartments, Suites or Duplex – Each Unit	\$ 145.65
Cafes and Restaurants – for each group of plumbing fixtures	\$ 145.65
Garage or Service Station	\$ 145.65
Store or Business Premises – for each group of plumbing fixtures	\$ 145.65
Mobile Homes (whether situated in a mobile Home park or not) – per unit	\$ 145.65
Office Buildings – for each group of plumbing fixtures	\$ 145.65
Churches and Halls – for each group of plumbing fixtures	\$ 145.65
Licenses Premises – for each group of plumbing fixtures	\$ 145.65
Motels – per unit – including residential managers or owner's unit	\$ 145.65
Hotels – per room	\$ 145.65
Camping – for each group of plumbing fixtures	\$ 145.65
- for each space with a sewer connection	\$ 37.50
Marinas – for each group of plumbing fixtures	\$ 145.65
Laundry, Laundromat or Dry Cleaners – per washer	\$ 76.30

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 524.11**

**A BYLAW TO AMEND REGIONAL DISTRICT OF
NANAIMO NANOOSE WATER SUPPLY
SPECIFIED AREA REGULATIONS AND
RATES BYLAW NO. 524, 1980**

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

1. Schedule 'B' of Bylaw No. 524, 1980 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw is substituted therefore.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 524.11, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

Secretary

NANOOSE WATER USER RATES

- (a) Private connections where one connection serves one unit.
- For the first 0.90 cubic meters per day, \$0.51 per cubic meter or imperial gallon equivalent.
- For the next 1.32 cubic meters per day, \$1.02 per cubic meter or imperial gallon equivalent.
- Over 2.22 cubic meters per day, \$1.53 per cubic meter or imperial gallon equivalent.
- (b) Apartments, Duplexes, Condominiums, Suites or Strata Title Units where one connection serves more than one unit.
- (i) For the first 0.90 cubic meters per unit per day, \$0.51 per cubic meter or imperial gallon equivalent.
- (ii) For the next 1.32 cubic meters per unit per day, \$1.02 per cubic meter or imperial gallon equivalent.
- (iii) Over 2.22 cubic meters per unit per day, \$1.53 per cubic meter or imperial gallon equivalent.
- (c) Services without a meter.
- \$189.40 per unit per billing period for residential units without a meter.
- (d) Minimum rate per billing period per unit is \$20.80.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 619.07

**A BYLAW TO AMEND FRENCH CREEK WATER
SUPPLY SPECIFIED AREA REGULATIONS AND
RATES BYLAW NO. 619, 1983**

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

1. Schedule 'B' of Bylaw No. 619 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw is substituted therefore.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.07, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

FRENCH CREEK WATER SERVICE USER RATES

- (a) Private connections where one connection serves one unit:
- For the first 0.90 cubic meters per day, \$0.32 per cubic meter or imperial gallon equivalent.
- For the next 1.32 cubic meters per day, \$0.62 per cubic meter or imperial gallon equivalent.
- Over 2.22 cubic meters per day, \$0.95 per cubic meter or imperial gallon equivalent.
- (b) Apartments, Duplexes, Condominiums, Suites or Strata Title Units where one connection serves more than one unit:
- For the first 0.90 cubic meters per unit per day, \$0.32 per cubic meter or imperial gallon equivalent.
- For the next 1.32 cubic meters per unit per day, \$0.62 per cubic meter or imperial gallon equivalent.
- Over 2.22 cubic meters per unit per day, \$0.95 per cubic meter or imperial gallon equivalent.
- (c) Services without a meter:
- \$186.70 per unit per billing period for residential units without a meter.
- (d) Minimum rate per billing period per unit is \$20.80.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 700.08

**A BYLAW TO AMEND THE REGIONAL DISTRICT OF
NANAIMO SURFSIDE PROPERTIES SPECIFIED AREA
WATER REGULATIONS AND RATES BYLAW NO. 700, 1986**

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

1. Schedule 'B' of Bylaw No. 700 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw is substituted therefore.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo Surfside Properties Specified Area Water Regulations and Rates Amendment Bylaw No. 700.08, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

SURFSIDE PROPERTIES WATER USAGE RATES

- (a) Private connections where one connection serves one unit:
- For the first 0.90 cubic meters per day, \$0.31 per cubic meter or imperial gallon equivalent.
- For the next 1.32 cubic meters per day, \$0.62 per cubic meter or imperial gallon equivalent.
- Over 2.22 cubic meters per day, \$0.91 per cubic meter or imperial gallon equivalent.
- (b) Apartments, Duplexes, Condominiums, Suites or Strata Title Units where one connection serves more than one unit:
- For the first 0.90 cubic meters per unit per day, \$0.31 per cubic meter or imperial gallon equivalent.
- For the next 1.32 cubic meters per unit per day, \$0.62 per cubic meter or imperial gallon equivalent.
- Over 2.22 cubic meters per unit per day, \$0.91 per cubic meter or imperial gallon equivalent.
- (c) Services without a meter:
- \$110.00 per unit per billing period for residential units without a meter.
- (d) Minimum rate per billing period per unit is \$20.80.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 726.08

**A BYLAW TO AMEND THE REGIONAL DISTRICT OF NANAIMO
ARBUTUS PARK ESTATES WATER SUPPLY SPECIFIED AREA
REGULATIONS AND RATES BYLAW NO. 726, 1987**

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

1. Schedule 'B' of Bylaw No. 726 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw is substituted therefore.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.08, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

ARBUTUS PARK ESTATES WATER USAGE RATES

- (a) Private connections where one connection serves one unit:
- For the first 0.90 cubic meters per day, \$0.51 per cubic meter or imperial gallon equivalent.
- For the next 1.32 cubic meters per day, \$1.02 per cubic meter or imperial gallon equivalent.
- Over 2.22 cubic meters per day, \$1.53 per cubic meter or imperial gallon equivalent.
- (b) Apartments, Duplexes, Condominiums, Suites or Strata Title Units where one connection serves more than one unit:
- For the first 0.90 cubic meters per unit per day, \$0.51 per cubic meter or imperial gallon equivalent.
- For the next 1.32 cubic meters per unit per day, \$1.02 per cubic meter or imperial gallon equivalent.
- Over 2.22 cubic meters per unit per day, \$1.53 per cubic meter or imperial gallon equivalent.
- (c) Services without a meter:
- \$189.40 per unit per billing period for residential units without a meter.
- (d) Minimum rate per billing period per unit is \$20.80.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 727.08

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
MADRONA WATER SUPPLY SPECIFIED AREA
REGULATIONS AND RATES BYLAW NO. 727, 1987**

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

1. Schedule 'B' of Bylaw No. 727 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw is substituted therefore.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.08, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

MADRONA WATER USER RATES

- (a) Private connections where one connection serves one unit:
- For the first 0.90 cubic meters per day, \$0.51 per cubic meter or imperial gallon equivalent.
- For the next 1.32 cubic meters per day, \$1.02 per cubic meter or imperial gallon equivalent.
- Over 2.22 cubic meters per day, \$1.53 per cubic meter or imperial gallon equivalent.
- (b) Apartments, Duplexes, Condominiums, Suites or Strata Title Units where one connection serves more than one unit:
- For the first 0.90 cubic meters per unit per day, \$0.51 per cubic meter or imperial gallon equivalent.
- For the next 1.32 cubic meters per unit per day, \$1.02 per cubic meter or imperial gallon equivalent.
- Over 2.22 cubic meters per unit per day, \$1.53 per cubic meter or imperial gallon equivalent.
- (c) \$189.40 per residential unit per billing period for units without a meter.
- (d) Minimum rate per billing period per unit is \$20.80.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 764.10

**A BYLAW TO AMEND REGIONAL DISTRICT OF
NANAIMO FAIRWINDS WATER SUPPLY
SPECIFIED AREA REGULATIONS AND RATES
BYLAW NO. 764, 1989**

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

1. Schedule 'B' of Bylaw No. 764 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw, are substituted therefore.
2. This bylaw may be cited as "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.10, 2002".

Introduced and read three time this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

FAIRWINDS WATER USER RATES

- (a) Private connections where one connection serves one unit.
- For the first 0.90 cubic meters per day, \$0.51 per cubic meter or imperial gallon equivalent.
- For the next 1.32 cubic meters per day, \$1.02 per cubic meter or imperial gallon equivalent.
- Over 2.22 cubic meters per day, 1.53 per cubic meter or imperial gallon equivalent.
- (b) Apartments, Duplexes, Condominiums, Suites or Strata Title Units where one connection serves more than one unit.
- For the first 0.90 cubic meters per unit per day, \$0.51 per cubic meter or imperial gallon equivalent.
- For the next 1.32 cubic meters per unit per day, \$1.02 per cubic meter or imperial gallon equivalent.
- Over 2.22 cubic meters per unit per day, \$1.53 per cubic meter or imperial gallon equivalent.
- (c) \$189.40 per residential unit per billing period for units without a meter.
- (d) Minimum rate per billing period per unit is \$20.80.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 765.08

**A BYLAW TO AMEND THE FAIRWINDS SEWERAGE
FACILITIES SPECIFIED AREA RATES BYLAW NO. 765, 1989**

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

1. Schedule 'B' of Bylaw No. 765 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw is substituted therefore.

3. This bylaw may be cited for all purposes as "Regional District of Nanaimo Fairwinds Sewerage Facilities Specified Area Rates Amendment Bylaw No. 765.08, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

FAIRWINDS SEWERAGE FACILITIES USER RATES

Classification	Annual Rate
(a) Private Residential – Single Family Dwelling	\$ 69.45
(b) Apartments, Condominiums, Duplexes, Hotels, Suites or Strata Title Units – per unit	\$ 69.45
(c) Campground (see item (d) for restrooms or laundry facilities) – per space with sewer connection	\$ 69.45
(d) Commercial	
(i) General, per group of fixtures	\$ 83.25
(ii) Laundry, Laundromat or Dry Cleaners – per washer	\$ 41.60
(e) Sani-dump – per vehicle connection	\$ 416.00
(f) Department of National Defense By Agreement.	

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 815.06

**A BYLAW TO AMEND REGIONAL DISTRICT OF
NANAIMO WEST BAY ESTATES WATER SUPPLY
WATER REGULATIONS AND RATES BYLAW**

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

1. Schedule 'B' of Bylaw No. 815 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw is substituted therefore.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.06, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

WEST BAY ESTATES WATER USER RATES

- (a) Private connections where one connection serves one unit:
- For the first 0.90 cubic meters per day, \$0.51 per cubic meter or imperial gallon equivalent.
- For the next 1.32 cubic meters per day, \$1.02 per cubic meter or imperial gallon equivalent.
- Over 2.22 cubic meters per day, \$1.53 per cubic meter or imperial gallon equivalent.
- (b) Apartments, Duplexes, Condominiums, Suites or Strata Title Units where one connection serves more than one unit:
- For the first 0.90 cubic meters per unit per day, \$0.51 per cubic meter or imperial gallon equivalent.
- For the next 1.32 cubic meters per unit per day, \$1.02 per cubic meter or imperial gallon equivalent.
- Over 2.22 cubic meters per unit per day, \$1.53 per cubic meter or imperial gallon equivalent.
- (c) Services without a meter:
- \$189.40 per unit per billing period for residential units without a meter.
- (d) Minimum rate per billing period per unit is \$20.80.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 886.05

**A BYLAW TO AMEND REGIONAL DISTRICT OF
NANAIMO WALL BEACH WATER SUPPLY LOCAL
SERVICE AREA RATES BYLAW NO. 886, 1993**

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

1. Schedule 'B' of Bylaw No. 886 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw is substituted therefore.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo Wall Beach Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 886.05, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

WALL BEACH WATER USER RATES

- (a) Private connections where one connection serves one unit:
- For the first 0.90 cubic meters per day, \$0.51 per cubic meter or imperial gallon equivalent.
- For the next 1.32 cubic meters per day, \$1.02 per cubic meter or imperial gallon equivalent.
- Over 2.22 cubic meters per day, \$1.53 per cubic meter or imperial gallon equivalent.
- (b) Apartments, Duplexes, Condominiums, Suites or Strata Title Units where one connection serves more than one unit:
- For the first 0.90 cubic meters per unit per day, \$0.51 per cubic meter or imperial gallon equivalent.
- For the next 1.32 cubic meters per unit per day, \$1.02 per cubic meter or imperial gallon equivalent.
- Over 2.22 cubic meters per unit per day, \$1.53 per cubic meter or imperial gallon equivalent.
- (c) Services without a meter:
- \$139.00 per unit per billing period for residential units without a meter.
- (d) Minimum rate per billing period per unit is \$139.00.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1097.03

**A BYLAW TO AMEND THE REGIONAL DISTRICT OF NANAIMO
DECOURCEY WATER SUPPLY LOCAL SERVICE AREA
REGULATIONS AND RATES BYLAW NO. 1097, 1998**

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

1. Schedule 'A' of Bylaw No. 1097 is hereby repealed and Schedule 'A' attached hereto and forming part of this bylaw is substituted therefore.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.03, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

PAGE
121

Chairperson

General Manager, Corporate Services

SCHEDULE 'A'

WATER RATES

1. Domestic Water Rates

- (a) Where a Consumer Supply Line serves a single dwelling unit:
- (i) For the first 0.90 cubic meters per day, \$0.51 per cubic meter.
 - (ii) For the next 1.32 cubic meters per day, \$1.02 per cubic meter.
 - (iii) Over 2.22 cubic meters per day, \$1.53 per cubic meter.
- (b) Where a Consumer Supply Line supplies an apartment, condominium, duplex or other development servicing more than one dwelling unit:
- (i) For the first 0.90 cubic meters per day, \$0.51 per cubic meter.
 - (ii) For the next 1.32 cubic meters per unit per day, \$1.02 per cubic meter.
 - (iii) Over 2.22 cubic meters per unit per day, \$1.53 per cubic meter.
- (c) Despite Subsections (a) and (b), in the case of a residential dwelling unit in respect of which metered readings are, for any reason, not available, \$133.95 per dwelling unit for each of the billing periods referred to in Section 6(b) of the bylaw.
- (d) Despite Subsections (a) and (b), the minimum rate for each billing period referred to in Section 6(b) of the bylaw is \$67.00 per billing period.

2. Connection Charges

- | | |
|------------------------------------|-----------|
| a) To existing service connections | \$ 250.00 |
| b) To new service connections | \$ 750.00 |

- | | |
|--|-----------|
| 3. Reconnection to any water service disconnected pursuant to this bylaw | \$ 100.00 |
|--|-----------|

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1009.05

**A BYLAW TO AMEND REGIONAL DISTRICT
OF NANAIMO GARBAGE AND RECYCLABLE
MATERIALS COLLECTION BYLAW NO. 1009**

WHEREAS the "Regional District of Nanaimo Garbage and Recyclable Materials Collection Bylaw No. 1009, 1996", provided for the collection of garbage and recyclable materials within the Regional District of Nanaimo;

AND WHEREAS the Board wishes to amend the rates established by Bylaw No. 1009;

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

1. Schedule 'A' of Bylaw No. 1009 is hereby repealed and replaced with Schedule 'A' attached to this bylaw.
2. This bylaw may be cited as "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.05, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

PAGE
123

Chairperson

General Manager, Corporate Services

RECYCLING AND GARBAGE COLLECTION RATES

	Regional Property Owners (Basic Rates)	City of Parksville, Town of Qualicum Beach, Lantzville Improvement Dist.
1. Weekly garbage and bi-weekly recycling collection: allows for setting out one garbage container on any collection day	\$90.42 per annum per dwelling unit	\$90.42 per annum per dwelling unit
2. Bi-weekly garbage and recycling collection: allows for setting out two garbage containers on any collection day	\$76.23 per annum per dwelling unit	\$76.23 per annum per dwelling unit
3. Bi-weekly recycling collection	\$26.25 per annum per dwelling unit	\$26.25 per annum per dwelling unit
4. Tags for disposal of extra garbage: allows for setting out additional garbage containers over and above those permitted under items 1 and 2.	\$2.00 per garbage container	\$2.00 per garbage container
5. Recycling containers	\$6.05 each, or such lesser amount which may result from successful provincial grant application.	\$6.05 each, or such lesser amount which may result from successful provincial Grant application.



REGIONAL DISTRICT OF NANAIMO	
JAN 15 2002	
CHAIR	GMCrS
CAO	GMDS
GMCrS	GMES

MEMORANDUM

TO: Carey McIver
Manager of Solid Waste

DATE: January 3, 2002

FROM: Alan Stanley
Waste Reduction Coordinator

FILE: 5380-10

SUBJECT: 2002 Illegal Dumping Prevention Program – Penalties and Program Publicity

PURPOSE

To present information on penalties levied on illegal dumpers and how this information will be publicized as part of the 2002 Illegal Dumping Prevention Program public education campaign.

BACKGROUND

In November 2001 the Board received the 2002 Illegal Dumping Prevention Program Workplan and Budget. In response to this report, the Board directed staff to provide additional information on the value of fines assessed to date, the results of the investigation procedures, the resulting implications for illegal dumpers and provide recommendations for publicizing the program. The Board also directed that a letter be sent to the Association of Vancouver Island and Coastal Communities (AVICC) recommending that a \$2,000 minimum fine be imposed for illegal dumping under the Ministry of Water Land and Air Protection regulations.

Value of Fines

As indicated in the November 2001 report, Malaspina University/College (MUC) surveillance staff have generated a total of 42 files, of which 29 files contained adequate evidence for follow-up by Ministry of Water, Land and Air Protection (MWLAP) staff. Of these, 10 resulted in fines, 10 warnings were issued and 5 files remain unsolved. In addition, MUC staff forwarded 13 files to RDN Bylaw Enforcement Officers for follow-up, of which 10 resulted in written warnings. A total of 12 sites were cleaned up by violators as a result of orders issued by MWLAP.

The typical ticket is \$115 for a private individual and \$575 for a business. The fines noted above were for \$115 each. Fines of up to \$1,000,000 can be levied for extremely serious industrial dumping offences, but mid level fines can also be levied on a sliding scale relating to the seriousness of the offence. To secure a conviction through the Courts on a large fine, evidence is required that includes, among other things, actual observation of dumping. Conservation Officers issue tickets with less stringent evidentiary requirements than would be necessary for larger fines, for example, items found in the waste that identify the dumper.

To insure satisfactory clean-ups, the Conservation Officers inspect the sites and require that the violator remit RDN solid waste scale tickets before they close the file. Typically, the value of the tipping fees for the site clean-ups was very low, often not exceeding the \$4 minimum charge (up to 100kg. of garbage) at the RDN facilities. This indicates that the violators probably did not engage in illegal dumping to avoid

PAGE 135

tipping fees, but rather because they could save time by dumping on a back road close to their residence and/or they were not concerned about leaving an unsightly mess behind.

Program Publicity

The names of ticketed violators cannot be published. When an offence is handled through the ticketing system and the violator pays the fine, the offence is not included in the Court Registry and does not become a matter of public record. Only when the ticket is contested and registered with the Court does the information associated with it become public information. All of the tickets issued as a result of this program have been paid.

To increase the effectiveness of the work carried out by our investigative and enforcement teams, staff have engaged in a multi-component public relations campaign. The following list describes the public relations work that has been carried out in 2001:

- Anti-illegal dumping television advertisements on cable TV and the real estate listings channels.
- Anti-illegal dumping radio advertisements on local radio stations.
- Informational handouts distributed by the surveillance teams.
- Outreach programs for local recreational groups.
- Signage with an anti-illegal dumping message at dumping hot spots.

Further to RDN directed campaigns, the local media have carried stories about this program a number of times and have been a valuable ally in letting the public know that illegal dumping is the wrong thing to do and that if you do it you may be caught and fined.

This campaign will be continued in 2002. Now that the program has achieved some success in securing fines and enforced clean-ups this information will be broadly disseminated within the region through our television and radio ads. A print ad will be developed that will describe the fines levied and this information will be used as a deterrent.

AVICC Correspondence - \$2,000 Minimum Fine

The current minimum fine for illegal dumping is \$115, issued as a ticket by a Conservation Officer. Fines can increase based on the seriousness of the offence and the current maximum fine for a relatively minor offence by an individual is \$2,000. The Board has directed staff to prepare a recommendation to AVICC requesting endorsement of a \$2,000 minimum fine for illegal dumping. Increasing the amount of the fines could be an effective deterrent for some people that may be contemplating dumping illegally.

ALTERNATIVES

1. Receive the 2002 Illegal Dumping Prevention Program – Penalties and Program Publicity report for information and send a letter to AVICC recommending a \$2,000 minimum fine for illegal dumping.
2. Receive the 2002 Illegal Dumping Prevention Program – Penalties and Program Publicity report for information and do not send a letter to AVICC recommending a \$2,000 minimum fine for illegal dumping.

FINANCIAL IMPLICATIONS

The RDN does not receive any of the money from the fines therefore there are no financial implications resulting if the amount of a minimum fine were increased to \$2,000.

INTERGOVERNMENTAL IMPLICATIONS

MWLAP Conservation Officers are of the opinion that a \$2,000 minimum fine for illegal dumping would be counter-productive. \$115 and \$575 tickets for minor dumping infractions from individuals or businesses, respectively, are significant penalties. Ticketing is also a very powerful compliance tool for MWLAP staff, because they do not hesitate to issue tickets if the evidence clearly exposes an individual's or business's illegal activity. Also, the tickets are usually paid without contest, the sites cleaned up and compliance achieved. MWLAP staff also indicates that there is a very low likelihood of repeat offenses from ticketed individuals or businesses. When tickets are contested MWLAP reports a good success rate with the Courts agreeing to let the fines stand.

If the minimum fine were to be raised to \$2,000, the burden of proof becomes much more onerous, MWLAP Conservation Officers would likely issue fewer tickets and it is probable that many tickets issued would be contested. From their experience, MWLAP Conservation Officers expect that the Court would be unlikely to uphold a \$2,000 fine for a minor offence. A \$2,000 minimum fine would result in the removal of a useful MWLAP compliance tool and in practical effect, the elimination of illegal dumping fines for minor offences.

The main thrust of the illegal dumping prevention program is to reduce illegal dumping activities; not generate revenue from fines. According to Conservation Officers, recreational users and forest company employees, the desired results are being achieved. The current ticketing system is proving effective.

INTERDEPARTMENTAL IMPLICATIONS

RDN Bylaw Enforcement Officers are in agreement with MWLAP staff that a \$2,000 minimum fine would not be endorsed by the Courts and therefore would not increase the effectiveness of the illegal dumping prevention program. While they feel that publicizing the information about fines would be an effective deterrent, Bylaw Enforcement Officers suggest that the most effective preventative measure is the presence of surveillance personnel in dumping areas. They also note that our publicity campaign should emphasize the point that the back roads are being watched.

SUMMARY/CONCLUSIONS

In November 2001 the Board received the 2002 Illegal Dumping Prevention Program Workplan and Budget. In response to this report, the Board directed staff to provide additional information on the value of fines assessed to date, the results of the investigation procedures, the resulting implications for illegal dumpers and provide recommendations as to how to best publicize the program. The Board also directed staff to prepare correspondence to send to AVICC recommending that a \$2,000 minimum fine be imposed for illegal dumping.

The names of ticketed violators cannot be published. Only when the ticket is contested and registered with the Court does the information associated with it become public information. Fines and enforced clean-up information will be broadly disseminated within the region through our television and radio ads. A print ad will be developed that will describe the fines levied and use this information as a deterrent.

The 10 fines resulting from the RDN illegal dumping prevention program were for \$115 each. MWLAP Conservation Officers are of the opinion that a \$2,000 minimum fine for illegal dumping would be counter-productive. The result of the imposition of a \$2,000 minimum fine would be the removal of a useful MWLAP compliance tool and in practical effect, the elimination of illegal dumping fines for minor offences. The main thrust of the illegal dumping prevention program is to reduce illegal dumping activities; not generate revenue from fines. According to Conservation Officers, recreational users and forest company employees, the desired results are being achieved.

The RDN Bylaw Enforcement Officers feel that publicizing the information about fines would be an effective deterrent, however, they feel that the most effective preventative measure is the presence of surveillance personnel in dumping areas.

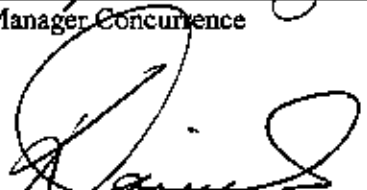
RECOMMENDATION

That the Board receive the 2002 Illegal Dumping Program – Penalties and Program Publicity report for information and that as suggested by the MWLAP Conservation Officer Service and the RDN Bylaw Enforcement staff, a letter not be sent to AVICC recommending a \$2,000 minimum fine for illegal dumping.

~~is~~ / Al. Stanley
Report Writer

~~is~~ / Corey McIvor
Manager Concurrence


General Manager Concurrence


CAO Concurrence

COMMENTS:



REGIONAL DISTRICT
OF NANAIMO

JAN 15 2002

CHAIR	GMCrs
CAO	GMDS
GMCrs	GMEs

MEMORANDUM

TO: Wayne Moorman, P.Eng.
Manager of Engineering and Utilities

DATE: January 15, 2002

FROM: Deb Churko, Dipl.T.
Engineering Technician

FILE: 5500-21-MS-TARA

SUBJECT: Utilities
Morningstar Streetlighting Local Service Area
Expansion of the Streetlighting Local Service Area

PURPOSE

To consider a request to amend the boundary of the Morningstar Streetlighting Local Service Area to include an additional thirty-one properties in the Tara Crescent Subdivision (see attached map).

BACKGROUND

In 1992, the Regional District of Nanaimo established a local service area for streetlighting in the newly created Morningstar subdivision. In 1996 some of the adjacent area requested to have the streetlighting local service area expanded to include their properties. The surrounding area has further expanded with the recent addition of 31 lots being constructed off Wembley Road on Tara Crescent. The developer included in the subdivision development architectural streetlighting and the residents have now requested they be activated.

A Petition to include Tara Crescent into the Morningstar Streetlighting Local Service Area was issued to Mr. Brian Mullholland, of 1060 Tara Crescent on November 16, 2001. The petition was returned to the RDN Environmental Services Department on January 7, 2002, with 67.7% of property owners' signatures included.

ALTERNATIVES

- 1) Accept the application to include the 31 properties in the Morningstar Streetlighting Local Service Area.
- 2) Do not accept the application.

FINANCIAL IMPLICATIONS

There are no financial implications to the Regional District of Nanaimo. If accepted into the Local Service Area, the existing streetlights installed by the developer will be connected to BC Hydro and the property owners within the local service area will pay the annual maintenance and energy costs.

In 2002 the tax rate per thousand for this service is anticipated to be \$.1623/1000.00 of property assessment, or \$16.23 annually for a property valued at \$100,000.00.

SUMMARY

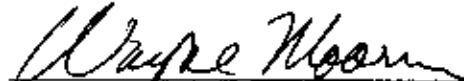
Several inquiries have been made by residents of the Tara Crescent subdivision in French Creek regarding activation of their existing neighbourhood streetlights. A Petition to include Tara Crescent into the Morningstar Streetlighting Local Service Area was received by the RDN Environmental Services Department on January 7, 2002, with 67.7% of property owners' signatures included. Amending Bylaw 869 will include the 31 lots and 7 streetlights on Tara Crescent as part of the Morningstar Streetlighting Local Service Area.

RECOMMENDATION

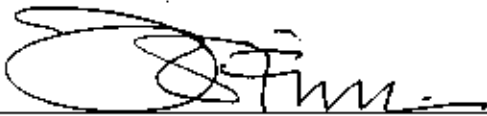
That the "Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.02, 2002" be introduced and read three times, and forwarded to the Inspector of Municipalities for approval.



Report Writer



Manager Concurrence

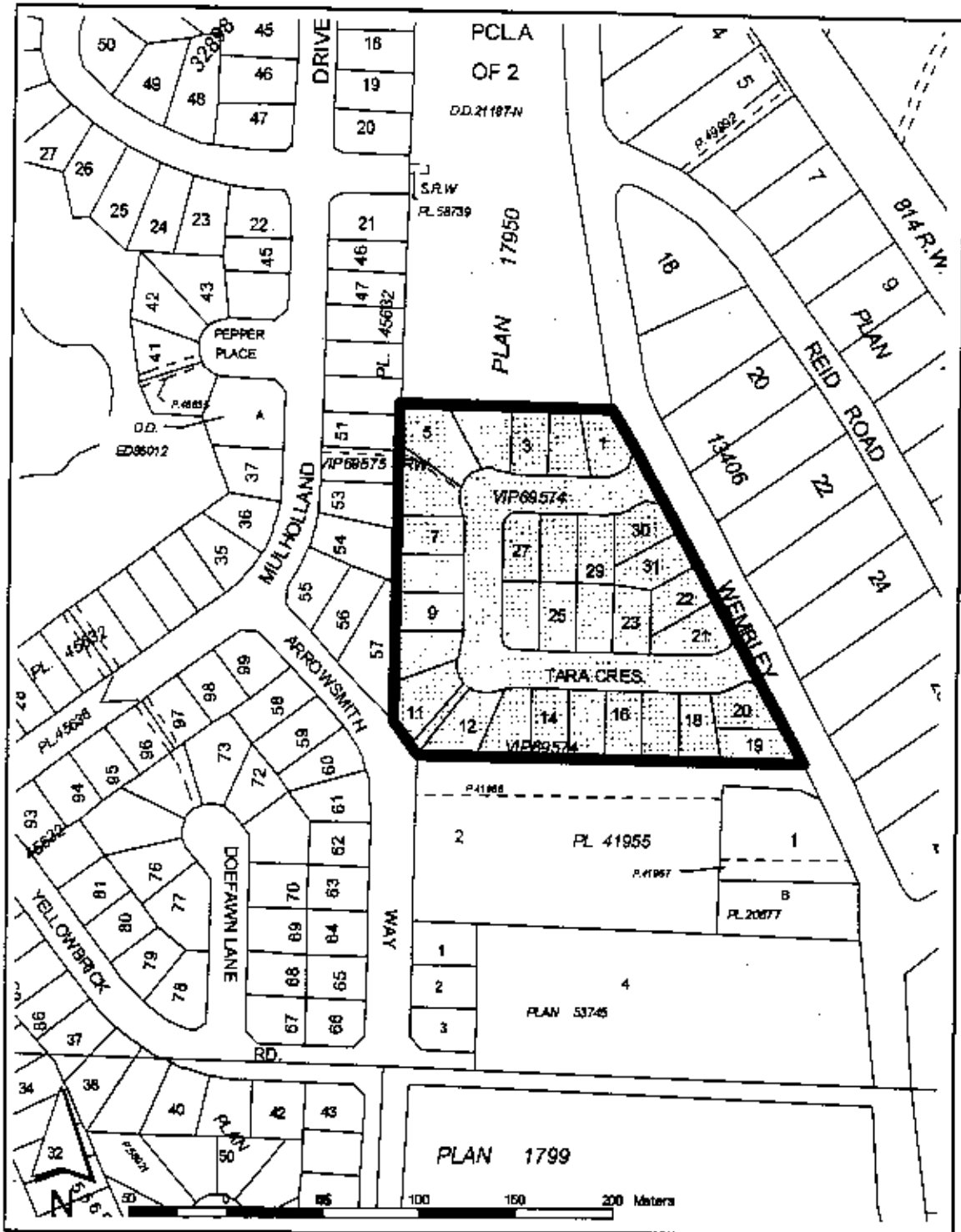


General Manager Concurrence



CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 869.02

A BYLAW TO AMEND THE BOUNDARIES
OF THE MORNINGSTAR STREETLIGHTING
LOCAL SERVICE AREA

WHEREAS the Board of the Regional District of Nanaimo created a service of streetlighting by Bylaw 869 and wishes to extend the boundaries of the Morningstar Streetlighting Local Service Area;

AND WHEREAS pursuant to Section 802(1)(b), consent of 2/3 of the participants has been obtained, supporting the amended boundaries;

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

1. The boundaries of the local service area are hereby amended to include those properties outlined in heavy black on Schedule 'A' attached to and forming a part of this bylaw.
2. The amended boundaries of the local service area are hereby shown as outlined on Schedule 'B' attached to and forming a part of this bylaw.
3. This bylaw may be cited as the "Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.02, 2002".

Introduced and read three times this ____ day of _____, 20__.

Received the approval of the Inspector of Municipalities this ____ day of _____, 20__.

Adopted this ____ day of _____, 20__.

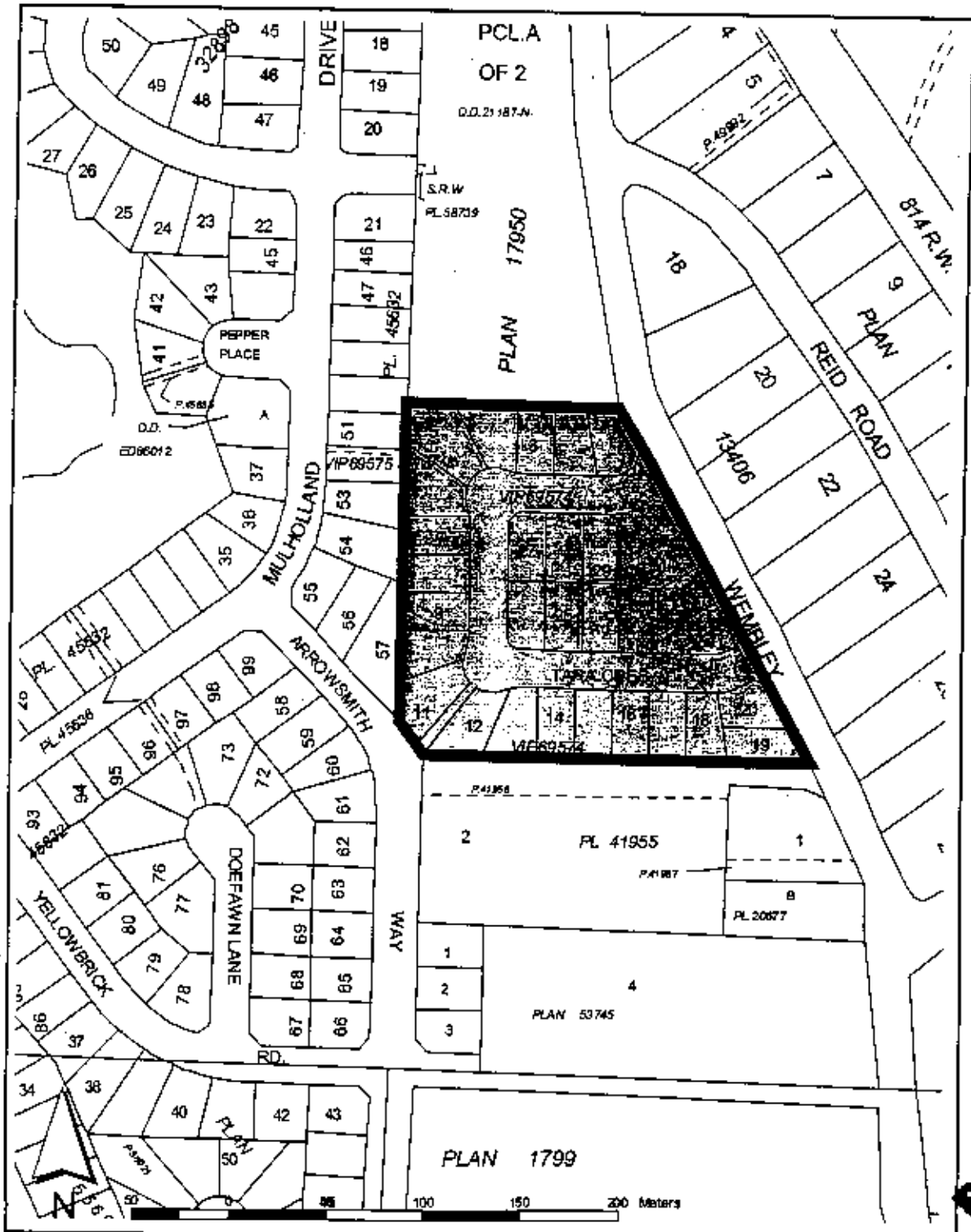
CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

PAGE
132

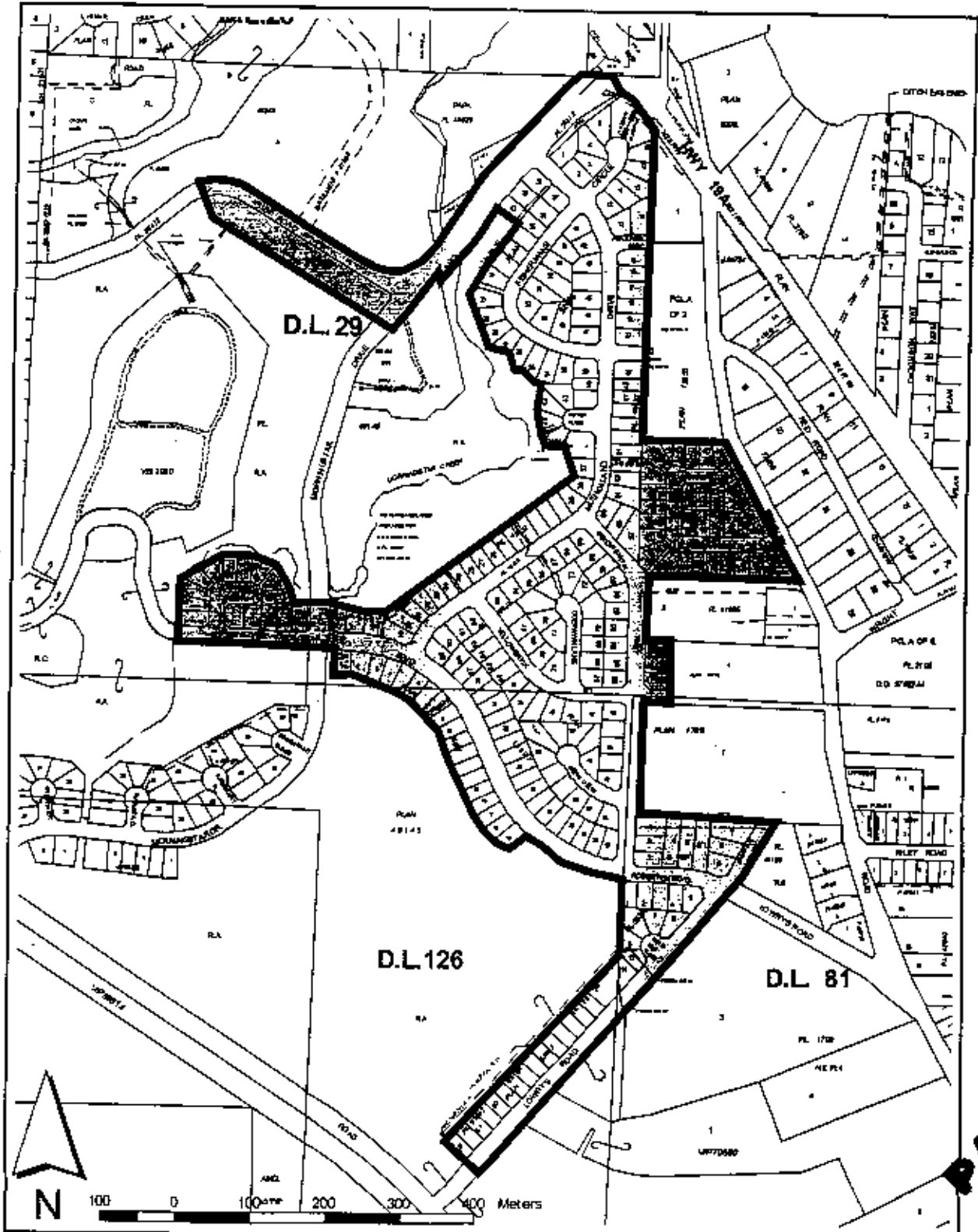
Chairperson

General Manager, Corporate Services



Chairperson

General Manager, Corporate Services





REGIONAL DISTRICT OF NANAIMO	
JAN 10 2002	
CHAIR	GMCrs
CAO	GMDS
GMCrs	GMES

MEMORANDUM

TO: John Finnie, P. Eng.
General Manager of Environmental Services

DATE: January 2, 2002

FROM: Wayne Moorman, P. Eng.
Manager of Engineering and Utilities

FILE: 5500-22-SP-01

SUBJECT: Utilities
San Pareil Water Supply Local Service Area
Amendment to the Rates and Regulation Bylaw

PURPOSE

To present for adoption an amendment to the Rates and Regulations Bylaw for the San Pareil Water Supply Local Service Area.

BACKGROUND

The current rates and regulation bylaw for the San Pareil Water Supply Local Service Area was adopted in December 1999. The bylaw fixed the domestic water rates at \$203.95 per billing period of which there are two billing periods annually. At the time the San Pareil water system was not fully metered and therefore flat rates were established.

Over the past two years staff have been working to complete the installation of new water meters in the subdivision. We have now successfully installed meters at all 264 connections in the system and we can adopt a user pay system based on actual water consumption.

The user fee budget for the San Pareil water system in 2001 (based on flat billing) was \$107,685.00 and we are projecting user fees of \$110,655.00 in 2002. To recover these fees in 2002 we will recover \$203.95 (a flat charge) in the first billing period which ends in May 2002 followed by a metered billing in the fall of 2002. The reason for this mixed billing is due to our current billing practice for San Pareil; we have billed to the end of Dec. 2001 and our current billing periods for all metered systems are approximately May 16 through September 15 and September 16 through to May 15. Therefore, to apply our standard meter billing practice to San Pareil requires some mixing in 2002. In 2003 and thereafter, we will be totally on user pay according to actual meter readings.

Staff has analyzed the water usage with the limited data we have for the water system. Data from our master water meter at the San Pareil water reservoir shows that the average water use in San Pareil last summer was 1.79 m³/day/home (394 l/gpd). This period coincided with the summer billing period for our other water systems on water meters. Assuming this data will apply in 2002 and based on the average water use our revenue will be as follows:

Billing period #1	flat rate	264 connections at \$203.95	\$ 53,843.00
Billing period #2	metered rates	264 connections at \$217.11	\$ 57,317.00
TOTAL REVENUE			<u>\$111,160.00</u>

This anticipated revenue of \$111,160.00 approximates our budgeted 2002 revenue of \$110,655.00. If revenue, based on metered rates, does not reach the anticipated budget then the minimum billing rate and/or unit water rates will need to be revised accordingly or the parcel taxes will need adjusting.

The proposed metered rates in 2002 are based on an inclined block rate as established in all our other water systems with the exception that we are proposing a 5 step rate rather than a 3 step rate for San Pareil (staff will review our water system rates and in 2003 intend to propose a 5 step rate structure for all other water systems) The additional rates will increase unit water costs to properties that use more than 3 m³/day (660 Igpd). Currently our metered rates in all other water systems do not increase above 2.22 m³/day and therefore do not discourage excessive water consumption. The proposed five step water rate structure encourages water conservation, as high water usage (above 3 m³/day) becomes more expensive. The following table illustrates water rates in San Pareil based on the five step rate structure for an anticipated 153 days in the second billing period of 2002. For comparison, we also show the rates if a three step system similar to our other water systems were adopted for San Pareil.

Consumption		Cost to Resident (5 step structure)	Cost to Resident (3 step structure)
m ³ / day	Imperial Gallons per day		
.61	135	51.33	51.33
1.00	220	84.15	84.15
* 1.79	394	217.11	217.11
2.00	440	252.45	252.45
3.00	660	504.90	504.90
4.00	880	841.50	757.35
5.00	1,100	1,262.25	1,010.10
6.00	1,320	1,683.00	1,262.25
7.00	1,540	2,103.75	1,514.70
11.26	2,477	4,274.82	2,580.04

* Average summer water use for 153 days in 2001.

An analysis of data for July 2001 shows that of the 264 homes in the San Pareil subdivision there were 11 homes with water usage over 3.0 m³/day. Consumption ranged from 3.29 m³/day up to an extreme of 11.26 m³/day. There were five homes in the 3 to 4 m³/day, three in the 4 to 5 m³/day, two in the 7 to 8 m³/day and one in the 11 to 12 m³/day ranges. Based on our proposed water rate structure the home using 11.26 m³/day would be billed \$4,274.82 for the summer billing period.

ALTERNATIVES

1. Adopt Bylaw 1172.01, 2002.
2. Amend Bylaw 1172.01, 2002 and adopt as amended.
3. Do not adopt Bylaw 1172.01, 2002.

FINANCIAL IMPLICATIONS

Revenue for the water system is collected through user fees and to be consistent with all our other water systems we are moving to a metered billing system for the second billing period in 2002. This bylaw will amend the water rates from a flat fee per billing period to a metered rate and will recover the necessary fees to permit the operation of the water utility. Schedule "A" (attached to the bylaw) contains the Water Rates proposed in this bylaw.

CITIZENS/PUBLIC RELATIONS IMPLICATIONS

Residents of San Pareil were made aware (prior to the RDN purchasing their water system) that we would initially bill them for water use on a flat rate. They were also made aware that we were going to install water meters on all services and in time begin to bill them according to water consumption. The RDN has now completed the installation of water meters on all properties in San Pareil and is proposing to bill on actual water consumed commencing with the May 16 to Sept 15 billing period.

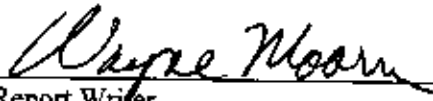
Staff plans to undertake some public information activities in the first half of 2002 to insure San Pareil residents are fully advised of the new rate structure and the cost implications of excessive water consumption.

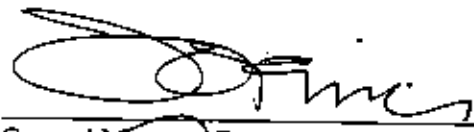
SUMMARY/CONCLUSIONS

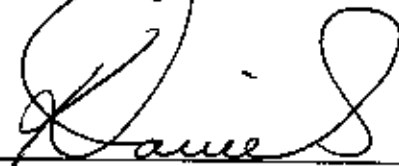
The RDN has completed the installation of water meters to all properties connected to the San Pareil Water Supply Local Service Area. We can now commence billing for water consumption to each property based on actual meter readings. There are two billing periods in 2002, the first will be based on the flat rate of \$203.95/connection and this will be followed by a metered billing based on a five step charge. We need to recover \$110,655.00 in 2002 and we anticipate collecting \$111,160.00 based on our proposed combined billing for 2002. For subsequent years, the bylaw will recover user fees based on actual water consumption measured.

RECOMMENDATION

1. That "San Pareil Water Supply Local Service Area Rates and Regulations Amendment ByLaw No. 1172.01, 2002" be introduced and read three times.
2. That "San Pareil Water Supply Local Service Area Rates and Regulations Amendment ByLaw No. 1172.01, 2002" be adopted.


Report Writer


General Manager Concurrence


CAO Concurrence

COMMENTS:

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1172.01**

**A BYLAW TO AMEND REGIONAL DISTRICT
OF NANAIMO SAN PAREIL WATER SUPPLY
LOCAL SERVICE AREA RATES AND
REGULATIONS BYLAW NO. 1172, 1999**

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

1. Schedule 'A' of Bylaw No. 1172, 1999 is hereby repealed and Schedule 'A' attached hereto and forming part of this bylaw is substituted therefore.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.01, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

SAN PAREIL WATER USER RATES

Part I

Domestic Water Rates

- (a) Where a Consumer Supply Line serves a single dwelling unit:

For the first 1.00 cubic meters per day, \$0.55 per cubic meter or imperial gallon equivalent.
From 1.01 to 2.0 cubic meters per day, \$1.10 per cubic meter or imperial gallon equivalent.
From 2.01 to 3.00 cubic meters per day, \$1.65 per cubic meter or imperial gallon equivalent.
From 3.01 to 4.00 cubic meters per day, \$2.20 per cubic meter or imperial gallon equivalent.
Over 4.01 cubic meters per day, \$2.75 per cubic meter or imperial gallon equivalent.

- (b) Apartments, Condominiums, Suites or Strata Title Units where one connection serves more than one unit:

For the first 1.00 cubic meters per day, \$0.55 per cubic meter or imperial gallon equivalent.
From 1.01 to 2.0 cubic meters per day, \$1.10 per cubic meter or imperial gallon equivalent.
From 2.01 to 3.00 cubic meters per day, \$1.65 per cubic meter or imperial gallon equivalent.
From 3.01 to 4.00 cubic meters per day, \$2.20 per cubic meter or imperial gallon equivalent.
Over 4.01 cubic meters per day, \$2.75 per cubic meter or imperial gallon equivalent.

- (c) Minimum rate per billing period per unit shall be.

\$203.95 for the first billing period in 2002.

thereafter, the minimum shall be \$25.00 per billing period.

Part II

Connection Charges

- | | |
|-------------------------------------|-----------|
| (a) To existing service connections | \$ 250.00 |
| (b) To new service connections | \$ 750.00 |

Part III

Reconnection to Any Water Service

Disconnected pursuant to this bylaw	\$ 100.00
-------------------------------------	-----------



REGIONAL DISTRICT OF NANAIMO	
JAN 14 2002	
CHAIR	GMCrs
CAO	GMDS
GMCrs	GMES
POW ✓	

MEMORANDUM

TO: C. Mason
General Manager, Corporate Services

DATE: December 24, 2001

FROM: N. Avery
Manager, Financial Services

FILE:

SUBJECT: Recovery of Feasibility Study Costs for New Services

PURPOSE:

To obtain Board approval for changes to the cost recovery approach for feasibility studies.

BACKGROUND:

Changes to the *Local Government Act* now provide additional flexibility to recover the costs of feasibility/investigative studies into establishing new services within Regional Districts. In the past, funding for feasibility studies flowed through the General Administration function, meaning all members assisted in funding a pool of monies for this purpose. The *Act* permits the recovery of such costs directly from the jurisdiction(s) where the benefit of the study lies. When a new service is ultimately established, the costs of the study are a charge against the first year's budget for the new service and the funds are returned to the feasibility study fund.

To allow for maximum flexibility for funding future studies staff recommend establishing separate Feasibility Study reserve funds for each Electoral Area, a reserve fund for the Electoral Areas as a group in District 68 and District 69 and finally, a reserve fund for all of the Electoral Areas as a group. The current Feasibility Study fund will be separated into components already approved for Electoral Area studies, with any unallocated balance remaining used for future "regional" studies.

ALTERNATIVES:

1. Approve Feasibility Study Reserve Fund bylaws as presented and recommend that commencing in 2002, funding for feasibility studies will be raised through the annual budget process from the jurisdiction in which the study will take place.
2. Make no changes to the existing feasibility study fund structure.

FINANCIAL IMPLICATIONS:

Alternative 1

An Electoral Area would fund feasibility studies for new services as an annual budget item. Any funds not expended on studies in the current year would be contributed to the relevant feasibility study reserve fund and would be available as a pool for future studies within the Electoral Area(s).

For example, the 2002 provisional budget provides new taxes in the amount of \$5,000 for each of Area B and Area E to cover part of the costs of sewer servicing strategies in those areas. Should any funds remain once the studies are completed, the unexpended amount would be set aside in the reserve funds for Area B and Area E. There is no 2002 allocation within the General Administration budget for feasibility study fund purposes. The "regional" feasibility study fund has an unallocated balance of approximately \$40,000.

Alternative 2

The Board has the authority to direct that study costs be recovered from specific areas without establishing separate reserve funds. Under this alternative the current study fund would continue to be topped up from time to time through the General Administration budget. Should this be the preferred approach staff recommends the development of a clear policy statement covering the types and levels of study funding the Board would consider for recovery. Staff is however, of the opinion that separating the budgeting and study reserve funds is clearer for all members.

SUMMARY/CONCLUSIONS:

The *Local Government Act* provides clearer authority for the recovery of feasibility study costs for new services. The *Act* permits costs to be recovered from one or more areas affected by the study. Commencing in 2002, staff recommend separate annual budgets as required for new studies, with any funds not expended being contributed to a separate reserve fund for that jurisdiction(s) to build up a pool of funds available for future studies.

RECOMMENDATION:

1. That "Electoral Area A Feasibility Study Fund Bylaw No. 1271, 2002" be introduced for three readings.

That "Electoral Area A Feasibility Study Fund Bylaw No. 1271, 2002" having received three readings be adopted.

2. That "Electoral Area B Feasibility Study Fund Bylaw No. 1272, 2002" be introduced for three readings.

That "Electoral Area B Feasibility Study Fund Bylaw No. 1272, 2002" having received three readings be adopted.

3. That "Electoral Area C Feasibility Study Fund Bylaw No. 1273, 2002" be introduced for three readings.

That "Electoral Area C Feasibility Study Fund Bylaw No. 1273, 2002" having received three readings be adopted.

4. That "Electoral Area D Feasibility Study Fund Bylaw No. 1274, 2002" be introduced for three readings.

That "Electoral Area D Feasibility Study Fund Bylaw No. 1274, 2002" having received three readings be adopted.

5. That "Electoral Area E Feasibility Study Fund Bylaw No. 1275, 2002" be introduced for three readings.

That "Electoral Area E Feasibility Study Fund Bylaw No. 1275, 2002" having received three readings be adopted.

6. That "Electoral Area F Feasibility Study Fund Bylaw No. 1276, 2002" be introduced for three readings.

That "Electoral Area F Feasibility Study Fund Bylaw No. 1276, 2002" having received three readings be adopted.

7. That "Electoral Area G Feasibility Study Fund Bylaw No. 1277, 2002" be introduced for three readings.

That "Electoral Area G Feasibility Study Fund Bylaw No. 1277, 2002" having received three readings be adopted.

8. That "Electoral Area H Feasibility Study Fund Bylaw No. 1278, 2002" be introduced for three readings.

That "Electoral Area H Feasibility Study Fund Bylaw No. 1278, 2002" having received three readings be adopted.

9. That "School District 68 Feasibility Study Fund Bylaw No. 1279, 2002" be introduced for three readings.

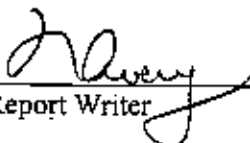
That "School District 68 Feasibility Study Fund Bylaw No. 1279, 2002" having received three readings be adopted.

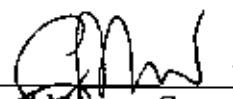
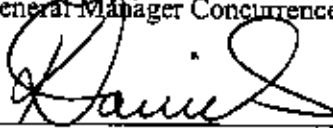
10. That "School District 69 Feasibility Study Fund Bylaw No. 1280, 2002" be introduced for three readings.

That "School District 69 Feasibility Study Fund Bylaw No. 1280, 2002" having received three readings be adopted.

11. That "Electoral Areas (All) Feasibility Study Fund Bylaw No. 1281, 2002" be introduced for three readings.

That "Electoral Areas (All) Feasibility Study Fund Bylaw No. 1281, 2002" having received three readings be adopted.


Report Writer


General Manager Concurrence

C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1271

**A BYLAW TO ESTABLISH A RESERVE FUND
FOR THE PURPOSE OF FEASIBILITY STUDIES
IN ELECTORAL AREA A**

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

1. There is hereby established a reserve fund, pursuant to Division 13 of the *Local Government Act*, to be known as the "Electoral Area A Feasibility Study Reserve Fund".
2. Money raised from Electoral Area A from time to time for feasibility studies, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may be paid into the reserve fund.
3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
4. Money in the reserve fund shall be used for studies related to establishing new services within Electoral Area A.
5. This bylaw may be cited as the "Electoral Area A Feasibility Study Fund Bylaw No. 1271, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1272

**A BYLAW TO ESTABLISH A RESERVE FUND
FOR THE PURPOSE OF FEASIBILITY STUDIES
IN ELECTORAL AREA B**

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

1. There is hereby established a reserve fund, pursuant to Division 13 of the *Local Government Act*, to be known as the "Electoral Area B Feasibility Study Reserve Fund".
2. Money raised from Electoral Area B from time to time for feasibility studies, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may be paid into the reserve fund.
3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
4. Money in the reserve fund shall be used for studies related to establishing new services within Electoral Area B.
5. This bylaw may be cited as the "Electoral Area B Feasibility Study Fund Bylaw No. 1272, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

PAGE
144

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1273

**A BYLAW TO ESTABLISH A RESERVE FUND
FOR THE PURPOSE OF FEASIBILITY STUDIES
IN ELECTORAL AREA C**

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

1. There is hereby established a reserve fund, pursuant to Division 13 of the *Local Government Act*, to be known as the "Electoral Area C Feasibility Study Reserve Fund".
2. Money raised from Electoral Area C from time to time for feasibility studies, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may be paid into the reserve fund.
3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
4. Money in the reserve fund shall be used for studies related to establishing new services within Electoral Area C.
5. This bylaw may be cited as the "Electoral Area C Feasibility Study Fund Bylaw No. 1273, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

PAGE
145

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1274

**A BYLAW TO ESTABLISH A RESERVE FUND
FOR THE PURPOSE OF FEASIBILITY STUDIES
IN ELECTORAL AREA D**

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

1. There is hereby established a reserve fund, pursuant to Division 13 of the *Local Government Act*, to be known as the "Electoral Area D Feasibility Study Reserve Fund".
2. Money raised from Electoral Area D from time to time for feasibility studies, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may be paid into the reserve fund.
3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
4. Money in the reserve fund shall be used for studies related to establishing new services within Electoral Area D.
5. This bylaw may be cited as the "Electoral Area D Feasibility Study Fund Bylaw No. 1274, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1275

A BYLAW TO ESTABLISH A RESERVE FUND
FOR THE PURPOSE OF FEASIBILITY STUDIES
IN ELECTORAL AREA E

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

1. There is hereby established a reserve fund, pursuant to Division 13 of the *Local Government Act*, to be known as the "Electoral Area E Feasibility Study Reserve Fund".
2. Money raised from Electoral Area E from time to time for feasibility studies, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may be paid into the reserve fund.
3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
4. Money in the reserve fund shall be used for studies related to establishing new services within Electoral Area E.
5. This bylaw may be cited as the "Electoral Area E Feasibility Study Fund Bylaw No. 1275, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1276

A BYLAW TO ESTABLISH A RESERVE FUND
FOR THE PURPOSE OF FEASIBILITY STUDIES
IN ELECTORAL AREA F

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

1. There is hereby established a reserve fund, pursuant to Division 13 of the *Local Government Act*, to be known as the "Electoral Area F Feasibility Study Reserve Fund".
2. Money raised from Electoral Area F from time to time for feasibility studies, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may be paid into the reserve fund.
3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
4. Money in the reserve fund shall be used for studies related to establishing new services within Electoral Area F.
5. This bylaw may be cited as the "Electoral Area F Feasibility Study Fund Bylaw No. 1276, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1277

A BYLAW TO ESTABLISH A RESERVE FUND
FOR THE PURPOSE OF FEASIBILITY STUDIES
IN ELECTORAL AREA G

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

1. There is hereby established a reserve fund, pursuant to Division 13 of the *Local Government Act*, to be known as the "Electoral Area G Feasibility Study Reserve Fund".
2. Money raised from Electoral Area G from time to time for feasibility studies, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may be paid into the reserve fund.
3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
4. Money in the reserve fund shall be used for studies related to establishing new services within Electoral Area G.
5. This bylaw may be cited as the "Electoral Area G Feasibility Study Fund Bylaw No. 1277, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1278

**A BYLAW TO ESTABLISH A RESERVE FUND
FOR THE PURPOSE OF FEASIBILITY STUDIES
IN ELECTORAL AREA H**

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

1. There is hereby established a reserve fund, pursuant to Division 13 of the *Local Government Act*, to be known as the "Electoral Area H Feasibility Study Reserve Fund".
2. Money raised from Electoral Area H from time to time for feasibility studies, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may be paid into the reserve fund.
3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
4. Money in the reserve fund shall be used for studies related to establishing new services within Electoral Area H.
5. This bylaw may be cited as the "Electoral Area H Feasibility Study Fund Bylaw No. 1278, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1279

**A BYLAW TO ESTABLISH A RESERVE FUND
FOR THE PURPOSE OF FEASIBILITY STUDIES
IN SCHOOL DISTRICT 68 ELECTORAL AREAS**

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

1. There is hereby established a reserve fund, pursuant to Division 13 of the *Local Government Act*, to be known as the "School District 68 Electoral Areas Feasibility Study Reserve Fund".
2. Money raised from School District 68 Electoral Areas from time to time for feasibility studies, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may be paid into the reserve fund.
3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
4. Money in the reserve fund shall be used for studies related to establishing new services within School District 68 Electoral Areas.
5. This bylaw may be cited as the "School District 68 Electoral Areas Feasibility Study Fund Bylaw No. 1279, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

PAGE
151

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1280

A BYLAW TO ESTABLISH A RESERVE FUND
FOR THE PURPOSE OF FEASIBILITY STUDIES
IN SCHOOL DISTRICT 69 ELECTORAL AREAS

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

1. There is hereby established a reserve fund, pursuant to Division 13 of the *Local Government Act*, to be known as the "School District 69 Electoral Areas Feasibility Study Reserve Fund".
2. Money raised from School District 69 Electoral Areas from time to time for feasibility studies, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may be paid into the reserve fund.
3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
4. Money in the reserve fund shall be used for studies related to establishing new services within School District 69 Electoral Areas.
5. This bylaw may be cited as the "School District 69 Electoral Areas Feasibility Study Fund Bylaw No. 1280, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

PAGE
152

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1281

A BYLAW TO ESTABLISH A RESERVE FUND
FOR THE PURPOSE OF FEASIBILITY STUDIES
IN ELECTORAL AREAS (ALL)

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

1. There is hereby established a reserve fund, pursuant to Division 13 of the *Local Government Act*, to be known as the "Electoral Areas (All) Feasibility Study Reserve Fund".
2. Money raised from Electoral Areas (All) from time to time for feasibility studies, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may be paid into the reserve fund.
3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
4. Money in the reserve fund shall be used for studies related to establishing new services within Electoral Areas (All).
5. This bylaw may be cited as the "Electoral Areas (All) Feasibility Study Fund Bylaw No. 1281, 2002".

Introduced and read three times this 12th day of February, 2002.

Adopted this 12th day of February, 2002.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

PAGE
153

LANTZVILLE IMPROVEMENT DISTRICT / REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE LANTZVILLE PARKS &
OPEN SPACE ADVISORY COMMITTEE MEETING
NOVEMBER 26, 2001**

1. CALL TO ORDER

Brenda McConachie called the meeting to order at 7:00 p.m.

Committee Present: Peter Law, Brenda McConachie, Denise Haime, Susan Crayston, Barb Samarin and Harriet Rueggeberg

Staff Present: Jeff Ainge, RDN Parks Coordinator
Russell Dyson, LID Administrator

2. INTRODUCTIONS

3. AGENDA

Motion 01:32
THAT the Parks and Open Space Committee approve the agenda as circulated.
CARRIED

4. MINUTES

Motion 01:33
THAT the Parks and Open Space Advisory Committee approve the minutes for the October 29, 2001 regular meeting.
CARRIED

5. CURRENT BUSINESS

(a) Foreshore Stewardship Pamphlet

Harriet is to summarize the text prepared to date and provide it to Brigid Reynolds of the RDN for consideration of funding and or publication of the document.

(b) Donation Strategy

Improvement District staff will prepare a report outlining the material needs for parks and a draft donation strategy for the committees consideration.

6. CORRESPONDENCE

(a) The Precautionary Principle – Department of Fisheries and Oceans

An excerpt of a web page discussing federal policy was provided for the information of the Committee.

(b) **Status of Committee Members**

The terms of Harriet and Peter expire at the end of the year. Harriet indicated that she would not be applying to continue. Peter will apply for the Improvement District appointment.

7. **REPORTS**

(a) **Chairs Report Regarding Meeting Procedures**

Brenda McConachie and Susan Crayston both attended a workshop on meeting procedures. Brenda discussed ideas, which could apply to the committee to improve procedures and reporting.

It was agreed that minutes would reflect if a motion is carried, but no reference would be provided for movers and seconders. At the commencement of each meeting the committee will schedule items and the completion time for the meeting. Improvement Districts meeting procedures are to be followed in consideration of delegations.

(b) **Lantzville Improvement District**

Russell provided a brief update of park issues.

(c) **Regional District of Nanaimo**

Jeff provided a brief update of Regional District issues. The province has indicated there is little or no opportunity to establish a foreshore reserve for recreation interests.

7. **ROUND TABLE**

It was agreed that meetings would be conducted on the first Monday of each month commencing with January 7, 2002.

8. **ADJOURNMENT**

Motion 01:34
THAT the meeting be adjourned at 8:20 p.m.
CARRIED

APPROVED 01/07/02

Chairperson

Secretary

**MINUTES OF THE LANTZVILLE PARKS &
OPEN SPACE ADVISORY COMMITTEE MEETING
JANUARY 7, 2002**

1. CALL TO ORDER

Brenda McConachie called the meeting to order at 7:05 p.m.

Committee Present: Peter Law, Brenda McConachie, Barb Samarin and Ann Thomas

Staff Present: Jeff Ainge, RDN Parks Coordinator
Russell Dyson, LID Administrator

2. INTRODUCTIONS

3. AGENDA

Motion 02:01

THAT the Parks and Open Space Committee approve the agenda as circulated.

CARRIED

4. MINUTES

Peter Law indicated that he would continue to pursue the investigation of a recreation reserve for the Lantzville Foreshore.

Motion 02:02

THAT the Parks and Open Space Advisory Committee approve the minutes for the November 26, 2001 regular meeting.

CARRIED

5. CURRENT BUSINESS

(a) Donation and Fundraising Guidelines

Russell distributed a draft set of guidelines for a donation campaign for the committee's consideration. The committee agreed to have a planning session regarding the establishment of a donation campaign at their next regular meeting. Jeff is to secure a facilitator for this. Committee members are encouraged to review the guidelines and bring forward the priorities for the campaign at the next meeting.

The Chair asked committee members to consider other members of the community who would participate in a donation campaign.

6. **CORRESPONDENCE**

(a) **District lot 105, Lantzville**

The committee received correspondence from the BC Assets and Land Corporation (BCALC) regarding the RDN securing an interest in the Crown lands adjacent to the proposed woodlot. BCALC indicates the lands are not available to the RDN, as they are to market the lands.

The Committee noted that existing road ends are inundated with traffic accessing the foothills. A portion of the subject property is required to accommodate a staging area for recreational opportunities secured within the foothills as part of the communities multiple use guidelines of the proposed woodlot licence.

Motion 02:03

THAT the Parks and Open Space Committee recommend the Board of the Regional District of Nanaimo write to the BC Assets and Land Corporation to expand on the rationale for the lands and request reconsideration for a portion of DL 105 to be provided for a staging area for recreational opportunities within the Lantzville Foothills.
CARRIED

(b) **RDN Tree Management Policy - Request for Input**

The committee felt that the blanket policy works as a region-wide policy. If the RDN provided specific site management policy or individual park plans, then the policy may require amendment. It maybe that a park is managed for other than its greenspace values, or there may be a need to keep even the hazardous trees for habitat purposes.

(c) **Volunteers for Parks**

Russell indicated that he received a number of offers for volunteer service. He requested input from the committee for possible projects. The committee proposed the Woodgrove Community Church be encouraged to assist Barb Samarin with Huddleston Park maintenance and that Travis Patterson be provided with materials to prepare for public information pamphlets.

(d) **Lantzville Parks Inventory**

The committee was provided with maps of the community park sites within Lantzville for their resource binders.

7. **REPORTS**

(a) **Lantzville Improvement District**

Russell indicated that Peter Wightman of the Ministry of Transportation has requested a meeting with the RDN and LID regarding Sebastion Road. Mr. Wightman was to set the meeting up this week. No decision has been made regarding Sebastion Road.

(b) **Regional District of Nanaimo**

Jeff indicated that the Regional District has available a "weed wrench" for pulling broom. It may be borrowed for use within the community.

Brigid Reynolds would like to meet with the committee to discuss text for the foreshore document; this will be arranged with Harriet Rueggeberg who volunteered to see this project through to completion. It is possible to co-produce the document with the Parks and Planning departments of the RDN and the LID contributing to its production and distribution.

(c) **Peter Law - Foreshore Meeting with Clive Calloway**

Peter met at the foreshore with Clive Calloway and Dave Polster to discuss foreshore stewardship in Lantzville. It was agreed that a publication distributed to residents and possibly a follow up workshop would be beneficial. It was also proposed that the committee consider revitalizing Harper Road beach access with natural works as an example for the community.

(d) **Next Regular Meeting February 4, 2002**

7. **ADJOURNMENT**

Motion 02:04
THAT the meeting be adjourned at 8:50 p.m.
CARRIED

APPROVED 02/04/02

Chairperson

Secretary