

REGIONAL DISTRICT OF NANAIMO
COMMITTEE OF THE WHOLE
TUESDAY, OCTOBER 22, 2002
(immediately following the Special Board Meeting)

(Nanaimo City Council Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

5-6 **Brian Senini**, re Pump and Haul Amendment Bylaw No. 975.26.

MINUTES

7-11 Minutes of the Committee of the Whole meeting held on Tuesday, October 1, 2002.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATION/CORRESPONDENCE

12-18 **Patricia Wallace, President, UBCM**, re Response to Discussion Paper on Civil Liability.

19-33 **Government of British Columbia News Release**, re New Legislation Protects Drinking Water.

COMMUNITY SERVICES

RECREATION AND PARKS

34-36 Area F Park Land Acquisition Reserve Fund Expenditure Bylaw No. 1326.

37-38 Old Errington School – Community Consultation on Facility Management Options.

39-57 Parksville Curling Club Memorandum of Understanding.

58-64 Park Development.

65-67 Crown Land Lease Offer for Community Park in Nanoose Bay.

District 69 Arena Multiplex Design/Build Agreement. (Report to be circulated)

District 69 Arena Multiplex Land Transfer Agreement. (Report to be circulated)

REGIONAL GROWTH MANAGEMENT

68-71 Regional Growth Strategy Bylaw No. 1309 – Public Consultation Process.

TRANSIT

72-75 Proposed Transit Fare Increase.

CORPORATE SERVICES

DEVELOPMENT SERVICES

BUILDING INSPECTION

76-77 Section 700 Filings.

PLANNING

78-82 ALR Regulation Amendment – Aquaculture Implications for RDN.

ENVIRONMENTAL SERVICES

LIQUID WASTE

83-91 Pump & Haul LSA Amendment Bylaw No. 975.26.

UTILITIES

92-95 Nanoose Bay Bulk Water Supply LSA Capital Improvement Charge Bylaw No. 1323.

96-102 Nanoose Bay Bulk Water LSA Bylaw No. 1049.02 and Nanoose Bay Bulk Water Development Cost Charge Bylaw No. 1088.02.

103-106 Fairwinds Streetlighting LSA Bylaw No. 789.02.

107-109 Barclay Crescent Sewer Initiative.

COMMISSION, ADVISORY & SELECT COMMITTEE

Lantzville Parks & Open Space Advisory Committee.

110-113 Minutes from the meetings of the Lantzville Parks & Open Space Advisory Committee held July 8 and September 16, 2002. (for information)

District 69 Recreation Commission.

114-116

Minutes from the meeting of the District 69 Recreation Commission held October 10, 2002. (for information)

That the following Youth Grants be approved:

<i>Beacon Christian School - field improvements</i>	<i>\$2,500</i>
<i>Coombs Halloween Candy Walk</i>	<i>\$1,000</i>
<i>Coombs Hilliers Recreation Community Org. - play structure</i>	<i>\$2,500</i>
<i>District 69 Minor Softball - pitching machine</i>	<i>\$2,000</i>
<i>Oceanside Junior Cheer & Stunt Squad</i>	<i>\$2,000</i>
<i>Parksville Qualicum Youth Ski Group</i>	<i>\$1,500</i>
<i>Youth Breakdance Project</i>	<i>\$1,200</i>

That the following Community Grants be approved:

<i>Arrowsmith Mountain Bike Society - epic race event</i>	<i>\$1,000</i>
<i>Coombs Hilliers Recreation Community Org. - bldg addition</i>	<i>\$4,000</i>
<i>Errington War Memorial Hall Association - field fencing</i>	<i>\$1,000</i>
<i>Mid-Island Wheelchair Sport Club - wheelchair</i>	<i>\$3,715</i>
<i>Parksville Royals Baseball Club - clay bricks for mounds</i>	<i>\$ 750</i>
<i>Parksville Royal Baseball Club - batting cage</i>	<i>\$ 500</i>
<i>Parksville Royals Baseball Club - cinder for infield</i>	<i>\$ 600</i>

That the Community Grant application from the Arrowview Elementary School PAC in the amount of \$4,660 be approved.

Grants-in-Aid Committee.

117-119

Minutes from the meeting of the Grants-in-Aid Committee held October 11, 2002. (for information)

That the following grant be awarded in District 68:

<i>Nanaimo Search and Rescue Society</i>	<i>\$ 1,128.65</i>
--	--------------------

That the remaining funds in the District 68 Grants-in-Aid budget be carried over to the 2003 budget.

That the following grants be awarded in District 69:

<i>Caregivers Support Program</i>	<i>\$ 350</i>
<i>District 69 Volunteer Association</i>	<i>750</i>
<i>Navy League of Canada - Parksville Branch</i>	<i>1,100</i>
<i>Oceanside Community Kitchens Society</i>	<i>500</i>
<i>Parksville Meeting Place Society</i>	<i>250</i>
<i>Parksville/Qualicum Project Literacy</i>	<i>500</i>
<i>Vicious Vacant Productions - PUMEX</i>	<i>750</i>

That the remaining funds in the District 69 Grants-in-Aid budget be carried over to the 2003 budget.

That the Grants-in-Aid criteria be amended as follows:

1. *Grants-in-Aid are provided to non-profit organizations for social programs and services in the Regional District of Nanaimo.*
2. *The organization must provide a social enrichment service to the community and must demonstrate that the service provided does fill a need in the community, and that there is no overlapping with services already existing.*
3. *The organization must be local in nature, in that the grant requested is for a specific service to the residents of the Regional District of Nanaimo.*
4. *The organization must be a non profit organization and provide a current year budget and full financial statements for its operation, noting any other sources of funds. The organization must state specifically the use for the grant requested from the Regional District and the breakdown of expenses for its use.*

The following services/functions will not be funded:

- (a) annual operating expenses*
 - (b) remuneration (wages, salaries, fees)*
 - (c) leasehold improvements*
5. *Applications falling under the umbrella of the City of Nanaimo will be returned to the applicant with an explanation.*
 6. *Late submissions will not be accepted.*
 7. *Applications that do not meet the criteria will not be accepted.*

PRESENTATION

2003 Provisional Development Services Budget. (Verbal)

2003 Provisional Environmental Services Budget. (Verbal)

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

BOARD INFORMATION (Separate enclosure on blue paper)

ADJOURNMENT

IN CAMERA

VINING SENINI

An Association of Lawyers and Law Corporations

Brett R. Vining*
Kent A. B. Locke
Patrick J. Giroday*

Brian J. Senini*
D. Douglas Tattie*
R. Dean Oliphant

Tel: (250)754-1234
Fax: (250)754-8080
P. O. Box 190
30 Front Street
Nanaimo, B.C. V9R 5K9

*denotes Law Corporation

OUR FILE: 298076
REPLY TO: Brian J. Senini

September 20, 2002
Via FAX 390-7511

REGIONAL DISTRICT OF NANAIMO
6300 Hammond Bay Road
Nanaimo, B. C. V9T 6N2

Attention: **Bob Lapham**
General Manager, Development Services

Dear Sir:

RE: BYLAW NO. 975.25
YOUR FILE NOS. 4520-20-44 TO 48

Further to my attendance at the RDN Board meeting of September 10, 2002 concerning the above-noted Bylaw, could you please provide me with copies of the following information at your earliest convenience:

1. Minutes of the Environmental Services Committee meeting at which the above-noted Bylaw was considered by the Committee;
2. Minutes of the RDN Board meeting of September 10, 2002;
3. All published RDN Policy Statements concerning Bylaws 975 and 1224, in particular any Policy Statement published concurrent with the adoption of the initial enabling bylaws and the subsequent amendment which, as I understand it, eliminated a prior requirement for the subject property to have been the subject of a failed in-ground sewage disposal system.

Based on several statements made by certain Directors at the September 10 Board meeting, it appears that several of them are of the mistaken belief that the subject properties are "development properties" and not legally titled parcels of land that enjoy the same status as other legally titled parcels of land.

As you know, each of my client's five subject properties are within the jurisdiction of the recently adopted Official Community Plan and Zoning Bylaw for Area F and are subject to all governmental regulations concerning development including those of the Ministry of Health Services.

VINING SENINI

September 20, 2002

Page 2

At the September 10 meeting you advised the Directors that you also had "certain concerns" regarding my client's application. Could you please advise me of your concerns.

Please also confirm that Bylaw No. 975.25 is on the agenda for reconsideration at the next Environmental Services Committee meeting.

I wish to appear as a delegation at that meeting and would ask that you advise Maureen Pearse accordingly on my behalf.

Please have Maureen confirm the date, time and place of this meeting and my addition to the agenda.

I thank you for your attention to the foregoing matters and await your early reply.

Yours very truly,

VINING SENINI

Per: 

BRIAN J. SENINI

BJS/mls

cc: Tim Peligren

PAGE

6

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON TUESDAY, OCTOBER 1, 2002, AT 7:30 PM
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, BC

Present:

Director J. Stanhope	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 F
Alternate	
Director J. Pullen	Electoral Area F
Director R. Quittenton	Electoral Area H
Director J. Macdonald	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Alternate	
Director T. Beech	City of Nanaimo
Director D. Rispin	City of Nanaimo
Director T. Krall	City of Nanaimo
Director L. McNabb	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
C. Mason	General Manager of Corporate Services
J. Finnie	General Manager of Environmental Services
N. Connelly	General Manager of Community Services
B. Lapham	General Manager of Development Services
P. Shaw	Manager of Community Planning
S. Schopp	Manager of Inspection & Enforcement
N. Tonn	Recording Secretary

DELEGATIONS

Marilyn Bridges, Office & Professional Employees International Union, re the Future of Public Insurance.

Ms. Bridges noted the advantages of public insurance and the benefits ICBC provides to its customers as well as the community. The Board was urged to forward a resolution to the Minister responsible for ICBC and the Premier to preserve universal public auto insurance.

MINUTES

MOVED Director Krall, SECONDED Director Westbroek, that the minutes of the Committee of the Whole meeting held on Tuesday, August 27, 2002 be adopted.

CARRIED

DEVELOPMENT SERVICES

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 Holme, SECONDED Director Macdonald, that a notice be filed against the title 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) Parcel E (DD 6975N) of Sections 9 and 10, Range 5, Cedar District, Except those parts in Plans 10233, 10772, 15372, 21911 and 27211, 2250 Kendall Road, Electoral Area 'A', owned by Boat Harbour Marine Ltd;
- (b) Lot 30, Section 9, Plan 30347, Gabriola Island, Nanaimo Land District, 1595 Hess Road, Electoral Area 'B', owned by S. Shackelton and R. Markle;
- (c) Lot 81, Section 6, Plan 31743, Gabriola Island, Nanaimo Land District, 1637 Peterson Road, Electoral Area 'B', owned by G. Koza;
- (d) Lot 1, District Lot 29, Plan VIS4487, Nanoose District together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, 857 Wright Road, Electoral Area 'G', owned by R. and C. Ryvers.

CARRIED

PLANNING

Agricultural Land Reserve Regulation Amendment – Implications for All Electoral Areas except Electoral Area 'B'.

MOVED Director Holme, SECONDED Director Krall, that the staff report on 'Agricultural Land Reserve Regulation Amendment – Implications For the RDN' be received for information.

CARRIED

CORPORATE SERVICES

ADMINISTRATION

Police Financing Discussion Paper.

MOVED Director Westbroek, SECONDED Director Holme, that the report on Police Financing be received for information and following the local government elections, the Board establish a Select Committee to consider the proposals put forward by the Minister of Public Safety and Solicitor General and prepare a response for consideration by the Board.

CARRIED

Treaty Related Measures – Legislative Working Group.

MOVED Director Hamilton, SECONDED Director Westbroek, that the Legislative Working Group report be received for information.

CARRIED

FIRE PROTECTION

Errington Fire Protection Function Reserve Fund Expenditure Bylaw No. 1324.

This item has been deferred to the next Board meeting.

ENVIRONMENTAL SERVICES

SOLID WASTE

Landfill Gas Collection System Expansion – FCM Conditional Grant.

MOVED Director Westbrook, SECONDED Director Elliott, that the Board accept a conditional grant of \$505,000 from the Federation of Canadian Municipalities (FCM) Green Municipal Funds to expand the gas collection system at the Regional Landfill and proceed with the project agreement with FCM.

CARRIED

Household Yard & Garden Waste Collection.

MOVED Director Westbrook, SECONDED Director Hamilton, that the Board not implement a curbside yard and garden waste collection program in urban areas of the RDN at this time.

CARRIED

UTILITIES

French Creek Sewerage Facilities LSA Amendment Bylaw No. 813.27.

MOVED Director Westbrook, SECONDED Director Macdonald, that "French Creek Sewerage Facilities Local Service Area Amendment Bylaw No. 813.27, 2002" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Pacific Shores Sewer LSA Amendment Bylaw No. 1021.03 and Northern Sewer LSA Amendment Bylaw No. 889.22.

MOVED Director Holme, SECONDED Director Krall:

1. That "Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No. 889.22, 2002" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
2. That "Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.03, 2002" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Rural Streetlighting LSA Boundary Amendment Bylaw No. 791.05.

MOVED Director Westbrook, SECONDED Director Holme, that "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.05, 2002" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

District 69 Arena Committee.

Director Holme provided highlights of the District 69 Arena Committee meeting held September 17, 2002.

MOVED Director Rispin, SECONDED Director Westbrook, that the verbal report with respect to the District 69 Arena Committee meeting held September 17, 2002, be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Quittenton, SECONDED Director McNabb, that the minutes of the District 69 Recreation Commission meeting held September 12, 2002, be received for information.

CARRIED

MOVED Director Quittenton, SECONDED Director Holme, that the following recommendations stated in the Revised 2003 Recreation Fees and Charges report be accepted:

1. That the revised Recreation Fees and Charges Policy be approved.
2. That the Fees and Charges Policy be applied with respect to the 2003 Provisional Budget process to include seniors' admission rate categories with a phased in increase and other adjustments as outlined in Schedule I of the report.

CARRIED

District 69 Recreation Commission.

From the meeting of the District 69 Recreation Commission held July 11, 2002.

MOVED Director Quittenton, SECONDED Director Westrock,;

1. That the non-resident pool surcharge be removed from the Ravensong Aquatic Centre.
2. That Electoral Area 'E' be approached to contribute a fair and reasonable amount to the Ravensong Aquatic Centre.

MOVED Director Macdonald, SECONDED Director Haime, that this item be referred to staff for further information.

CARRIED

Lantzville Parks and Open Space Advisory Committee.

MOVED Director Macdonald, SECONDED Director Krall, that the minutes from the Lantzville Parks and Open Space Advisory Committee meeting held June 3, 2002 be received for information.

CARRIED

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

MOVED Director Macdonald, SECONDED Director Holme, that the minutes from the Electoral Area 'G' Parks and Open Space Advisory Committee meeting held July 17, 2002 be received for information.

CARRIED

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

MOVED Director Elliott, SECONDED Director Krall, that the minutes from the Electoral Area 'A' Parks, Recreation and Greenspace Advisory Committee meeting held September 19, 2002 be received for information.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:04 PM

CHAIRPERSON

OCT 10 2002

CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
<i>Cell</i> <i>Correspondence</i>			

TO: Mayors and Councils
Chairs and Regional Boards

FROM: Councillor Patricia Wallace, President

DATE: October 4, 2002

RE: RESPONSE TO DISCUSSION PAPER ON CIVIL
LIABILITY

UNION OF
BRITISH
COLUMBIA
MUNICIPALITIES

Suite 60
10551 Shellbridge Way
Richmond
British Columbia
Canada V6X 3W5
604.270.8225
Fax 604.270.9116
ubcm@civicnet.gov.bc.ca

Attached is a letter I have sent to the Attorney General in response to his Discussion Paper on Civil Liability.

The Policy Paper and background analysis supporting our recommendations can be accessed off the UBCM CivicNet web site (www.civicnet.gov.bc.ca) under Convention Policy Papers.

While the recommendations UBCM has put forward were endorsed by the convention, I feel in this instance it would be important for the Attorney General to receive individual letters of support. I urge you to consider this action and to advise me of any action your council or board undertakes.

Attachment

22591: Civil Liability

PAGE

12

UNION OF
BRITISH
COLUMBIA
MUNICIPALITIES

Suite 60
10851 Shellbridge Way
Richmond
British Columbia
Canada V6X 2W9
604.270.8226
Fax 604.270.9226
Email: ubcm@civilnet.govbc.ca

PRESIDENT
PATRICIA A. WALLACE
COUNCILLOR

EXECUTIVE DIRECTOR
RICHARD TAYLOR

October 4, 2002

Honourable Geoff Plant
Attorney General
PO Box 9044, Str. Prov. Gov.
Victoria, B.C. V8W 1X4

Dear Minister Plant:

RE: CIVIL LIABILITY

I wish to advise that the UBCM Convention endorsed the following recommendation with respect to the Civil Liability discussion paper:

A Fundamental Principle

a) That civil liability reforms should be guided by the fundamental principle that individuals and organizations should be responsible for the consequences of their actions, not for the actions of others; and their liability should be commensurate with their degree of responsibility.

Joint and Several Liability

b) That the concept of joint and several liability for property damage and economic loss is inappropriate in a modern society and should be abolished.

c) That joint and several liability be replaced by a system of pure several or proportionate liability (such as now exists in cases of contributory liability) under which defendants are responsible only to the degree to which they contributed to the loss.

Ultimate Limitation Period

d) That UBCM support the BC Law Institute July 2002 report on "The Ultimate Limitation Period: Updating the *Limitation Act*". In particular:

- i) that the 30 year ultimate limitation period of general application be reduced to 10 years;
- ii) that the *Limitation Act* provide a special ultimate limitation period of 30 years applicable to cases of fraud, fraudulent breach of trust or willful concealment of facts material to the claim;



PAGE

13

TO: UBCM Members
FROM: Mayor Helen Sparkes,
UBCM Co-chair of the UBCM-MIA
Task Force
DATE: September 6, 2002
RE: **RESPONSE TO DISCUSSION PAPER
ON CIVIL LIABILITY**

**POLICY PAPER
#2**

2002 Convention

1. DECISION REQUEST

For the members to 1) consider the recommendations in response to the Attorney General's Discussion Paper on Civil Liability and 2) to reconsider/restate some related recommendations.

2. BACKGROUND

UBCM has been pursuing legislative reforms with respect to liability since its first Liability Action Plan in 1986. Numerous resolutions have been endorsed and submissions made over the years.

We had hoped initially that local government liability might be addressed as part of the Community Charter. However, the Attorney General earlier this year launched a broader review of liability issues through a Civil Liability discussion paper.

The UBCM-MIA Joint Liability Task Force shifted its focus to responding to the discussion paper. The Task Force recommendations are the central purpose of the report.

3. RECENT ACTIVITIES

We have chosen to make recommendations on four specific areas (see Section 4). The main recommendations are consistent with previous UBCM resolutions and policy.

Our submission to the Attorney General will conclude with these recommendations but will include supporting information, arguments and rationale as drawn from:

- a) precedents in other jurisdictions
- b) how the recommendations can assist local government in BC to clarify roles and responsibilities, especially in the construction industry.

Our full submission will be consistent with and supportive of the recommendations.

- iii) that the provisions of the *Limitation Act* which provide a special ultimate limitation period of 6 years for medical practitioners, hospitals and hospital employees, be repealed; and
- iv) that the *Limitation Act* be amended to provide that the commencement of the running of time under the ultimate limitation period is from the date an act or omission that constitutes a breach of duty occurs, where the plaintiff's action is based on breach of duty, whether that duty arises under a contract, statute or the general law.

Vicarious Liability and Non-Delegable Duty

Consistent with the fundamental principles:

- e) That local government not be responsible for intentional misconduct by employees that would not, under any circumstances, be condoned or accepted by local government as the employer.
- f) That the doctrine of non-delegable duty not be retained where there is no fault attributable to local government in the selection of independent contractors to deliver local government services.

Implementation

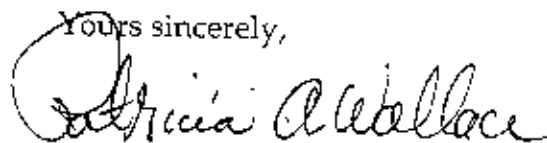
- g) That the legislation to effect the above be introduced as soon as practicable, but no later than the spring 2003 legislative session.

Also enclosed is the Policy Paper considered by the Convention and a background paper that sets out the legal, risk management and other analysis.

The Convention also approved the related recommendations appearing under point 6 on the Policy Paper.

We support you in undertaking this review and look for early legislative response.

Yours sincerely,



Patricia A. Wallace
President

Enclosures

220-06:AG:Civil Liability

4. RECOMMENDATIONS ON CIVIL LIABILITY

In response to the discussion paper on Civil Liability and the questions raised by the Attorney General the Joint Task Force recommends:

A Fundamental Principle

- a) That civil liability reforms should be guided by the fundamental principle that individuals and organizations should be responsible for the consequences of their actions, not for the actions of others; and their liability should be commensurate with their degree of responsibility.

Joint and Several Liability

- b) That the concept of joint and several liability for property damage and economic loss is inappropriate in a modern society and should be abolished.
- c) That joint and several liability be replaced by a system of pure several or proportionate liability (such as now exists in cases of contributory liability) under which defendants are responsible only to the degree to which they contributed to the loss.

Ultimate Limitation Period

- d) That UBCM support the BC Law Institute July 2002 report on "The Ultimate Limitation Period: Updating the *Limitation Act*". In particular:
 - i) that the 30 year ultimate limitation period of general application be reduced to 10 years;
 - ii) that the *Limitation Act* provide a special ultimate limitation period of 30 years applicable to cases of fraud, fraudulent breach of trust or willful concealment of facts material to the claim;
 - iii) that the provisions of the *Limitation Act* which provide a special ultimate limitation period of 6 years for medical practitioners, hospitals and hospital employees, be repealed; and
 - iv) that the *Limitation Act* be amended to provide that the commencement of the running of time under the ultimate limitation period is from the date an act or omission that constitutes a breach of duty occurs, where the plaintiff's action is based on breach of duty, whether that duty arises under a contract, statute or the general law.

Vicarious Liability and Non Delegable Duty

Consistent with the fundamental principles:

- e) That local government not be responsible for intentional misconduct by employees that would not, under any circumstances, be condoned or accepted by local government as the employer.

- f) That the doctrine of non-delegable duty not be retained where there is no fault attributable to local government in the selection of independent contractors to deliver local government services.

Implementation

- g) That the legislation to effect the above be introduced as soon as practicable, but no later than the spring 2003 legislative session.

5. RATIONALE FOR THE RECOMMENDATIONS

The full rationale supporting these recommendations appears in the joint paper by MLA and UBCM, which will be submitted to the provincial government. Some of the key arguments in support of the recommendations follows.

The basic rationale for the recommendations is the core value of individual responsibility.

The consequences of the failure to act run counter to the principle and will undermine the financial stability of local government and taxpayers.

The specific rationale includes:

- a) Abolishing Joint and Several Liability
- a) is an outdated legal principle – courts now assign proportionate responsibility.
 - b) legal principle predated expansion to economic loss.
 - c) is unfair to multiple defendants – if a sole defendant is insolvent there is no recovery; but local government becomes the “deep pocket” in cases where there are multiple defendants and some of those are insolvent.
 - d) concept arose in a period when there was immunity for building regulation liability and the opening of claims by subsequent owners.
 - e) class action lawsuits have broadened the scope of liability further.
- b) Proportionate Liability
- a) expands an already accepted legal concept.
 - b) is fundamental to the ability to properly manage one's risks.
 - c) is an accepted concept in many other jurisdictions.
 - d) offers fair and equitable treatment of all defendants;
 - e) incurs financial responsibility that is commensurate with each party's responsibilities.
 - f) supports quality construction in B.C. – with clear legal and financial responsibility and accountability for the quality of the work.
 - g) will improve the availability of insurance for all parties.
- c) Ten Year Ultimate Limitation Period.
- supported for the reasons stated in the BC Law Institute July 2002 report.
 - is an accepted concept in many other jurisdictions.
 - will improve the availability of insurance for all parties.

- d) Vicarious Liability Limits.
 - is consistent with the principle of individual responsibility.
 - no insurance available for these sorts of claims.
- e) Non-delegable duty limits.
 - is consistent with the principle of individual responsibility.
 - concept is fraught with legal uncertainty.
- f) Implementation
 - failure to act soon will only exacerbate a deteriorating financial condition.

6. RECONSIDERATION OF RELATED RECOMMENDATIONS

The recommendations on civil liability respond to an important initiative and a key interest of local government. There have been other resolutions related to liability or the building construction process that are needed as part of the larger response. Principal among these are:

- a) That the federal government be requested to provide relief to homeowners affected by damages due to premature building envelope failure.
- b) That professionals, such as on architects or engineers, be held responsible when local governments rely them for both plan review and inspections; or where local government relies on certified products.
- c) That *Local Government Act* (potentially *Community Charter*) limitation periods, indemnities and indemnification be reviewed and aligned with the recommendations above.

7. REFERRED RESOLUTIONS

There are three resolutions that were referred for consideration in preparation of this policy paper. Resolutions C40 and 42 are expressly encompassed by the recommendations in this report. Resolution C41 was addressed in amendments to the *Engineers and Geoscientists Act* at the Spring legislative session.

OCT 16 2002

Government of British Columbia

News ReleaseGovernment of
British ColumbiaEMCRS
EMDS
EMES*Colin Hansen*Health Services
October 8, 2002**New legislation protects drinking water**

VICTORIA - The government has introduced new legislation to improve drinking water protection and enhance public health and safety.

"Safe, clean drinking water is a vital health priority, and we must ensure that drinking water protection is effective and efficient, with no uncertainty or duplication," said Minister of Health Services Colin Hansen. "Today's legislation will implement our comprehensive \$16-million action plan to strengthen drinking water protection in B.C."

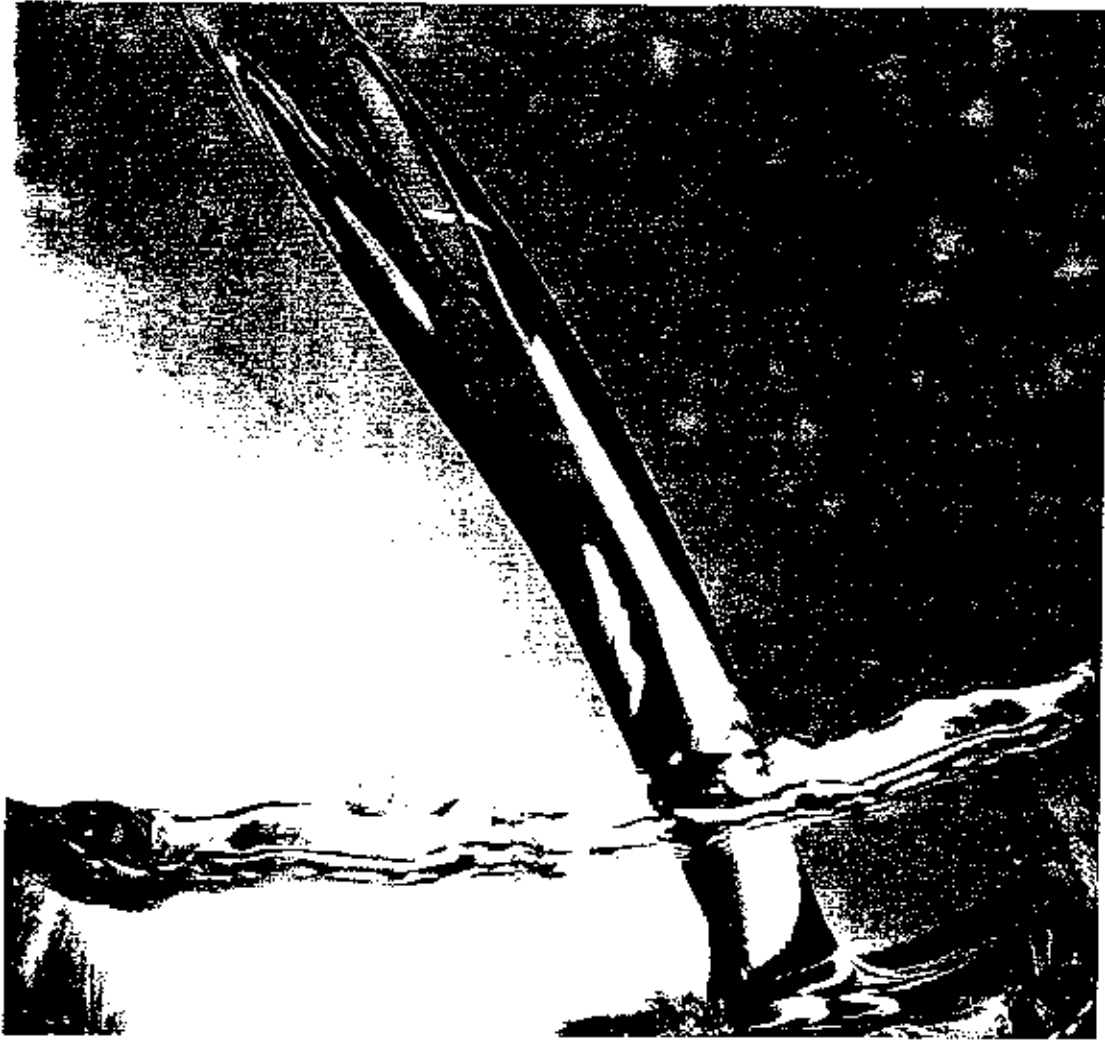
"We made a New Era commitment to improve groundwater protection," said Minister of Water Land and Air Protection Joyce Murray, who introduced the legislation on behalf of the Minister of Health Services. "Today's amendments enhance the Drinking Water Protection Act, and new regulations being developed will also strengthen groundwater protection. These combined measures will provide the most effective drinking water protection in Canada."

The legislation will:

- Establish decision-making and accountability for drinking water with the Minister of Health Services and B.C.'s provincial health officer. It enables the minister to establish guidelines and directives, and strengthens the provincial health officer's role in monitoring and reporting yearly on drinking water and public health protection.
- Make public health the priority for decisions related to drinking water.
- Establish new drinking water officers across B.C., with authority to investigate complaints, require testing and assessment, perform inspections, co-ordinate source protection, issue orders and take other steps to ensure water safety.
- Provide for a source-to-tap assessment of all drinking water systems in B.C., starting with those that may pose the highest risk to users.

As the government promised in open cabinet in June, the Ministry of Community, Aboriginal and Women's Services is currently consulting with local governments on funding arrangements to finance the action plan. While users who receive the benefit of improved water services may need to share in the associated costs, the government has made clear it is committed to developing and implementing these arrangements in a way that is fair, flexible and equitable.

The new legislation will be proclaimed later this winter, after consultations with the Union of B.C. Municipalities and other stakeholders are complete and new regulations are developed.



Action Plan for Safe Drinking Water in British Columbia



BRITISH
COLUMBIA

Ministry of Health Planning
Ministry of Health Services

PAGE

20

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OUR GOAL :

Safe Drinking Water For All British Columbians

Our Commitment

The provincial government is committed to ensuring safe, reliable and accessible drinking water for all British Columbians. To that end, the government has developed a new action plan to safeguard the quality of drinking water throughout the province.

New Protection - from Source to Tap

The action plan includes comprehensive legislation and measures to protect drinking water from source to tap by improving standards for monitoring, treatment, reporting and accountability to the public.

New Infrastructure Already Underway

In the past year alone, the provincial government has approved 92 water-related improvement projects worth \$239 million to be funded through the Canada-British Columbia Infrastructure Program. The government is also increasing funding for water quality monitoring by \$1.5 million a year for the next three years.

But there is still much more to be done to ensure safe drinking water for all British Columbians.

THE CHALLENGE :

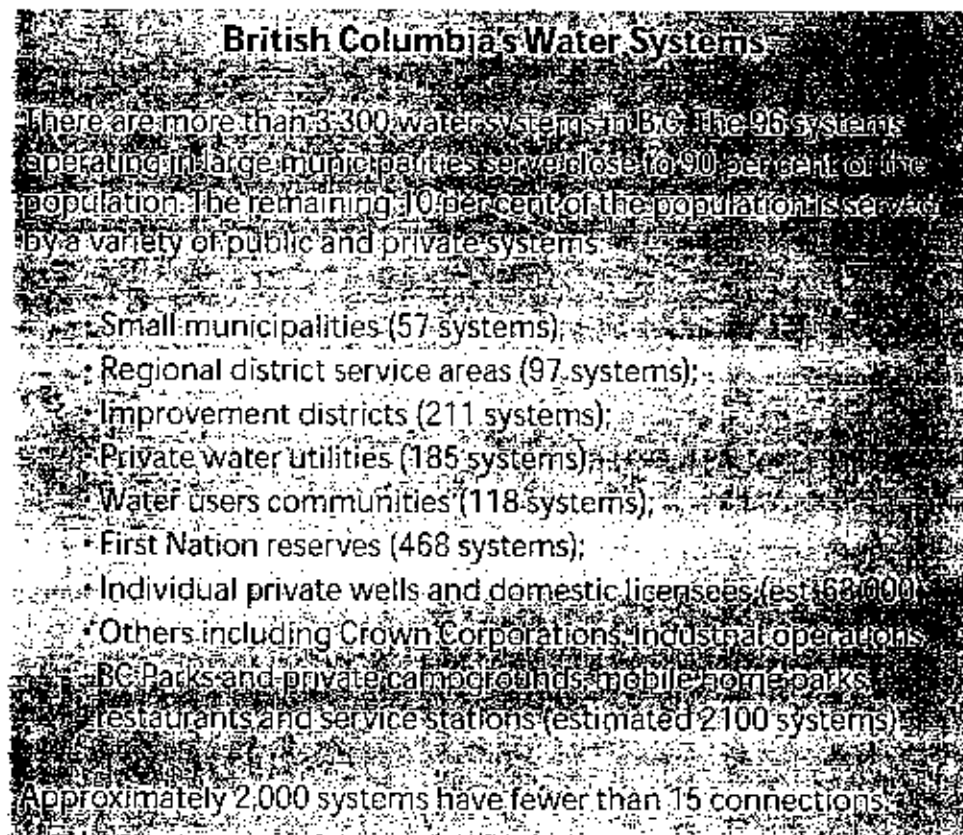
Stronger Protection is Needed

Health Concerns Must be Addressed

For most British Columbians, accessing safe drinking water is as simple as turning on the tap. But many have health concerns about the quality of their water. In August 2001, for example, there were 304 communities under boil water advisories in B.C.

Infrastructure is Aging

A 1996 report on the state of Canada's municipal infrastructure found that British Columbia's water distribution and supply systems were, on average, the second oldest in the country and had an average age beyond the expected life span for such systems.



British Columbia's Water Systems

There are more than 3,300 water systems in B.C. The 96 systems operating in large municipalities serve close to 90 per cent of the population. The remaining 10 per cent of the population is served by a variety of public and private systems:

- Small municipalities (57 systems);
- Regional district service areas (97 systems);
- Improvement districts (211 systems);
- Private water utilities (185 systems);
- Water users communities (118 systems);
- First Nation reserves (468 systems);
- Individual private wells and domestic licensees (est. 68,000);
- Others including Crown Corporations, industrial operations, BC Parks and private campgrounds, mobile home parks, restaurants and service stations (estimated 2,100 systems).

Approximately 2,000 systems have fewer than 15 connections.

THE SOLUTION :

Principles for Protection

A Platform for Action

Based on these needs, and on inquiries conducted in other provinces, the government's Action Plan for Safe Drinking Water sets out specific principles and actions that the government will undertake to make sure British Columbians enjoy safe, clean, healthy drinking water as effectively, efficiently and reliably as possible.

The plan is based on the recommendations in recent reviews and reports, including those conducted by the Auditor General, the Provincial Health Officer, and the Drinking Water Review Panel.

Principles for Drinking Water Protection

It proposes a number of improvements to strengthen the protection of drinking water based on the following eight principles for drinking water systems in British Columbia:

1. The safety of drinking water is a public health issue.
2. Source protection is a critical part of drinking water protection.
3. Providing safe drinking water requires an integrated approach.
4. All water systems need to be thoroughly assessed to determine risks.
5. Proper treatment and water distribution system integrity are important to protect human health.
6. Tap water must meet acceptable safety standards and be monitored.
7. Small systems require a flexible system with safeguards.
8. Safe drinking water should be affordable, with users paying appropriate costs.

THE SOLUTION :

Strong, Effective Legislation

An Improved Drinking Water Protection Act

In September 2001, the government established the independent Drinking Water Review Panel to review the Drinking Water Protection Act passed by the previous government in April 2001. After considering the panel's recommendations, the government is now ready to introduce legislative changes to the Drinking Water Protection Act in the fall 2002 legislative session.

New Groundwater Protection Legislation

In keeping with the government's New Era commitment, the Ministry of Water, Land and Air Protection is also developing comprehensive new groundwater protection legislation.

This legislation will focus on drinking water protection through mechanisms like higher standards for groundwater sources, such as well construction and mandatory reporting of drilling activities.

Regulations to Protect Public Health and Safety

Building on the new legislation, new regulations will also be put in place to:

- Enhance groundwater protection.
- Improve water treatment and distribution standards, based on advice from the drinking water advisory committee.
- Outline new training and certification requirements for water system operators.
- Establish basic monitoring requirements, which can be supplemented by orders from drinking water officers.

THE SOLUTION :

Clear Responsibility Within Government

Proper Coordination of Resources

Many ministries and government agencies are involved in different aspects of drinking water protection. But until now, there has been no proper coordination and integration of these functions.

One of the first objectives of the new legislation will be to ensure clear lines of responsibility within government for the various aspects of drinking water protection.

Ministry of Health Services Responsible For Delivery

In keeping with the principle that the safety of drinking water is a public health issue, the Ministry of Health Services will now be the lead ministry responsible for implementing the action plan.

The ministry will provide the leadership needed to co-ordinate their activities and will assume ultimate responsibility for providing safe drinking water for British Columbians.

The Provincial Health Officer has the mandate to ensure the accountability of government and those delivering drinking water to British Columbians.

Coordination of Source Protection, Land Use Planning, and Infrastructure

The Ministry of Water, Land and Air Protection will be responsible for source water quality standards, monitoring, compliance and enforcement, and resource ministries will continue to be responsible for protecting drinking water sources under their legislated mandates.

The Ministry of Sustainable Resource Management will work with communities to help make appropriate land use decisions that carefully consider drinking water protection.

The Ministry of Community, Aboriginal and Women's Services will work in partnership with federal and local governments to help ensure required infrastructure is in place.

Inter-Ministry Drinking Water Committee

Under the leadership of the Ministry of Health Services, an inter-ministry committee will be established to coordinate these drinking water protection measures, identify emerging issues and to ensure proper integration - from source to tap.

New Advisory Panels to Provide Expert Advice

A new drinking water advisory committee and a groundwater advisory board are being established. Comprised of public health, private sector and academic experts in water quality, these two bodies will provide technical advice to government on regulations and standards to ensure safe drinking water.

They will also assist the Minister of Health Services and the Minister of Water, Land and Air Protection by providing input and advice on specific issues and water quality problems as they arise.

IMPLEMENTATION :

New Resources to Improve Protection

New Drinking Water Officers

The new Drinking Water Protection Act will define the authority of an important new group of drinking water protection officers. The people working for health authorities in these newly created front-line positions will provide a unique focus on protecting drinking water in every region of the province.

They will have the authority to investigate complaints, require testing and assessment, perform inspections, coordinate source protection, issue orders and take many other steps to ensure water safety.

A Provincewide Source-To-Tap Assessment

All drinking water systems in British Columbia will undergo a source-to-tap assessment starting with those that may pose the highest risk to users. These assessments will be undertaken by water system providers with assistance from drinking water officers and any other required government agencies.

While local health authorities and water providers already conduct some system surveys, this new series of assessments will provide the more comprehensive information needed to plan system improvements and identify any source contaminations that need to be fixed.

Increased Inspection and Testing

Inspection and laboratory testing will be increased to ensure compliance with province-wide tap water standards for contaminants that present a health risk. Laboratories will have to meet specific standards and will be required to report health threats to a drinking water officer, the water supplier and a medical health officer.

Basic monitoring requirements will be established that can be supplemented by orders from drinking water officers. Water suppliers will also be required to report imminent threats and, where monitoring indicates potential concerns, further action may be ordered.

When other measures fail to resolve a health concern, the Provincial Health Officer can ask the Minister of Health Services to recommend Cabinet approval to develop a site-specific drinking water plan, giving human health protection top priority.

New Reporting to Ensure Accountability

To ensure accountability for increased testing, assessments and monitoring, the following reporting measures will also be implemented:

- Water quality information will be regularly reported to the public.
- The Provincial Health Officer will have a statutory obligation to advise government if additional source protection is necessary to protect public health.
- Water suppliers will be held accountable for meeting the terms and conditions of their operation permits. They will also be required to report imminent threats, such as treatment equipment failure, to drinking water officers and must ensure immediate public notification.

- Testing laboratories will be required to report health threats when identified.
- Anyone operating, maintaining or repairing a water system will be required to undergo training, meet qualifications set out in new regulations, or be supervised by someone who does.

Local Co-ordination and Co-operation

The provincial government will work closely with local communities, First Nations and the federal government to enhance co-operation and co-ordination at all levels.

Locally-developed solutions will be encouraged – particularly where infrastructure improvements are needed – in order to meet provincial health standards while also considering the economic impact on the affected communities.



Ensuring Resources to Finance New Improvements

Better Treatment Through Improved Infrastructure

As noted, one important purpose of increased assessment and testing is to clearly identify all infrastructure improvements that are needed.

In addition to the infrastructure improvements already underway through the Canada-B.C. Infrastructure Program, further needs will be identified as testing occurs, in order to ensure better treatment.

Financing New Infrastructure

The new action plan for safe drinking water is projected to cost \$16 million a year.

To provide new treatment and infrastructure, new financial resources will be required. The government is improving drinking water services – and improved services come with a financial cost. Safe, clean drinking water is not free.

As a result, those who will receive the benefit of improved water services may need to share in the associated costs. At the same time, the government is committed to ensure that the resources needed to pay for these improved services are generated in a way that is fair, workable and affordable.

Local Consultation To Develop Funding Solutions

The government will immediately begin consultations with key stakeholders on developing cost-recovery options to finance the \$16-million annual cost of implementing the new drinking water action plan.

Wherever possible and practical, the government will continue to fund needed improvements through opportunities like the Canada-B.C. Infrastructure Program. In other cases, the government will work with communities and the public to develop new funding options that are fair, workable and affordable.

Flexibility For Small Systems

Small water systems often lack the financial resources and technical expertise available to maintain and monitor larger systems like those in major urban centres. While standards for public safety must apply province-wide, the government is also committed to ensure flexibility to reflect and accommodate different sizes of water systems and different water sources.

Specifically, the government will create a management plan that allows for the potential to affiliate small systems with local or regional governments, thus making the systems eligible for federal-provincial infrastructure grants.

On a case-by-case basis, drinking water officers may also permit different monitoring and assessment requirements for small water systems than would be required for large systems. For example, there could be more flexibility in the time allowed for small water systems to comply to standards, as long as interim measures are adequate to protect against immediate health risks. But, in the end, standards will ensure all systems of any size effectively address human health concerns.

CONCLUSION :

Better Health for All British Columbians

Improved Protection

With the implementation of the Action Plan for Safe Drinking Water, British Columbians and their communities will benefit from an improved drinking water system, based on:

- Stronger and more effective legislation and regulation that places public health as the first priority.
- Improved leadership and accountability.
- Better co-ordination and co-operation between agencies involved in providing drinking water.
- Increased and more effective monitoring and assessment of local drinking water systems.
- Flexibility that recognizes the unique challenges involved in operating and maintaining small water systems.
- A commitment to funding improved and expanded services in a way that is fair, workable and affordable.

A Better Quality of Life for Everyone

Ultimately, the single most important benefit of safe, reliable and accessible drinking water will be improved health and a better quality of life for all British Columbians.



REGIONAL DISTRICT OF NANAIMO		
OCT 16 2002		
CHAIR	GMCRS	
CAO	GMDS	
GMCS	GMES	
<i>Chairman of the District</i>		
DATE:		
FILE:		

MEMORANDUM

TO: Kelly Daniels
Chief Administrative Officer

DATE: October 15, 2002

FROM: Neil Connelly
General Manager, Community Services

FILE: 6140-20-AREA F

SUBJECT: Parks Acquisition Reserve Fund Expenditure Bylaw – Area ‘F’

PURPOSE

To consider Parks Acquisition Reserve Fund Expenditure Bylaw No. 1326 as part of the arrangements for the purchase of the old Errington School.

BACKGROUND

The Regional Board, in January 2002, approved the negotiation of an offer to purchase, with School District No. 69, to acquire the old Errington School. Funding was to be derived from the Area ‘F’ Parks Reserve account and the Community Parks budget. In order to provide for the funds to be available for the transaction completion date of October 31, 2002, a bylaw to authorize an expenditure of funds from the reserve account is required. Bylaw No. 1326 is attached. It provides for seventy-five thousand dollars (\$75,000) to be utilized from the Area ‘F’ Parks Reserve Fund.

ALTERNATIVES

1. That the “Electoral Area ‘F’ Park Land Acquisition Reserve Fund Expenditure Bylaw No. 1326, 2002 be introduced, be given three readings and adopted.
2. That the Bylaw not proceed at this time.

FINANCIAL IMPLICATIONS

The Area ‘F’ Park Reserve account totals \$84,757. It has accumulated through developer contributions of cash-in-lieu of parkland dedications at the time of subdivision. An amount of seventy-five thousand dollars (\$75,000) is intended to be utilized for the acquisition, along with twenty-five thousand dollar (\$25,000) payments in 2002, 2003 and 2004 from the Area ‘F’ Community Parks annual budgets.

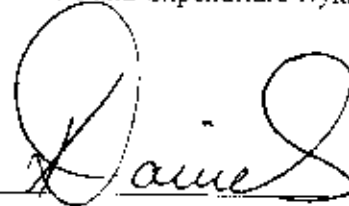
SUMMARY/CONCLUSIONS

The Board, in January 2002, approved an approach to acquire the old Errington School in Area ‘F’ with funding to be derived from the Parks Reserve account and the Community Parks budget. This report provides for seventy-five thousand dollars (\$75,000) to be utilized from the former account to assist in finalizing the Agreement of Purchase and Sale with School District No. 69.

RECOMMENDATIONS

1. That "Electoral Area 'F' Park Land Acquisition Reserve Fund Expenditure Bylaw No. 1326, 2002" be introduced and given three readings.
2. That "Electoral Area 'F' Park Land Acquisition Reserve Fund Expenditure Bylaw No. 1326, 2002", having received three readings, be adopted.


Report Writer


CAO Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1326

A BYLAW TO AUTHORIZE AN
EXPENDITURE OF FUNDS FROM THE
PARK LAND ACQUISITION
RESERVE FUND

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

AND WHEREAS it is deemed desirable to expend a portion of the Reserve Fund monies for the purchase of the old Errington School 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) is hereby appropriated from the Park Land Acquisition Reserve Fund to be expended for the purchase of the lands and improvements legally described as:

Lot A, District Lot 139, Nanoose District, Plan 9104

Lot 20, Block 46, District Lot 139, Nanoose District, Plan 1989

Lot 21, Block 46, District Lot 139, Nanoose District, Plan 1989

Lot 22, Block 46, District Lot 139, Nanoose District, Plan 1989
2. Should any of the above amount remain unexpended, such unexpended balance shall be returned to the credit of the Reserve Fund.
3. This bylaw may be cited as "Park Land Acquisition Reserve Fund Expenditure Bylaw No. 1326, 2002".

Introduced and read three times this ____ day of _____, 2002.

Adopted this ____ day of _____, 2002.

Chairperson

General Manager, Corporate Services



REGIONAL DISTRICT OF NANAIMO	
OCT 15 2002	
CHAIR	ACRS
CAC	IDS
GMCm	

MEMORANDUM

TO: Kelly Daniels
Chief Administrative Officer

DATE: October 15, 2002

FROM: Neil Connelly
General Manager, Community Services

FILE: 6240-20-ERR1

SUBJECT: Old Errington School
Community Consultation on Facility Management Options

PURPOSE

To review facility management options and to provide for community consultation on the formation of a local management group.

BACKGROUND

At the January 8, 2002 Regular Board meeting resolutions were passed to provide for:

1. the Regional District to complete the purchase arrangements with School District 69 for the acquisition of the Old Errington School and,
2. the development of a report and Terms of Reference for the establishment of a group in Area 'F' that would assume full management responsibilities for the facility on behalf of the Regional District.

The School District accepted the offer, subject to the approval by the Minister of Education. In August the School District advised that the approval would be achieved by proposed amendments to the *School Act* in the Fall that would eliminate the requirement for the Minister to approve of property disposals. In anticipation of the change, an Agreement of Purchase and Sale has been completed that provides for a closing date of October 31, 2002, subject to among other items, the adoption on or before October 25, 2002 of a regulation of the *School Amendment Act*. The Agreement also provides the School District thirty (30) days to vacate the premises and to remove all of its stored materials.

With respect to Regional District management of the property, it is expected that a group, comprised of local community members and facility users, would play the lead role. Throughout the region, there are various examples of community hall boards, associations, and societies that manage facilities that are available for community use. In Cedar, the old school that is leased by the Regional District from School District No. 68 is managed through an agreement with the Cedar School and Community Enhancement Society.

In the consideration of local management options for the old Errington School, the Regional District could play a lead role in the development of a Management Committee Terms of Reference and the appointment of local community members to the Committee by the Board. A less direct role would be for the Regional District to assist in the formation of a group or society that could enter into a facility

management agreement with the Board. In order to initiate a process that can ultimately lead to the formation of a local facility management group, it is proposed that the Regional District advertise its interest in having a group or a society created and provide for community members or groups to put their name forward. A meeting of all interested parties could also be held by the Regional District to assist in determining next steps. This would require that a further report be prepared for the Board's consideration, prior to a facility management approach for the old school being finalized in the New Year.

FINANCIAL IMPLICATIONS

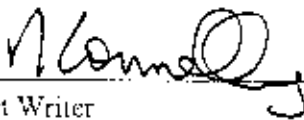
Ten thousand dollars (\$10,000) has been included in the 2002 Area 'F' Community Parks budget and in the proposed 2003 provisional budget for expenses associated with the maintenance and operation of the old school.

SUMMARY/CONCLUSIONS

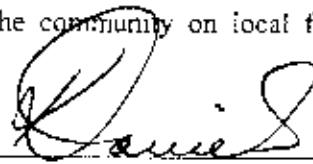
An agreement between the Regional District and School District 69 provides for title to the old Errington School to be transferred to the RDN on October 31, 2002, subject to the School District receiving provincial approval to dispose of the facility. It is expected that facility management services will be provided through the establishment of a local community group who will be responsible for and manage the facility on a day-to-day basis for community purposes on behalf of the Regional District. The approach and further work to provide for a local management group can be finalized after consultation with interested parties and potential facility users in the community.

RECOMMENDATION

That the Regional District advertise and consult with the community on local facility management interest and options for the old Errington School.



Report Writer



CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO			
OCT 16 2002			
CHAIR		GMCrs	
CAC		GMDS	
GRCMS		SMES	
		Collo.	✓

MEMORANDUM

TO: Neil Connelly
General Manager of Community Services

DATE: October 15, 2002

FROM: Tom Osborne
Manager of Recreation and Parks

FILE: 7710-01-PCURL

SUBJECT: Parksville Curling Club Memorandum of Understanding

PURPOSE

To review and approve the Memorandum of Understanding (MOU) with the Parksville Curling Club Society for use of the District 69 Arena as a curling facility.

BACKGROUND

On June 22, 2002 a referendum to seek electoral consent to fund and build the Arena Multiplex at Wembley Mall in Parksville was held and subsequently approved. Prior to the referendum, the Parksville Curling Club Society provided the Regional District with a Letter of Intent to manage the operations of the District 69 Arena for use as a curling facility with no taxation subsidy from the Regional District. In addition to offering seasonal curling, during the off-season the Club would book the facility for dry floor sports such as lacrosse and other community events in cooperation and conjunction with the RDN Recreation and Parks Department facility booking staff.

Staff met with the Executive Committee of the Curling Club throughout the summer of 2002 to discuss and prepare the terms of the MOU. At the September 17, 2002 Annual General Meeting of the Parksville Curling Club Society, the membership of the Society approved the MOU attached to this report. A draft lease agreement between the Regional District and the Parksville Curling Club is included as an Appendix to the MOU. Once the Arena Multiplex is substantially completed, the Curling Club would enter into a lease with the Regional District to use the District 69 Arena as a curling facility.

The MOU provides for the Regional District to lease the District 69 Arena to the Society for a period commencing within thirty (30) days after the RDN Multiplex is open to the public and fully operative until the expiry of the term of the Head Lease between the City of Parksville and the Regional District. The MOU also provides that if the RDN Multiplex is not open to the public and fully operative by September 2, 2003, the Regional District may postpone the Commencement Date of the Lease to September 1, 2004, or such other time as is mutually agreeable to the parties.

The MOU also stipulates that no later than March 1, 2003, the Society must provide the Board of the Regional District with a report on the status of the Society's membership drive, such that the Board is reasonably satisfied that the Society's membership levels will be sufficient to support the Society's lease and operation of the District 69 Arena.

Through the MOU, it is agreed that the District 69 Arena will be leased to the Society on an "as is - where is" basis, and that the Society shall be solely responsible for all repairs, improvements and upgrades necessary for the operation of the District 69 Arena by the Society. It is understood by the Society that the ultimate signing of the lease between the Regional District and the Society would also require approval by the City of Parksville.

ALTERNATIVES

1. That the Regional District of Nanaimo approve the Memorandum of Understanding with the Parksville Curling Club Society for their use of the District 69 Arena.
2. That the Regional District of Nanaimo not sign the Memorandum of Understanding with the Parksville Curling Club Society for the use of the District 69 Arena and provide for alternative terms to be pursued with the Society.

FINANCIAL IMPLICATIONS

Costs associated with the preparation and finalization of the Agreement are provided for in the District 69 Arena budget.

INTERGOVERNMENTAL IMPLICATIONS

The length of the lease with the Parksville Curling Club Society will be restricted by the term of the Regional District lease for the Arena Lands with the City of Parksville. The maximum term for the lease into which the Regional District can enter is five years less a day or the length of the main lease for the lands less a day, whichever is longer.

As per the conditions of the Land Lease with the City, Parksville City Council must also approve any sub-lease into which the Regional District enters for the Arena Lands.

In order for the Parksville Curling Club Society to receive a tax exemption for their intended use, Parksville City Council will need to pass a tax exemption bylaw on an annual basis. Alternatively, to avoid this tax exemption, the Curling Club could request the Regional District to re-structure the lease and make it an Operating Agreement. This however may impose other liabilities and not be the "arms length" that may be preferred by the Board as it would indicate that the Regional District is in the service area of providing curling to residents in District 69.

SUMMARY

The Parksville Curling Club Society provided the Regional District with a Letter of Intent to manage the District 69 Arena as a curling facility with no tax subsidy from the RDN. The Curling Club at their September 17, 2002 Annual General Meeting approved a Memorandum of Understanding (MOU) with the Regional District that includes a lease for their use of the arena facility.

RECOMMENDATION

That the Regional District approve the Memorandum of Understanding with the Parksville Curling Club Society that provides for their use of the District 69 Arena when the Arena Multiplex is completed.

for *J. McParlane*
Report Writer

 Almond
General Manager Concurrence

 David
C.A.O. Concurrence

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING dated the ___ day of _____, 2002.

BETWEEN:

REGIONAL DISTRICT OF NANAIMO
6300 Hammond Bay Road
Nanaimo, B.C.
V9T 6N2

(hereinafter called the "Regional District")

AND:

THE PARKSVILLE CURLING CLUB
(#28480)
102 - 156 Morison Avenue
Box 1624
Parksville, B.C.
V9P 2H3

(hereinafter called the "Society")

WHEREAS:

- A. The Regional District owns and operates the District 69 Arena within the City of Parksville, on land leased for that purpose from the City of Parksville;
- B. The Regional District is developing a new arena facility (the "RDN Multiplex") at the site of the Wembley Mall in the City of Parksville;
- C. Upon the opening of the RDN Multiplex, the Regional District wishes to lease the District 69 Arena to the Society, and the Society wishes to lease the District 69 Arena from the Regional District, on the terms and conditions set out herein;
- D. The parties wish to set out in this non-binding Memorandum of Understanding the terms and conditions under which the Regional District will lease the District 69 Arena to the Society.

NOW THEREFORE the parties state their mutual understanding and intention to be as follows:

PAGE

42

1.0 INTENTION TO LEASE

- 1.1 Subject to the preconditions set out in this Memorandum of Understanding, the Regional District will lease the District 69 Arena to the Society for a period commencing within thirty (30) days after the RDN Multiplex is open to the public and fully operative until the expiry of the term of the Head Lease between the City of Parksville and the Regional District, provided that if the RDN Multiplex is not expected to be open to the public and fully operative by September 2, 2003, the Regional District may, by written notice to the Society, delivered no later than four (4) months prior to the Commencement Date, postpone the Commencement Date of the Lease to September 1, 2004, or such other time as is mutually agreeable to the parties.
- 1.2 The terms and conditions of the lease to be entered into by the Regional District and the Society are as set out in the form of lease attached hereto as Schedule 'A'.
- 1.3 The Regional District will prepare and deliver the lease to the Society for execution within 14 days of receiving an occupancy certificate for the RDN Multiplex.

2.0 PRECONDITIONS

- 2.1 Before the Regional District enters into the lease contemplated under this Memorandum of Understanding, the following conditions must be satisfied:
- (a) construction of the RDN Multiplex must be completed and an occupancy certificate for the RDN Multiplex must be obtained from the City of Parksville;
 - (b) Council for the City of Parksville must approve the lease of the District 69 Arena to the Society; and
 - (c) no later than March 1, 2003, the Society must provide the Board of the Regional District (the "Board") with a report on the status of the Society's membership drive, such that the Board is reasonably satisfied that the Society's membership levels will be sufficient to support the Society's lease and operation of the District 69 Arena.

3.0 CONDITION OF PREMISES AND REMOVAL OF EQUIPMENT

- 3.1 The parties agree that the District 69 Arena will be leased to the Society on an "as is-where is" basis, and that the Society shall be solely responsible for all repairs, improvements and upgrades necessary for the operation of the District 69 Arena by the Society.
- 3.2 Prior to the execution of the lease, the Regional District will remove from the District 69 Arena all of the fixtures, furnishings and equipment listed in Schedule "B" hereto, and the Society will be responsible at its sole cost for the provision of any replacements necessary for the operation of the District Arena by the Society.

SCHEDULE "A"

SUBLEASE

LEASE

THIS LEASE dated the ____ day of _____, 2002.

BETWEEN:

REGIONAL DISTRICT OF NANAIMO
6300 Hammond Bay Road
Nanaimo, B.C.
V9T 6N2

(hereinafter called the "Landlord")

AND:

THE PARKSVILLE CURLING CLUB
(#28480)
102 - 156 Morison Avenue
Box 1624
Parksville, B.C.
V9P 2H3

(hereinafter called the "Tenant")

OF THE SECOND PART

WHEREAS:

- A. The Landlord is the lessee of the land described in Schedule 'A' annexed to this Lease (the "Lands") under the terms of a Lease between the Landlord and the City of Parksville (the "Head Lease") made the ____ day of _____, 2002;
- B. The Landlord is the owner of an arena facility situated upon the Lands known as the "District 69 Arena";

PAGE

45

- C. The Tenant has requested and the Landlord has agreed to grant a lease of the Lands and the District 69 Arena on the following terms.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the rents and agreements to paid and performed by the Tenant,

1.0 Premises

- 1.1 The Landlord leases to the Tenant the Land and the District 69 Arena (together described hereafter as the "Premises").

2.0 Term

- 2.1 For a term commencing on the _____ day of _____, 2003 and ending on the _____ day of _____, 2007 (the "Term").

3.0 Use

- 3.1 The Tenant may use the Premises for the purpose of curling and related activities of the Tenant, for operating a facility for public recreation events and dry floor sports, and for other related community uses.

4.0 Rent

- 4.1 The Tenant shall pay to the Landlord an annual rent of FIVE (\$5.00) DOLLARS due and payable on the first day of each year of the term, or part thereof.

5.0 Tenant's Covenants

The Tenant covenants with the Landlord:

- 5.1 to pay all rents reserved under this Lease;
- 5.2 to pay all taxes, rates, duties and assessments whatsoever, whether municipal, provincial, federal, or otherwise, including GST, charged upon the Tenant or the Landlord as a result of the Tenant's occupation of or use of the Premises unless exempted by municipal bylaw;

Utilities

- 5.3 to pay as they become due all charges for all gas, oil, telephone and electric light and power used on the Premises;

Construction

- 5.4 that it will not construct any buildings or structures on the Premises, and will not make any alterations, additions or improvements on or to the Premises including, without limitation, to the District 69 Arena mechanical and ice-making equipment unless, unless it has obtained:
- (a) the consent of the Landlord;
 - (b) if required by law, a development permit from the City of Parksville;
 - (c) if required by law a building permit authorizing the construction or renovations of the buildings and structures set out in the permit and the plans and specifications attached to it;

and all such work shall be carried out at the cost of the Tenant;

Assign or Sublet

- 5.5 that it will not assign nor sublet without leave of the Landlord, and without limiting the discretion of the Landlord to grant or refuse such leave, the Tenant acknowledges that under the terms of the Head Lease, any proposed assignment or sublease of this Lease will require the leave of the Council of the City of Parksville;

Nuisance

- 5.6 that it will not carry on or do or allow to be carried on or done on the Premises anything that
- (a) may be or become a nuisance to the Landlord or the public,
 - (b) increases the hazard of fire or liability of any kind,
 - (c) increases the premium rate of insurance against loss by fire or liability upon the Premises, or
 - (d) invalidates any policy of insurance for the Premises; or
 - (e) directly or indirectly causes damage to the Premises;

Regulations

- 5.7 that it will
- (a) comply promptly at its own expense with the legal requirements of all authorities, including an association of fire insurance underwriters or agents, and all notices issued under them that are served upon the Landlord or the Tenant, and
 - (b) indemnify the Landlord from all lawsuits, damages, losses, costs or expenses that the Landlord may incur by reason of non-compliance by the Tenant with legal requirements or by reason of any defect in the Premises or any injury to any person or to any personal property contained on the Premises unless the damages, losses, costs, expenses or injuries are the result of the negligence of the Landlord;

Insurance

- 5.8 that it will take out and maintain during the Term, a policy of general public liability insurance against claims for bodily injury, death or property damage arising out of the use and occupancy of the Premises by the Tenant in the amount of not less than Two Million (\$2,000,000.00) Dollars per single occurrence or such greater amount as the Landlord may from time to time designate, naming the Landlord as an insured party thereto and shall provide the Landlord with a certified copy of such policy or policies;
- 5.9 that
- (a) it will take out and maintain during the Term a policy of insurance insuring the Premises to the full insurable replacement value thereof against risk of loss or damage caused by or resulting from fire, lightning, tempest, or earthquake or any additional peril against which the Landlord normally insures, and
 - (b) this policy of insurance shall name the Landlord as an insured party to it and shall be in a form satisfactory to the Landlord, and
 - (c) the Tenant shall provide the Landlord with a certified copy of the policy;
- 5.10 that all policies of insurance shall contain a waiver of subrogation clause in favour of the Landlord and shall also contain a clause requiring the insurer not to cancel or change the insurance without first giving the Landlord thirty (30) days prior written notice;
- 5.11 that if the Tenant does not provide or maintain in force the insurance required by this Lease, the Landlord may take out the necessary insurance and pay the premium for periods of one year at a time, and the Tenant shall pay to the Landlord as additional rent the amount of the premium immediately on demand;
- 5.12 that if both the Landlord and the Tenant have claims to be indemnified under any insurance required by this Lease, the indemnity shall be applied first to the settlement of the claim of the Landlord and the balance, if any, to the settlement of the claim of the Tenant;

Indemnification

- 5.13 that it will indemnify the Landlord from and against all lawsuits, damages, losses, costs or expenses which the Landlord may incur by reason of the use of the Premises by the Tenant or the carrying on upon the Premises of any activity in relation to the Tenant's use of the Premises and in respect of any loss, damage or injury sustained by the Tenant, or by any person while on the Premises for the purpose of doing business with the Tenant or otherwise dealing with the Tenant, including all costs and legal costs, taxed on a solicitor and client basis, and disbursements and this indemnity shall survive the expiry or sooner determination of this Lease;

Builders Liens and Other Charges

- 5.14 that it will not permit, do or cause anything to be done to the Premises that would allow any lien, certificate of pending litigation, judgment or certificate of any court, or any mortgage, charge, conditional sales agreement, personal property security or other encumbrance to be imposed or remain on title to the Premises, or any part thereof. In the event of registration of any lien, charge, conditional sales agreement, personal property security or other encumbrance against the Premises, or part thereof, the Tenant shall, within 10 days notice thereof, and at its sole expense, immediately cause the same to be discharged whether by payment or security or other manner as may be permitted by law, and failing which the Landlord, may, but shall not be obliged to, make any payments required to procure the discharge of such lien, charge or encumbrance and the Tenant shall forthwith indemnify the Landlord for all expenses, including legal fees on a solicitor-client basis in connection therewith;

Maintenance

- 5.15 to maintain the Premises, at all times to a high standard of maintenance consistent with the maintenance standards of a local government recreation facility, such maintenance to include, without limitation, the provision of janitorial services, grounds maintenance and upkeep of the parking areas, exterior and interior painting and the regular maintenance of all equipment, furnishings and fittings;

Repairs

- 5.16 to carry out all repairs that are necessary for the proper operation of the District 69 Arena, including without limitation, any necessary repairs or replacements of the structural components of the District 69 Arena, or its roof, electrical and mechanical systems, flooring, furnishings, fittings or equipment;

Continuous Operation

- 5.17 to operate the District 69 Arena for the purposes contemplated hereunder continuously throughout the Term, so that the District 69 Arena is operated as a curling facility for the use of the Society and third parties to whom the Society may licence the use of the District 69 Arena, and so that when not in use as a curling facility the District 69 Arena is operated as a recreational facility for dry floor sports and public recreation events;

Staffing

- 5.18 to provide sufficient personnel for the safe and proper operation of the District 69 Arena, whether through volunteers or paid staff, or a combination of those;

Booking of Dry Floor Events

- 5.19 to cooperate with the Landlord's Recreation and Parks Department in the booking of dry floor sports and public recreation events during the Dry Floor Season;

Annual Report

- 5.20 to provide an annual report to the Board of the Landlord within 30 days of the end of each year of the Term, such report to include information on the Tenant's membership and programming, as well as audited copies of the Tenant's financial statements.

6.0 Landlord's Covenants

- 6.1 The Landlord covenants with the Tenant for quiet enjoyment.

7.0 Miscellaneous Covenants

And it is hereby mutually agreed:

Re-entry

- 7.1 that if the Tenant shall default in the payment of rent, or the payment of any other sum payable hereunder, or fail to perform any covenant hereunder and if such default shall continue for thirty (30) days after the giving of written notice by the Landlord to the Tenant, then the Landlord may re-enter the Premises and the rights of the Tenant with respect to the Premises shall lapse and be absolutely forfeited;

Forfeiture

- 7.2 that the Landlord, by waiving or neglecting to enforce the right to forfeiture of this Lease or the right of re-entry upon breach of any covenant, condition or agreement in it, does not waive the Landlord's rights upon any subsequent breach of the same or any other covenant, condition or agreement in this Lease;

Revenue

- 7.3 that all revenue from the operation of the District 69 Arena during the Term shall be for the account of the Tenant;

Destruction

- 7.4 (a) that if the Premises are damaged by fire, flood or other casualty the Tenant shall, within thirty (30) days after the fire, flood or other casualty advise the Landlord in writing whether the Tenant intends to restore, repair or replace the Premises or the portion damaged. If the Tenant intends to undertake and complete restoration, repair or replacement the Tenant shall do so within twelve (12) months after the damage has occurred;
- (b) if the Tenant elects not to undertake restoration, repair or replacement this Lease shall terminate and, for the purpose of this subsection, if the Tenant does not advise the Landlord concerning the Tenant's intention within the thirty (30) days, the Tenant shall be deemed to have elected not to undertake restoration, repair and replacement.

Fixtures

- 7.5 that, unless the Tenant, upon notice from the Landlord, removes them, all buildings, structures or improvements constructed on the Premises by the Tenant, save and except for moveable business fixtures of the Tenant, shall, at the determination of the Lease, become the sole property of the Landlord at no cost to the Landlord.

Insolvency

- 7.6 that if
- (a) the Term or any of the goods or chattels on the Premises are at any time seized or taken in execution or attachment by any creditor of the Tenant or under bill of sale or chattel mortgage, or
- (b) if a writ of execution issues against the goods or chattels of the Tenant, or
- (c) if the Tenant makes any assignment for the benefit of creditors, or
- (d) if the Tenant becomes insolvent or bankrupt, or
- (e) being an incorporated company or society if proceedings are begun to wind up the company or society, or
- (f) if the Premises or any part of them becomes vacant and unoccupied for a period of thirty (30) days or is used by any other person or persons for any purpose other than permitted in this Lease without the written consent of the Landlord,

the Term shall, at the option of the Landlord, immediately become forfeited and the then current month's rent for the three months next following shall immediately become due and payable as liquidated damages to the Landlord, and the Landlord may re-enter and repossess the Premises despite any other provision of this Lease,

Removal of Goods

- 7.7 if the Tenant removes its goods and chattels from the Premises, the Landlord may follow them for 30 days;

Renewal

- 7.8 that upon the expiration of the Term the parties may mutually agree to enter into a new lease of the Premises containing agreed terms and conditions, subject to a renewal of the Head Lease, and the approval of the Council for the City of Parksville to a new lease between the Landlord and the Tenant;

Time

- 7.9 that time shall be of the essence of this Lease;

Termination

- 7.10 that the Landlord may terminate this Lease at any time upon the provision of 30 days notice in writing to the Tenant if the Tenant is in default of any provision of this Lease;
- 7.11 that either the Landlord or the Tenant may terminate this Lease at any time upon the provision of six (6) months' written notice, provided that if the period of notice provided by the Landlord falls within the period between October 15th of one year of the Term and April 15th of the next year, the Landlord's termination will be deemed effective April 15th. This provision for extension of the period of notice shall not apply to a notice of termination for default given under section 7.10;

Notices

- 7.12 that any notice required to be given under this Lease shall be deemed to be sufficiently given:
- (a) if delivered, at the time of delivery, and
 - (b) if mailed from any government post office in the Province of British Columbia by prepaid, registered mail addressed as follows:

If to the Landlord:

6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

If to the Tenant:

Box 1624
Parksville, BC V9P 2H3

or at the address a party may from time to time designate, then the notice shall be deemed to have been received forty-eight (48) hours after the time and date of mailing. If, at the time of the

mailing the notice, the delivery of mail in the Province of British Columbia has been interrupted in whole or in part by reason of a strike, slow-down, lockout or other labour dispute then the notice may only be given by actual delivery of it;

Net Lease

- 7.13 that this Lease shall be a complete carefree net lease to the Landlord as applicable to the Premises and the Landlord shall not be responsible during the Term for any cost, charges, expenses or outlays of any nature whatsoever in respect of the Premises or its contents, or the operation of the Premises, except those mentioned in this Lease;

Landlord's Insurance

- 7.14 that in the event the cost to the Tenant of the property insurance required under section 5.9 exceeds the cost of such insurance, should it be placed and maintained by the Landlord, that by agreement of the Landlord and Tenant, the Landlord may place and maintain such property insurance for the Premises and charge the cost of that insurance to the Tenant;

Fitness of Premises

- 7.15 (a) that the Landlord has made no representation or warranties as to the condition, fitness or nature of the Premises and by executing this Lease, the Tenant releases the Landlord from any and all claims that the Tenant now has or may in future have in that respect;
- (b) that the Tenant admits that it has inspected the Premises in their present state, that they are suitable for the Tenant's purposes, and that the Tenant shall at its sole cost be responsible for any and all repairs, improvements and upgrades necessary for the operation of the District 69 Arena by the Tenant;

Inspection

- 7.16 that the Landlord may enter the Premises at any time during the Landlord's regular business hours, and at any other time on providing twenty-four (24) hours notice to the Tenant, for the purpose of inspecting the Premises and determining whether the Tenant is in compliance with its obligations under this Lease;

Binding Effect

- 7.17 that this Lease shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors, administrators and permitted assignees;

Amendment

- 7.18 that the parties hereto may by agreement amend the terms of this Lease, such amendment to be evidenced in writing and executed by both parties;

Law Applicable

7.19 that this Lease shall be construed in accordance with and governed by the laws applicable in the Province of British Columbia;

7.20 Relationship of the Parties

No provision of this lease shall be construed to create a partnership or joint venture relationship, an employer-employee relationship, or a principal-agent relationship between the parties;

Interpretation

7.21 that when the singular or neuter are used in this Lease they include the plural or the feminine or the masculine or the body politic or corporate where the context or the parties require;

7.22 all provisions of this Lease are to be construed as covenants and agreements as though the words importing covenants and agreements were used in each separate paragraph;

7.23 that the headings to the clauses in this Lease have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this Lease or provision of it.

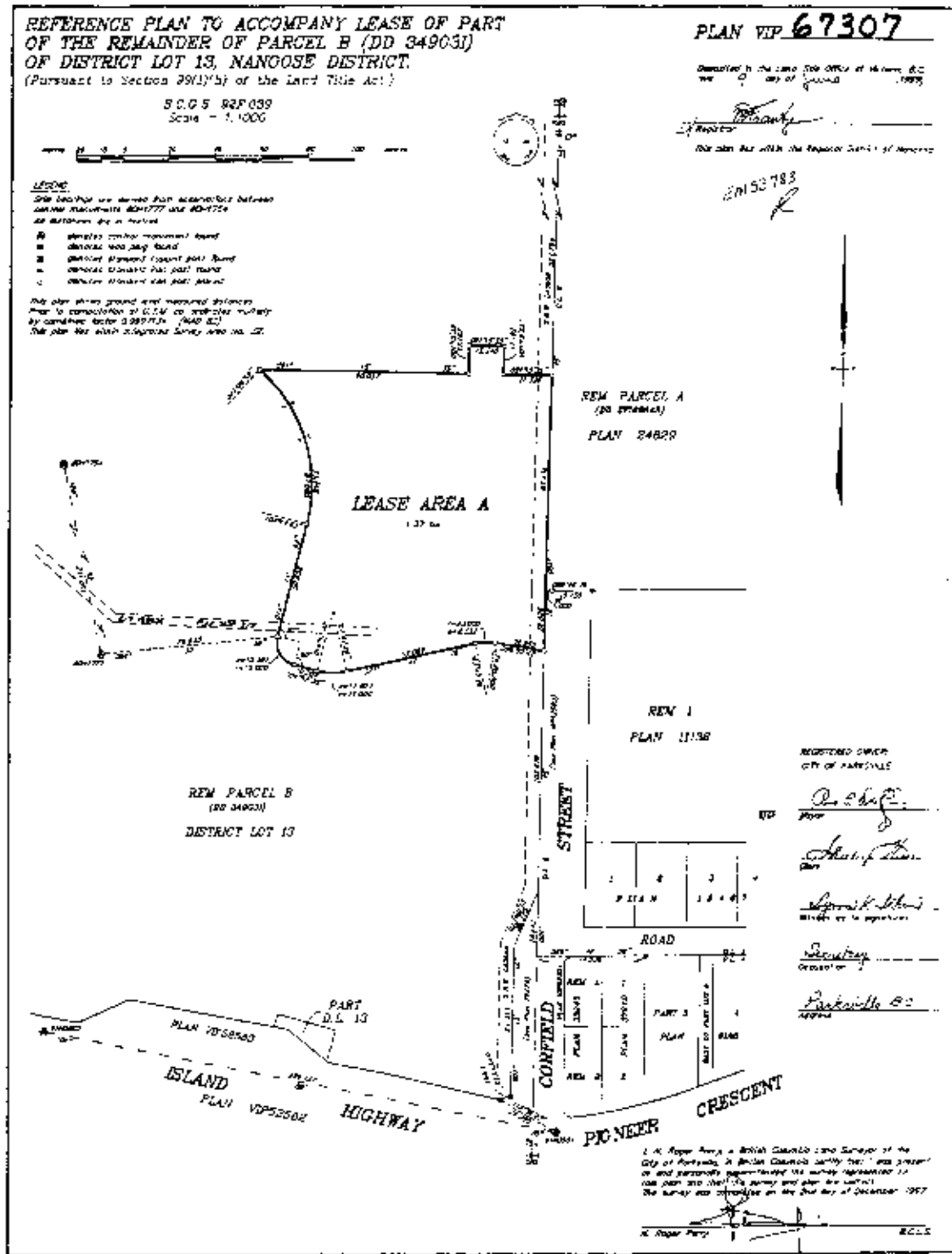
IN WITNESS the parties have signed and sealed this Lease on the ___ day of _____, 2002.

For the Regional District of Nanaimo:)
)
)
)
_____)
Chief Administrative Officer)
)
_____)
General Manager, Corporate Services)
)

For the Parksville Curling Club:)
)
)
_____)
Name & Title)
)
_____)
Name & Title)
)

SCHEDULE "A"

That part of the remainder of Parcel "B" (DD34903-I) as shown outlined on the reference plan annexed hereto as Schedule "A" and prepared by N. Roger Parry, B.C.L.S., dated the 2nd day of December, 1997, and marked "Lease Area A".



SCHEDULE "B"

Items and equipment to be listed prior to signing of Lease



REGIONAL DISTRICT OF NANAIMO		
OCT 17 2002		
CHAIR		GMCrS
CAO		GMDS
GMCmS		GMES

MEMORANDUM

TO: Board of Directors

FROM: Kelly Daniels
Administrator

SUBJECT: Park Development

Comm. of the Whole ✓

DATE:

October 16, 2002

Purpose:

To provide the Board information in response to delegations on October 8, 2002 suggesting a breach of Board policy.

Background:

Delegations presented verbal and written presentations on October 8, 2002 primarily suggesting that:

1. In giving direction for the upgrade of a trail in Tye Crescent Community Park (see map - Attachment 1), the Administrator breached a Board direction given previously regarding public consultation.
2. That staff, in undertaking the work in the park, did not consult with the Parks Committee or local residents.

The Nanoose Bay Parks and Open Space Plan was commissioned by the Board in April 1999 and brought forward for consideration and adoption in May, 2001. A major issue that arose during the consideration of the Plan by the Board was that of the development of Ministry of Transportation Beach Accesses, particularly in the Madrona area. A number of residents spoke against this portion of the plan (see minutes - Attachment 2) as they were concerned about attracting people from outside their neighbourhood to the beach accesses as well as potential impacts to neighbouring properties if the accesses were developed. In the end the Board adopted the plan as a "guiding document for parks and open space planning" and stated that "no improvements other than identification markers be made to public beach accesses without consulting the local residents".

Tye Crescent Community Park has been designated a public park since the mid-1960's. The trails in the park are worn and have been present for the majority, if not all, of this time. In 1990 the Parks Plan and inventory identified that the major trail through the park was "well worn" and that it would "be advisable to clear a limited amount of space for parking". Since then the park has seen significant and regular use by the diving community. This has caused significant wear to the trail as the divers use the park extensively during the wet winter months. As well, the drainage patterns in the park are such that a large amount of run-off accumulates on the trail. Over the years users have thrown small logs and branches on the trail to try to improve the condition of the trail but it has resulted in a situation of high risk of injury on the trail that, at some times, is almost unusable. In 2001 the Parks Department had identified this trail upgrade as a maintenance project for the park, but it was not completed.

PAGE

58

After a considerable number of complaints regarding this trail I viewed the trail myself earlier this year and found the condition as noted above. I then directed that the department undertake the work this year as it was obviously a high injury and liability risk.

As suggested in the written submission to the Board, the Parks Department staff advised the Parks Committee Chair and the Area Director of the proposed work on September 6, 2002 and indicated in the email that the work was a carryover from the previous year and as such pre-dated the Parks Committee. It may have been for this reason that the staff did not follow their normal practice of informing the entire Parks Committee of the maintenance work to be undertaken. This is not a requirement under the terms of reference for the Committee, but has become a common practice. Nor did they advise or consult with the residents in the area which also would have been their normal practice. This oversight was acknowledged by the Manager and General Manager of the service area and dealt with internally prior to the delegations coming forward.

Alternatives:

1. To receive this report as information and forward a letter advising the delegations of the information noted.
2. To request additional information regarding the project.

Financial Implications:

There are no financial implications to either alternative.

Citizen Implications:

The project, while initially envisioned as a basic trail maintenance project by the department to improve safety and access on a long standing trail, did turn into a larger endeavour when the volunteers encountered large amounts of old wood debris and major drainage problems and extended the pull out area for parking. In hindsight the amount of work undertaken should have triggered more public consultation than undertaken.

Policy Implication:

The issue of any breach of Board direction is not founded as the resolutions from the Board were specifically directed at Ministry of Transportation Beach Accesses not Community Parks.

Summary:

The delegations on October 8, 2002 raised concerns that Board direction regarding beach accesses were being ignored by staff and that the Nanoose Bay Parks and Open Space Committee's authority was also being ignored.

An internal review of the issue has shown that no Board direction or resolution has been overlooked by the Administrator or other staff. Further, while the Chairman of the Parks and Open Space Committee was advised of the maintenance work and asked to provide input, the regular practice of public consultation and communication was not undertaken. This oversight was likely a result of believing that the project started as a basic trail maintenance project but became more complex and that the project had actually predated the formation of the Committee.


The Administration takes seriously the guidance and intent expressed in the Public Consultation and Community Framework. We understand the Board's priority for public consultation and try to balance that with efficient responsive government. While no policy was breached in this instance we believe the project could have been managed in a more sensitive manner and steps have been taken to ensure it will be in the future.

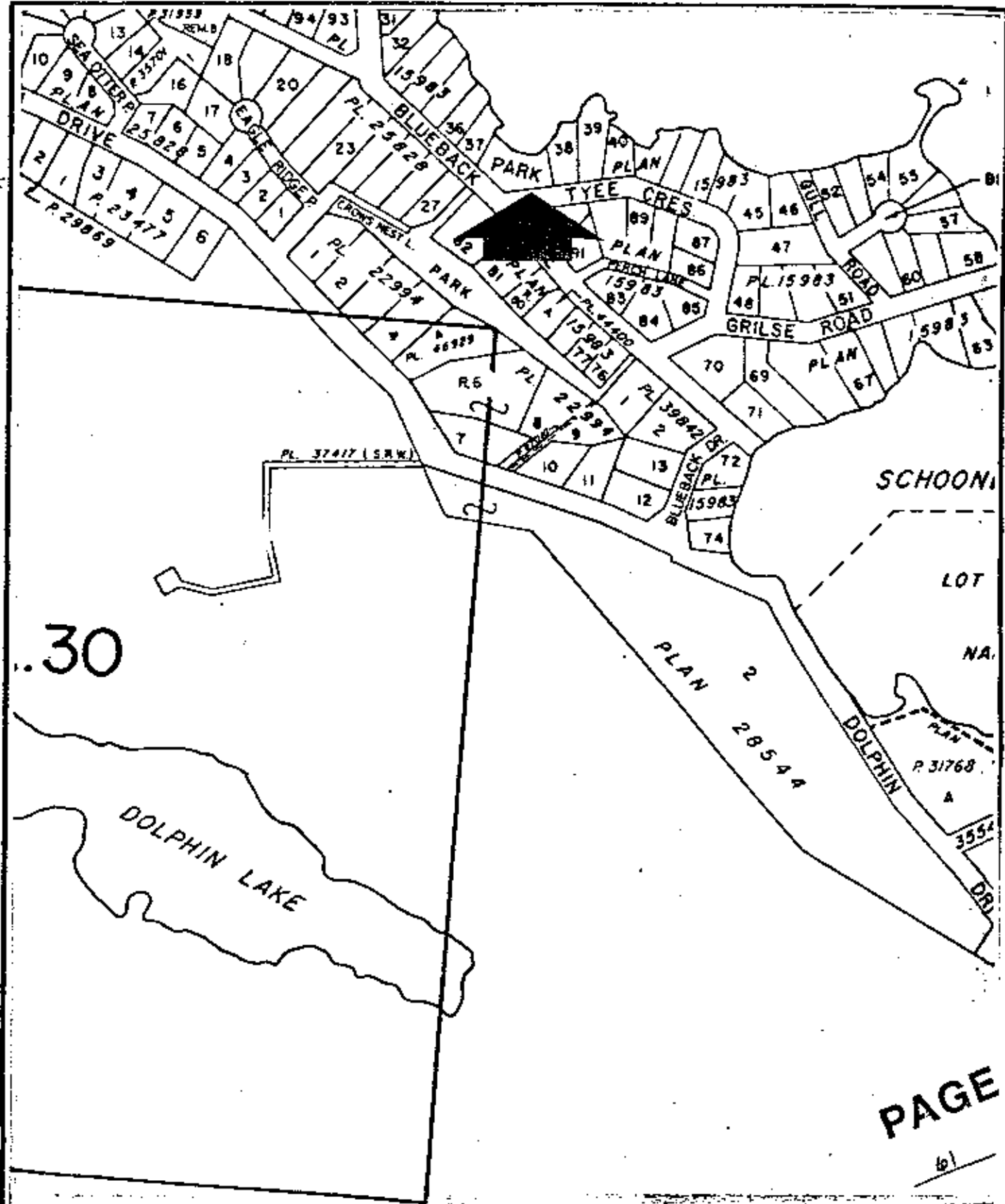
Recommendation:

That this report be received for information and that a letter be sent to the delegations advising of the information noted.

A handwritten signature in black ink, appearing to read 'K. Daniels', is written over a horizontal line. The signature is stylized and cursive.

K. Daniels, CAO

<p>RDN</p> <p>PARK INVENTORY</p>	 <p>NORTH</p>	MAP REF :	20 24	<p>ELECTORAL AREA</p> <p>E</p>	<p>PARK No.</p> <p>4</p>
		SCALE :	1:5000		
		PLAN :	15983		
		DATE OF REGIST. :	Feb. 28, 1963		
		AREA (approx.) :	0.2 ha		



ACCESSIBILITY

The park is located at the corner of Blueback Drive and Tye Crescent. There is a well worn trail leading to the beach from Tye Crescent. Only roadside parking is available.

TOPOGRAPHY/SIGNIFICANT PHYSICAL FEATURES

Most of this lot is overgrown by salmon berries and blackberries. There are only a few alder and maple trees at the east and west edges of the property. The beach is quite wide and pebbly. Swimming is possible.

CURRENT USE

This is a local beach access.

SUGGESTIONS FOR UPGRADING

If a portion of the berries beside the beach were to be cut back and grass seeded, it would make a good picnicing area. It would also be advisable to clear a limited amount of space for parking.

excerpts from May 2001 Board meeting

REGIONAL DISTRICT OF NANAIMO
MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, MAY 8, 2001, AT 7:30 PM IN THE
NANAIMO CITY COUNCIL CHAMBERS

DELEGATIONS

Mike Gray, re Nanoose Bay Parks & Open Spaces Plan - Area E.

Mr. Gray, a member of the Northwest Nanoose Residents Association, expressed his concerns about the public consultation process for the Nanoose Bay Parks and Open Space Plan. Mr. Gray requested that the Board not adopt the Plan until the outstanding neighbourhood concerns are addressed with respect to beach accesses.

Ross Peterson, re Nanoose Bay Parks & Open Spaces Plan - Area E.

Mr. Peterson, also a member of the Northwest Nanoose Residents Association, spoke on the technical aspects of the Nanoose Bay Parks and Open Space Plan including his concerns with the beach access section in the Plan. Mr. Peterson recommended that the Board consider not adopting the beach access portion of the Plan until all the concerns have been addressed.

Diane Aussem, re Nanoose Bay Parks & Open Spaces Plan - Area E.

Ms. Aussem, a member of the Project Committee, commented on the process that was involved in creating the Nanoose Bay Parks and Open Spaces Plan and urged Board members to adopt the Plan as presented.

Reg Johanson, Re Nanoose Bay Parks & Open Spaces Plan - Area E.

MOVED Director Stanhope, **SECONDED** Director McLean, that Mr. Johanson be permitted to speak.

Mr. Johanson addressed issues presented from questions of the previous delegations and voiced his concerns about the public process and the possible beach access development.

RECREATION AND PARKS

Nanoose Bay Parks and Open Space Plan.

MOVED Director Stanhope, SECONDED Director Sherry, that the Nanoose Bay Parks and Open Space Plan be approved as a guiding document for parks and open space planning and management in Nanoose Bay, and that the Terms of Reference for the Nanoose Bay Parks and Open Spaces Advisory Committee be approved.

MOVED Director Krall, SECONDED Director Stanhope, that the motion be amended to include the following: "and that no improvements other than identification markers be made to public beach accesses without consulting the local residents".

MOVED Director Krall, SECONDED Director Stanhope, that a further amendment be made to include the following: "and that the Board recommend that the Northwest Nanoose Residents Association encourage members to apply for positions on the special advisory committee dealing with beach accesses".

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

CARRIED

The motion CARRIED.



REGIONAL DISTRICT OF NANAIMO	
OCT 17 2002	
CHAIR	GMCRS
CAO	GMDS
GMCRS	GMES
	<i>COU</i> ✓

MEMORANDUM

TO: Tom Osborne
Manager Recreation and Parks

DATE: October 17, 2002

FROM: Jeff Ainge
Parks Coordinator

FILE: 6140-01/E 09

SUBJECT: Crown Land Lease Offer for Community Park in Nanoose Bay (Area 'E')

PURPOSE

To report on a two-year lease renewal offer received from the Provincial Government for a portion of a Community Park located at Nanoose Road in Electoral Area 'E'. The legal description of the existing park area is Lots 3, 4, 5 and 6, Plan 27190, District Lot 130E&N, Nanoose District, containing 1.86 hectares (4.6 acres).

BACKGROUND

A two-year lease renewal offer has been received from Land and Water BC (previously BC Assets and Land Corporation) for Lot 6 of the Community Park on Nanoose Road, Area 'E'. This offer comes three years after the previous five-year lease expired (in February 1999).

The Community Park on Nanoose Road is comprised of four Lots (3, 4, 5 and 6) and was originally leased by the Regional District from the Crown in February 1979. In 1991 a letter from the Province's Manager of Land Administration advised the Regional District that after a site visit by a Crown Land Officer "...the area appeared to be little used and unmaintained" and that a long-term lease renewal was unlikely without evidence of long-term development plans. The lease was then renewed for five years in 1994. The Regional District and community members made significant upgrades and replacements to the children's play equipment in 1994-95. Additional upgrades to bring the play equipment and area up to meet the requirements of the Canadian Standards Association were made by staff and volunteers early in 2000.

The Park consists of four wooded lots (a Douglas fir/arbutus mixed stand) with frontage onto Nanoose Road. The adjacent Lot 7 houses the fire hall. A walking path meanders through Lots 3, 4 and 5 - originally developed as a fitness trail with exercise stations at defined intervals. A children's play area is located partly on Lot 5 and partly on Lot 6. A seating bench beside the play area is on Lot 5. Lot 6 provides vehicle access to the park and also contains the wastewater disposal field for the fire hall, and a grassed volleyball court for the fire hall.

Staff are aware of the Province's interest in marketing vacant Crown land and have had discussions regarding this property on several occasions since 1999. The Province has been made aware that community interest for keeping the Park intact as greenspace and play space was expressed in the Nanoose Bay Parks and Open Space Plan, which was approved in the Spring of 2001. The property is also designated as Park in the Nanoose Bay Official Community Plan although the zoning is specified as Residential 1.

PAGE
65

ALTERNATIVES

1. That the Regional District request that a two-year lease term be provided for lots 3, 4, 5 and 6 that comprise the Community Park on Nanoose Road in Electoral Area 'E' to allow for further discussion with the Regional Office of Land and Water BC Inc. on options for the future disposition of the lands.
2. To not accept the two-year offer term for Lot 6 only of the Community Park on Nanoose Road in Area 'E'.

FINANCIAL IMPLICATIONS

The lease offer before the Board requires a payment of \$215.07 in fees for processing and issuing the lease documents.

The play equipment is inspected regularly to meet Canadian Standards Association requirements. No major expense is foreseen in the coming two years, however there is a need for additional pea gravel under the equipment to meet the standards. The cost is unlikely to exceed \$100. If the play equipment had to be physically relocated, costs are estimated in the \$3,000 to \$5,000 range, excluding staff and volunteer time.

INTERGOVERNMENTAL IMPLICATIONS

The Province is considering disposal of several vacant Crown land parcels in the Region, and indicates that long-term leases or free grants are no longer possible. Staff have assured representatives of the Provincial land agency (Land and Water BC Inc.) of the importance of the Park to the Nanoose community, however the lots making up the Nanoose Road Community Park remain of interest as marketable properties.

CITIZEN IMPLICATIONS

There has been no public notice of the Province's intent to dispose of three-quarters of the Nanoose Road Community Park. Staff will raise the issue at the upcoming October 21st meeting of the Nanoose Bay Parks and Open Space Advisory Committee, and seek the Committee's input.

SUMMARY

A lease renewal offer has been received from BC Land and Water for only one (Lot 6) of four Crown land lots currently managed as Community Park on Nanoose Road in Electoral Area 'E'. The lease offer is for two years and appears to exclude Lot 5, which contains part of the children's playground. Lots 3 and 4 provide for a large stand of trees and contain walking paths throughout and provide for significant wooded parkland in a residential area.

The previous lease expired in 1999 and staff have on several occasions discussed renewal opportunities with Provincial staff. In the last month, the Regional Manager for the Vancouver Island region of Land and Water BC Inc., in Victoria, has advised the Regional District of the agency's interest to discuss various Crown land disposition initiatives throughout the region. As the lease offer was forwarded by the local Nanaimo office, and with the potential for further discussion on a broader level involving these properties as well as others, staff are recommending alternative one.

RECOMMENDATION

That the Regional District request that a two-year lease term be provided for lots 3, 4, 5 and 6 that comprise the Community Park on Nanoose Road in Electoral Area 'E' to allow for further discussion with the Regional Office of Land and Water BC Inc. on options for the future disposition of the lands.

[Signature]
Report Writer

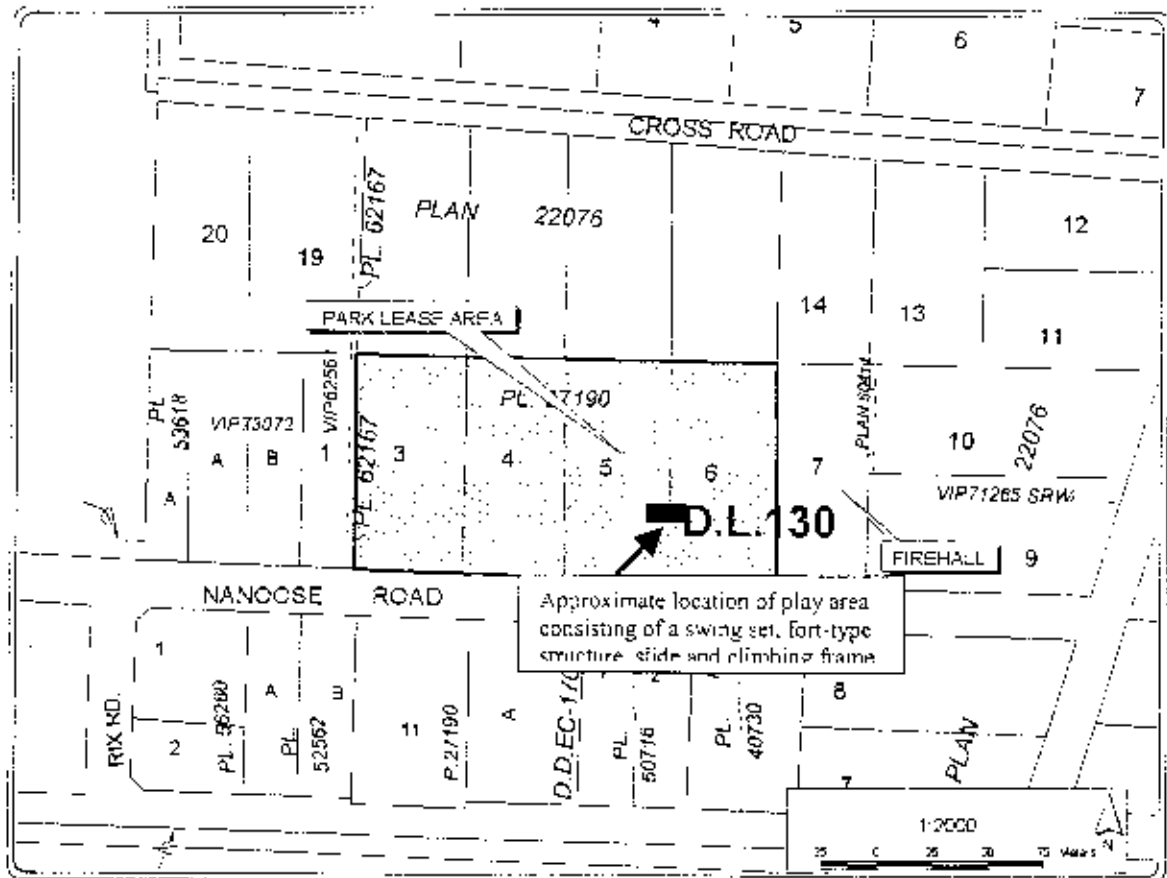
[Signature]
General Manager Concurrence

[Signature]
Manager Concurrence

[Signature]
CAO Concurrence

COMMENTS:

Map illustrating expired Park lease area (Lots 3-6), adjacent fire hall parcel, and approximate location of existing children's play equipment.





REGIONAL DISTRICT OF NANAIMO	
OCT 15 2002	
CMAR	GMCrS
CAO	GMDS
GMCMS	GMES
<i>Call ✓</i>	

MEMORANDUM

TO: Neil Connelly
General Manager, Community Services

DATE: October 11, 2002

FROM: Christina Thomas
Senior Planner, Community Services

FILE: 6780 30

SUBJECT: REGIONAL GROWTH STRATEGY BYLAW NO. 1309
PUBLIC CONSULTATION PROCESS

PURPOSE

To provide a response to the Northwest Nanoose Residents Association September 16, 2002 letter to the Board regarding the public consultation process associated with Regional Growth Strategy Bylaw No. 1309.

BACKGROUND

The Regional District of Nanaimo received a letter from the Northwest Nanoose Residents Association (NNRA) dated September 16, 2002 on October 2, 2002 (*see Attachment 1*). The letter describes the Association's concern regarding the public consultation process associated with the development of Regional Growth Strategy Bylaw No. 1309.

At the October 8, 2002 Regular Board meeting two resolutions were passed. They provided for first and second reading of Bylaw No. 1309 to be rescinded and for the Bylaw to be referred back to staff to allow for further public consultation.

ALTERNATIVES

1. To receive the letter from the Northwest Nanoose Residents Association, and provide a response to it based on the October 8, 2002 Board resolutions.
2. To receive the report, including the letter from the NNRA, and not provide a response to it.

SUMMARY

The Regional District of Nanaimo received a letter from the Northwest Nanoose Residents Association (NNRA) dated September 15, 2002 on October 2, 2002 that describes the Association's concern regarding the public consultation process associated with the development of Regional Growth Strategy Bylaw No. 1309. The Association is of the opinion that the Board's August 13th decision to repeal the first and second reading that it granted the Bylaw in July of 2002 "showed unreasonable haste and disdain for the process of public consultation used to that date". At the October 8, 2002 Board meeting the Board rescinded first and second reading of Bylaw No. 1309 and referred it back to staff to allow for further public consultation.

PAGE

108

RECOMMENDATION

That the submission from the Northwest Nanoose Residents Association, regarding the public consultation process associated with Regional Growth Strategy Bylaw No. 1309, be received and that a response be provided that refers to the Board's October 8, 2002 resolutions to rescind the Bylaw and refer it back to staff to allow for further public consultation.

for

Report Writer

General Manager Concurrence

CAO Concurrence



Northwest Nanoose Residents Association

P.O. Box 216 Nanoose Bay, B.C. V9P 9J9

16 September 2002

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

Members of the Board;

RE: REGIONAL GROWTH STRATEGY BYLAW NO 1309 AND THE PUBLIC CONSULTATION PROCESS

REGIONAL DISTRICT OF NANAIMO			
OCT - 2 2002			
CHAIR	<input checked="" type="checkbox"/>	GMCrs	
CAO	<input checked="" type="checkbox"/>	GMDS	
GMCms	<input checked="" type="checkbox"/>	GMES	
<i>Final report & recommendation for Bd</i>			
<i>BF</i>			

Pursuant to our submission to the RDN Board of 9 September, we would like to make the following comment for the consideration of, and action by, the Board.

No matter the merits or the demerits of the proposal by the Texada Corporation for Block 564, the manner in which the Board adopted the amendments to Bylaw 1309 was inconsistent with, and contrary to, the process of public consultation it had used for elaborating the rest of the Bylaw. In fact the rescinding of the Bylaw and its re-adoption with the new amendments within one sitting of the Board showed unreasonable haste and a disdain for the process of public consultation used to that date. Such an action has the immediate effect of eroding public confidence both in the Bylaw and in the Board.

The facts that the proposal had been subjected to the Large Land Holding study process and that it would be the subject of further public hearings within the relevant OCP (which are correct procedures in themselves) does not absolve the Board from subjecting the proposed amendments to the public consultation process. It would have been more proper for the Board to schedule a public hearing on the amendments within a short time frame (the Regional Growth strategy has in any case taken much longer than originally proposed to reach the stage of adoption and so a short further delay would not have any tangible effect) and then to take action on them. **It is hoped that if there are any further proposed amendments to the Bylaw being positively considered by the Board up until it finally enacts the Bylaw, it would follow such a course. And in fact the Board should take such an action in respect of the Block 564 amendments immediately.**

Preserve... the quiet, clean and peaceful atmosphere of our neighbourhood



PAGE 70

In addition, it is hoped that the Board, having just made the RGS a policy document, would refrain from adopting very specific type amendments which have the effect of creating exceptions to the policies upon which it has agreed. This has the effect of undermining the power and status of the policies themselves and of making the Bylaw lose its position as a positive driving force behind future development of the Region.

Sincerely,

Ross Peterson
President



REGIONAL DISTRICT OF NANAIMO		
OCT 15 2002		
CHAIR		GMCrS
CAG		GMDS
2/2/03		GMEB
		<i>Cole</i> ✓

MEMORANDUM

TO: Neil Connelly
General Manager - Community Services

DATE: October 7, 2002

FROM: Mike Donnelly
Manager of Transportation Services

FILE: 8500-01

SUBJECT: Proposed Transit Fare Increase

PURPOSE

To bring forward the proposed Transit fare increase.

BACKGROUND

The preliminary 2003 budget development process for the Transportation Services Department is underway. As part of that process the financial challenges facing the department's service provision have been identified and approaches developed that would allow for the stable, ongoing provision of service in the community. The primary impediment to this stable service provision is the BC Transit cap introduced this year, which will be in place until 2005.

BC Transit is working with communities to help reduce the cost of service provision both in the short and long term to help minimize the impact of cost increases and to provide for stable future funding after 2005. As well, discussions with BC Transit and the RDN are currently underway to explore ways in which overlapping services between the two organizations can be identified and removed thus reducing costs. These discussions may lead to a reduced BC Transit administration cost allocation in 2003. The current allocation for BC Transit administration costs is \$400,000.

The additional costs for service are not being cost shared by BC Transit thus prompting alternate strategies to allow the existing levels of service to continue. Operating costs have been kept down, revenues from growth and advertising are being maximized and promotion of the BC Bus Pass, a significant revenue generator, continues. In addition to this funding challenge the departmental long term budgeting model indicates a need to proceed with a fare increase in 2003 to meet long term operating cost increases. The remaining option to meet budget demands is a service reduction.

A service reduction was implemented in response to the BC Transit funding cap in August of this year. That reduction of 1.5% of service resulted in the trimming of service in several areas. Further reductions to service would begin to significantly affect key areas such as peak period commuter service and evening / weekend service.

In order to avoid service level reductions a general fare increase is being proposed (please see attached fare chart). An average increase of approximately 15% for all fares would provide the necessary funds to allow for the continuation of service in its existing form for 2003. This would result in the standard adult fare moving from \$1.75 to \$2.00 and for Students and Seniors from \$1.50 to \$1.75. Tickets and passes

would increase proportionately. The proposed fare increase is structured in accordance with the Transit Business Plan fare strategies.

ALTERNATIVES

1. Approve a fare increase to Transit effective January 1, 2003.
2. Do not approve a fare increase and proceed with planning service reductions to take effect April 1st 2003.

FINANCIAL IMPLICATIONS

Alternative 1

Conventional Transit will incur a shortfall of \$245,000 without additional funds. The proposed fare increase will be required to ensure current levels of service are provided.

Alternative 2

Without the fare increase a service reduction will be necessary. A reduction in service hours in the conventional Transit system would trigger a proportional BC Transit funding reduction for those hours. The result would be a reduction of 6,000 hours annually or 6.8% of the current service. The service reduction carried out in 2002 was 1.5%.

CITIZEN IMPLICATIONS

Alternative 1

The proposed increase would work towards the continued delivery of existing service levels. Consistent service helps to build ridership and cost recovery. A ridership reduction due to the fare increase has been factored into the budget. A moderate decrease in ridership is anticipated as the value of the service compared to the fare cost is seen as reasonable. The steady growth in ridership and associated revenue is the most significant factor in ensuring stable funding for the system.

Alternative 2

Without the fare increase a significant reduction in service will be required. This service reduction will lead to lost ridership and will have a detrimental affect on revenues. Service reductions of the scale required would reduce confidence in the system, which in turn could lead to a further decline in users.

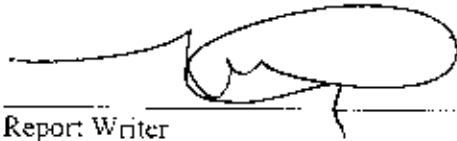
SUMMARY/CONCLUSIONS

Preliminary Transportation Services department budgeting has shown a need to consider a fare increase for 2003. The long term budgeting for the department indicates a need to increase fares to provide stable funding for the next 5 years. As well the BC Transit budget cap is having a significant affect on revenues for the operation of both Conventional and Custom Transit. The cap on cost sharing will continue into 2005 so steps must be taken at this time to ensure the continued delivery of the existing service levels.

An average fare increase of approximately 15% is proposed for Transit effective January 1, 2003. This increase will provide the necessary funding to continue the existing level of service. Without this increase a decrease of transit service of 6.8% would be necessary. A service reduction of 1.5% was carried out in 2002 in response to the BC Transit funding cap.

RECOMMENDATION

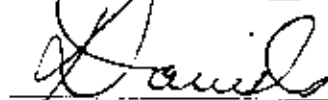
That Transit fares be increased in accordance with the fare schedule attached entitled "*Proposed Transit Fares Effective January 1st, 2003*".



Report Writer



General Manager Concurrence



C.A.O. Concurrence

COMMENTS:

Proposed Transit Fares Effective January 1st, 2003

October 2002

Fare Type	Existing Fares	Proposed Fares
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Transit

Cash		
Adult	\$1.75	\$2.00
Senior	\$1.50	\$1.75
Student	\$1.50	\$1.75
College Students	\$1.75	\$2.00
Adult LEAP Card Holders	\$1.50	\$1.75
Student / Seniors LEAP Card Holders	\$1.25	\$1.50
Monthly Pass		
Adult	\$52.00	\$58.00
Senior	\$30.00	\$35.00
Student	\$30.00	\$35.00
College Students	\$42.00	\$47.00
Semester Pass		
College	\$134.00	\$150.00
Day Pass		
Adult	\$4.50	\$5.00
Senior	\$3.50	\$4.00
Student	\$3.50	\$4.00
College Students	\$3.50	\$4.00
Tickets (Sheet of 10)		
Adult	\$15.75	\$18.00
Senior	\$13.50	\$15.75
Student	\$13.50	\$15.75
College Students	\$13.50	\$15.75

PAGE



REGIONAL DISTRICT OF NANAIMO			
OCT 15 2002			
CHAIR		GMCrS	
CAC		GMDs	
GMCMS		GMEs	

MEMORANDUM

TO: Stan Schopp
 Manager, Building Inspection Services

DATE: October 11, 2002

FROM: Allan Dick
 Senior Building Inspector

FILE: 3810-20

SUBJECT: Local Government Act - Section 700 - Contravention of Bylaw Meeting Date - October 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'

- Owners Name: Lorne and Gabriele Foxcroft

Legal Description: Strata Lot C, Sections 4 and 5, Range 5, Cedar District, Strata Plan VIS3160 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

Street Address: 2781 Yellow Point Road

Summary of Infraction:

 - June 22, 2001 - letter sent; permit expired
 - July 6, 2001 - owner called; informed inspector he has one item left to complete
 - July 11, 2001 - owner called; will make application for permit to complete
 - July 4, 2002 - sent letter; occupancy required; pre-enforcement
 - July 17, 2002 - Senior Inspector attempted to contact owner by phone; no answer
 - August 28, 2002 - owner called; requested one month to complete
 - October 3, 2002 - inspector contacted owner and informed him that file now turned over to BI supervisor

Electoral Area 'D'

1. Owners Name: Lennard and Sandra Dourmont
Legal Description: Lot 31A, Nanoose District, except part in Plans 8514, 20737, 21281, 21788, 22619, 27139, 29437, 35911, 41797 and VIP6266;
Street Address: 7995 Superior Road
Summary of Infraction:
May 24, 2002 – application received for greenhouse
May 29, 2002 – site inspection revealed many structures apparently built without permits
July 8, 2002 – Senior Inspector contacted owner regarding outstanding building issues. Consultant working on behalf of owner given time to resolve issues.
October 9, 2002 -- file forwarded to manager as building issues not resolved

Electoral Area 'E'

1. Owners Name: Joseph and Mildred Hess
Legal Description: Lot 7, District Lot 52, Nanoose District, Plan VIP53395
Street Address: 1609 Clayton Crescent
Summary of Infraction:
September 30, 2002 – received complaint that SFD was apparently occupied without an occupancy permit; SFD is incomplete
October 4, 2002 - inspector spoke with owner; discussed status of construction; advised owner RDN would proceed with contravention notice; obvious safety deficiencies

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:

devvis/reports/2501/2510-20-section700October.doc



REGIONAL DISTRICT OF NANAIMO			
OCT 15 2002			
CHAIR		GMCS	
CAO		GMDS	
GMCS		GMES	
Committee of the Whole			<input checked="" type="checkbox"/>

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: October 11, 2002

FROM: Keeva Kehler
Planner

FILE: 6635 00 LRC

SUBJECT: ALR Regulation Amendment – Aquaculture Implications For RDN
All Electoral Areas except Electoral Area 'B'

PURPOSE

To provide an overview of possible implications resulting from the proposed amended *Agricultural Land Reserve Use, Subdivision and Procedure Regulations* as they pertain to new aquaculture facilities on land and along the marine foreshore.

BACKGROUND

In keeping with its policies of deregulation and promoting new economic development, the provincial government announced that it would begin accepting applications for aquaculture licenses in British Columbia on April 30, 2002. A moratorium on aquaculture facilities was in effect in British Columbia between 1995 and April 2002. As a result of the lifting of the moratorium, there will likely be new proposals to develop aquaculture facilities in the RDN. Under the *Fisheries Act, 1996*, "Aquaculture" means the growing and cultivation of aquatic plants or fish for commercial purposes, in any water environment or human made containers of water, and includes the growing and cultivation of shellfish on, in or under the foreshore or in water."

After November 1, 2002 the amended ALR Regulations come into effect. Land based aquaculture facilities to a threshold of 2% of the parcel area will be permitted outright as a 'farm use' on parcels located within the ALR. Any aquaculture facility that exceeds 2% of the parcel area would require approval by the LRC or a non-farm use application. The Regional District would receive notice and be requested to provide comments. The 2% threshold only applies to the removal of soil and placement of fill, so water based aquaculture facilities are exempt from this threshold

Aquaculture operations over the foreshore or surface of water require a License or Crown Foreshore Lease. Applicants requesting these types of tenure are required to notify all landowners and tenure holders within 1 kilometre in all directions of the intent to establish an aquaculture facility prior to submitting an application. The proposal must be consistent with local government land use planning and zoning regulations. Upland owners' consent must be obtained if the proposal will affect the landowners' access to deep water along the owners' property line. Ministry of Agriculture, Food and Fisheries (MAFF) representatives have indicated that studies would be conducted to ensure that tenures are being used for aquaculture purposes and not being acquired to preserve residential views or amenities for waterfront lots.

According to provincial policy, new applications for aquaculture tenures must meet a set of criteria intended to reduce the impacts on surrounding land and water resources. There are buffer distances that must be adhered to, for example, no aquaculture facility should be located within 1 kilometre from the mouth of a salmon-bearing stream (see Attachment No. 1).

Comments made at the recent UBCM Convention and by representatives for the Province have also suggested that the marine foreshore is being considered for inclusion into the ALR. This proposed change in provincial regulatory authority is intended to afford aquaculture operations the same protection under the 'Right to Farm' legislation that traditional forms of agriculture currently have.

RDN staff contacted representatives from the Ministry of Agriculture, Food and Fisheries (MAFF) to discuss the potential inclusion of the marine foreshore into the Agricultural Land Reserve. MAFF is working on two initiatives pertaining to aquaculture in BC. First, the Ministry is proposing to amend the Right to Farm Legislation to include protection of aquaculture practices in the same way that 'normal' agricultural practices are currently protected. Conflicts that may arise over the use of land or water for aquaculture facilities could be referred to the Farm Practices Board for review.

Second, the Ministry of Sustainable Resource Management (MSRM) and MAFF are currently reviewing the possibility of including high capability foreshore lands identified for aquaculture purposes into a land reserve to preserve and promote economic opportunities for aquaculture development. According to the MAFF representative, the project is in the very early stages and the inclusion of the foreshore is only a preliminary suggestion, which has not received endorsement from any government agency. The Province argues that the identification of lands suited to aquaculture and the inclusion of these lands into a reserve would generate a higher level of certainty for the industry, promoting the development of aquaculture businesses in BC, resulting in employment growth and significant economic benefits for the Province. There are apparently no plans to include the entire coastline into a reserve for aquaculture purposes; only certain areas of the coast are suited to aquaculture.

It is assumed that any inclusion of lands into the ALR will be preceded by extensive public consultation and collaboration with local governments. However, as this proposal is in its infancy, there has been no confirmation of the exact process. Section 15 of the *Land Reserve Commission Act* allows the Commission to designate lands that have agricultural potential, as ALR and both private and Crown land can be included into the Reserve under this section. As required under the *Act*, the Commission would have to hold a public hearing if it were to designate lands within the RDN as ALR.

A committee has been established comprised of representatives from UBCM, MAFF and CAWS to deal with some of the issues pertaining to aquaculture development along BC's coastline. The committee is attempting to identify possible site locations to provide some guidance and certainty to the aquaculture industry. The committee is also establishing criteria for creating a dispute resolution mechanism to deal with possible conflicts that may arise when new aquaculture development is proposed in a community.

Land and Water BC (LWBC) is the agency responsible for issuing Crown Foreshore Leases providing tenure for aquaculture facilities. LWBC has been working extensively with various Provincial and Federal authorities to harmonize its siting criteria and establish standard management guidelines for aquaculture operations on aquatic Crown land. Tenure applications will be reviewed in terms of the highest and best use of the Crown Land.

ALTERNATIVES

1. Receive the staff report for information.
2. Provide direction to staff to further investigate or clarify specific issues with the LRC and/or Provincial agencies regarding aquaculture facilities.

LAND USE IMPLICATIONS

Marine based aquaculture is permitted in the WA1 zone in the RDN. A large portion of the coastline in the RDN is designated WA1. Under the current zoning, aquaculture operations will require the issuance of a development variance permit if they wish to establish facilities that exceed 1 metre in height from the natural boundary of the water's surface. It should be noted that the maximum height of any structure would vary with the tides.

A delegation was recently made to the Board regarding the use of the WA1 zone in Area 'H' for aquaculture facilities. The resident was concerned about the expansion of aquaculture facilities offshore. The recent developments related to aquaculture may lead to heightened concerns among residents in the Regional District.

After November 1, 2002 aquaculture facilities that occupy less than 2% of a parcel's area will be permitted outright in the ALR and will be considered a 'farm use.' Aquaculture facilities that occupy an area greater than 2% of the parcel size will be required to provide notification or make application to the LRC and while comments may be requested from the RDN, the use will not be able to be prohibited within the ALR.

In addition, under the new ALR Regulations, the production of Class A compost from agricultural waste produced entirely on the farm is considered a farm use and can be sold under the Farm Retail Sales provision of the *Act*. Therefore, if aquaculture activities are expanded, where fish waste is produced on a parcel, it could be composted and sold from the parcel, resulting in potential negative impacts to surrounding landowners.

In the electoral areas regulated by Regional District of Nanaimo Subdivision and Land Use Regulation Bylaw No. 500, 1987 aquaculture is also permitted in the Water 1 zone, the South Wellington Comprehensive Development zone, resource management zones (except RM6), and rural zones. In Electoral Area 'F' all land located in the ALR is zoned A-1 and further, Bylaw No. 1285 is structured in such a way that all uses determined to be 'farm use' by the LRC are recognized as permitted uses within the A-1 zone.

It is noted that the Regional District may have the ability to regulate the use of ALR land for aquaculture facilities, provided the regulation is not considered prohibitive. The RDN also has the ability to amend the zoning to not permit aquaculture on parcels outside the ALR.

ENVIRONMENTAL IMPLICATIONS

The Ministry of Sustainable Resource Management (MSRM) developed an Aquaculture Action Plan for Baynes Sound on Vancouver Island (*Baynes Sound Shellfish Aquaculture Action Plan, March 8, 2002*). The report provides information on the potential environmental impacts that may occur from shellfish aquaculture. Many of the impacts also apply to finfish aquaculture. Issues with respect to the use of predator netting, stream channelization, beach modification and pollution are noted. The report concludes that all resource development carries some degree of risk and responsible decision-making must take account of the level of risk and develop innovative ways to mitigate the risks wherever possible.

If aquaculture facilities are afforded protection under the *Right to Farm Act*, the ability of the community or the RDN to prevent such facilities on ALR parcels, or along the foreshore, will likely be restricted.

VOTING

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

SUMMARY/CONCLUSIONS

Since April 30, 2002 the moratorium on aquaculture facilities in BC has been lifted. Representatives from the Ministry of Agriculture, Food and Fisheries indicated that the marine foreshore is being considered for inclusion into the ALR to afford aquaculture operations the same protection under the 'Right to Farm' legislation that traditional forms of agriculture currently have.

Aquaculture facilities require a license from the Provincial government prior to commencing operations on land or in the water. All applicants must meet certain location and management criteria before a license will be issued. The applicant must establish that the proposed use represents the highest and best use of the Crown land in question.

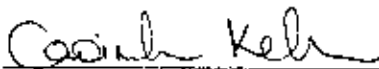
The Ministry of Agriculture, Food and Fisheries is attempting to amend the provincial *Right to Farm Act* so that it includes protection of aquaculture practices and provides an opportunity for dispute resolution similar to that used for traditional agricultural activities. It is hoped that contentious issues could be brought before a Board of industry and government professionals to determine if the practices being used are considered 'normal' for the aquaculture business.

There are no definite plans to include the marine foreshore in the ALR, but there is a provincial group exploring the options of identifying high capability marine lands for aquaculture development along BC's coast. It may be desirable to protect these areas in a land reserve if sufficient suitable areas are identified and there would be an economic benefit from preserving and promoting the use of the resource. A committee comprised of representatives of local governments and various ministries will attempt to create guidelines for the aquaculture industry pertaining to management and location of new facilities, while examining the opportunities for a dispute resolution mechanism for conflicts that may arise over such issues.

After November 1, 2002 it will be easier to establish an aquaculture facility on ALR parcels within the RDN and to conduct value added fish processing on site.

RECOMMENDATIONS

1. That the staff report be received for information.
2. That MAFF, MSRM and LWBC be requested to consult with the RDN concerning proposed amendments with respect to aquaculture regulations including proposed amendments to the ALR boundaries as they pertain to aquaculture.



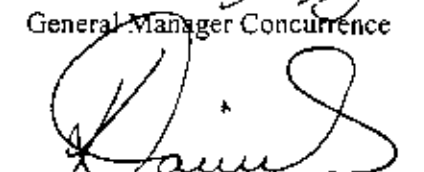
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

Attachment No. 1
Land And Water BC – New Tenure Siting Criteria
(Except from Management Plan Requirements)

- 1 km in all directions from a First Nations reserve;
- 1 km from the mouth of a salmonid-bearing stream determined as significant in consultation with DFO and the province;
- 1 km from herring spawning areas designated as vital, major or important by DFO and the province;
- 300 m from inter-tidal shellfish beds that are exposed to water flow from a salmon farm and which have regular or traditional use from First Nations, recreational, or commercial fisheries;
- 125 m from all other wild shellfish beds and commercial shellfish growing operations;
- Appropriate distance from areas of "sensitive fish habitat", as defined by DFO and the province;
- Appropriate distance from the areas used extensively by marine mammals as determined by DFO and the province;
- 30 m from the edge of the approach channel to a small craft harbor, federal wharf or dock;
- One kilometer from existing or approved proposals for ecological reserves <1000 ha.;
- No salmon farms within the line of sight up to 1 km in all directions from existing or approved proposals for federal, provincial or regional parks, and Marine Protected Areas;
- Note to infringe on the riparian rights of an upland owner without consent for the term of the tenure license;
- No salmon farms in areas that would pre-empt important Aboriginal, commercial or recreational fisheries as determined by the province in consultation with First Nations, and DFO;
- No salmon farms in areas of cultural and heritage significant as determined in the *Heritage Conservation Act*;
- Land use planning and zoning to be consistent with approved local government land use and zoning bylaws;
- Spacing between farm sites to be three kilometers or in accordance with a local area plan or Coastal Zone Management Plan.

These criteria may be adjusted over time by the province in consultation with industry and the SAIAC to respond to new information and the results of new technology.

These criteria are considered to take the place of existing farm siting criteria including the Coastal Resource Interests Study guidelines and the EAO salmon farm siting criteria (on which this criteria is based). However, earlier existing siting criteria may be used as reference guides for agencies in making siting decisions about salmon farms.

The criteria recognize public interest for increased separation between farms and wild shellfish resources that are subject to year round utilization by the public as opposed to commercial shellfish aquaculture tenures that are routinely monitored for product quality.

These criteria apply to the siting of new tenures only. They do not apply to the siting of existing tenures that were granted prior to the year 2000. Information on siting requirements for existing tenures is available from BC Fisheries upon request.



REGIONAL DISTRICT OF NANAIMO			
OCT 15 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
		<i>Cell</i>	<i>✓</i>

MEMORANDUM

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

DATE:

October 7, 2002

FROM: Dennis Trudeau
Manager of Liquid Waste

FILE:

4520-20

SUBJECT: Liquid Waste
Northern and Southern Communities
Pump and Haul Bylaw

PURPOSE

To provide the Board information on previous changes made to the requirements for inclusion of properties into the pump and haul function and to consider an amendment to Bylaw 975 which would allow five lots from the Little Qualicum River Village to be included in the pump and haul function.

BACKGROUND

At the September 10, 2002 Board meeting a request from the Little Qualicum River Village to include five lots in the pump and haul function was referred back to committee. In addition, the Board requested that staff report on the timeframe for the change in the pump and haul application criteria, how pump and haul correlates to the Regional Growth Strategy and the current zoning on the five lots.

The pump and haul service was established in 1995 to provide a solution for properties unable to obtain a permit for an on-site septic disposal system. Any person wishing to incorporate a property into pump and haul must apply to the Regional District of Nanaimo to be included in the pump and haul function. The Regional District of Nanaimo Pump and Haul Local Service Area Bylaw No. 975 establishes the local service areas for the pump and haul function. The bylaw is updated when properties are added or removed from the local service area. The participating areas for this local service include Electoral Areas 'B', 'D', 'E', 'F', and 'H' and the City of Nanaimo.

Original Sewage Disposal Regulation Criteria (1995)

A Sewage Disposal Regulation (Bylaw No. 987) was created in 1995, which outlined the conditions that need to be addressed in order for the Board to consider applications for inclusion into the pump and haul function. In order to apply for a permit under this bylaw the applicant must be formally rejected by the Ministry of Health for an on-site system and must meet the conditions imposed in the bylaw.

The "Regional District of Nanaimo Sewage Disposal Regulation Bylaw No. 987, 1995" stated the following requirements that needed to be met under Bylaw 987 for inclusion in the Pump and Haul Local Service Area:

PAGE

“3. Application

1. An owner or occupier of a parcel within participating Electoral Areas where:
 - (a) the parcel is greater than 700m²;
 - (b) a community system is not available;
 - (c) a sewage disposal permit for on-site disposal cannot be obtained pursuant to the Sewage Disposal Regulations; and
 - (d) the estimated maximum daily sewage flows for the intended use do not exceed 2,273.05 liters per day (500 imperial gallons per day) per parcel

may apply for a holding tank sewage disposal permit under Section 4 (3).”

Section 3 (d) refers to an estimated maximum daily flow of 500 imperial gallons per day, which according to the Health Act is equivalent to the discharge from a 5-bedroom home. A review of the Pump and Haul Bylaw implies that it was created to facilitate the ability for a single-family residence to be constructed on a lot that could not otherwise meet the requirements of the Health Act. It did not accommodate other types of use such as multi-family developments and businesses.

Amendments to Sewage Disposal Regulation Criteria (2000)

As a result of other sewage disposal limitations within the region, the Board began to receive additional requests for expanded pump and haul service for properties other than single-family parcels, including developments such as Mapleguard Apartments in Area H, Coombs Market in Area F and Marinas that had failing septic systems and did not meet the criteria to be included into the RDN's Pump and Haul Bylaw. While they were all still able to access the RDN pollution control facilities they were subject to paying a \$.16/gallon charge which is part of the fees required by the RDN's trucked waste bylaw. If they were part of the Pump and Haul Bylaw, they would be subject to a \$0.01/gallon charge.

In response to these requests the Board directed staff to review the Pump and Haul bylaws and determine how the service could be expanded. The review resulted in the following recommended changes:

- The wording in Section 3 (d) could be changed to remove the reference to estimated maximum daily flows and allow a greater variety of properties to apply for inclusion in the pump and haul function provided the development conforms to zoning bylaws.
- The Bylaw should also include a requirement to register a Restrictive Covenant against the title to the land in question in accordance with Section 215 of the Land Title Act that would require that the owner of the lot connect to sewers when they become available.
- The Bylaw should also remove the clause that restricts the number of holding tanks on a property since the proposed changes would allow multi-family developments.

Due to the number of changes it was recommended that a new bylaw be adopted rather than amending the existing bylaw.

On October 10, 2000 the new “Sewage Disposal Regulation Bylaw No. 1224” was introduced and read three times. The Bylaw was adopted on December 12, 2000, incorporating the above mentioned changes.

While the new bylaw makes the function more accessible, the bylaw only accommodates those properties that have appropriate zoning. Properties that do not meet the zoning requirement would not meet the criteria to be included into the Pump and Haul Local Service Area and therefore would be subject to the \$.16/gallon disposal charge that is currently in effect at RDN's facilities. Properties that did not meet the

zoning requirement would have to pursue rezoning or change their development if they wanted to apply to be included in the function.

The advantage of the new bylaw is that it supports those lands that the Board has zoned for certain uses.

If the bylaw had not been changed then it would only allow the equivalent of a single-family residence to be included in the Pump & Haul function.

Current Application

Previously, the Board received a request to include the following properties into the pump and haul function:

1. SL 179, VIS4673, Block 526, Cameron Land District
1550 Haida Way
528872 BC Ltd
Area F
2. SL 180, VIS4673, Block 526, Cameron Land District
1556 Haida Way
528872 BC Ltd
Area F
3. SL 181, VIS4673, Block 526, Cameron Land District
1562 Haida Way
528872 BC Ltd
Area F
4. SL 182, VIS4673, Block 526, Cameron Land District
1568 Haida Way
528872 BC Ltd
Area F
5. SL 183, VIS4673, Block 526, Cameron Land District
1574 Haida Way
528872 BC Ltd
Area F

Tim Peligren, on behalf of Little Qualicum River Village, petitioned the RDN to include the above five properties into the Regional District of Nanaimo Pump and Haul Local Service Area, Bylaw No. 975. A letter from the Environmental Health officer at the Central Vancouver Island Health Region, dated January 4, 2002, indicated that the above-noted properties do not meet the requirements of the Health Act Regulation 411/85 for on-site sewage disposal systems and applications for sewage disposal permits could not be approved. The properties are greater than 700 m² each, and conform to the existing zoning bylaws.

In addition to the Restrictive Covenant placed on the properties ensuring a continuous contract with a pump out company, a Land Use Covenant shall be placed on the titles of the above properties, which would restrict the parcels to recreational use only, in accordance with the zoning regulations.

ALTERNATIVES

- 1) Do not accept the applications.
- 2) Accept the applications.

FINANCIAL IMPLICATIONS

The applicants pay an application fee and an annual user fee. The pump and haul program is a user pay service.

LAND USE IMPLICATIONS

The subject properties are part of a 286-unit building strata subdivision that was developed prior to the adoption of the Electoral Area F Zoning and Subdivision Bylaw. At the time of subdivision the developer was able to proceed to subdivide the land into building strata lots by submitting a plan directly to the Land Titles office. This subdivision did not receive approval from the Regional Approving Officer and therefore was not reviewed by government agencies such as the Regional Health Authority, Ministry of Transportation or the Regional District to determine the suitability of the land for development. As a result, when development proceeded on the land, various government agencies have had to respond to specific issues as they come within their jurisdictional authority or by invitation from the landowner.

The Electoral Area F Zoning and Subdivision Bylaw was adopted on June 25, 2002. Given that the strata subdivision of the land was completed prior to the adoption of the bylaw, each building strata parcel has status as a parcel under the Act and is recognized as a parcel under the zoning bylaw. While determining the appropriate use for each parcel as part of the zoning process, Regional District staff worked with the landowner to coordinate existing and proposed uses for the land relative to the criteria contained in the Electoral Area F Official Community Plan and Regional Growth Management Plan. Given existing and proposed uses on the property, the zoning for the subject lots (RC3.1), permits one 'tourist accommodation unit' per lot, which is defined as one lodging unit in a hotel, motel, lodge, or cabin or one camping space or one recreational unit. Tourist accommodation uses are restricted to a continuous occupancy not exceeding 6 months and specifically excludes a manufactured home.

In response to the application criteria for inclusion into the Pump and Haul Local Service Area and to clarify the future use of the lots, the applicant has offered to enter into a restrictive covenant that will restrict the use of the parcels to recreation vehicles and tenting with a continuous occupancy of not more than 6 months. Other restrictions such as maximum lot coverage and setbacks included in the zoning will also apply.

ENVIRONMENTAL IMPLICATIONS

The subject parcels are part of a group of parcels that were designated within the development for recreational use. A number of these parcels front the Little Qualicum River and potentially represent some environmental risk to the River. Given that the parcels now exist and that the Electoral Area F Zoning and Subdivision Bylaw permits a tourist accommodation use on the parcels, there may be a benefit to including the parcels within the Pump and Haul Local Service Area. If the parcels are not included in the service area the monitoring of future sewage collection from pump and haul tanks may not occur and the added restrictions contained within the covenant would not apply. It is noted that the

applicant has currently been rejected for on-site disposal, but Health regulations may change and the possibility of on-site privy construction remains.

SUMMARY/CONCLUSIONS

A review of the original Pump and Haul Bylaw adopted in 1995 implies that it was created to facilitate the ability for a single-family residence to be constructed on a lot that could not otherwise meet the requirements of the Health Act. It did not accommodate other types of use such as multi-family developments and businesses.

A new bylaw was adopted in December 2000, which expanded the types of properties eligible for pump and haul.

While the new bylaw makes the treatment facilities more accessible to other uses, it only accommodates those properties that have appropriate zoning. Those properties that do not meet the zoning requirement would not be eligible for inclusion in the Pump and Haul Local Service Area and therefore, although they would still be able to pump and haul, they would be subject to the \$.16/gallon disposal charge that is in effect at RDN facilities.

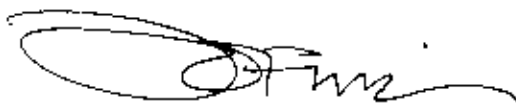
An application has been received to include five lots from the Little Qualicum River Village in the pump and haul function. The applications meet all requirements for inclusion into the pump and haul function, specifically the parcel sizes are greater than 700m² each, a community sewer system is not available, sewage disposal permits could not be obtained under the provincial Sewage Disposal Regulation, and the properties conform to zoning bylaws. Appropriate Land Use Covenants and/or Restrictive Covenants have been drawn up for each property and have been approved by Planning and Environmental Services staff.

RECOMMENDATION

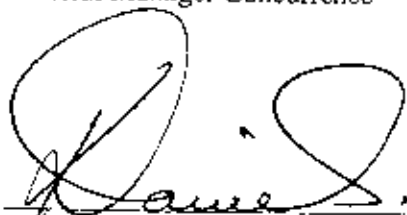
1. **That** "Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.26, 2002" be read three times and forwarded to the Inspector of Municipalities for approval.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 975.26

A BYLAW TO AMEND THE REGIONAL
DISTRICT OF NANAIMO PUMP AND
HAUL LOCAL SERVICE AREA
ESTABLISHMENT BYLAW NO. 975

WHEREAS Regional District of Nanaimo Pump and Haul Local Service Area Establishment Bylaw No. 975, as amended, established the pump and haul local service area;

AND WHEREAS the Directors of Electoral Areas 'B', 'D', 'E', 'F', and 'H' have consented, in writing, to the adoption of this bylaw;

AND WHEREAS the Council of the City of Nanaimo has consented, by resolution, to the adoption of Bylaw No. 975.26;

AND WHEREAS the Board has been requested to amend the boundaries of the local service area to include the following properties:

Strata Lot 179, Block 526, Plan VIS4673, Cameron Land District
Strata Lot 180, Block 526, Plan VIS4673, Cameron Land District
Strata Lot 181, Block 526, Plan VIS4673, Cameron Land District
Strata Lot 182, Block 526, Plan VIS4673, Cameron Land District
Strata Lot 183, Block 526, Plan VIS4673, Cameron Land District
(Electoral Area F)

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

1. Schedule 'A' of Bylaw No. 975.25 is hereby repealed and replaced with Schedule 'A' attached hereto and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.26, 2002".

Introduced and read three times this 29th day of October, 2002.

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

Adopted this ___ day of _____, 20__.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

PAGE

88

Chairperson

General Manager, Corporate Services

BYLAW NO. 975.26

SCHEDULE 'A'

Electoral Area 'B'

1. Lot 108, Section 31, Plan 17658, Nanaimo Land District.
2. Lot 6, Plan 17698, Section 18, Nanaimo Land District.
3. Lot 73, Plan 17658, Section 31, Nanaimo Land District.
4. Lot 24, Plan 19972, Section 5, Nanaimo Land District.
5. Lot 26, Plan 23619, Section 12, Nanaimo Land District.
6. Lot 185, Plan 17658, Section 31, Nanaimo Land District.
7. Lot 177, Section 31, Plan 17658, Nanaimo Land District.

Electoral Area 'D'

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

Electoral Area 'E'

1. Lot 86, District Lot 78, Plan 15983, Nanoose Land District.
2. Lot 69, District Lot 68, Plan 30341, Nanoose Land District.

Electoral Area 'E' (continued)

3. Lot 1, Plan 17681, District Lot 72, Nanoose Land District.
4. Lot 2, Plan 18343, District Lot 117, Nanoose Land District.
5. Lot 17, District Lot 78, Plan 14212, Nanoose Land District.
6. Lot 32, District Lot 68, Plan 26680, Nanoose Land District.
7. Lot 13, Block E, District Lot 38, Plan 13054, Nanoose Land District.
8. Lot 5, District Lot 78, Plan 25366, Nanoose Land District.
9. Lot 24, District Lot 68, Plan 30341, Nanoose Land District.
10. Lot 13, District Lot 78, Plan 25828, Nanoose Land District.
11. Lot 58, District Lot 78, Plan 14275, Nanoose Land District.

Electoral Area 'F'

1. Lot 22, District Lot 74, Plan 29012, Cameron Land District.
2. Lot 2, District Lot 74, Plan 36425, Cameron Land District.
3. Lot A, Salvation Army Lots, Plan 1115, Except part in Plan 734 RW, Nanoose Land District.
4. Strata Lot 179, VIS 4673, Block 526, Cameron Land District.
5. Strata Lot 180, VIS 4673, Block 526, Cameron Land District.
6. Strata Lot 181, VIS 4673, Block 526, Cameron Land District.
7. Strata Lot 182, VIS 4673, Block 526, Cameron Land District.
8. Strata Lot 183, VIS 4673, Block 526, Cameron Land District.

Electoral Area 'H'

1. Lot 22, District Lot 16, Plan 13312, Newcastle Land District.
2. Lot 29, District Lot 81, Plan 27238, Newcastle Land District.
3. Lot 46, District Lot 81, Plan 27238, Newcastle Land District.

Electoral Area 'H' (Continued)

4. Lot 9, District Lot 28, Plan 24584, Newcastle Land District.
5. Lot 41, District Lot 81, Plan 27238, Newcastle Land District.
6. Lot 20, District Lot 16, Plan 13312, Newcastle Land District.

City of Nanaimo

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



REGIONAL
DISTRICT
OF NANAIMO

REGIONAL DISTRICT OF NANAIMO			
OCT 10 2002			
CHAIR		GMCrs	
CAC		GMDS	
COM		GMES	
<i>CoW</i>			

MEMORANDUM

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

DATE: October 4, 2002

FROM: Natalie Cielanga, ASCT.
Engineering Technologist

FILE: 5620-01-NBW

SUBJECT: Utilities
Nanoose Bay Bulk Water
Capital Charge

PURPOSE

To consider the implementation of a capital charge for new properties in the Nanoose Bay Bulk Water Supply Local Service Area.

BACKGROUND

The Nanoose Bay Bulk Water Supply Local Service Area was established in 1996 by Bylaw 1049 for the purpose of constructing and operating facilities for the supply of bulk water. Properties that have been in the service area since its inception have paid for the system's establishment and maintenance to date. It is therefore appropriate that new applicants pay a reasonable cost towards this infrastructure. In the case of existing lots wanting to join the service area, the RDN may impose these costs as capital charges and they may be collected as one of the conditions of acceptance into the service area.

The appropriate dollar value of the capital charge should be based on the estimated cost to purchase capacity in the water system. Staff propose that the amount of the capital charge be the same as the development cost charge for Nanoose Bulk Water (\$2,346.00), which is based on the capital costs for the bulk water system.

The Driftwood Water Service Area was recently established and the properties will be included and benefit from Nanoose Bulk Water. The property owners in the Driftwood Water Service Area have been advised of a capital charge of \$2,346.00 to connect to the Nanoose Bulk Water system. Implementing the attached bylaw will allow us to collect the capital charge towards Nanoose Bulk Water.

ALTERNATIVES

1. Not proceed with a capital charge for Nanoose Bay Bulk Water Supply Local Service Area.
2. Proceed with a capital charge for Nanoose Bay Bulk Water Supply Local Service Area.

FINANCIAL IMPLICATIONS

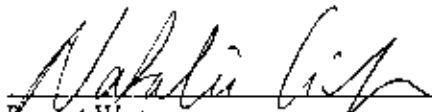
There are no direct financial implications to the RDN. Capital charges ensure that properties being added to a service area pay a contribution towards the capital value of the system.

CITIZENS/PUBLIC RELATIONS IMPLICATIONS

Property owners within the Nanoose Bay Bulk Water Supply Local Service Area have been paying towards the bulk water system since its inception and may consider it unfair if other properties are allowed to connect without contributing towards the capital of the system. The imposition of capital charges supports the user pay philosophy, as new properties connecting to an existing system will pay for a share of the capacity of the system.

RECOMMENDATION

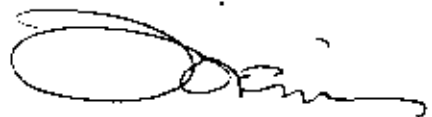
1. That 'Nanoose Bay Bulk Water Supply Local Service Area Capital Improvement Charge Bylaw No. 1323, 2002' be introduced, read three times and forwarded to the Inspector of Municipalities for approval.



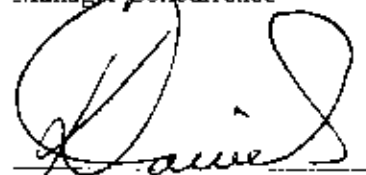
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1323

A BYLAW TO IMPOSE CAPITAL
IMPROVEMENT CHARGES FOR
NANOOSE BULK WATER

WHEREAS by "Nanoose Bay Bulk Water Supply Local Service Area Establishment Bylaw No. 1049, 1996" the Regional District established a local service to design, construct, reconstruct, purchase, operate and maintain facilities for the supply of bulk water;

AND WHEREAS by "Nanoose Bay Bulk Water Supply Local Service Area Development Charge Bylaw No. 1088, 1998", the Board imposed development cost charges on new developments within the local service area for the purpose of providing funds to assist the Regional District to pay the capital costs of providing, altering or expanding bulk water supply facilities to service directly or indirectly, development in respect of which the charges are imposed;

AND WHEREAS Section 363 of the *Local Government Act*, made applicable to Regional Districts by way of Section 797.2, authorizes a Board to, by bylaw, impose a fee or charge in respect of all or part of a service of the Regional District;

AND WHEREAS capital improvements will be required to provide the service to additional customers or additional capacity purchased if an expansion of the local service area boundaries occurs and therefore the Board desires to impose a capital improvement charge on each parcel added to the local service area under a boundary expansion;

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

1. The owner of any parcel of land proposed to be added to the Nanoose Bay Bulk Water Supply Local Service Area must pay to the Regional District, the applicable charge set out in Schedule 'A' to this bylaw for the service.
2. The charge imposed under Section 1 must be paid to the Regional District prior to the adoption of a bylaw amending the boundaries of the local service area.
3. This bylaw may be cited for all purposes as "Nanoose Bay Bulk Water Supply Local Service Area Capital Improvement Charge Bylaw No. 1323, 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 94

PAGE

Chairperson

General Manager, Corporate Services

SCHEDULE 'A'

Capital Charges Payable:

\$2,346.00 per building parcel



REGIONAL DISTRICT OF NANAIMO	
OCT - 8 2002	
CHAIR	GMOs
CAO	GMDS
GMOs	GMES

MEMORANDUM

TO: Wayne Moorman, P.Eng. **DATE:** October 3, 2002
 Manager of Engineering & Utilities

FROM: Natalie Cielanga, AScT **FILE:** 5620-01-NBW
 Engineering Technologist

SUBJECT: Utilities
 Nanoose Bay Bulk Water
 Boundary Amendment

PURPOSE

To amend the boundaries of the Nanoose Bay Bulk Water Local Service Area Bylaw No. 1049.01 and Nanoose Bay Bulk Water Development Cost Charge Bylaw No. 1088.01.

BACKGROUND

In 2001, the Board established the Driftwood Water Supply Service Area (DWSSA) to provide water to those properties along Higginson Road and Delanice Way as shown on the attached map. The water system will be supplied from the wells and reservoirs servicing the Nanoose Water Local Service Area which is included in the Nanoose Bay Bulk Water Local Service Area (NBBWLSA). The properties in the DWSSA should also be included in the NBBWLSA since they will benefit from the Bulk Water System. Property owners in the DWSSA were advised that they need to participate in the Nanoose Bay Bulk Water System. The NBBWLSA Bylaw 1049 and Nanoose Bay Bulk Water Development Cost Charge Bylaw 1088 need to be amended for these properties to participate in Bulk Water. Bylaw 1049 established the service area and allows the RDN to collect taxes towards Nanoose Bulk Water and Bylaw 1088 allows the RDN to collect DCC's from properties in the bulk water area that subdivide.

ALTERNATIVES

1. Do not amend Bylaw 1049 and 1088.
2. Amend Bylaws 1049 and 1088.

FINANCIAL IMPLICATIONS

Property owners presently on RDN water systems in Nanoose Bay pay parcel taxes towards the Nanoose Bay Bulk Water System. By amending the boundaries of Bylaw 1049, property owners in the Driftwood Water Local Service Area will also pay parcel taxes towards the Nanoose Bay Bulk Water System. Amending Bylaw 1088 will allow the RDN to collect Development Cost Charges in the event of subdivision.

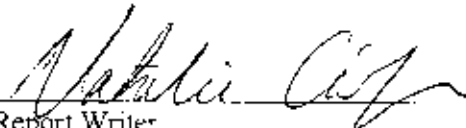
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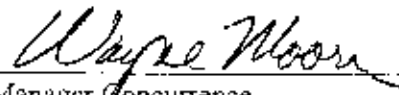
CITIZENS/PUBLIC RELATIONS IMPLICATIONS

Property owners in the Driftwood Water Local Service Area were advised that they will need to participate in the Nanoose Bay Bulk Water System in order to establish an RDN water system in their neighbourhood. Tax implications were presented at the neighbourhood meeting during the petitioning process.


RECOMMENDATIONS

1. **That** the Nanoose Bay Bulk Water Local Service Area Bylaw 1049.02 be granted first three readings, and forwarded to the Inspector of Municipalities, and
2. **That** the Nanoose Bay Bulk Water Development Cost Charge Bylaw No. 1088.02 be granted first three readings and forwarded to the Inspector of Municipalities.


Report Writer


Manager Concurrence

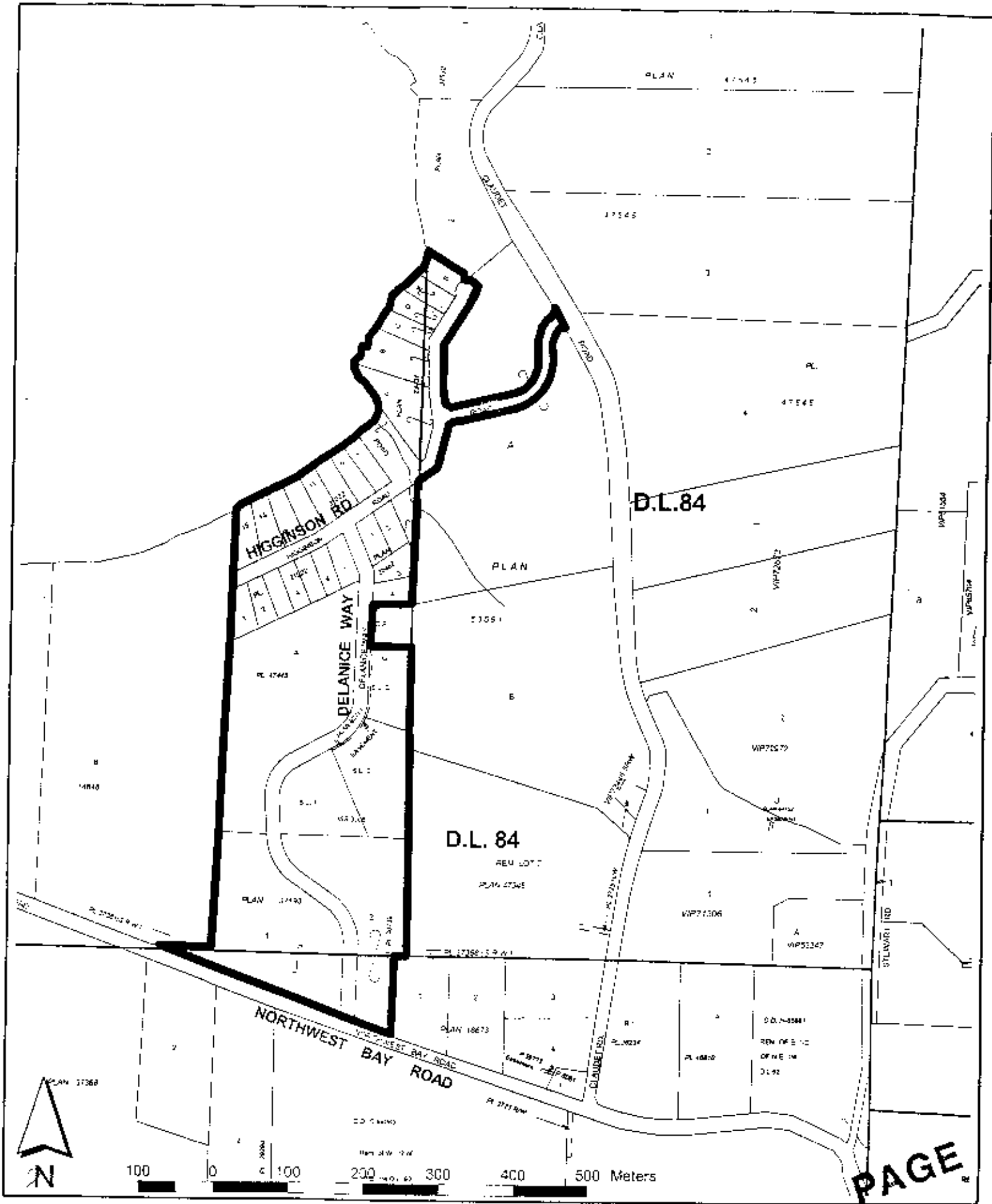

General Manager Concurrence


CAO Concurrence

COMMENTS:

PAGE

97



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1049.02

A BYLAW TO AMEND THE BOUNDARIES
OF THE NANOOSE BAY BULK WATER
SUPPLY LOCAL SERVICE AREA

WHEREAS the Regional District of Nanaimo has established the Nanoose Bay Bulk Water Supply Local Service Area by Regional District of Nanaimo "Nanoose Bay Bulk Water Supply Local Service Area Establishment Bylaw No. 1049, 1996";

AND WHEREAS the Board of the Regional District of Nanaimo has adopted the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998" which establishes boundaries for the provision of community water;

AND WHEREAS it is intended that the boundaries for bulk water supply shall be coterminous with the boundaries shown on Map 8 of the Official Community Plan as amended from time to time;

AND WHEREAS the Board has obtained the consent of at least two thirds of the participants;

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

1. This bylaw may be cited as "Nanoose Bay Bulk Water Supply Local Service Area Boundary Amendment Bylaw No. 1049.02, 2002".
2. The boundaries of the "Nanoose Bay Bulk Water Supply Local Service Area" are hereby amended to include the properties shown outlined on Schedule 'B' attached to this bylaw.
3. The amended boundaries of the "Nanoose Bay Bulk Water Local Service Area" are shown as outlined on Schedule 'A' attached to this bylaw.
4. Schedule 'A' attached to "Nanoose Bay Bulk Water Supply Local Service Area Amendment Bylaw No. 1049.01, 1998" is hereby repealed and replaced with Schedule 'A' attached to this bylaw.

Introduced and read three times this 29th day of October, 2002.

Received the approval of the Inspector of Municipalities this ____th day of _____, 200__.

Adopted this ____th day of _____, 200__.

CHAIRPERSON

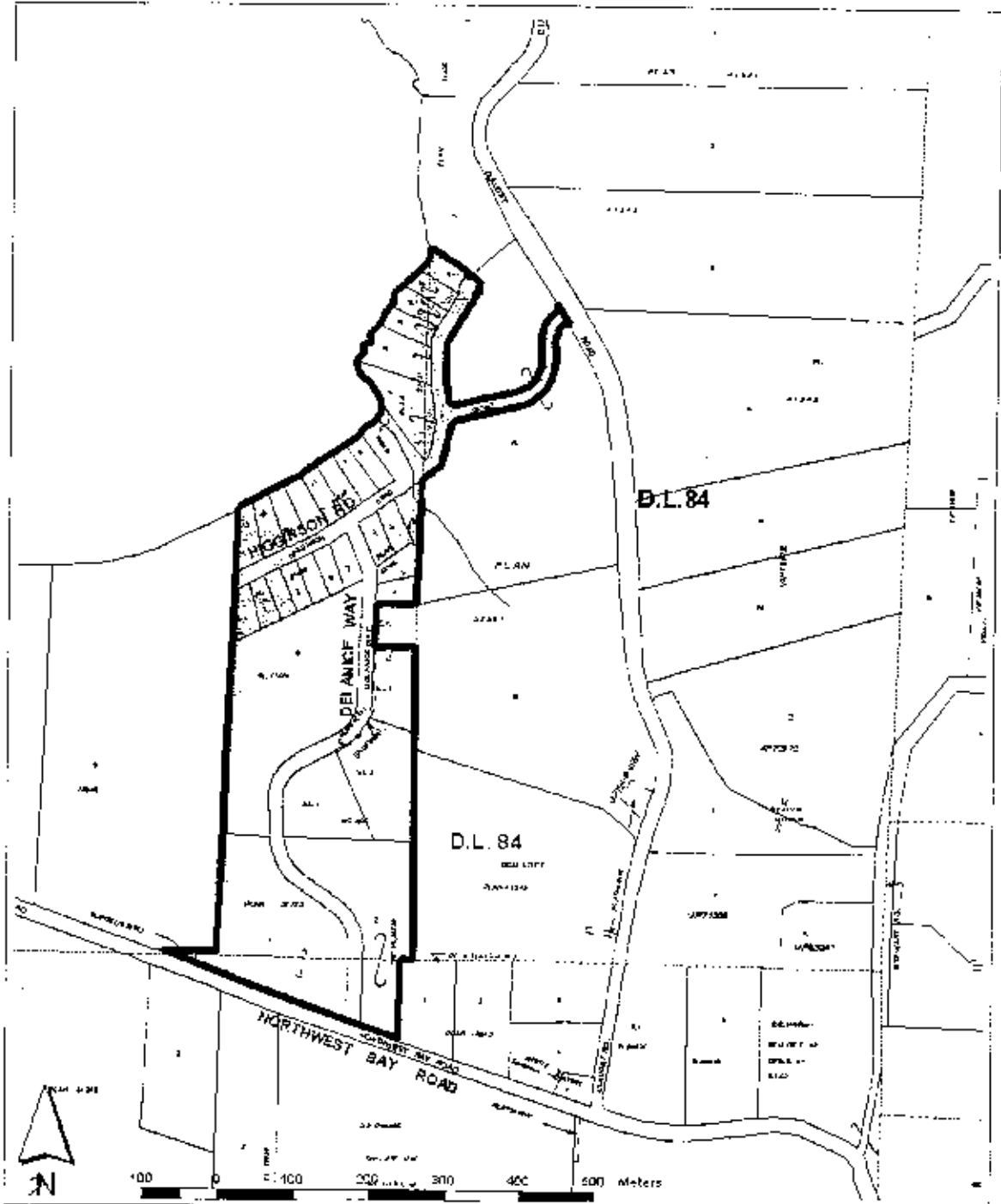
GENERAL MANAGER, CORPORATE SERVICES

PAGE

99

Chairperson

General Manager, Corporate Services



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1088.02

A BYLAW TO AMEND THE BOUNDARIES OF
THE NANOOSE BAY BULK WATER LOCAL SERVICE
AREA DEVELOPMENT COST CHARGE AREA

WHEREAS the Regional District of Nanaimo has established the Nanoose Bay Bulk Water Supply Local Service Area Development Cost Charge Area by "Regional District of Nanaimo Nanoose Bulk Water Local Service Area Development Cost Charge Bylaw No. 1088, 1997";

AND WHEREAS the Board of the Regional District of Nanaimo has adopted the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998" which establishes boundaries for the provision of community water;

AND WHEREAS it is intended that the boundaries for development cost charges for bulk water supply shall be coterminous with the boundaries shown on Map 8 of the Official Community Plan as amended from time to time;

AND WHEREAS the Board has obtained the consent of at least two thirds of the participants;

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

1. This bylaw may be cited as "Nanoose Bay Bulk Water Local Service Area Development Cost Charge Boundary Amendment Bylaw No. 1088.02, 2002".
2. The boundaries of the "Nanoose Bay Bulk Water Supply Local Service Area Development Cost Charge Area" are hereby amended to include the properties shown outlined on Schedule 'B' attached to this bylaw.
3. The amended boundaries of the "Nanoose Bay Bulk Water Supply Local Service Area Development Cost Charge Area" are shown as outlined on Schedule 'A' attached to this bylaw.
4. Schedule 'A' attached to "Nanoose Bay Bulk Water Local Service Area Development Cost Charge Boundary Amendment Bylaw No. 1088.01, 1998" is hereby repealed and replaced with Schedule 'A' attached to this bylaw.

Introduced and read three times this 29th day of October, 2002.

Received the approval of the Inspector of Municipalities this ___th day of _____, 200__.

Adopted this ___th day of _____, 200__.

CHAIRPERSON

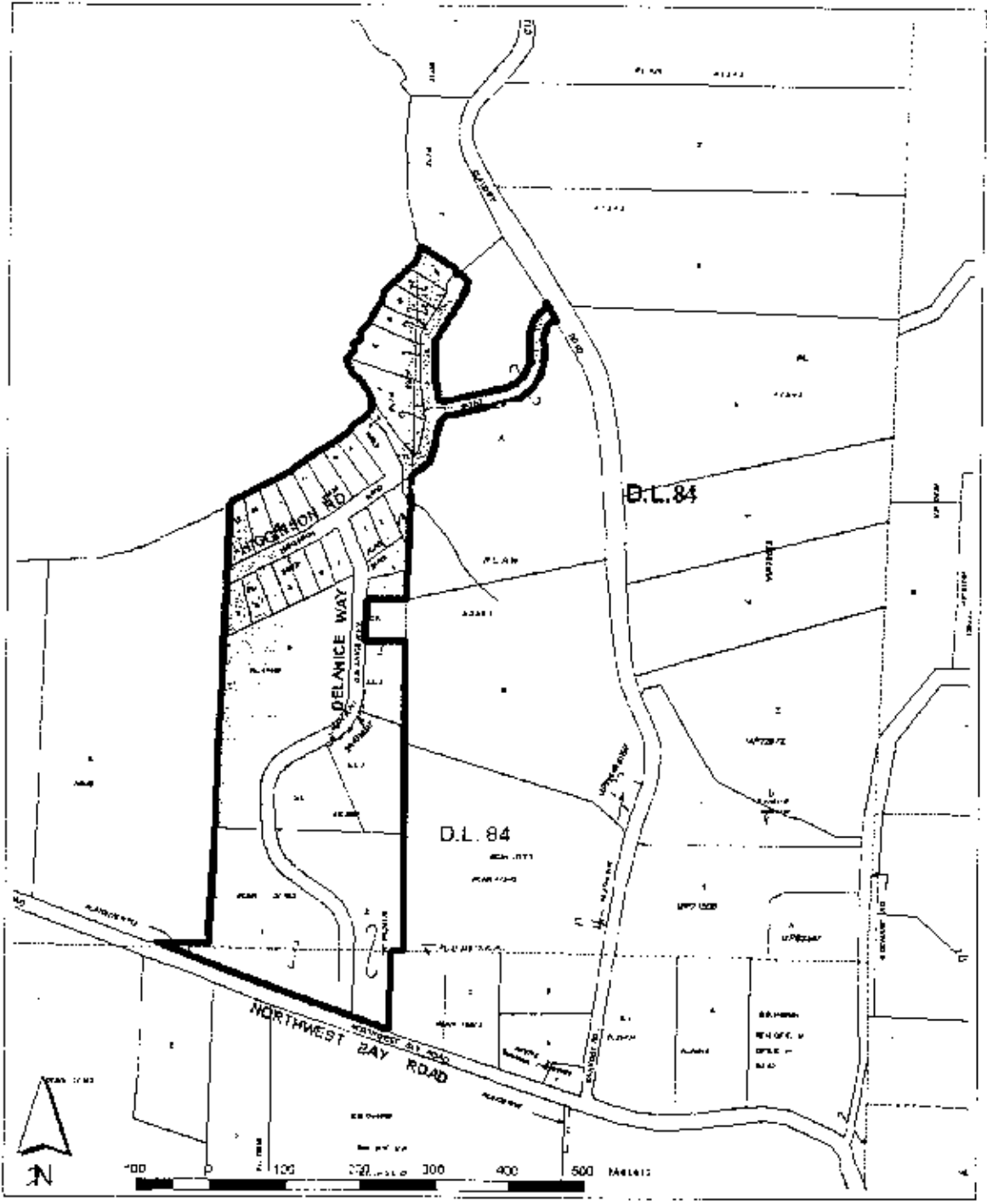
GENERAL MANAGER, CORPORATE SERVICES

PAGE

101

Chairperson

General Manager, Corporate Services





REGIONAL DISTRICT OF NANAIMO	
OCT - 7 2002	
CHAIR	GMCrs
CAO	GMDS
GMCMD	GMEB

MEMORANDUM

TO: Wayne Moorman, P.Eng. **DATE:** October 3, 2002
 Manager of Engineering & Utilities

FROM: Natalie Cielanga, AScT. **FILE:** 5500-21-FW
 Engineering Technologist

SUBJECT: Utilities
 Fairwinds Streetlighting Local Service Area
 Boundary Amendment

PURPOSE

To consider a request for a boundary amendment for the Fairwinds Streetlighting Local Service Area (FSLSA) to include the properties shown on the attached map.

BACKGROUND

When the properties as shown on the attached map were subdivided, the developer constructed the subdivision including streetlights but did not request inclusion in the FSLSA. In order to tax the properties for the operation of the streetlights, these properties need to be included in the FSLSA. Over two-thirds of the property owners have petitioned the RDN for inclusion in the FSLSA.

ALTERNATIVES

1. Do not amend the boundaries of the Fairwinds Streetlighting Local Service Area Bylaw No. 789.
2. Amend the boundaries of the Fairwinds Streetlighting Local Service Area Bylaw No. 789.


FINANCIAL IMPLICATIONS

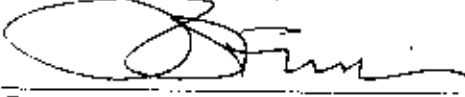
The operating costs of the streetlights are charged to the benefiting properties through taxation. By amending the service area boundaries, all of the property owners that benefit from the streetlighting will pay towards the operation of the streetlights.

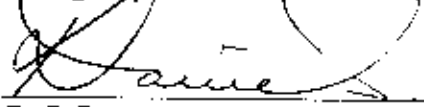
RECOMMENDATION

1. That 'Fairwinds Streetlighting Local Service Area Bylaw 789.02' be introduced, read three times and forwarded to the Inspector of Municipalities for approval.


 Report Writer

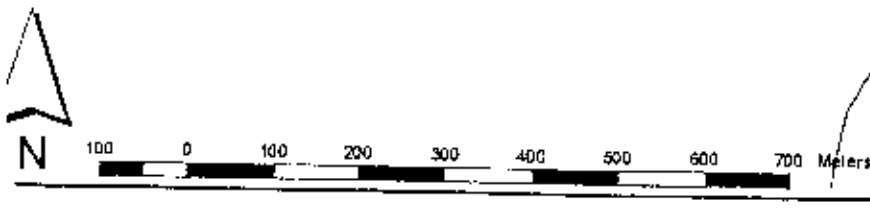
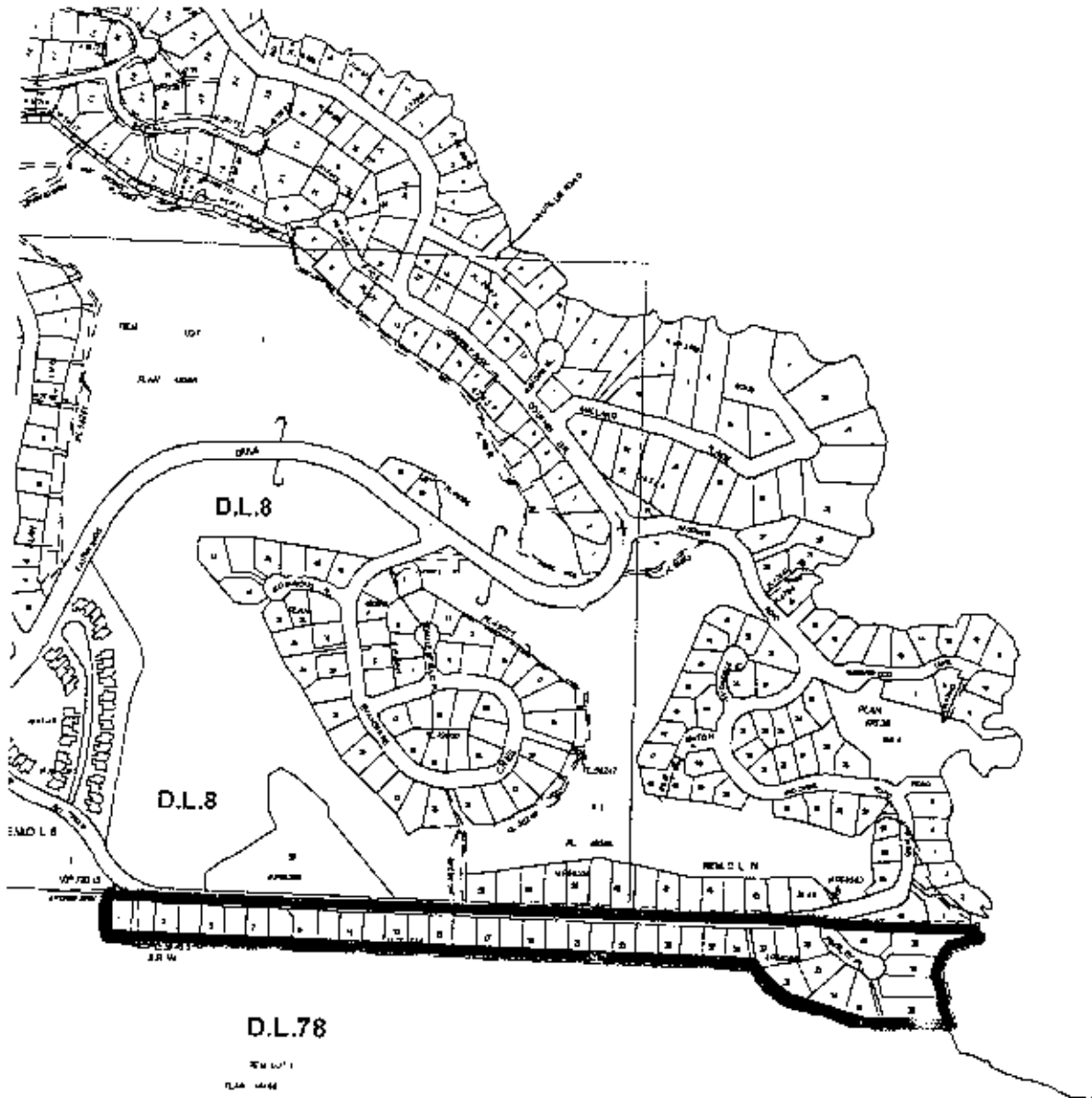

 Manager Concurrence


 General Manager Concurrence


 CAO Concurrence

COMMENTS:

PAGE



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 789.02

**A BYLAW TO AMEND THE FAIRWINDS STREETLIGHTING
LOCAL SERVICE AMENDMENT BYLAW NO. 789.01**

WHEREAS Regional District of Nanaimo Bylaw No. 789 established the Fairwinds Streetlighting Local Service;

AND WHEREAS the Board has been petitioned to include certain properties within the local service area;

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

1. The boundary of the Fairwinds Streetlighting Local Service Area is hereby amended to include the properties described on Schedule 'A' attached hereto and forming part of this bylaw.
2. The amended boundary of the Fairwinds Streetlighting Local Service Area shall be as shown outlined on Schedule 'B' attached hereto and forming part of this bylaw.
3. This bylaw may be cited as "Fairwinds Streetlighting Local Service Amendment Bylaw No. 789.02, 2002".

Introduced and read three times this 29th day of October, 2002.

Received the approval of the Inspector of Municipalities this ____th day of _____, 200__.

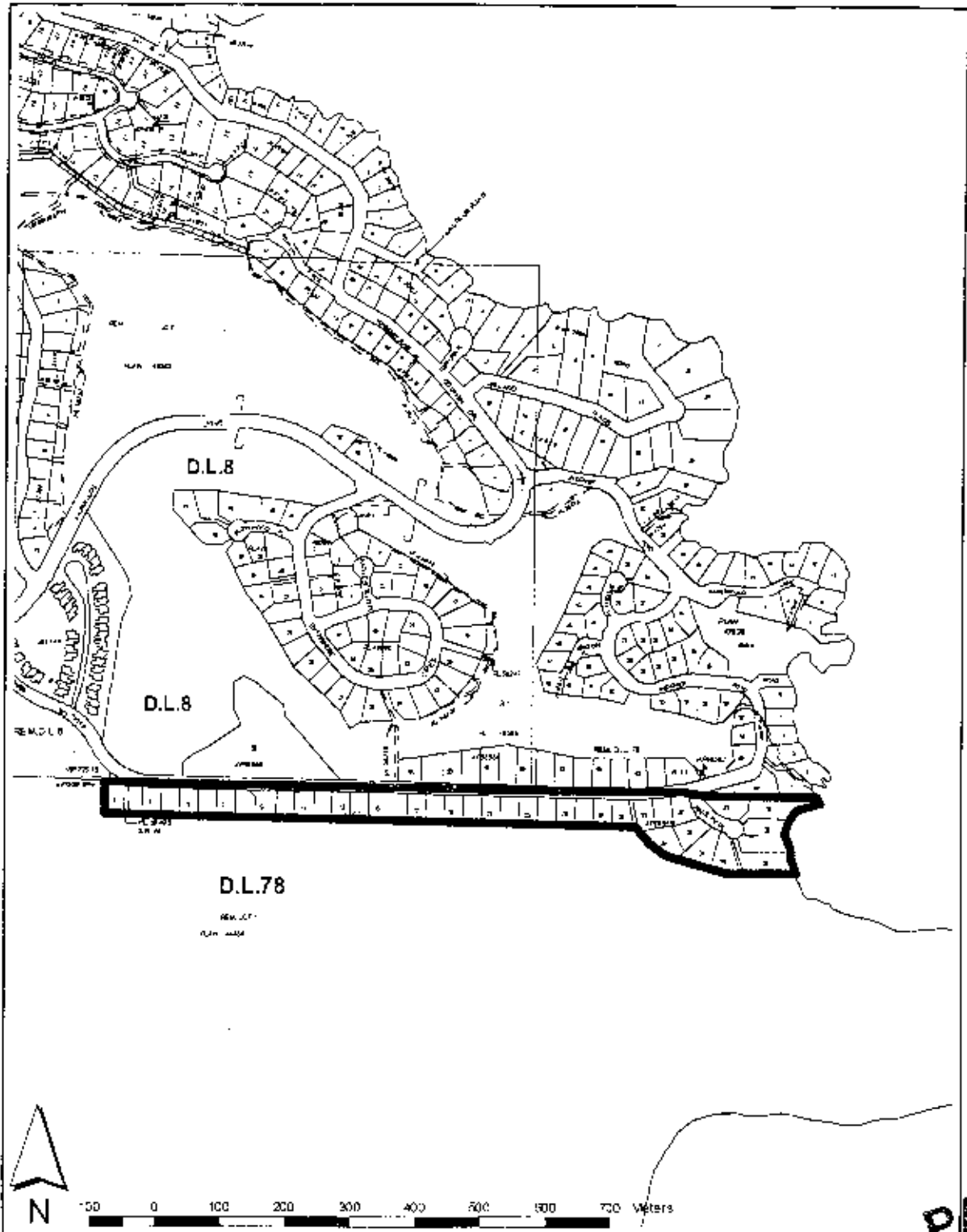
Adopted this ____th day of _____, 200__.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services





REGIONAL DISTRICT OF NANAIMO	
OCT - 2 2002	
CHAIR	GMCrs
CAO	GMDS
GMCms	GMES
	<i>Call</i>

MEMORANDUM

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

DATE: October 2, 2002

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

FILE: 1855-03 & 5330-20-WOOD

SUBJECT: **Barclay Crescent Sewer Initiative**
Local Government Grant S001153

PURPOSE

To obtain Board direction on Local Government Grant S001153 for the Barclay Crescent (South) Sewer Initiative.

BACKGROUND

In 1996 the Regional District of Nanaimo initiated a sewer pre-design study for a sewer system in the Barclay Crescent to Drew Road area of French Creek ("the Barclay Crescent/Drew Road area"). This area is comprised of relatively small residential lots close to French Creek, which is considered an environmentally sensitive area. The need for this sewer system was further prompted by the Central Vancouver Island Health Unit (CVIHU) (formerly Ministry of Health) who identified the area as having failed septic systems, and by residents complaining of foul odors caused by poorly functioning septic systems.

The sewer pre-design study was completed in 1997. The estimated cost at that time to provide sewers to the Barclay Crescent/Drew Road area of 224 lots was \$2,354,000 or about \$10,600/lot. In June 1997 the RDN Board passed a motion, "That the report, Barclay Crescent to Drew Road Area Sewers, Pre-Design Brief, April 1997 be received and be approved as the required sewer servicing option for the area". Following Board approval of the servicing plan, staff applied to the Provincial Government for a Local Government Infrastructure grant of up to 50% of the total capital cost. In February 2000 the province approved a 50% sewer grant for the Barclay Crescent (South) area (that is, Barclay Crescent south of French Creek, Woodland Drive, Miller Road and Lee Road west of Barclay Crescent.). The grant was for \$820,117, i.e. 50% of the estimated servicing cost of just over \$1.6 million. The number of properties affected by this grant is approximately 112 parcels, reduced from the 224 lots encompassed by the original grant application. The province excluded the Barclay Crescent (North) area from the grant at that time since it was not considered to be as high a priority area for servicing (limited septic failures, newer systems, etc). The grant was conditional on the RDN having in place a bylaw for the electoral area that effectively required community sewer for all newly created lots less than 1 hectare. The RDN satisfied these conditions for the French Creek area and in October 2000 the grant agreement, which is valid until March 31, 2003, was executed.

Since then, staff has had a number of meetings with the residents of Barclay Crescent (South) regarding the installation of sanitary sewers in the area. The clear message from the residents is that, even with the

50% grant and notwithstanding the need for sewers, they would not support the project due to the cost and the impact on their taxes.

The RDN could proceed to referendum or petition/counter petition at this time to obtain residents' support for the project and the necessary borrowing bylaw, based on the 50% grant. Staff's opinion, based on residents' input to date, is that this support will not be obtained. A second option is to abandon the current Local Government Program grant and apply for a grant under the Canada-BC Infrastructure Program. If an application under this program is approved, 2/3 funding can be obtained. There is no guarantee, however, that by giving up the current grant, a 2/3 grant would be approved. The grant programs cannot be combined.

In 2001 staff applied for a Canada-BC Infrastructure Program grant for the balance of the Barclay Crescent/Drew Road area (properties north of French Creek). If approved, this grant would be for 2/3 of the capital cost to construct the sewer system in the Barclay Crescent (North) area. Ministry of Community, Aboriginal and Womens' Services staff recently indicated that the rating on this application is high and therefore the opportunity for a grant is good. Residents' support for a borrowing bylaw would also be required for this initiative.

ALTERNATIVES

1. Based on the current 50% grant, proceed to referendum, counter petition or petition to gain support of the residents to proceed with the sewer initiative and the necessary borrowing bylaw. Staff is of the opinion that this approval will not be obtained. A request to the province to extend the term of the grant would also be required.
2. Relinquish the current Provincial Local Government Grant and apply for a grant under the Canada-BC Infrastructure Program for a maximum 2/3 cost sharing.
3. Relinquish the 50% Provincial Grant and do not promote a sewer system in the Barclay Crescent (South) subdivision at this time.

FINANCIAL IMPLICATIONS

Alternative 1 will cost the residents about \$820,000 for the installation of the sewer system. Adding operation & maintenance and financing costs would result in a parcel tax and user fee for the residents of about \$1,100.00 per parcel annually (1997 dollars for capital).

Alternative 2 would increase the grant from 50% to 66% of the capital costs of the project. The annual combined parcel tax and user fee to the residents will decrease. Since the grant only covers capital costs, the reduction in residents' costs is not directly proportional but, subject to reviewing the cost estimates in current dollars, a 2/3 grant should result in an annual parcel tax and user fee of less than \$900.00. This reduction in costs to the residents may still not be sufficient to acquire their support for the necessary borrowing bylaw.

Alternative 3 will have no financial impact on the residents, although the CVIHU may impose septic system repair and upgrading requirements on those residents with failed systems.

ENVIRONMENTAL IMPLICATIONS

The Barclay Crescent South area of French Creek has experienced failed septic systems which pose an associated environmental and/or health risk. There are indications of septic tank effluent breakouts and complaints of associated odors. The area borders French Creek which is an environmentally sensitive area. The Central Vancouver Island Health Unit (formerly Ministry of Health) has recognized the potential environmental and health risks and supports the installation of sanitary sewers in the area. The surrounding area is serviced with sanitary sewers.

SUMMARY/CONCLUSIONS

The Barclay Crescent (South) subdivision within French Creek has been approved for a 50% provincial grant to a maximum of \$820,117.00. Based on consultation with the residents of the subdivision, it is staff's opinion that the residents are not prepared to support the borrowing bylaw necessary to proceed with installation of sewers.

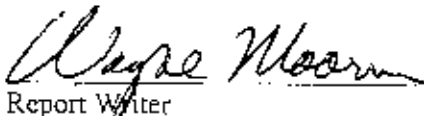
In staff's opinion there is no viable opportunity to reduce the cost to the residents for a sewer system unless the grant is increased. We can relinquish the current provincial grant and apply for a Canada-BC Infrastructure Program grant for 2/3 funding. This higher grant will reduce the costs to the residents but still may not be low enough to satisfy their cost concerns. However, in conjunction with applying for a new grant, staff proposes to confirm costs and available alternatives to conventional servicing strategies and to undertake discussions with the funding authorities and with the residents about the need for and approach to financing the project.

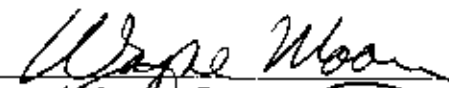
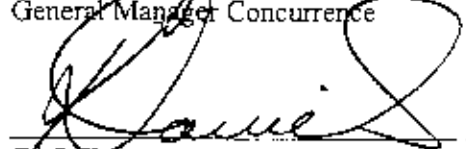
The area has known septic failures. The CVIHU supports the installation of a sewer system into the area. Without the sewer initiative, the CVIHU may undertake to impose repair and upgrade requirements on residences with failing septic systems and it would be the responsibility of individual homeowners to improve their on-site sewage disposal facility.

As a result of recent conversations with Ministry of Community, Aboriginal and Womens' Services staff, it appears that there is good potential for the RDN to obtain a 2/3 grant for the cost to construct the Barclay Crescent (North) sanitary sewers.

RECOMMENDATION

1. That the current Provincial Local Government Grant for Barclay Crescent to Drew Road Area Sewers, Project No. S001153 for \$820,117.00 be relinquished, and
2. That staff be directed to apply for a Canada-BC Infrastructure Grant for 2/3 of the estimated construction cost to sewer the Barclay Crescent (South) area of French Creek.


Report Writer


for General Manager Concurrence

CAO Concurrence

COMMENTS:

**THE LANTZVILLE PARKS &
OPEN SPACE ADVISORY COMMITTEE MEETING**

MINUTES

JULY 8, 2002 - 7:00 P.M.

1. CALL TO ORDER

Chairperson McConachie called the meeting to order at 7:08 p.m.

2. ROLL CALL

Committee Present: Susan Crayston, Denise Haime, Dean Harvey, Peter Law, Brenda McConachie, Barb Samarin and Anne Thomas

Staff Present: Jeff Ainge, Jane Ayers and Bruce Chic

3. APPROVAL OF AGENDA

MOTION 02:17

THAT the Parks and Open Space Advisory Committee approve the agenda amended to remove the address from item (b) of Current Business.

McCONACHIE / CARRIED

4. APPROVAL OF MINUTES OF JUNE 3, 2002 MEETING

MOTION 02:18

THAT the Parks and Open Space Advisory Committee approve the minutes of the June 3, 2002 meeting as circulated

McCONACHIE/CARRIED

5. CURRENT BUSINESS

a) Summer Student Program

The Parks summer student, Bruce Chic, discussed with the Committee the projects he would be undertaking.

b) Accretion

Director Haime discussed accretion with the Committee to inform them about the possible adverse environmental impacts of extending property boundaries along the Lantzville shoreline, especially near estuaries. Susan Crayston volunteered to write a letter to the Solicitor General requesting that the Lantzville Improvement District be notified of all accretion applications. The LID Trustees, in turn, will forward such applications on to the Parks and Open Space Advisory Committee.

c) Site Assessments

Peter Law presented to the Committee a study he had completed, entitled "Ecological Inventory of Second Growth Forest Sites In the Community of Lantzville B.C.". Included in this study are site assessments, of Woodacres (Elm) Park and Aulds Road Park.

6. REPORTS

Lantzville Improvement District:

Susan Crayston noted that a beach clean up should be coming up.

Regional District of Nanaimo:

Jeff Ainge discussed RDN parks and trails issues.

Beach accesses in Bowser.

South Island Mountain Bike Seminar in Victoria; trail development in the Capital Regional District Trail Study, Area 'A'.

The arena referendum in District 69 passed.

Official opening of Horne Lake Regional Park on July 14.

Gabriola Island property owned by the Credit Union is now Descanso Bay Regional Park.

The "Blue/Green" inventory from RDN is not yet available for I.D.

7. ROUND TABLE

For the September, 2002 meeting, Brenda McConachie would like to revisit the matters discussed in the March 4, 2002 "Fundraising Brainstorming Session".

Denise Haime would like a "Lantzville" sign along the highway.

8. NEXT MEETING: MONDAY, SEPTEMBER 16, 2002 AT 7:00 P.M.

9. ADJOURNMENT

The meeting adjourned at 9:50 p.m.

**THE LANTZVILLE PARKS &
OPEN SPACE ADVISORY COMMITTEE MEETING**

MINUTES

September 16, 2002 - 7:00 P.M.

Lantzville Improvement District Office Conference Room
7192 Lantzville Road

1. CALL TO ORDER

Chairperson Brenda McConachie called the meeting to order at 7:08 p.m.

2. INTRODUCTIONS

Committee Present: Brenda McConachie, Anne Thomas and Barb Samarin
Staff Present: Jonathon Lobb (RDN), Jane Ayers (LID)
Public: Roy Taylor, (representing Woodacres Strata Corporation)

There were not enough Committee members present to constitute a quorum. Accordingly, no motions could be passed. However, those present decided to discuss issues in preparation for the next meeting.

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES OF JULY 8, 2002 MEETING

Tabled until the October meeting.

5. CURRENT BUSINESS

March 4, 2002 Fundraising Brainstorming Session

Tabled until the October meeting.

Elm Park Survey

There was a good response to the survey with 32 of 65 handouts being returned. A majority of respondents would like the park to have nature trails to walk on and benches to sit on. Also, between resident pre-school aged children and visiting grandchildren, there is strong support for a children's play area.

Other issues relating to this park were also discussed as follows:

- Access to the park would be from Elm Road. There is a steep-sided ditch here, which will require a culvert and other infrastructure.
- Minimizing the presence of undesirables.
- Separate trails for hikers and cyclists?
- Donations of park benches.

The Committee members present agreed to walk the park and provide ideas. If the Parks and Open Space Advisory Committee sets up a sub-committee for developing this park, Roy Taylor proposed that the Woodacres Strata Corporation would provide a delegate. We also discussed the possibility of inviting Bruce Chic to do some planning for this park, as part of his Malaspina Horticulture training. If he were to do this, an honorarium should be considered.

Draft 2003 Parks and Recreation Operating and Five Year Capital Plan Budgets

We reviewed the *draft* 2003 operating and capital budgets for the Parks and Recreation Department of the Lantzville Improvement District. In particular, we discussed the plans for park development in:

- Huddlestone Park: 4 picnic tables and a new cement toilet
- Copley Park: additional play structure (part of Seaview School equipment); bridge to island
- Rotary Park: cement toilet, picnic tables
- Sebastion Park: bench and garbage bin
- Elm Park: as noted above; perhaps use Seaview School equipment
- Beach Access: bike racks, benches, garbage at Lavender and Sebastion Roads.

The Lantzville Park Plan Implementation Timeline Matrix needs to be revisited and updated.

6. REPORTS

Lantzville Improvement District: Jane Ayers provided a verbal update in the absence of Susan Crayston. First, the cement picnic table in Rotary Park was destroyed by vandals. Second, trees in Jenna Park are threatening to fall onto private property and need to be cut down. Third, LID staff plans to plant grass and put down bark mulch in the newly cleared area of Rotary Park.

Regional District of Nanaimo: Jonathon Lobb discussed the many projects worked on by the RDN during the summer. Of particular interest were the beach accesses completed in Bowser. The Committee members agreed to visit these locations to see the kinds of improvements that might be undertaken at Lantzville beach accesses.

Rose Society: Barb Samarin reported that a number of roses had been planted along the fence in Huddlestone Park. The Rose Society will make a donation to the LID towards the installation of a drip irrigation system for this garden.

7. ROUND TABLE

The Committee members inquired about the status of the beach clean up for Lantzville.

8. CORRESPONDENCE

"Your Lantzville Shoreline": Brigid Reynolds of the RDN and Peter Law forwarded *draft* copies of this brochure for the review and comments of the Committee.

9. NEXT MEETING: MONDAY, OCTOBER 7, 2002 AT 7:00 P.M.

10. ADJOURNMENT

The meeting was adjourned at 9:15 p.m.

**Minutes of the District 69 Recreation Commission Regular Meeting
Held on Thursday, October 10, 2002, at 8:30am
District 69 Arena, Parksville, BC**

Attendance:

Frank Van Eynde – Chair	Craig Young	Jack Pipes
Barbara Terry	Reg Nosworthy	Fred Demmon
Scott Tanner	Richard Quittenton	

Staff:

Tom Osborne	Neil Connelly	Dan Porteous
Cathy MacKenzie	Marilynn Newsted	

Chair Van Eynde called the meeting to order at 8:30am.

Minutes

- 3.1 MOVED Commissioner Demmon, SECONDED Commissioner Young, that the minutes of the District 69 Recreation Commission Regular Meeting held on September 12, 2002, be approved. CARRIED
- 3.2 Ms. MacKenzie reviewed the District 69 Recreation Commission Grants Committee recommendations. The Commission discussed the grant application from the Arrowview Elementary School PAC for playground equipment.

MOVED Commissioner Tanner, SECONDED Commissioner Young, that the Commission consider the request from Arrowview Elementary School PAC for a Community Grant in amount of \$4,660. CARRIED

MOVED Commissioner Young, SECONDED Commissioner Tanner, that the Commission accept the recommendations from the District 69 Recreation Commission Grants Committee as follows:

1. That the Commission endorse the following Youth Grants:

Beacon Christian School – field improvements	\$2,500
Coombs Halloween Candy Walk	\$1,000
Coombs Hilliers Recreation Community Organization – play structure	\$2,500
District 69 Minor Softball – pitching machine	\$2,000
Oceanside Junior Cheer & Stunt Squad	\$2,000
Parksville Qualicum Youth Ski Group	\$1,500
Youth Breakdance Project	\$1,200

2. That the Commission endorse the following Community Grants:
- | | |
|---|---------|
| Arrowsmith Mountain Bike Society – epic race event | \$1,000 |
| Coombs Hilliers Recreation Community Organization – building addition | \$4,000 |
| Errington War Memorial Hall Association – field fending | \$1,000 |
| Mid-Island Wheelchair Sport Club – wheelchair | \$3,715 |
| Parksville royals Baseball Club – clay bricks for mounds | \$ 750 |
| Parksville Royal Baseball Club – batting cage | \$ 500 |
| Parksville Royals Baseball Club – cinder for infield | \$ 600 |

CARRIED

MOVED Commissioner Young, SECONDED Commissioner Tanner, that the Commission approve the Community Grant application from the Arrowview Elementary School PAC in the amount of \$4,660. CARRIED

Commissioner Terry abstained from the vote.

Communications/Correspondence

- 4.1 MOVED Commissioner Terry, SECONDED Commissioner Demmon, that the correspondence from Tom McGregor, Ballenas Tennis Club and Greg Higgins, Oceanside Kidfest Society be received. CARRIED

Reports

- 5.1 Mr. Osborne reviewed the staff reports from the four Department functions.

MOVED Commissioner Demmon, SECONDED Commissioner Tanner, that the staff reports be received. CARRIED

- 5.2 Mr. Osborne updated the Commission on the Arena Multiplex Project. He stated that the Design/Build Contract, Land Transfer Agreement, the Curling Society Memorandum of Understanding would all be presented to the Regional District of Nanaimo Board on October 22, 2002.

New Business

- 8.1 Mr. Osborne reviewed the 2003 Provisional Budget Report for the Ravensong Aquatic Centre, District 69 Arena and the Recreation Coordinating Function. Mr. Osborne stated the three function area provisional budgets were prepared on the premise of the corporate direction to minimize budget changes and to limit tax requisition increases in the range of 1% for existing services.

Mr. Osborne noted the District 69 Arena provisional budget reflected operational costs and revenues for two thirds of a year at the current District 69 Arena and one third of a year at the new Arena Multiplex. Commissioner Pipes questioned staff as to why the referendum for the Multiplex was over budget by \$19,500. Staff indicated that they would inquire further on the cost over run in the referendum budget and report back to the Commission.

MOVED Commissioner Demmon, SECONDED Pipes, that the 2003 Provisional Budget Report for the Ravensong Aquatic Centre, District 69 Arena and Recreation Coordinating be received. CARRIED

MOVED Commissioner Tanner, SECONDED Commissioner Nosworthy, that the 2003 Provisional Budget for the Ravensong Aquatic Centre be approved as presented. CARRIED

MOVED Commissioner Demmon, SECONDED Commissioner Young, that the 2003 Provisional Budget for the District 69 Arena be approved as presented. CARRIED

MOVED Commissioner Terry, SECONDED Commissioner Tanner, that the 2003 Provisional Budget for the Recreation Coordinating Function be approved as presented. CARRIED

Commissioner Roundtable

9.0 Commission Tanner reported on a very successful BC River's Day at the Little Qualicum River. He noted that thousands of spawning salmon arrived right on cue as a highlight to the day.

Commissioner Van Eynde reported that the paving of North West Bay Road was complete with a bike path on both sides of the road to Terrien Road. He noted a continuation of the bike path beyond Terrien Road would be most welcome.

Adjournment

MOVED Commissioner Van Eynde, that the meeting be adjourned at 10:35am.

Next Meeting

The next meeting will be held at 8:30am, Thursday, November 14, 2002, at the District 69 Arena.

REGIONAL DISTRICT OF NANAIMO

MINUTES OF A MEETING OF THE GRANTS-IN-AID
COMMITTEE HELD ON WEDNESDAY, OCTOBER 11, 2002
AT 10:00 AM IN THE REGIONAL DISTRICT OFFICES

Present:

E. Hamilton	Chairperson
D. Bromley-Anvelt	Citizen Advisory Group
H. Sproule	Citizen Advisory Group
F. Van Eynde	Citizen Advisory Group
L. Burgoyne	Administrative Assistant

SCHOOL DISTRICT 68

Funds available: \$ 3,410.00

MOVED H. Sproule, SECONDED F. Van Eynde, that the following grants be awarded:

Name of Organization	Amount Requested	Amount Recommended
Cedar Community Police Station	\$ 2,000.00	Denied
Nanaimo Search and Rescue Society	\$ 1,128.65	\$ 1,128.65
	<u>\$ 3,238.65</u>	<u>\$ 1,238.65</u>

CARRIED

Cedar Community Police Station – grant request denied. Application criteria was not followed. Financial statements were incomplete. The organization appeared to have surpluses that were not accounted for in the following year.

Nanaimo Search and Rescue Society - grant to be used towards outfitting their first response truck, which was donated to the Society by Weyerhaeuser, for transport of swift water and rope rescue teams and equipment.

MOVED H. Sproule, SECONDED F. Van Eynde that the remaining funds in the District 68 Grants-in-Aid budget be carried over to the 2003 budget.

CARRIED

SCHOOL DISTRICT 69

Funds available: \$8,681.00

MOVED H. Sproule, SECONDED D. Bromley-Anvelt, that the following grants be awarded:

Name of Organization	Amount Requested	Amount Recommended
Caregivers Support Program	\$ 350	\$ 350
District 69 Volunteer Association	750	750
Navy League of Canada - Parksville Branch	4,000	1,100
Oceanside Community Kitchens Society	500	500
Parksville & District Chamber of Commerce	5,000	Denied
Parksville Meeting Place Society	500	250
Parksville/Qualicum Project Literacy	500	500
Participaddle	19,000	Denied
Qualicum Beach Seedy Saturday Event	250	Denied
Vicious Vacant Productions – PUMEX	1061	750
	<u>\$ 31,911</u>	<u>\$ 4,450</u>

CARRIED

PAGE

117

The Committee agreed that the following comments be conveyed to:

Caregivers Support Program – grant to be used towards the Health and Wellness Fair to be held April 12 & 13, 2003.

District 69 Volunteer Association – grant to be used towards the purchase of a photocopier.

Navy League of Canada – Parksville Branch – grant to be used to purchase electronic training aids, printer and a telephone answering machine.

Oceanside Community Kitchens Society – grant to be used towards expenses to establish two new community kitchen groups.

Parksville & District Chamber of Commerce - request denied. The Committee felt that the request to provide funding towards a community entrance sign did not meet the grants-in-aid criteria.

Parksville Meeting Place Society – grant to be used to purchase equipment.

Parksville/Qualicum Project Literacy – grant to be used to purchase tutoring kits for children with learning disabilities.

Participaddle – request denied. The organization received grant funding through District 69 Recreation Grants program earlier this year.

Qualicum Beach Seedy Saturday – request denied. The applicant did not provide sufficient information regarding the structure and validity of the group.

Vicious Vacant Productions – grant to be used to purchase audio equipment.

MOVED H. Sproule, SECONDED D. Bromley-Anvelt, that the remaining funds for District 69 Grants-in-Aid budget be carried over to the 2003 budget.

CARRIED

Grants-in-Aid Criteria:

The Grants-in-Aid Committee reviewed the current criteria and application process. In light of the current situation where grant funding is becoming less available through other government agencies the grants-in-aid program is receiving many applications and the Committee felt the current criteria required clarification.

- (a) The current criteria notes that the primary purpose of the Grants-in-Aid is to provide a one year assistance for a pilot project. The Committee felt that the primary purpose should reflect that the Grants-in-Aid provides funds to non-profit organizations for social programs and services;
- (b) The current criteria requests that the applicant provide a budget for its operation. The Committee felt that the organization should be asked to provide more details regarding their financial information including a current year budget, full financial statements showing other sources of funding; and a breakdown of expenses for the use of the Grant-in-Aid.
- (c) Services and functions that are not funded through Grants-in-Aid should be noted in the criteria, i.e. annual operating expenses; remuneration; and leasehold improvements.
- (d) Applications that do not meet the stated criteria and applications that are received late, will not be accepted.

MOVED H. Sproule, SECONDED F. Van Eynde, that the Committee recommend to the Board that the Grants-in-Aid criteria be amended as follows:

1. Grants-in-Aid are provided to non-profit organizations for social programs and services in the Regional District of Nanaimo.
2. The organization must provide a social enrichment service to the community and must demonstrate that the service provided does fill a need in the community, and that there is no overlapping with services already existing.
3. The organization must be local in nature, in that the grant requested is for a specific service to the residents of the Regional District of Nanaimo.
4. The organization must be a non profit organization and provide a current year budget and full financial statements for its operation, noting any other sources of funds. The organization must state specifically the use for the grant requested from the Regional District and the breakdown of expenses for its use.

The following services/functions will not be funded:

- (a) annual operating expenses
 - (b) remuneration (wages, salaries, fees)
 - (c) leasehold improvements
5. Applications falling under the umbrella of the City of Nanaimo will be returned to the applicant with an explanation.
 6. Late submissions will not be accepted.
 7. Applications that do not meet the criteria will not be accepted.

CARRIED

ADJOURNMENT

The meeting adjourned at 11:45 am.

CHAIRPERSON

PAGE

119