

REGIONAL DISTRICT OF NANAIMO

**COMMITTEE OF THE WHOLE
TUESDAY, NOVEMBER 9, 2004
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

- 5 **Ron Tanasichuk, Nanaimo Area Land Trust**, re Request for a Renewal of Contract Services for 2005.
- 6 **Greg Gow**, re Section 57 of the Community Charter - Contravention of Bylaw – 2765 Benson View Road – Area D.

MINUTES

- 7-11 Minutes of the Committee of the Whole meeting held Tuesday, October 12, 2004.

COMMUNICATIONS/CORRESPONDENCE

BUSINESS ARISING FROM THE MINUTES

COMMUNITY SERVICES

RECREATION & PARKS

- 12-15 Electoral Area 'H' Parks & Open Space Advisory Committee.
- 16-43 Park Use Regulation Bylaw No. 1399.
- 44-49 Electoral Area 'A' Recreation Services Study.
- 50-64 Drinking Water Protection Action Plan.
- 65-73 Green Buildings Project.

CORPORATE SERVICES

- 74-89 Operating Results to September 30, 2004.

FIRE DEPARTMENTS

- 90-99 Fire Services Agreement with the Bow Horn Bay Volunteer Fire Department.

100-114 Bow Horn Bay Fire Protection Service Regulatory Bylaws No. 1401 and 1402.

DEVELOPMENT SERVICES

BUILDING INSPECTION

115-116 Section 57 of the Community Charter -- Contravention of Bylaw Infractions.

ENVIRONMENTAL SERVICES

LIQUID WASTE

117-120 Water and Wastewater Innovative Technologies.

121-127 Pump & Haul Local Service Area Amendment Bylaw No. 975.38 - Gallagher Way - Area B.

SOLID WASTE

128-133 Regional Landfill Post Closure Implementation Plan. (Implementation Plan included as a separate enclosure.)

134-136 Landfill Gas Utilization Update.

COMMISSION, ADVISORY & SELECT COMMITTEE

Electoral Area 'A' Parks & Green Spaces Advisory Committee.

137-140 Minutes of the Electoral Area 'A' Parks & Green Spaces Advisory Committee meeting held September 16, 2004. (for information)

Electoral Area 'B' Parks & Open Space Advisory Committee.

141-142 Minutes of the Electoral Area 'B' Parks & Open Space Advisory Committee meeting held September 13, 2004. (for information)

Nanoose Bay Parks & Open Space Advisory Committee.

143-145 Minutes of the Nanoose Bay Parks & Open Space Advisory Committee meeting held October 4, 2004. (for information)

Regional Parks Plan Review Select Committee.

146-147 Minutes of the Regional Parks Plan Review Select Committee meeting held October 13, 2004. (for information)

District 69 Recreation Commission.

148-152 Minutes of the District 69 Recreation Commission meeting held October 21, 2004. (for information)

That the recommendations from the District 69 Recreation Commission Grants Committee be approved as follows:

Community Grants:

<i>Bowser Tennis Club - resurfacing courts</i>	<i>\$2,500</i>
<i>Coombs Halloween Candy Walk</i>	<i>\$1,000</i>
<i>Errington War Memorial Hall - washroom upgrade, old hall repairs</i>	<i>\$7,250</i>
<i>Oceanside Community Arts Council - musical recitals</i>	<i>\$ 700</i>
<i>Oceanside Lyrics Ensemble</i>	<i>\$ 800</i>
<i>Parksville and District Association for Community Living</i>	<i>\$ 870</i>
<i>Parksville Special Olympics</i>	<i>\$ 700</i>
<i>Ravensong Masters Swim Club</i>	<i>\$1,300</i>

Youth Grants:

<i>Deep Bay Yacht Club</i>	<i>\$2,500</i>
<i>District 69 Family Resource Association</i>	<i>\$2,190</i>
<i>KSS Music Program - Parents Committee - purchase bass instrument</i>	<i>\$ 750</i>
<i>Vancouver Island Adrenalin Games</i>	<i>\$ 800</i>

Intergovernmental Advisory Committee.

153-154 Minutes of the Intergovernmental Advisory Committee meeting held October 21, 2004. (for information)

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

155-160 Minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meetings held October 6 and October 27, 2004. (for information)

Transit Business Plan Update Select Committee.

161-164 Minutes of the Transit Business Plan Update Select Committee meeting held October 28, 2004. (for information)

That a letter be sent to the Premier that the Province consider for their 2005 budget, the allocation of surplus funds for additional funding to transit for the Nanaimo Regional transit system and others in the BC Transit Municipal Systems program.

Verbal Reports As Available:

Municipal Finance Authority
Deep Bay Harbour Authority
Regional Library Board
Treaty Advisory Committee

North Island 911 Corporation
Municipal Insurance Association
Mt. Arrowsmith Biosphere Foundation
Vancouver Island Generation Project Committee
Vancouver Island Health Authority - Project Building Committee
Vancouver Island Health Authority -- Joint Capital Planning Committee
Vancouver Island Regional Transportation Advisory Committee

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

BOARD INFORMATION (Separate enclosure on blue paper)

ADJOURNMENT

IN CAMERA

Burgoyne, Linda

From: Gail Adrienne [gail@nalt.bc.ca]
Sent: Tuesday, October 26, 2004 1:21 PM
To: Burgoyne, Linda
Subject: Presentation to RDN Board

Hello Linda,

This is to request that the Board of The Nanaimo Area Land Trust be allowed to make a presentation to the RDN Board at the Committee of the Whole Meeting on November 9th, at 7:00 pm. Ron Tanasichuk will be the presenter, and the topic of our presentation will be a request for a renewal of contract services for the year 2005.

Please contact me if you have any questions or if this date will not work

Gail Adrienne

Nanaimo & Area Land Trust

18 - 140 Wallace Street

Nanaimo, BC V9R 5B1

Phone/Fax 250-714-1990

identifying, preserving and fostering the stewardship of land in the Nanaimo area"

Burgoyne, Linda

From: LeRoy, Karen
Sent: Tuesday, November 02, 2004 9:23 AM
To: Burgoyne, Linda
Subject: CoW meeting

inda,
Greg Gow of 2765 Benson View Road will be attending the meeting Nov 9 regarding bylaw contravention.

*Karen LeRoy
Planning Inspection/Bylaw Enforcement
Municipal District of Nanaimo
360 Hammond Bay Road
Nanaimo, BC V9T 6N2*

*Phone: 250 350-6530
Toll Free 1-877-607-4111
Fax: 250 350 6513*

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON TUESDAY, OCTOBER 12, 2004, AT 7:07 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. McNabb	City of Nanaimo
Alternate	
Director D. Brennan	City of Nanaimo

Also in Attendance:

C. Mason	General Manager of Corporate Services
B. Lapham	General Manager of Development Services
N. Connelly	General Manager of Community Services
J. Finnie	General Manager of Environmental Services
N. Tong	Recording Secretary

DELEGATIONS

Tim Clermont, re Capital Charge Exclusion – Nature Trust of British Columbia – 1520 Terrien Road – Area E.

Mr. Clermont provided a short overview of the Nature Trust of British Columbia and its involvement in securing properties for environmental and wildlife protection for the residents of the RDN. The Nature Trust is requesting that the capital charge of \$2,023 required for connection to the Northern Community Sewer LSA be waived.

MINUTES

MOVED Director Sherry, SECONDED Director Westbrook, that the minutes of the regular Committee of the Whole meeting held September 14, 2004 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Hira Chopra, Chairperson, Alberni-Clayoquot Regional District, re Property Tax Exemption.

MOVED Director Krall, SECONDED Director Sherry, that the correspondence from the Alberni-Clayoquot Regional District with respect to a request for property tax exemption for Mount Arrowsmith Regional Park be received.

CARRIED

COMMUNITY SERVICES

RECREATION & PARKS

Horne Lake Regional Park Operations Update.

MOVED Director Bartram, SECONDED Director Holdom, that the update report on long-term planning for Horne Lake Regional Park (HLRP) operations, be received.

CARRIED

CORPORATE SERVICES

FINANCE

Property Tax Exemption – Alberni Clayoquot Regional District.

MOVED Director Krall, SECONDED Director Hamilton,:

1. That "Property Tax Exemption Bylaw No. 1404, 2004" be introduced for first three readings.
2. That "Property Tax Exemption Bylaw No. 1404, 2004" having received three readings, be adopted.
3. That staff follow up with a report on the implications of adopting a bylaw for this purpose which would authorize a multi-year exemption from property taxes.

CARRIED

DEVELOPMENT SERVICES

Liquor Licensing Policy.

MOVED Director Bartram, SECONDED Director McNabb,:

1. That the staff report on a Liquor Licensing Policy be received for information.
2. That the Board approve, by resolution, the Liquor Licensing Policy attached to the corresponding staff report as Schedule 1.
3. That the Board direct staff, by resolution, to process an amendment to "Regional District of Nanaimo Fees and Charges Bylaw No. 1259, 2002" to incorporate the fees discussed in the corresponding staff report.

CARRIED

Board of Variance Policy.

MOVED Director Bartram, SECONDED Director Sherry, that the staff report on a Board of Variance Policy be received for information.

MOVED Director Bartram, SECONDED Director Westbrook, that the Board of Variance Policy attached to the staff report as Schedule 1 be deferred until staff comes forward with an assessment of fees and charges and a review of the notification procedures as compared to the development variance permit process.

CARRIED

BYLAW ENFORCEMENT

Section 57 of the Community Charter – Contravention of Bylaw – (Infractions).

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 Westbrook, SECONDED Director Krall, that a notice be filed against the title of the property listed, pursuant to Section 57 of the *Community Charter* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued:

- (a) Lot 15, District Lot 78, Plan 14212, Nanoose Land District, 2993 Dolphin Drive, Electoral Area 'E', owned by P. and K. Kiidumae.

CARRIED

EMERGENCY SERVICES

Inclusion of the District of Lantzville – Emergency Management Agreement.

MOVED Director Krall, SECONDED Director D. Haine, that the request by the District of Lantzville to be included in the existing Emergency Management Agreement between the Regional District of Nanaimo, City of Nanaimo, City of Parksville and Town of Qualicum Beach be supported and the revision to the Agreement be endorsed.

CARRIED

ENVIRONMENTAL SERVICES

UTILITIES

Capital Charge Exclusion – Nature Trust of British Columbia – 1520 Terrien Road – Area F.

MOVED Director Westbrook, SECONDED Director Bartram, that the request by the Nature Trust of British Columbia to waive the Capital Charge of \$2,023 for the inclusion of property located at 1520 Terrien Road and legally described as Lot 8, District Lot 22, Nanoose Land District, Plan 10012, be approved.

CARRIED

French Creek Sewer Local Service Area Bylaw No. 813.30 & Northern Community Sewer Local Service Area Bylaw No. 889.29 – 1371 Lundine Lane– Area G.

MOVED Director Westbrook, SECONDED Director Sherry,:

1. That "French Creek Sewer Local Service Area Bylaw No. 813.30, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
2. That "Northern Community Sewer Local Service Area Bylaw No. 889.29, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director McNabb, that the minutes of the District 69 Recreation Commission meeting held September 16, 2004 be received for information.

CARRIED

Intergovernmental Advisory Committee.

MOVED Director Sherry, SECONDED Director Longmuir, that the minutes of the Intergovernmental Advisory Committee meeting held September 9, 2004 be received for information.

CARRIED

Regional Growth Monitoring Advisory Committee/Status of Sustainability Project.

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/Status of Sustainability Project meeting held September 8, 2004 be received for information.

CARRIED

Grants-in-Aid Committee.

MOVED Director Krall, SECONDED Director Hamilton, that the minutes of the Grants-in-Aid Committee meeting held October 5, 2004 be received for information.

CARRIED

MOVED Director Hamilton, SECONDED Director Westbrook, that the following grants be approved:

School District 68:

ALS Society of BC	\$	587
Cedar Community Association		1,215
Cedar Family Playtime Society		800
Cedar School & Community Enhancement Society		1,020
The Hope Centre		378
Nanaimo Search & Rescue		1,528

School District 69:

Arrowsmith Watersheds Coalition Society	\$	1,500
Central Island Critical Incident Stress Association		200
District 69 Family Resource Association		813
Forward House Community Society		600
Lighthouse Country Marine Rescue Society		1,725
Mount Arrowsmith Elder Abuse Prevention Comm.		300
Oceanside Community Arts Council		1,000
Oceanside Emergency Social Services		800
Parksville & District Historical Society		1,550

CARRIED

NEW BUSINESS

Mount Arrowsmith Regional Park.

It was confirmed that the Mount Arrowsmith Regional Park is located within Electoral Area 'C' of the Regional District of Nanaimo.

ADJOURNMENT

MOVED Director Sherry, SECONDED Director Westbrook, that this meeting adjourn to allow for an In Camera meeting.

CARRIED

TIME: 7:43 PM

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO		
NOV - 1 2004		
CHAIR		GMCrs
MEMO		GMS
		GMS
<i>Collins</i>		

MEMORANDUM

TO: Neil Connelly
General Manager of Community Services

DATE: October 27, 2004

FROM: Tom Osborne
Manager of Recreation and Parks

FILE:

SUBJECT: Electoral Area 'H' Parks and Open Space Advisory Committee

PURPOSE

To approve the formation of an Electoral Area 'H' Parks and Open Space Advisory Committee and its Terms of Reference.

BACKGROUND

The Electoral Area 'H' Director has requested that an Electoral Area 'H' Parks and Open Space Advisory Committee (POSAC) be established.

The Regional District currently has four Electoral Area parks advisory committees in operation:

- Electoral Area 'A' POSAC - established in 1996
- Electoral Area 'G' POSAC - established in 1999
- Electoral Area 'E' POSAC - established in 2001
- Electoral Area 'B' POSAC - established in 2003.

These four advisory committees provide an opportunity for parks issues to be examined and discussed at the community level. The committees also facilitate community involvement in the implementation of parks plans and operational initiatives, and ensure parks related community concerns are channeled to the Board by way of official committee minutes and resolutions. Staff have developed a Terms of Reference for the Area 'H' Advisory Committee, that provides for membership, procedures and responsibilities that are consistent with the other four Committees that are in place.

ALTERNATIVES

1. Approve the formation of an Electoral Area 'H' Parks and Open Space Advisory Committee and its Terms of Reference.
2. Not approve the formation of a Committee or its Terms of Reference at this time and provide alternative direction.

FINANCIAL IMPLICATIONS

There are no direct financial implications. Committee costs and staff liaison are included within the Area 'H' Community Parks Function Budget.

RESOURCE IMPLICATIONS

Over the past five years, the RDN's portfolio of parks, trails, beach accesses and other open spaces has grown dramatically from 146 ha to 578 ha; this does not include approximately 60 km of trail and 17 beach or water accesses that have come under RDN park management during the same period. RDN staff has been very active in the creation, development and management of these parklands, particularly at the community level. Three full time park staff members are well occupied keeping the park system viable and responding to community demands. The job of supporting various parks and open space advisory committees has spread staff resources even thinner.

Joan Michel, the RDN's Parks and Trails Coordinator, will be assigned to work with the Committee. Before taking on the additional responsibility however, some of her current high priority work commitments, e.g., the rezoning of Home Lake Regional Park, revision of its Management Plan and contracting for a long-term operator-developer, will need to be further advanced. Advertising for Area 'H' POSAC members will be carried out in November- December 2004. The Regional Board will then be in a position to appoint advisory committee members in late January 2005, and a first meeting of the Area 'H' POSAC could be held early in March 2005.

CITIZEN IMPLICATIONS

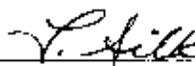
The RDN Parks and Open Space Advisory Committees provide electoral area residents with an opportunity to bring forward ideas about park matters and discuss park issues with staff, the Electoral Area Director, and the Board.

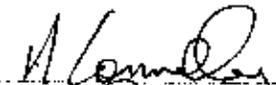
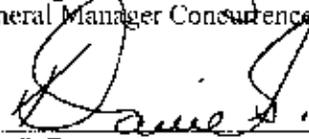
SUMMARY

The Electoral Area 'II' Director has requested that a Parks and Open Space Advisory Committee (POSAC) be established in that area. As is the case with POSACs already functioning in Electoral Area's A, B, E and G, the new Area 'II' POSAC will provide opportunities for residents to become actively involved in park management in their area, and for parks related community concerns to be channeled to the Board by way of formal minutes and resolutions.

RECOMMENDATION

That the Terms of Reference for the Electoral Area 'II' Parks and Open Space Advisory Committee be approved.

for  _____
Report Writer

 _____
General Manager Concurrence
 _____
C.A.O Concurrence

COMMENTS:

Electoral Area 'H' Parks and Open Space Advisory Committee

Terms of Reference

Purpose

To establish a Parks and Open Space Advisory Committee for Electoral Area 'H'. The Committee will advise and provide information to the Nanaimo Regional District Board regarding parks and open space issues in Electoral Area 'H'.

Membership

1. The Electoral Area 'H' Parks and Open Space Committee will be appointed by the Regional Board as follows:
 - the Electoral Area 'H' Director or designate
 - the Electoral Area 'H' Appointee to the District 69 Recreation Commission, and
 - up to five Members at Large who are residents of Electoral Area 'H'.
2. The Committee will consist of a maximum of seven members. The Committee may operate without all positions being occupied. A quorum shall consist of four members.
3. For the first year of operation only, the terms of Committee membership shall be staggered with three members appointed for a two-year term and two members appointed for a one-year term. Beginning in the second year all members will be appointed for a two-year term. The Area 'H' Director and the District 69 Recreation Commission appointee will be on the Committee for the tenure of their other respective Board appointments.

Procedures

1. The Committee shall elect a chairperson and recording secretary annually at the first meeting of each calendar year.
2. The Committee may meet as required but will structure its activities to meet approximately four times per year.
3. Minutes of Committee meetings will be forwarded to the Regional District Board for information.

Responsibilities

1. Make recommendations and provide advice to the **Regional Board** regarding a wide range of parks and open space issues including:
 - the acquisition of community park sites;
 - the development and maintenance of community park sites; and
 - priorities for the expenditure of community park operating and reserve funds.
2. Liaise, provide leadership, and work with community and neighbourhood groups on a wide range of parks and open space matters including:
 - volunteer park development projects;
 - obtaining input regarding park planning and acquisition priorities;
 - trail system planning and development; and
 - waterfront accesses.
3. Play a leadership role and provide a focal point for co-operation between community interests and the **Regional District** on parks and open space issues.
4. Provide community input into park planning documents including the development and updating of a community park master plan and specific community park development plans.
5. Work within the objectives and policies of the **Regional Growth Management Plan**, the **Electoral Area 'H' Official Community Plan**, the **Regional Parks System Plan** and any other statutory plans that are applicable to Electoral Area 'H'.

Financial Considerations

There is currently funding available through the **Regional District** for community parks works in Electoral Area 'H'. The Committee will provide input on an annual basis to the **Electoral Area Director** and the **Regional Board** regarding the level of funding and priorities for expenditures from these budgets, including park reserve funds, for parks and open space purposes. The Committee will also have the ability to look at a variety of other funding sources and strategies and make recommendations in their regard to the **Regional District**.

Reporting and Authority

In the provision of their services to the **Electoral Area 'H' Parks and Open Space Advisory Committee**, Committee members have a responsibility to act in the best interests of their community and within the policies and guidelines established by the **Regional District**.



REGIONAL DISTRICT OF NANAIMO		
NOV - 2 2004		
SECRET	CMC/S	
	CMDS	
	CMES	
	<i>Call</i>	<input checked="" type="checkbox"/>

MEMORANDUM

TO Tom Osborne
Manager of Recreation and Parks

DATE: October 26, 2004

FROM Juan Michel
Parks and Trails Coordinator

File: 3900-20-1399

SUBJECT Bylaw to Provide for the Regulation of Park Use in the RDN

PURPOSE

To provide final approval of a bylaw regulating Regional and Community Park use in the RDN.

BACKGROUND

At its September 28, 2004 regular meeting, the Regional Board received a draft "Park Use Regulation Bylaw No. 1399, 2004" and authorized dissemination of the draft bylaw to stakeholders and the public for comment. The draft bylaw was disseminated directly to the following:

- Parks and Open Space Advisory Committees (Electoral Areas 'A', 'B', 'E' and 'G')
- Municipalities of Lantzville, Nanaimo, Parksville and Qualicum Beach
- Fire Chiefs from North Cedar, Extension, Nanoose Bay, Errington, Coombs/Hillers and Dashwood (where fire halls are located on park property)
- Ministries of Transportation and Forests
- Ministry of Water, Land and Air Protection and BC Parks
- Land and Water BC
- Fisheries and Oceans Canada
- Weyerhaeuser and TimberWest
- The Nature Trust of BC, the Land Conservancy of BC and the Nanaimo Area Land Trust
- Ducks Unlimited Canada
- Owners of Strata Plan – VIS5160 (Home Lake Strata)
- Park Operators at Home Lake and Descanso Bay Regional Parks.

In addition, a notice was posted on the RDN web site to request public feedback on the draft bylaw and notice provided that copies of the draft bylaw were also available at RDN offices.

Responses were received from the Ministries of Transportation and Forests, Land and Water BC, the Land Conservancy of BC, and the Home Lake Strata (see attached). Indirect feedback was also received from the Fire Chiefs.

No significant issues were raised through the consultation process. Area Fire Chiefs were assured that the park use bylaw would not constrain their continued use of park property for the

fire hall function since the intent of the bylaw is to regulate the public's use of the park lands. The Ministry of Transportation's caution that no commerce is permitted on road allowances under permit to the RDN was noted. The Home Lake Strata's request to see the bylaw reflect the reduced boat launch rate for Strata members at Home Lake Regional Park, as stated in the Home Lake Regional Park Management Plan, was addressed.

The draft bylaw presented to the Board in September 2004 has been completed with the addition of Schedule 'D' describing the fines to be applied if Municipal Tickets are issued, or to be considered if summary convictions are obtained from a judge. These fines range from \$50 to \$200 and are similar to those in place for the City of Nanaimo. Where a major infraction has occurred on parkland, the RDN will be able to pursue reparations through Section 8, Remedial Action. Consequent to the approval of the Park Use bylaw, the RDN's Ticket Information Utilization Bylaw No. 1015 will require updating to reflect the new fine schedule; Development Services is in the process of updating Bylaw 1015. Since all fine schedules forming part of Bylaw 1015 require approval by the Attorney General's Office, it is possible that the Park Use Regulation bylaw Schedule 'D' may require adjustment.

ALTERNATIVES

1. To approve the Bylaw Regional District of Nanaimo Park Use Regulations Bylaw No. 1399, 2004.
2. To provide alternative direction to staff regarding the Bylaw.

RESOURCE IMPLICATIONS

The need to regulate use of RDN parkland increases with the amount and complexity of development within a park. Schedule 'A' of the bylaw details all properties subject to park use regulation, broken down by electoral area and level of development. The majority of parks in the Region are not developed. In contrast, the two regional campground parks, Home Lake and Descanso Bay, are quite developed in terms of public use and consequently require the most regulation of all RDN parklands. It is proposed that the Park Operators for each of the campground parks be made bylaw enforcement officers for those parks specifically in order to facilitate effective and timely regulation of the properties. For the balance of the park portfolio, it is proposed that RDN park staff acquire bylaw enforcement authority in order to permit timely ticketing of offenders. Existing RDN bylaw enforcement staff can provide additional support to Parks staff as required.

FINANCIAL IMPLICATIONS

Revenues from enforcement of the proposed park use bylaw will be returned to the parks function (community or regional, as applicable) and will help defray the cost of park maintenance and development, including the erection of signage about appropriate park use.

INTERGOVERNMENTAL IMPLICATIONS

A number of community parks (e.g., Wildwood in Electoral Area 'H') and regional parks (e.g., Nanaimo River, Benson Creek Falls and Englishman River), along with all regional trails and beach accesses are secured by lease, licence or permit and not title. The Crown or private landowners may own these leased lands. Legal opinion confirms that the proposed park use bylaw will have effect wherever the Region is exercising its park function and is not affected by the nature of the land holding, unless specifically stated in the lease, licence or permit.

COMMUNITY IMPLICATIONS

The Region's park portfolio has grown dramatically over the last five years. Since 1999, regional parklands have increased from approximately 23 ha to 367 ha and community parklands from 123 ha to 211 ha. This does not include approximately 60 km of regional trail and 17 beach or water accesses that have come under RDN park management during the same period. This portfolio of park, trail and beach accesses, which includes a range of facilities from campgrounds to large bridge structures and a considerable amount of forest land and riparian area, requires regulation. Currently, the 1992 Electoral Area 'B' Community Parks Regulation Bylaw No. 842 constitutes the sole regulation of park use in the RDN and will be repealed and replaced by the proposed region-wide bylaw. Bylaw 1399 will clarify for the public what constitutes inappropriate use of RDN parklands and defines the sanctions that will apply in the event of inappropriate use.

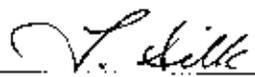
SUMMARY

Further to direction provided at the regular meeting of the Board, September 28, 2004, the draft Bylaw 1399 to Provide for the Regulation of Park Use in the Regional District of Nanaimo was disseminated for comment. All municipalities and Parks and Open Space Advisory Committees in the RDN received the draft bylaw along with a number of provincial agencies, volunteer fire department chiefs, area land trusts, Fisheries and Oceans Canada, large forest companies, the Home Lake Strata, and RDN campground operators. The public was invited to provide comment on the bylaws via the RDN web site. No significant issues were raised during the feedback process and, specifically, no concerns were raised about the repeal of the only existing parks use bylaw in the Region – Electoral Area 'B' Community Parks Regulation Bylaw No. 842, 1992 – in favour of the proposed Bylaw 1399.

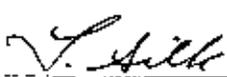
Few changes were made to the draft Bylaw 1399 to produce the final version. The only significant change involved the addition, as outlined at the draft stage, of a new Schedule 'D' – Fines. The fines described are comparable to those currently charged by other jurisdictions such as the City of Nanaimo. To fully enact the proposed fine schedule, it will need to be incorporated into the RDN's Ticket Information Utilization Bylaw No. 1015 which is scheduled to be updated in the near future.

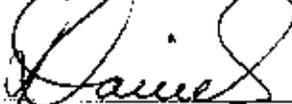
RECOMMENDATIONS

1. That the 'Regional District of Nanaimo Park Use Regulation Bylaw No. 1399, 2004' be given three readings.
2. That the 'Regional District of Nanaimo Park Use Regulation Bylaw No. 1399, 2004' having received three readings be adopted.


for Report Writer


General Manager Concurrence


for Manager Concurrence


C.A.O Concurrence

COMMENTS:



RECEIVED
SEP 24 2004
REGIONAL DISTRICT
of NANAIMO

RECEIVED
SEP 27 2004
RECEIVED

File: 01 002 25954

September 21, 2004

Nanaimo Regional District
6300 Hammond Bay Road
Nanaimo BC V9T 6N2

Attention: Joan Michel

RE: Draft Bylaw to regulate the use of Parks in the Nanaimo Regional District

Thank you for your recent referral. I have reviewed the draft bylaw and have no objection in principle to the document. However, in reference to Section 5.18 the Ministry will not allow commercial use on road right-of-way under permit or license to the Regional District.

Should you have any questions, please do not hesitate to contact me at (250) 751-3263 (office), 714-9009 (cell) or via email at Nick.Vandermolen@gems9.gov.bc.ca.

Yours truly,

Nick Vandermolen
Deputy Approving Officer

NV/jr25954L1

Ministry of
Transportation

Vancouver Island District
South Coast Region

Mailing Address:
3rd Fl, 2100 Lableux Road
Nanaimo BC V9T 6E9

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www.gov.bc.ca/tran

-----Original Message-----

From: Brunning, Richard LWBC:EX
Sent: September 27, 2004 10:44 AM
To: 'JMichael@rdn.bc.ca'
Subject: FW: Draft RDN Park Use Bylaw

L. W. B. C.

On behalf of Mike Lambert, I am writing to confirm that we have no concerns with respect to the proposed park use bylaw.

We wish to thank you for the opportunity to review and comment on this matter, and please feel free to contact me if you wish to discuss this matter further.

-----Original Message-----

From: Lambert, Mike LWBC:EX
Sent: September 27, 2004 8:12 AM
To: Brunning, Richard LWBC:EX
Cc: Williams, Duncan LWBC:EX
Subject: FW: Draft RDN Park Use Bylaw

OK - Richard

send our response on this to the addressees below.

thanks

-----Original Message-----

From: Michel, Joan [mailto:JMichel@rdn.bc.ca]
Sent: September 16, 2004 9:28 AM
To: Vandermolen, Nick TRAN:EX; ladouceurg@pac.dfo-mpo.gc.ca; Lambert, Mike LWBC:EX; Chapman, Drew WLAP:EX; Erickson, Sharon WLAP:EX
Subject: Draft RDN Park Use Bylaw

To: Mike Lambert, Service Centre Director, BC Land and Water
Drew Chapman, Nanaimo Area Supervisor, BC Parks
Nick Vandermolen, Deputy Approving Officer, Ministry of Transportation
Sharon Erickson, Planning Officer, MWLAP
Grant Ladouceur, Manager Project Manager, Big Qualicum River Project,
DFO

Please find attached a draft park use regulation bylaw for the Regional District of Nanaimo. The Bylaw is intended for application to all lands managed for park purpose by the RDN; in some cases, this would include lands owned by your agencies and managed by the RDN under agreement. Your comments on the draft bylaw by October 8/04 would be appreciated. By way of background, I attach a memo we sent out to our park advisory committees. Your assistance is much appreciated.

Joan

Joan Michel
Parks and Trails Coordinator
Regional District of Nanaimo
(250) 248-3252
(250) 248-0902 cell
1-888-828-2069

From: Richir, Gilbert C FOR:EX [mailto:Gilbert.Richir@gems7.gov.bc.ca]
Sent: October 6, 2004 2:16 PM
To: Michel, Joan
Subject: Draft Park Use Bylaw

Joan,

I have reviewed the draft RDN bylaw 1399 for the regulation of park use. It does not appear that the proposal will affect the management of timber resources on Crown land. The Ministry of Forests has no comments or concerns in this regard.

If you have questions about this issue please contact me at the address below.

Gilbert Richir, R.P.F.
Stewardship Forester
South Island Forest District, BC Ministry of Forests

Ph: 250 731 3038
Fax: 250 731 3010

issue please contact me at the address below.

Gilbert Richir, R.P.F.
Stewardship Forester
South Island Forest District, BC Ministry of Forests

Ph: 250 731 3038
Fax: 250 731 3010

From: Eileen Palmer [<mailto:eileen@conservancy.bc.ca>]
Sent: Wednesday, September 22, 2004 4:09 PM
To: McFarlane, Florence
Subject: RE: Regional District of Nanaimo Draft Bylaw to Regulate Park Use

Thank you for providing us this draft bylaw. We have reviewed it and do not have comments at this time. Sincerely, Eileen Palmer

Vancouver Island/Coast Region Manager
TLC The Land Conservancy of British Columbia
2709 Shoreline Drive
Victoria, BC V9B 1M5
ph:250-479-8301
eileen@conservancy.bc.ca
www.conservancy.bc.ca
Are you a TLC member yet?

Owners of Strata Plan – VIS 5160

c/o Horne Lake Recreation Management Ltd.
719 Newcastle Ave.,
Parksville, B.C. V9P 1G1
250-951-0877 Fax: 250-951-0878

October 6, 2004

Tom Osborne,
Manager Recreation and Parks,
Regional District of Nanaimo,
6300 Hammond Bay Rd.,
Nanaimo, B.C.
V9T 2N2

By Fax: 250-248-3159

Dear Tom:

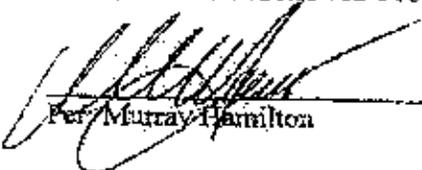
Thank you for forwarding a copy of and providing an opportunity to comment on the Draft Bylaw to Regulate the Use of Parks in the RDN.

When the Horne Lake Regional Park Management Plan was adopted in 2003 it provided for a reduced Launch Ramp fee of \$2.00 for Horne Lake Strata Corporation members. The committee considered a number of points around this reduced rate, but the main one was that Horne Lake Strata Corporation members would not require the use of the parking facilities, they would launch or retrieve their boats and park their trailers and vehicles at their recreational residences. This would provide additional revenue for the park operator without tying up valuable parking space.

We respectfully request that the Bylaw to Regulate the Use of Parks in the RDN continue to reflect a launch ramp rate structure for Horne Lake Strata Corporation members and that rate structure be 50% of the posted Boat Launch Fee.

Thank you for your consideration. Please don't hesitate to contact me if you require further background to this request.

Yours truly,
Owners of Strata Plan VIS 5160


Per Murray Hamilton

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1399

**A BYLAW TO PROVIDE FOR THE REGULATION OF PARK USE
IN THE REGIONAL DISTRICT OF NANAIMO**

WHEREAS by Supplementary Letters Patent dated October 19, 1972, amended September 21, 1979, the Regional District of Nanaimo was granted "Division XI - Park and Green Belt Acquisition" functions;

AND WHEREAS Bylaws No. 798 to 806 converted the community parks functions to a local service for each of Electoral Areas A, B, C, D, E, F, G and H respectively;

AND WHEREAS the Regional District of Nanaimo may, by bylaw, establish regulations, prohibitions and requirements with respect to the management, maintenance, improvement, operation and use, including establishing a system of licenses, permits and approvals with or without terms and conditions, with respect to regional and community parks, trails and other land the District holds for the purpose of parks;

AND WHEREAS the Board of the Regional District of Nanaimo is desirous of establishing such regulations, prohibitions and requirements;

NOW THEREFORE, the Board, in open meeting assembled, enacts as follows:

SECTION 1 TITLE

1.1 This Bylaw may be cited as "Regional District of Nanaimo Park Use Regulations Bylaw No. 1399, 2004."

SECTION 2 REPEAL

2.1 Bylaw No. 842, Regional District of Nanaimo Electoral Area 'B' Community Parks Regulation Bylaw No. 842, 1992, is hereby repealed.

SECTION 3 APPLICATION AND EXEMPTIONS

3.1 This bylaw is applicable to all parks, as defined in Section 4 of this bylaw and without restricting that definition includes properties identified in Schedule "A", within Electoral Areas 'A', 'B', 'C', 'D', 'E', 'F', 'G' and 'H' of the Regional District of Nanaimo.

3.2 Notwithstanding anything contained in this bylaw,

- i. District employees are exempt from this bylaw while carrying out their duties or performing their functions;
- ii. District contractors and agents are exempt from this bylaw while carrying out their duties or performing their functions only when such exemption is provided for in their terms of engagement; and,
- iii. where the District holds park under subparagraph 4.1(q)(iv) below, the person or agency granting the lease, license, statutory right-of-way or permit is exempt from this bylaw, unless otherwise provided under the terms by which the District holds the land.

SECTION 4 INTERPRETATION

4.1 In this bylaw:

- (a) **“Animal”** means any organism other than man.
- (b) **“Authorized personnel”** means District employees and contractors.
- (c) **“Bylaw Enforcement Officer”** includes a peace officer or a person appointed as a Bylaw Enforcement Officer by the Board of the Regional District of Nanaimo.
- (d) **“To camp”** means to sleep overnight with or without a shelter of any kind including, but not restricted to, a motor vehicle, recreational vehicle, tent, lean-to or other natural shelter.
- (e) **“Campground Rules”** mean the regulations, prohibitions and requirements, including fees and conditions of use, as described in Schedule “B” that apply in District parks containing campgrounds.
- (f) **“Common facilities”** mean anything other than natural park features, and include toilets, showers, shelters, water pumps, stairs, boardwalks, decks, congregate spaces, notices or signs, bridges, trails, docks and wharves, kiosks, gates, fences, picnic tables, and benches.
- (g) **“Curfew hours”** mean the time between 11 pm and 7 am.
- (h) **“Cycle”** means a device having any number of wheels that is propelled by human power and upon which one or more persons may ride.
- (i) **“Designated campsite”** means an authorized and numbered space for overnight camping by a registered camper.
- (j) **“District”** means the Regional District of Nanaimo
- (k) **“District Manager”** means the Regional District of Nanaimo Manager of Recreation and Parks.
- (l) **“Household or other garbage”** includes garbage, trash, refuse, cans, bottles, papers, ashes, cuttings or other waste of any kind, including toxic and hazardous substances, that is not generated by a person in connection with reasonable park use.
- (m) **“Leash”** means a chain or other material, not exceeding two (2) metres in length, suitable for control of the type and size of animal attached to the leash.
- (n) **“Litter”** means any garbage, cans, bottles, papers, ashes, refuse, cuttings, trash or rubbish generated by a person while in the park and engaged in activities ordinarily connected with reasonable park use.
- (o) **“Management Plan”** means a guiding document approved by the District for the use, operation and maintenance of one or more parks.
- (p) **“Natural park feature”** includes any native or non-native tree, shrub, flower, berry, bough, grass or plant of any kind; soil, sand, gravel, rock, mineral, wood, fallen timber or other living or dead natural material.
- (q) **“Park”** means any property that:
 - i. the District has possession and control of pursuant to the *Park (Regional) Act* or “Regional Trails Regulation”;
 - ii. the District has possession and control of pursuant to Section 941 of the *Local Government Act*;
 - iii. for the purpose of park, the District holds in fee simple;
 - iv. for the purpose of park, the District holds by Crown Lease or Crown License, by permit or lease from the Ministry of Transportation, or by lease, statutory right-of-way or occupancy or access agreement with a private landowner; and
 - v. the District acquires possession or control of, holds or otherwise has an interest in, has a license or access to, for the purpose of park, further to any of subparagraphs 4.1(q)(i)-(iv) subsequent to the enactment of this bylaw;and includes property commonly referred to as regional parks and trails, community parks and trails and water or beach accesses.
- (r) **“Park Use Permit”** means a permit for special use of a park.

- (s) **"Peace Officer"** means a constable or a person having the powers of a constable and includes a member of the Royal Canadian Mounted Police.
 - (t) **"Petroglyph"** means a rock carving typically made by First Nations people and of recognized historic and cultural value.
 - (u) **"Pictograph"** means a rock painting typically made by First Nations people and of recognized historic and cultural value.
 - (v) **"Registered camper"** means a person who has purchased use of a designated campsite.
 - (w) **"Special use"** means:
 - i. any commercial or non-commercial service, activity or event that is intended to attract or requires participants or spectators and includes: a festival; competition; tournament; procession, drill, performance, concert, gathering, march; fishing derby; show; party; outdoor ceremony; regatta; animal show; group training or lesson or recreational programming; operation of a model airplane, vehicle or vessel; television or motion picture filming; and research, survey or petition activity;
 - ii. any use of reservable common facilities; and
 - iii. any incursion onto park property for non-park purposes including access for water lines, structures, road, signs or fences.
 - (x) **"Sun shelters"** include any lightweight open-sided structure intended for use as a sunscreen.
 - (y) **"Traffic control device"** means a sign, signal, line, parking meter, marking, space, barrier, or device placed or erected in order to control vehicular or non-vehicular traffic flow on roads, parking lots, trails and bridges.
 - (z) **"Vehicle"** means a device in, upon or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human-power or used exclusively upon stationary rails or tracks. Without limiting the generality of the foregoing, this provision includes cars, trucks, motorcycles, scooters, recreational vehicles, and trailers but does not include medi-scooters and wheelchairs.
 - (aa) **"Vessel"** includes any ship, boat, seaplane, parasail, sail board, kite board, canoe, kayak, row boat or paddle boat used or other device designed to be used for navigation on, in or under water.
- 4.2 The intent of this bylaw is to permit the reasonable use of parks by the public in a manner that accommodates individual rights, including the rights of freedom of assembly and freedom of expression, within the context of operating parks that are intended to provide the benefits of outdoor recreation and enjoyment for the general community and preservation and protection of natural park features.
- 4.3 In the event that any portion of this bylaw is declared *ultra vires* by a court of competent jurisdiction, then such portion shall be deemed to be severed from the bylaws and the remainder of the bylaw shall continue in full force and effect.
- 4.4 When the singular or neutral are used in this bylaw they include the plural or the feminine or the masculine or the body politic, and vice versa, where the context or the parties require.
- 4.5 The headings to the clauses in this bylaw 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 bylaw or any provision of it.
- 4.6 For certainty and clarity, this bylaw applies to all parks currently held by the District and any subsequent acquisitions.

SECTION 5 PARK REGULATIONS, PROHIBITIONS AND REQUIREMENTS

5.1 Rules and Signage

Every person shall comply with this bylaw, campground rules, traffic control devices and any other regulations, prohibitions or requirements where such additional regulations, prohibitions or requirements have been authorized by the District Manager and identified on posted signage.

5.2 Delegation

- (a) Where a provision of this bylaw makes reference to the District Manager, or authorized personnel, then the District Manager, or authorized personnel, as the case may be, are authorized to so act.
- (b) Without limiting the generality of the foregoing, the District Manager is authorized to:
 - i. post signs that may identify additional regulations, prohibitions or requirements consistent with the intent of this bylaw;
 - ii. deal with park use permits further to section 5.19, including authorizing the exclusive use of a park; and,
 - iii. remove or cause to be removed from a park:
 - (A) any obstruction placed therein contrary to the provisions of this bylaw;
 - (B) anything erected therein contrary to the provisions of this bylaw;
 - (C) any vehicle parked or left standing therein contrary to the provisions of this bylaw
 - (D) any sign placed therein contrary to the provisions of this bylaw;
 - (E) any vehicle being used or driven in a manner contrary to the provisions of this bylaw;or
 - (F) any vessel parked or moored contrary to the provisions of this bylaw.
- (c) Without limiting the generality of the foregoing, authorized personnel, including the District Manager, are authorized to:
 - i. post signs or traffic control devices in parks that:
 - (A) designate the maximum speed to be traveled by vehicles on roads, parking lots, trails and bridges;
 - (B) designate areas where parking of vehicles is permitted;
 - (C) designate the direction that vehicles are to travel upon roadways;
 - (D) designate areas that are to be used for certain functions or purposes;
 - (E) set out rules and regulations governing the use of certain facilities;
 - (F) designate areas in which certain activities are prohibited;
 - (G) limit the use of roadways or other facilities;
 - (H) give warning of danger; and,
 - (I) prohibit entry to the park or facilities;
 - ii. remove any person from a park who fails to leash their animal when requested; and
 - iii. restrict or prohibit access to water bodies within a park.

5.3 Public Conduct

- (a) No person shall:
 - i. behave in a disorderly, dangerous, violent or offensive manner, or molest or injure another person or another person's property;
 - ii. loiter or engage in a public display of lewd or sexual acts;
 - iii. obstruct or interfere with any person or traffic lawfully using a park or any common facilities located therein; or
 - iv. hinder, deter or interrupt any person in the exercise of any of their duties in charge of any special use activity or event.
- (b) No person except the holder of a park use permit granting specific exemption shall:
 - i. make or cause noises or sounds, including yelling, screaming, the blowing of horns and the playing of musical instruments, radios, tape players, compact disc players, vehicle sound

- systems or similar devices or as produced by the operation of model cars, boats or airplanes or any equipment, generators, vehicles, vessels or machinery, which disturb or tend to disturb the quiet, peace, enjoyment, and comfort of others in the park, adjacent landowners or persons in the vicinity: or
- ii. make, play or cause to be made or played electrically or electronically amplified sound of any kind.
- (c) All persons shall use toilets to relieve themselves if toilets are provided in a park. Where no toilet is provided, no person shall relieve themselves in public view or within 300 metres of a private residence outside the park.
- (d) No person may consume or possess liquor, except:
- i. holders of a park use permit granting exemption; and
 - ii. registered campers and their guests within designated campsites.
- (e) No person shall enter or otherwise remain within a park for any purpose whatsoever during curfew hours, except:
- i. a registered camper;
 - ii. a person using a Level 3 park as described in Schedule "A";
 - iii. a person who has a park use permit granting exemption; and
 - iv. the houseguests of a contractor occupying a park residence.

5.4 Vehicles

- (a) No person shall:
- i. drive, propel or otherwise operate any vehicle, except:
 - (A) on designated roadways or in designated parking areas;
 - (B) in conformance with traffic control devices;
 - (C) in such a manner that natural park features are not disturbed; and
 - (D) where applicable, in conformance with a park use permit;
 - ii. drive, propel or otherwise operate an all terrain vehicle (ATV), dirt bike or recreational motorcycle;
 - iii. drive a vehicle in such a manner as to disturb the enjoyment of the park by other persons;
 - iv. bring in or allow to remain in a park a mobile home, whether or not outfitted for use as accommodation; or
 - v. clean, repair or carry out maintenance on a vehicle.
- (b) Where no speed limit is posted, no person shall drive a vehicle at a greater speed than 10 kilometres per hour.

5.5 Parking

- (a) No person except the holder of a park use permit granting exemption shall:
- i. park a vehicle anywhere except in designated parking areas;
 - ii. park or station a vehicle in such a manner as to impede the proper use of a road or parking area;
 - iii. park or station a vehicle in contravention of a traffic control device; or
 - iv. park or station an ATV, dirt bike or recreational motorcycle.
- (b) No person except a registered camper or the holder of a park use permit granting exemption shall park or leave a vehicle in a park during curfew hours.
- (c) Vehicles, and ATVs, dirt bikes and recreational motorcycles parked, stationed or left in violation of this bylaw, traffic control devices or posted signs may be towed away immediately, at the owner's expense.

5.6 Camping

- (a) No person shall camp in a park, except a registered camper in a Level 1 park.
- (b) Without limiting the applicability of this bylaw, all registered campers shall abide by campground rules as described in Schedule "B" and any other authorized regulations, prohibitions or requirements posted at District campgrounds.

5.7 Vessels

- (a) No person except the holder of a park use permit granting exemption shall:
 - i. launch or remove a vessel from a body of water except:
 - (A) from a designated boat launch ramp, or
 - (B) by physically carrying, and not dragging, the vessel to and from the water;
 - ii. be off designated roadways or interfere with natural park features in order to launch a vessel;
 - iii. operate a vessel within an area designated by signs or buoys for swimming or along waterfront in a way that will endanger, disturb or otherwise interfere with the free use of the water for the purpose of bathing and swimming except in the immediate vicinity of a boat launch and for the purpose of approaching or moving away from the boat launch on a line perpendicular to shore;
 - iv. run a vessel ashore except in designated boat beaching areas;
 - v. impede or endanger pedestrian movement along a beach or foreshore;
 - vi. moor a vessel to dry land; or
 - vii. store a vessel on land or water.
- (b) No person except a registered camper or the holder of a park use permit granting exemption shall leave a vessel on land or water during curfew hours.
- (c) No person shall bring in, park, station, operate, launch or run ashore a personal watercraft.
- (d) When on the water, all persons operating a vessel shall abide by Canadian Coast Guard regulations. No person shall exceed the Coast Guard shoreline speed restriction of 10 kilometres per hour (5.4 knots or 6.2 miles per hour) while operating within 30 metres (100 feet) of shore.

5.8 Cycling and Horseback Riding

- (a) No person shall operate a cycle or ride a horse:
 - i. where prohibited by traffic control devices or posted signs;
 - ii. along a beach or below any water course's top of bank, natural boundary or high tide mark unless on a trail identified by posted signs as permitting cycle or horse use; or
 - iii. in such a way as to damage natural park features, common facilities or other improvements including roadways and trails.

5.9 Domestic and Wild Animals

- (a) No person, except a person with a disability accompanied by a guide animal on a leash, shall bring a domestic animal into a park or a section of park where such animals are prohibited by posted sign.
- (b) No person shall permit a domestic animal to run or roam at large or to feed on vegetation.
- (c) A person having custody of an animal must exercise effective control over the animal by restraining it with a leash or by having the animal respond and return immediately when called by the handler.
- (d) A person having custody of an animal must exercise control over the animal to ensure that it causes:
 - i. no annoyance, including barking or howling for a continuous period of ten (10) seconds or more;
 - ii. no injury to wild animals;
 - iii. no injury to any person or their animal(s); and

- iv. no damage to any public or private property, natural park feature or common facility.
- (c) A person having custody of an animal shall when requested by authorized personnel restrain the animal with a leash or remove the animal from a park.
- (f) A person having custody of a dog must remove any excrement deposited by the animal to a waste container. This provision does not apply to Level 4 parks as identified in Schedule "A" unless signed to the contrary at a park.
- (g) No person shall:
 - i. feed, snare, trap, catch or hold by any means or purposefully disturb, frighten, molest or injure any wild animal; or
 - ii. store or set out food in a way that will attract wild animals.

5.10 Firearms, Hunting, Fishing and Shellfish Harvesting

- (a) No person except the holder of a park use permit granting exemption shall hunt or carry or discharge any firearm, air gun, blank ammunition starting pistol, bow or crossbow, slingshot or similar device.
- (b) No person shall fish or harvest shellfish without having the requisite provincial or federal license.
- (c) No person shall fish or harvest shellfish
 - i. in a designated swimming area, or
 - ii. in a way that impedes or endangers the free use of waterfront by swimmers and bathers.

5.11 Garbage and Pollution

- (a) No person shall deposit or leave litter in or upon a park except in the containers provided for such purpose.
- (b) No person shall bring in, deposit or leave any household or other garbage in or upon a park.
- (c) No person operating a recreational vehicle shall release sewage except where a sani-station is provided for that purpose.
- (d) No person shall foul or pollute in any way, including washing in a lake, stream or river or around wells, any area of water including wells and water pumps.
- (e) No person shall observe oil, gasoline or other undesirable spills on land or water and including a well without immediately alerting authorized personnel.

5.12 Damage and Interference

- (a) No person shall:
 - i. alter, remove, move, deface, cut, damage or destroy any building or structure or other improvement, common facility or other fixture;
 - ii. alter, deface, cut, scrape, grind, bury or uncover or otherwise damage any petroglyph or pictograph;
 - iii. remove or deposit soil or gravel;
 - iv. store any material or objects of any kind;
 - v. climb, walk or sit upon any wall or fence, or climb up on or jump off of a bridge;
 - vi. damage or destroy the utility of any court or play structure or in any way interfere with or obstruct their free use by those lawfully entitled to use them;
 - vii. bring in, build or cause to be built any temporary or permanent structure including a fence or playground equipment;
 - viii. erect a tent or other permanent or temporary shelter or set up an encampment. Sun shelters having a footprint no greater than three metres by three meters are excluded from this provision; or
 - ix. obstruct or cause to obstruct public access to a park.
- (b) No person shall place graffiti on walls, pavement, common facilities, natural park features, petroglyphs or pictographs or elsewhere in a park.
- (c) No person shall let off, turn on, or discharge any water so that the water runs to waste out of any tap, pipe, hose or other fixture.

5.13 Fire

- (a) No person except the holder of a park use permit granting exemption shall:
 - i. light a fire except in designated fire pits provided for that purpose or in a portable hibachi, barbecue or propane stove;
 - ii. build a fire exceeding 1-metre in height; or
 - iii. set off any fireworks or other explosive material.
- (b) No person shall discard on the ground or into a garbage container any lighted or burning matter including a match, cigar or cigarette.
- (c) No person shall observe a fire not in a designated fire pit without immediately alerting authorized personnel.

5.14 Natural Environment

- (a) No person except the holder of a park use permit granting exemption shall:
 - i. remove, move, cut, prune, top, apply herbicides, fungicides or insecticides to, or ii. damage or destroy any natural park feature;
 - ii. pick wild or cultivated flowers, salal, coniferous boughs or other plants except edible berries and mushrooms;
 - iii. deposit plant waste, debris or compost; or
 - iv. plant or fertilize any vegetation.
- (b) Without limiting the foregoing, no person except the holder of a park use permit shall:
 - i. alter, disturb or harm natural park features for the purpose of creating a play space, cycle jump, game course or other defined area for playing; or
 - ii. denude an area of edible berries or mushrooms.

5.15 Play

- (a) No person shall play ball or any games so as to molest or interfere with or become a nuisance to others.
- (b) The playing of any games on or in any court, playground, ball field or anywhere else may be restricted and regulated at any time by authorized personnel.

5.16 Special Use and Commerce

- (a) Except for authorized personnel or where authorized by a park use permit, no person shall:
 - i. undertake or engage in a special use;
 - ii. carry on a commercial or industrial undertaking of any kind or nature or provide professional, personal or other services;
 - iii. post, paint or distribute any advertisement, sign, handbill, pamphlet, poster or placard of any kind; or
 - iv. operate, park or station any vehicle displaying advertising or equipped with a public address system.

5.17 Park Use Permits

- (a) Application for a park use permit shall be made to the District Manager who may:
 - i. grant, refuse, revoke, renew or refuse to renew a park use permit;
 - ii. establish park use permit fee amounts that differ from the general rates described in Schedule "C";
 - iii. impose terms and conditions on obtaining, holding or renewing a park use permit;
 - iv. determine the amount of a park use permit fee refund in the event of a cancellation; or
 - v. refer an application to the District Board for determination.
- (b) An applicant for a park use permit may appeal the decision of the District Manager to the District Board by submitting a written request to the Board Chairman within 15 days of issuance of a decision by the District Manager.

- (c) A park use permit application must be accompanied by the required permit fee, damage deposit and proof of comprehensive general liability insurance, as set out in Schedule "C".
- (d) Conditions associated with a park use permit may include:
 - i. the confinement of a special use to a specific location within a park, to certain time periods or to participation by certain people;
 - ii. that the applicant supply, install and service additional garbage receptacles or portable toilets or pay the District for additional servicing required as a result of the permitted activity;
 - iii. that the applicant provide and pay for the provision of appropriate fire and police or security protection during the course of the special use;
 - iv. restrictions on the use of generators and other mechanical, electrical or electronic devices; the playing of live or recorded music; and the erection or placement of any temporary structures, seating, tables, flags, banners or other gear associated with the special use activity;
 - v. specific exemptions from provisions of this bylaw;
 - vi. any other terms and conditions specific to the nature of the special use requested given consideration of the impact of the special use on the park, park users and neighbours; and
 - vii. any other terms and conditions consistent with the intent of this bylaw.
- (e) A park use permit may not be issued unless all the following criteria are met:
 - i. the special use conforms to any management plan produced for a park;
 - ii. the location of the permitted activity will not cause a significant or permanent negative environmental impact on the park and is sensitive to the use of the park by others;
 - iii. the applicant assumes full responsibility for the special use and indemnifies the District to its satisfaction, and
 - iv. the applicant has satisfied the requirements of paragraphs (c) above and agreed to the conditions set out in his park use permit.
- (f) Without limiting the authority of the District Manager, a park use permit may be refused if the applicant has previously contravened this bylaw.
- (g) The holder of a park use permit must also comply with the regulations, prohibitions and requirements of all other government bodies and local authorities including this and other District bylaws, for example, Bylaw No. 1010 Special Events Regulatory Bylaw for events involving more than 500 people, unless specifically exempted in writing.
- (h) In addition to any other penalties and enforcement actions, where the holder of a park use permit has not satisfied the terms and conditions of his permit:
 - i. a park use permit may be revoked;
 - ii. a park use permit fee or a damage deposit may be forfeited to the District;
 - iii. the District may exercise any rights under the applicant's insurance; and
 - iv. the applicant may be required to pay, at the rate specified in Schedule "C", the cost of preparations, repairs, clean-up or park restoration undertaken by the District consequent to special use, failure to do so entitling the District to do the work at the applicant's expense.

SECTION 6 ENFORCEMENT

- 6.1 This bylaw may be enforced by Bylaw Enforcement Officers in the course of their duties.
- 6.2 A Bylaw Enforcement Officer may, in his sole discretion, order a person who does anything contrary to this bylaw or campground rules to:
 - (a) cease and desist contravention of the bylaw;
 - (b) leave a park immediately or within a period of time specified by the Bylaw Enforcement Officer;
 - (c) remove or cause to be removed any animals, cycles, vehicles, vessels, structures, buildings or other things that are in contravention of the bylaw; or
 - (d) restore any damage caused to natural park features, common facilities or other park property;

and every person so ordered shall comply.

- 6.3** Bylaw Enforcement Officers and District employees may enter onto private property, with or without consent of the landowner, for the purposes described in, and in accordance with, Section 16 of the *Community Charter*.

SECTION 7 PENALTIES

- 7.1** Any person who contravenes a provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw or who refuses or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw, is guilty of an offence and:
- (a) on summary conviction, is liable for a fine of not less than \$50.00 and not more than \$10,000; or
 - (b) on conviction of a ticket offence under the District's Ticket Information Utilization Bylaw No. 1015 or Schedule "D" of this Bylaw, is liable for the fine imposed.

SECTION 8 REMEDIAL ACTION

- 8.1** Where a person has damaged or removed any natural park feature or common facility, the person is required to replace that natural park feature or common facility with one of similar value, or pay an equivalent amount to the District upon demand.
- 8.2** Where a person has been requested to do something under a provision of this bylaw, and that thing has not been done within the time specified:
- (a) authorized personnel may fulfil the requirement at the expense of the person;
 - (b) authorized personnel may enter onto the person's property, if necessary or convenient, to fulfill the requirement; and
 - (c) the District may recover the costs incurred from that person as a debt.

Introduced and read three times this 23rd day of November 2004.

Reconsidered and adopted this 23rd day of November 2004.

Chairman

General Manager, Corporate Services

Schedule "A"

DISTRICT PARKS

Electoral Area	Location/Name	Legal Description	Use ¹
Level 1 Parks -- Parks with Campgrounds			
B	Descanso Bay	Nanaimo Gabriola LD, S20 I.A & B Plan VIP73679	RP
H	Horne Lake	Alberni LD, Bl 140 VI.&M Plan VIP691N exc Plan 46603	RP
Level 2 Parks -- Improved Parks, Trails and Other Open Spaces			
A	3500 Hallberg Road	Bright LD, DL7 L32 PID 002706831 Plan 25967	O
	Morden Colliery Trail	Cedar LD, R1 S12 & 13 Pel A, S14 Pel B, S15 Pel C, R2 S14 Pel B, S15 Pel A and Cranberry LD, R8 S12 Pel A; all Plan DD6974-N	CT
	Nanaimo River	Cranberry LD, S7 R8 PID 008996318 Cranberry LD, S6 R8 W25 ac S6R8 PID 008996369	RP
B	1574 Whalebone Drive	Nanaimo Gabriola LD, S31 Plan 17658	CP
	1612 Whalebone Drive	Nanaimo Gabriola LD, S31 Plan 17658	CP
	1656 Whalebone Drive	Nanaimo Gabriola LD, S31 Plan 17658	CP
	1748 Tashtego Crescent	Nanaimo Gabriola LD, S31 Plan 17658	CP
	Rolle McClay	Nanaimo Gabriola LD, S18 Plan VIP51655	CP
	Joyce Lockwood	Nanaimo Gabriola LD, S16 UCL (N of S16 & E of S31) Plan 17658	CP
	Descanso Bay Road #26	Nanaimo Gabriola LD, S25 between L16 & 17 Plan VIP14718	BA
Narrows Road #38	Nanaimo Gabriola LD, S28 between L15 & 16 Plan 17835	BA	
C	2201 Bramley Road	Cranberry LD, R2 S11 L1 PID 001992627 Plan 42672	O
E	Jack Bagley	Nanoose LD, DL6 Lot A PID 001486772 Plan 13317	CP
	Nanoose Place	Nanoose LD, DL6 L2 PID 016373677 Plan 50996	O
	Fire Hall	Nanoose LD, D130 L7 Plan 27190 PID 002571633	O
	2457 Nanoose Road	Nanoose LD, DL130 L3, 4, 5 & 6 Plan 27190	CP
	Brickyard	Nanoose LD, DL78 Plan 47638	CP
Beachcomber	Nanoose LD, D138 Bl A Lots 29 & 30 PIDs 005276420 & 005276446 Plan VIP10777	RP	
F	Fire Hall	Nanoose LD, DL104 L1 PID 001384546 Plan 29491	O
	Fire Hall	Nanoose LD, Bl 521 L40 PID 001081608 Plan 32293	O
	Fire Hall	Cameron LD, DL4 L1 PID 000018732 Plan 38539	O

¹ Use: Community Park (CP), Community Trail (CT), Beach Access (BA), Other (O), Regional Park (RP), Regional Conservation Area (RCA), Regional Trail (RT).

Electoral Area	Location/Name	Legal Description	Use ²
Level 2 Parks – Improved Parks, Trails and Other Open Spaces (continued)			
G	1035 Maple Lane Drive	Nanoose LD, DL1 Plan 30958	CP
	Boulthbee	Nanoose LD, DL49 L66 PID 000166677 Plan 32604	CP
	Hawthorne Rise	Nanoose LD, DL49 Plan 40962 & VIP76162	CP
	Fire Hall	Newcastle LD, DL80 L1 PID 000591122 Plan 41282	O
	Needen Way	Nanoose LD, DL81 Plan 42840	CP
	836 San Malo Crescent	Nanoose LD, DL181 Plan 45190	CP
	Women's Institute Hall	Newcastle LD, DL11 Lot A PID 000158321 Plan 32528	O
	1000 Miraloma Drive	Nanoose LD, DL88 Plan VIP65008	CP
	1046 Tara Crescent	Nanoose LD, DL29 Plan VIP69574	CP
	San Pareil Boardwalk	Nanoose LD, DL181, inter-tidal flat W of L1, 2 & 3 Plan 45190	CT
H	Lighthouse Community Centre	Newcastle LD, DL32 Lot A PID 008840024 Plan 45846	CP/O
	Sunnybeach Road #18	Newcastle LD, DL33 between L1 Plan VIP72052 & LA Plan 73539	BA

Level 3 Parks – Commuter Trail

G	Barclay Crescent Bridge	Nanoose LD, DL28, between L10 Plan VIP23031 & L1 Plan 26472	RT
	Fern Road Woods Trail	Nanoose LD, DL78 Plan 1694 between BH5 L7 & B16 L17	RT

Level 4 Parks – Undeveloped Parks, Trails and Other Open Spaces

A	1625 Fawcett Road	Cedar LD, DL36 S16 R5 VIP14877	CP
	2931 Ivor Road	Cedar LD, S19 R4 Plans 35760 & 41900	CP
	2180 Addison Way	Cedar LD, S10 R1 Lot D PID 002071681 Plan 42783	CP
B	Malaspina Galleries	Nanaimo Gabriola LD, S24 Plan 13535	CP
	1463 Moby Dicks Way	Nanaimo Gabriola LD, S31 Plan 17658	CP
	1486 Moby Dicks Way	Nanaimo Gabriola LD, S31 Plan 17658	CP
	1645 Whalebone Drive	Nanaimo Gabriola LD, S31 Plan 17658	CP
	1961 Clamsheil Drive	Nanaimo Gabriola LD, S3 Plan 23476	CP
	2061 South Road	Nanaimo Gabriola LD, S3 Plan 24754	CP
	1220 Fleet Street	Nanaimo Gabriola LD, S18 Plan 30963	CP
	1888 Stalker Road	Nanaimo Gabriola LD, S4 Plan 41031	CP
	1185 The Strand	Nanaimo Gabriola LD, S18 Plan 45781	CP

² Use: Community Park (CP), Community Trail (CT), Beach Access (BA), Other (O), Regional Park (RP), Regional Conservation Area (RCA), Regional Trail (RT).

Electoral Area	Location/Name	Legal Description	Use ³
Level 4 Parks – Undeveloped Parks, Trails and Other Open Spaces (continued)			
B	3045 Coast Road	Nanaimo Gabriola LD, S4 PID017390397 VIP52510	CP
	1103 Sea Fern Lane	Nanaimo Mudge LD, S26 Plan 15752	CP
	Petroglyph Trail	Nanaimo Gabriola LD, S2 VIP66198	CT
	1412 Coats Drive	Nanaimo Gabriola LD, S9, Plan VIP69975 & S10 Plan VIP75929	CP
	De Courcy Island	Nanaimo De Courcy LD, S24, Plan VIP71391	CP
	Cox Community Park	Nanaimo Gabriola LD, S20, PID 002138719, Rem N1/2 of N1/2 of S20	CP
	Link Bay Road	Nanaimo De Courcy LD, S24, Plans 39964 & 46938	CP
	Decourcy Drive	Nanaimo Gabriola LD, S21 PID 004799071, Plan 12655	CP
	Decourcy Drive #15	Nanaimo Gabriola LD, S21 between L14 Plan VIP12655 & L1 Plan VIP13796	BA
	Tinson Road #011	Nanaimo Gabriola LD, S21 between L45 & 46 Plan VIP12655	BA
Spring Beach #044	Nanaimo Gabriola LD, S2 Plan VIP21158 between L17 & 26	BA	
The Strand #87	Nanaimo Gabriola LD, S8 Plan VIP17698 between L36 & 37	BA	
C	2840 Riverbend Road	Cranberry LD, R6 S4 Plan 38144	CP
	2966 Forever Road	Cranberry LD, R6 S4 Plan 38144	CP
	1919 Plecas Road	Cranberry LD, R5 S13, Plan 50377	CP
	1563 Nanaimo River Rd	Douglas LD, DL5 Plan VIP59461	CP
	431 Virostko Road	Cranberry LD, R2 S13 Plan VIP69191 & Plan DD4495N Pcl C PID 009694854	CP/CT
	1730 Nanaimo River Rd	Douglas LD, DL3 L9 Plan VIP73765	CP
	Trans Canada Trail	Cranberry LD, R1 pt S3-5 & 16-20, & pt B1 87; Nanaimo LD, R1 pt S4; Bright LD, pt B1s 714 & 87; Douglas LD, pt B1 87	RT
	Haslam Creek Bridge	Bright LD, pt B1 87 Plan DD61352-N & B1 1252 PID 008721084	RT
D	Benson Creek	Mountain LD, R1 S18 B1 A, Plan VIP41U1485	RP
E	3005 Dolphin Drive	Nanoose LD, DL78, Plan 14212	CP
	Blueback	Nanoose LD, DL78 Plan 15983	CP
	Crowsnest	Nanoose LD, DL78 Plan 22994	CP
	2450 Collins Crescent	Nanoose LD, DL6 Plan 23588	CP
	1809 Ballenas Road	Nanoose LD, DL68 L1 PID 002066734 Plan 27376	O
	Enos Creek	Nanoose LD, DL78 Plan 29112	CP
	1808 Amelia Crescent	Nanoose LD, DL68 L86 PID 001271482 Plan 30341	CP
	2940 Powder Point Road	Nanoose LD, DL78 Plan 36514	CP

³ Use: Community Park (CP), Community Trail (CT), Beach Access (BA), Other (O), Regional Park (RP), Regional Conservation Area (RCA), Regional Trail (RT).

Electoral Area	Location/Name	Legal Description	Use ⁴
Level 4 Parks – Undeveloped Parks, Trails and Other Open Spaces (continued)			
E	2301 Weston Place 2297 Weston Place 1542 Crab Road 8428 Rumming Road 3471 Carmichael Road Henley Place Arbutus Grove Wall Estate 3383 Redden Road Dolphin Lake Schooner Ridge Dolphin Marsh Claudet Road 2453 Ainsley Place 2531 Rowland Road	Nanoose I.D, DL6 L22 PID 000978060 Plan 38573 Nanoose I.D, DL6 Plan 38573 Nanoose I.D, LU52, Plan 44310 Nanoose I.D, DL186 Plans 47433 Nanoose I.D, DL78 Plan 51142 Nanoose I.D, DL30 & 78 Plan 51707 Nanoose I.D, DL117 Plan 43915 Nanoose I.D, DL22 Plan 50198 Nanoose I.D, DL30 Plan 53134 Nanoose I.D, DL30 Plan 60049 Nanoose I.D, DL78, 30, Plan 59180 Nanoose I.D, DL30, 78 Plan 60602 Nanoose I.D, DL62 L1 PID 002732548 Plan 26234 & LA PID 011167084 Plan 46810 Nanoose I.D, DL78, Plan VIP68559 Nanoose I.D, DL67, Plan VIP75472	O CP CP CP CP/CT CP/CT CP CP CP/CT CP CP CP CP CP CP CP CP CP CP
F	3529 Harris Crescent 2753 Old Alberni Hwy 1281 Gregory Road 1023 Allsbrook Road 1209 Kilby Road 898 Hillier Road 3171 Brooklin Lane No civic No civic 3857 Wild Road Malcolm Property Little Qualicum River Arrowsmith Trail	Cameron LD, DL74 Plan 24741 Nanoose I.D, DL143 Plan 37624 Nanoose I.D, DL140 Plan 37952 Nanoose I.D, DL43 Plan 39421 Nanoose I.D, DL149 Plan 43286 Cameron I.D, DL4 Plan 46163 Cameron LD, DL4 Plan 48368 Newcastle LD, Bl 1375 Plan 41053 Cameron LD, DL8, Plan VIP1981, 52834 Cameron LD, DL9 Plan 52495 Cameron LD, DL9 Lot A, SW ¼ Plan DD4504N PID 008738505 Newcastle LD, Bl 359 L1 Plan VIP 69346 Cameron LD, pts Bl 415, 1324 & 1377	CP CP CP CP CP CP CP CP CP CP CP CP CP CP CP CP CP CP CP RP RT
G	FCPCC 676 Barclay Crescent 1013 Centre Crescent 1225 Sunrise Drive 1592 Marine Circle No civic 943 Lee Road 675 Chartwell Boulevard Top Bridge	Nanoose LD, DL28 L4 Pcl A PID 006365876 Plan DD5360-N; L2 Exc E 4.5 ch PID 006365779 Plan 2570; L3 Exc Pl 26472 PID 005572681 Plan 9203 Nanoose I.D, DL28 Plan 27077 Newcastle I.D, DL9 Plan 28564 Nanoose I.D, DL49 L23 PID 001397826 Plan 29438 Nanoose LD, DL28 Plan 30213 Nanoose LD, DL29 Plan 32898 Nanoose LD, DL29 Plan 45825 Nanoose LD, DL88 Plan 49333 Nanoose I.D, Bl 419 Plan 30113	O CP CP O/CP CP CP CP CP CP

⁴ Use: Community Park (CP), Community Trail (CT), Beach Access (BA), Other (O), Regional Park (RP), Regional Conservation Area (RCA), Regional Trail (RT).

Electoral Area	Location/Name	Legal Description	Use ⁵
Level 4 Parks – Undeveloped Parks, Trails and Other Open Spaces (continued)			
G	1030 Ganske Road	Newcastle LD, DL76 Plan 60023	CP
	1257 Lee Road	Nanoose LD, DL29 & 28 Lot B PID 023004533	CP
	903 Riley Road	Plan 60349Nanoose LD, DL81, Plan 51544	CP
	597 Columbia Drive	Nanoose LD, DL28 Plan VIP62528	CP
	807 Miller Road	Nanoose LD, DL28 Lot A PID 023846194 Plan	CP
	740 Miller Road	65679Nanoose LD, DL29 & 83 Lot 2 PID 025783017 Plan VIP76030	CP
	Admiral Tryon Blvd	Nanoose LD, DL28 between L22 Plan 22290 & L1 Plan 33977	BA
	Little Qualicum River Estuary	Newcastle LD, DL 11, 110, Lot 1 PID 025651561 Plan 75238	RCA
	Englishman River	Nanoose LD, Block 602 L1 Plan VIP76721 PID 025900323 & all remainder B1 602	RP
	River's Edge	Nanoose LD, B1 564 L1, PID 025862804 Plan 76468; L7 PID 025920260 Plan 76856; L19 PID 025920383 Plan 76856; L11 PID 025863649 Plan 76472; L38 PID 025863525 Plan 76471; L1 Plan VIP75276 PID 025665545	RP/O
Top Bridge Trail	Nanoose LD, DL 129 L3 PID 006718876 Plan VIP2072	RT	
H	5354 Gainsburg Road	Newcastle LD, DL1 Plan 20442	CP
	Rose Park	Newcastle LD, DL22 Lot 1 PID 018048757 Plan VIP55641	CP
	4776/4877 Ocean Trail	Newcastle LD, DL82 Plan 31044	CP
	2905 Marshall Road	Newcastle LD, DL9 Plan 34434	CP
	241 Huson Road	Newcastle LD, DL9 Plan 34642	CP
	Dunsmuir	Newcastle LD, DL31 Plan 37285	CP
	5162 Pearl Road	Newcastle LD, DL27 Plan 38181	CP
	68 Islewood Drive	Newcastle LD, DL22 L20 PID 000668443 Plan 41507	CP
	3875 Bovans Road	Newcastle LD, DL22 Plan 41640	CP
	3876 Bovans Road	Newcastle LD, DL22 L8 PID 000775088 Plan 41662	CP
	212 Kenmuir Road	Newcastle LD, DL9 Plan 42807	CP
	151 Jamieson Road	Newcastle LD, DL40 Plan 43604	CP
	Illusion Lakes	Alberni LD, B1 360 Plan 37698	CP
	216 Kenmuir Road	Newcastle LD, DL9 Plan 52606	CP
	4370 Kelsey Road	Newcastle LD, DL36 Plan VIP53143	CP
	95 Esary Road	Newcastle LD, DL36 Plan VIP61726	CP
	7123 Island Highway W.	Newcastle LD, DL85 Plan VIS4417	CP
No civic	Newcastle LD, DL 20 L1 Plan 6994	CP	

⁵ Use: Community Park (CP), Community Trail (CT), Beach Access (BA), Other (O), Regional Park (RP), Regional Conservation Area (RCA), Regional Trail (RT).

Electoral Area	Location/Name	Legal Description	Use ⁶
Level 4 Parks – Undeveloped Parks, Trails and Other Open Spaces (continued)			
H	Wildwood	Newcastle LD, DL55 L38 PID 006659985 Plan 2018	CP
	5320 Gainsburg Road	Newcastle LD, DL1, 86 L2 PID 024784338 Plan VIP70719	CP
	2910 Leon Road	Newcastle LD, DL9 Plan VIP65473	CP
	Alert Road #11	Newcastle LD, DL16 between LA Plan VIP11435 & L1 Plan VIP10527	BA
	Franksea Road #14	Newcastle LD, DL33 between L1 Plan VIP918R & LA Plan VIP28923	BA
	Baywater Road #17	Newcastle LD, DL20 between L1 Plan VIP74109 & LA Plan VIP61092	BA
	Crane Road #23	Newcastle LD, DL22 between rem. Lot 1, Plan 12132 & Pt 2 Plan 5622	BA
	Nile Road #24	Newcastle LD, DL22 between L2 Plan VIP41640 & L2 Plan VIP12132	BA
	Bowser Road #31	Newcastle LD, DL36 between L4 Plan VIP21618 & LA Plan VIP55219	BA
	Buccaneer Beach Rd #36	Newcastle LD, DL40 between L35 & 36 Plan 16121	BA
	Shoreline Drive #42	Newcastle LD, DL28 Plan 24584 between L9 & 10	BA
	Deep Bay Drive #47	Newcastle LD, DL1 between L70 & 71 Plan VIP20442	BA
	Lighthouse Country Trail	Newcastle LD, Whistler Road from DL32 LA Plan 45846 to DL85 L38 Plan 2018, & DL85 Plan 2018 Corduoy Rd from sthly bndry Noonday Rd to wstly bndry L39	RT
	Home Lake Caves Road Hunts Creek Bridge	Albion LD, DL251 nrthly bndry of Road Albion LD, DL254 PID 001903276 Plan VIP1753R	RT RT

⁶ Use: Community Park (CP), Community Trail (CT), Beach Access (BA), Other (O), Regional Park (RP), Regional Conservation Area (RCA), Regional Trail (RT).

Schedule "B"

CAMPGROUND RULES APPLICABLE TO LEVEL 1 PARKS

1. Registration

At Horne Lake Regional Park, all campers must register and pay at the park office upon arrival. At Descanso Bay Regional Park, campers may proceed to the campground and set up camp in their reserved site, or in a site with no 'reserved' sign posted, and register and pay when authorized personnel make their rounds.

2. Fees

- (a) *Horne Lake Regional Park*
Wooded sites – \$17 per night
Waterfront and overflow sites – \$22 per night
Non-profit youth group rate – \$2 per head per night
Boat launch – \$5 per launch; \$2 per launch for Owners of Strata Plan – VIS 5160.
Programmed recreation campsites – as authorized by District Manager
Programmed recreation – as authorized by District Manager
Rentals – as authorized by District Manager
Firewood and other goods – as authorized by District Manager
- (b) *Descanso Bay Regional Park*
All sites \$15/night
Non-profit youth group rate – \$2 per head per night
Firewood and other goods – as authorized by District Manager

Any person who has not paid a required fee will be charged double the regular rate. The Goods and Services tax may be charged in addition to the above noted fees.

3. Number of People and Vehicles per Designated Campsite

At each designated campsite there may be no more than:

- (a) eight (8) people, including no more than four (4) adults, an adult being 16 years of age or older; and
(b) one recreational vehicle (RV).

A second non-RV vehicle may be permitted by authorized personnel at a designated campsite for an additional nightly charge of 50 per cent of the campsite fee if space permits.

4. Length of Stay

The maximum length of stay for a camper is fourteen days per season, not necessarily consecutively. Additional stays may be allowed by authorized personnel if vacancies permit.

5. Campsite Condition

Campers must remove all garbage from their campsites and fire pits before vacating a site.

6. Noise

During the hours between 11 pm and 7 am, all campers shall be quiet. During the remainder of the day, noises or sounds generated at one campsite must not be sufficient to bother neighbouring campers.

7. Boat Launch Ramp at Horne Lake Regional Park

All vessels requiring a trailer must be launched at the boat launch ramp. All launchers must register and pay at the park office before launching a vessel, and carry with them when on the water any boating rules and maps provided at registration. The ramp opens at 7 am and closes by no later than 9:30 pm or dusk, whichever is earlier. All vessels must be out of the water by ramp closing time.

Schedule "C"

Special Uses	PARK USE PERMIT FEES ⁷			
	Permit Fee ⁸	Damage Deposit	Site Preparation and Clean-up Costs	Comprehensive General Liability Insurance
1. Use of common facilities such as shelters and congregate spaces for groups involving up to 50 people	\$50 / day	n/a		n/a
2. Non-profit recreation services or activities such as training, guiding and recreation programming	\$15 / day	\$100	Repair to facilities at cost, plus	\$2,000,000
3. Commercial recreation services or activities such as training, guiding and recreation programming	\$100 / day	\$100	Hourly charge-out rate of	\$2,000,000
4. Events such as festivals, shows, parties, competitions, regattas, ceremonies, and the operation of model planes	\$100 / day	\$100	\$28/person and \$25/vehicle	\$2,000,000
5. Commercial filming (video, motion picture or television) or still photography	\$250 / permit	\$500		\$5,000,000
6. Research activity including survey and petition work	\$50 / permit	\$100		\$2,000,000
7. Access through a park for utilities or vehicles	\$500 / year	n/a		\$2,000,000

⁷ All fees are subject to the Goods and Services Tax.

⁸ A permit fee exemption may be granted where a special use is deemed to be of benefit to a park. Non-profit groups including schools that involve participants less than 18 years of age only are exempt from the requirement to pay a permit fee.

Schedule "D"

FINE SCHEDULE

Description of Offence	Section of Bylaw	Minimum Fine
Failure to comply with rules and signage	5.1	\$100
Unacceptable public conduct	5.3	\$100
Improper use of a vehicle	5.4	\$100
Improper parking	5.5	\$100
Failure to obey camping rules	5.6	\$100
Improper use of a vessel	5.7	\$100
Inappropriate cycling or horseback riding	5.8	\$100
Failure to control or manage an animal	5.9(a) to (f)	\$ 50
Behaviour detrimental to a wild animal	5.9(g)	\$100
Hunting; carrying or discharging guns or bows	5.10(a)	\$200
Improper fishing or shellfish harvesting	5.10(b)(c)	\$ 50
Littering	5.11(a)	\$ 50
Depositing garbage or polluting with undesirable materials	5.11(b)to (d)	\$200
Failure to alert authorities about a known pollution event	5.11(e)	\$ 50
Causing damage or interfering	5.12	\$100
Unacceptable use of fire, lit materials or explosives	5.13(a)(b)	\$100
Failure to alert authorities about known at-large fires	5.13(c)	\$ 50
Improper treatment of the natural environment	5.14	\$100
Unacceptable play behaviour	5.15(a)	\$ 50
Unauthorized special use or commercial activity	5.16	\$100
Failure to comply with the terms of a park use permit	5.17(g)(h)	\$100
Failure to obey or obstruction of a Bylaw Enforcement Officer	6.2, 6.3	\$100

TO: Tom Osborne
Manager of Recreation and Parks

DATE: October 28, 2004

FROM: Dan Porteous
Recreation Program Supervisor

FILE:

SUBJECT: Electoral Area 'A' Recreation Services Study

PURPOSE

To consider and provide for a recreation services study for Electoral Area 'A' in 2005.

BACKGROUND

The Board approved a Recreation Services Plan for Area 'A' in August of 1999 based on a report completed by the RDN Recreation and Parks Department. However, the Plan was not implemented as the Area 'A' OCP was underway and took precedence at the time. When the OCP was completed in 2001, one of the objectives of the Plan (Section 6) outlined the need to "initiate a user survey for Recreational Services in the Plan Area".

Currently, Area 'A' is one of the participants along with areas 'B', 'C', and 'D' in the 2001 District 68 Sportsfield and Recreation Services Agreement with the City of Nanaimo. The Agreement, which expires on December 31, 2005, provides for electoral area residents to have access to City of Nanaimo recreation programs, facilities, services, and sportsfields and for an Area 'A' resident to be appointed by the Board as a representative on the City's Parks, Recreation and Culture Commission. It also specifies a cost sharing approach for sportfield services and recreation services among the Agreement participants. However, none of these services are located locally in area 'A'.

There has been recent interest expressed in Area 'A' regarding the possibilities of establishing a recreation function that could provide more direct local recreation programs and services to residents. This approach would be similar to Area 'B' (Gabriola Island), which established a local service area for the purpose of providing recreation services in 1996, as well as inclusion in the District 69 Sportsfield and Recreation Services Agreement. The process leading to that decision, which was approved by referendum, included the preparation of a recreation services plan and a community needs and preference survey. The plan provided key information on the form, nature, and costs for the new recreation service that residents were later able to take into consideration as part of a referendum process.

A similar approach to the examination of a new local recreation service in Area 'A' has been proposed. It would provide for a formal survey of Electoral Area 'A' residents in the spring of 2005 to assess the level of local recreation needs and demands and to gauge the level of support for funding more direct community based recreation services. Services of a professional survey agency with expertise in public recreation would be retained.

Upon the completion of the survey, the Regional Board would receive a report on the survey's findings and at that point could consider options to establish a local recreation function for Electoral Area 'A'. The consideration of the creation of a new service would require that electorate consent be obtained through a referendum. The referendum could be held at the same time as the local government elections scheduled for November 2005. A Terms of Reference that describes the study process and timeline in greater detail is attached.

ALTERNATIVES

1. That the Terms of Reference for a project proposal to undertake a Recreation Survey and Report for Electoral Area 'A' be approved, and that \$20,000 be raised from Electoral Area 'A' in 2005 to conduct the survey, prepare a report and if necessary, provide for a referendum question in conjunction with the 2005 local government elections.
2. That a Recreation Survey and Report for Electoral Area 'A' not be pursued at this time.

FINANCIAL IMPLICATIONS

The costs of conducting the recreation services survey and holding a referendum for a new service must be raised directly from the Electoral Area. Consulting services for a recreation survey and report for Electoral Area 'A' have been estimated to cost \$15,000 and the costs of adding a referendum question to the local government elections in November 2005 at \$5,000. The costs otherwise to hold a separate referendum for a single question is estimated at \$10,000.

PUBLIC IMPLICATIONS

The consulting firm will conduct a survey of Electoral Area 'A' to determine what recreation services are currently being used and what services are needed in the community as well as ascertaining whether or not there is a strong enough interest in the community to pursue a referendum on the issue of providing a more localized recreation service.

SUMMARY

An interest has been expressed in pursuing a recreation needs assessment for Area 'A' based on sustained community wishes and a specific objective to do so in the Area 'A' OCP (2001). A project Terms of Reference which sets out the issues, priorities and timelines has been developed. The focus of the needs assessment survey will be to establish whether or not a more localized service approach would be supported by residents of Electoral Area 'A', similar to the services being delivered in Electoral Area 'B'. A consulting firm would be hired to design and implement the study at a cost of approximately \$15,000 to be accounted for in the Electoral Area 'A' 2005 Annual Budget. A report on the survey's findings would be completed and presented to the Regional Board. Next steps in the process would provide for a Board decision on the option of taking a question on the creation of a new local recreation service to referendum in November 2005.

RECOMMENDATION:

That the Terms of Reference for a project proposal to undertake a Recreation Services Study for Electoral Area 'A' be approved, and that \$20,000 be raised from Electoral Area 'A' in 2005 to conduct the survey, prepare a report and if necessary, provide for a referendum question in conjunction with the 2005 local government elections.

<p><i>L. Hill</i> _____ for: Report Writer</p> <p><i>A. Wandy</i> _____ General Manager Concurrence</p>	<p><i>L. Hill</i> _____ for: Manager Concurrence</p> <p><i>D. Duce</i> _____ CAO Concurrence</p>
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COMMENTS:

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA 'A' RECREATION SERVICES STUDY PROJECT TERMS OF REFERENCE

INTRODUCTION AND PROJECT OVERVIEW

The Regional District of Nanaimo (RDN) is undertaking the preparation of a Recreation Services Survey for Electoral Area 'A', an electoral area that includes the communities of Cedar, South Wellington and Cassidy. The population of the area based on the 2001 census statistics is 6,423. The Recreation Services Study is required to gauge public support from residents of the Electoral Area on the provision of localized recreation services, financial resources for recreation services, service delivery alternatives, and a needs assessment regarding recreation services for children, youth and adults.

SCOPE OF WORK

The project will be broken down into two phases with the option to proceed to a third phase.

Phase 1 – Public Survey

- Conduct a mail out survey through a retained consulting firm that specializes in recreation services surveys and the development of recreation services master plans.
- The survey will be a statistically valid, random sample survey to be mailed out to residents in Electoral Area 'A'.
- The survey will solicit feed back and gauge opinions on various topics relating to the provision of recreation and parks services.
- The survey will determine what recreation services are currently being used by Electoral Area 'A' residents.
- The survey will determine the community needs, interests, and priorities regarding the provision of recreation services for children, youth and adults in Electoral Area 'A'.
- The survey will determine parks and recreation facility needs in the community to include playgrounds, trails, parks, sport fields and facilities for children, youth and adults.
- The survey will determine support for alternative recreation service delivery systems such as funding through non-profit recreation societies to provide local recreation services.
- The survey will determine level of support for funding local recreation through taxation.
- The survey will determine Electoral Area support of the existing agreement with the City of Nanaimo to access municipal recreation and parks services.

Phase 2 – Report on Survey Findings

A report will be presented to the Regional Board on the findings of the survey and will provide options on the provision of recreation services to Electoral Area 'A'.

Should the Regional Board determine there is sufficient public support for localized recreation services for the Electoral Area 'A', a new recreation service function would be required and Phase 3 would be implemented.

Phase 3 – Referendum

Service delivery options will be provided with recommendations to the Regional Board. Based on the selected option, a referendum question will be developed to ask residents of Electoral Area 'A' if they support the creation of a new recreation service area for Electoral Area 'A'. The referendum will be held during the local government elections in November 2005 to request electoral consent for the formation of a new recreation service area.

BUDGET

The costs of conducting the recreation services survey and holding a referendum for a new service will be funded by Electoral Area 'A' in 2005. Consulting services for a recreation survey and report for Electoral Area 'A' have been estimated to cost \$15,000 and the costs of adding a referendum question to the local government elections in November 2005 at \$5,000. The costs otherwise to hold a separate referendum for a single question is estimated at \$10,000.

SCHEDULE

- November 9, 2004 – Project Terms of Reference received by the Committee of the Whole.
- November 23, 2004 – Terms of Reference endorsed by the Regional Board.
- February 2005 - Request for Proposals issued to secure a consulting company to conduct the public survey.
- March 2005 - Consulting Company to conduct public survey retained.
- April – May 2005– Public survey conducted.
- July 2005-- Survey finding presented to the Regional Board.

If required:

- August – September 2005– Recreation Service delivery options developed and proposed and associated costs considered by the Electoral Area Director and Regional Board
- October 2005 Development of referendum question for the formation of an Electoral Area 'A' Recreation Services Function
- November 2005-- Referendum held

PROJECT MANAGEMENT

The project will be managed by the RDN Recreation and Parks Department staff including the Manager of Recreation and Parks and the Recreation Program Supervisor. A consultant will be hired to carry out the survey and to complete the report in consultation with staff and the Area Director.



REGIONAL DISTRICT OF NANAIMO		
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MEMORANDUM

TO: Neil Connelly
General Manager, Community Services

DATE: October 26, 2004

FROM: Christina Thomas
Senior Planner, Community Services

FILE: 6780-50-RDWP

SUBJECT: DRINKING WATER PROTECTION ACTION PLAN

PURPOSE

The purpose of this report is to consider the final deliverable of the Drinking Water Protection Initiative Workshop, an action plan regarding future Regional District of Nanaimo drinking water work.

BACKGROUND

This report provides information and options regarding the final deliverable of the Drinking Water Protection Initiative Workshop, an action plan regarding future Regional District of Nanaimo drinking water work. It also responds to the July 13, 2004 Board resolution that directed staff to provide information about development and land use guidelines to ensure the conservation of water and protection of watersheds and aquifers in the region¹.

A Drinking Water Protection Action Plan is provided for consideration (*see Attachment 1*). It is the final deliverable for the Drinking Water Protection Initiative Workshop approved by the Board on October 14, 2003. The other components of the Initiative are:

- a discussion paper (published April 30, 2004, and available on the RDN web site) to provide information to residents about the different types of drinking water providers in the region and an overview of the law as it pertains to drinking water provision and to solicit residents' comments about actions that should be taken in regard to drinking water;
- a public workshop (conducted May 8, 2004) to provide information to residents about the different types of drinking water providers in the region and the law as it pertains to drinking water provision and to solicit resident feedback about actions that should be taken in regard to drinking water;
- a report that documents the proceedings of the workshop (published May 27, 2004, available on the RDN web site, and received by the Board on July 13, 2004); and
- a report that documents the public feedback received regarding the discussion paper (published May 31, 2004, available on the RDN web site, and received by the Board on July 13, 2004).

¹ The Board passed this resolution as a part of its consideration of the Workshop Report for the April 3, 2004 Sustainability Workshop, and the Regional Growth Monitoring Advisory Committee's recommendation that the Board establish drinking water protection guidelines as one means of taking immediate action to help accelerate progress towards regional sustainability. The Sustainability Workshop was conducted as a part of the Sustainability Project that the Regional District is currently undertaking.

The Drinking Water Protection Action Plan establishes objectives and actions for future Regional District of Nanaimo work in the area of drinking water protection that can be undertaken within existing Regional District service areas². There are other actions that could be undertaken; however, they would require the establishment of a new service or partnership arrangement. It should be noted that although the focus of the public workshop was drinking water quality, participant feedback indicates that drinking water quantity is a concern to be addressed. Consequently, the Drinking Water Action Plan includes objectives and actions related to drinking water quality and quantity. The Drinking Water Protection Action Plan includes actions related to the creation of development and land use guidelines for drinking water protection (i.e. Actions #2, #5, and #6).

The key *objectives* of the Drinking Water Protection Action Plan are:

1. To support drinking water protection through the Regional Growth Strategy, official community plans, land use regulations and zoning;
2. To provide drinking water of sufficient quantity and quality to residents and property owners within Regional District of Nanaimo local water service areas;
3. To provide information to residents and property owners within Regional District of Nanaimo local water service areas about their drinking water;
4. To promote water conservation within Regional District of Nanaimo local water service areas; and
5. To obtain sufficient information about the sources of drinking water for Regional District of Nanaimo local water service areas for the purpose of ensuring that a sufficient drinking water supply is available for the current and projected population within the local water service areas.

The Drinking Water Protection Action Plan identifies the following as *actions* related to drinking water that are possible within existing established service areas:

Regional Growth Management Services (A service for all member municipalities and all electoral areas except B)

1. Continue to protect drinking water through regional growth strategy policies and land use designations, to the extent possible using existing information and legislation and to the extent deemed appropriate in a regional growth strategy by the Regional District of Nanaimo and its member municipalities.
2. Consider undertaking a special project to develop policies regarding land use development practices that provide protection for drinking water sources. This information could be useful to member municipalities and electoral areas in the review and development of their official community plans and in the consideration of future amendments to the Regional Growth Strategy.

Community Planning (A service for all electoral areas except B)

3. Continue to protect drinking water through official community plan policies, land use designations and development permit area designations, to the extent possible using existing information and legislation and to the extent deemed appropriate in official community plans for each Regional District of Nanaimo electoral area.

² The RDN may only provide a service to properties that are taxed for the service.

4. Continue to ensure that proposed new developments (i.e. applications to subdivide or rezone land) meet existing Regional District of Nanaimo regulatory requirements regarding proof of adequate drinking water.
5. Consider undertaking a special project to establish more rigorous Regional District of Nanaimo regulatory requirements regarding proof of adequate drinking water for proposed new developments (i.e. applications to subdivide or rezone land).
6. Consider undertaking a special project to develop policies regarding land use development practices that provide protection for drinking water sources. This information could be useful to electoral areas in the review and development of their official community plans.

Water Utilities (A service only for specific properties within electoral areas A, E, F and G that are within RDN water service areas)

7. Continue to provide drinking water in Regional District of Nanaimo local water service areas that meets or exceeds recognized applicable regulatory standards for drinking water.
8. Review the pricing structure for Regional District of Nanaimo local water service area water for the purpose of identifying possible changes to the pricing structure to promote water conservation.
9. Conduct a public awareness campaign for Regional District of Nanaimo local water service areas to raise awareness about the need to conserve water and methods of water conservation.
10. Publish an annual report regarding drinking water provided by the Regional District of Nanaimo in its local water service areas. The annual report could include information about each water service area, such as the number and location of properties included, number of residents served, the quality and quantity of water provided, the source of the water (including known information about aquifer locations and characteristics, groundwater recharge areas and surface water sources), the infrastructure used to collect, store and convey the water (including the number and location of wells), the performance of that infrastructure, and plans in place to maintain or enhance water quality, and actions undertaken to maintain or enhance water quality. The annual report could be made available to participants of the local water service areas and other interested individuals at the Regional District of Nanaimo office and on the Regional District of Nanaimo web site.
11. Fulfill all of the new drinking water provider requirements specified by the *Drinking Water Protection Act* for Regional District of Nanaimo local water service areas. Key new requirements include obtaining Drinking Water Officer approval of emergency response plans for each water service area, upgrading and certifying operators through the Environmental Operator Certification Program, regular water system sampling and water quality monitoring, conveying water quality sample results to the local health region and water system participants, publishing an annual report about water quality monitoring and assessment, assessment when required by the Drinking Water Officer, preparation of an assessment response plan, preparation of a drinking water protection plan, well floodproofing, and cross connection control.

12. Consider evaluating the long-term water supply requirements for property within Regional District of Nanaimo local water service areas and the ability of present water sources to meet those requirements.

Arrowsmith Joint Venture Bulk Water Service (A service for the City of Parksville, the Town of Qualicum Beach and only for specific properties within electoral areas E and G that are within RDN water service areas)

13. Continue to provide a supplemental long-term water supply from Englishman River supported by storage in Arrowsmith Lake.
14. Request partners in the Arrowsmith Joint Venture to consider evaluating potential threats in the watershed to supplying drinking water and pursuing protective action where necessary.

The Drinking Water Action Plan is the culmination of many years of Regional District work and deliberation regarding what it should do in regard to drinking water protection. It has been a subject of discussion at numerous Committee of the Whole and Board meetings.

ALTERNATIVES

1. Receive the Drinking Water Protection Action Plan.
2. Receive the Drinking Water Protection Action Plan, and direct staff to provide additional information about pursuing one or more of the specific actions identified in the Drinking Water Protection Action Plan.

FINANCIAL IMPLICATIONS

There are no financial implications for receiving the report as the receipt of the report does not commit the Regional District of Nanaimo to any new actions. The report only commits the Regional District to the consideration of new actions.

Additional resources would be required if the Board wishes to undertake some of the new action items identified in the Drinking Water Protection Action Plan. Specifically, new action items that would require additional funding include:

- the special project to develop a policies regarding land use development practices to provide protection for drinking water sources to support the Regional Growth Strategy policy development and or implementation (Action #2);
- the special project to establish more rigorous Regional District of Nanaimo regulatory requirements regarding proof of adequate drinking water for proposed new developments (Action #5);
- the special project to develop land use and development policies to protect drinking water sources through official community plans (Action #6);
- publishing annual reports about the drinking water provided by the Regional District of Nanaimo within its local water service areas (Action #10);
- fulfilling the new drinking water provider requirements specified in the Drinking Water Protection Act for drinking water provided by the Regional District in its local water service areas (Action #11);
- evaluating the water supply requirements for property within RDN local water service areas (Action #12); and
- with the Arrowsmith Joint Venture Bulk Water Service partners, examining the threats to its watershed (Action #14).

Additional resources are not required for two action items that are already underway. Specifically, the Regional District is presently reviewing its pricing structure for water provided in its local water service areas (Action #8) and it has been conducting a public awareness campaign to encourage water conservation in its local water service areas (Action #9). These actions were made possible with a grant of approximately \$30,000 provided by Land and Water BC to the Regional District in the summer of 2004 for the work.

It is anticipated that the Community Planning function will be developing more rigorous regulatory requirements regarding proof of adequate drinking water for proposed new developments (Action #5), and developing land use and development policies to include in official community plans to protect drinking water (Action #6) as a part of its work program in 2005. Consequently, it is anticipated that the budgetary requirements for this work would be included in the 2005 budget.

INTERGOVERNMENTAL IMPLICATIONS

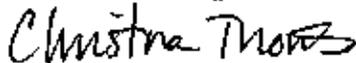
There are no implications for other levels of government in the receipt of this report as the report does not commit the RDN to any new actions. The RDN can undertake most of the Drinking Water Protection Action Plan actions independent of other Regional District member municipalities and other levels of government (i.e. Actions #3 - #14). Actions related to the Regional Growth Management Services function (i.e. Actions #1 & #2) require agreement amongst the parties to the Regional Growth Strategy (i.e. the RDN and the member municipalities).

SUMMARY

The final deliverable of the Drinking Water Protection Workshop Initiative, a Drinking Water Protection Action Plan, is provided for consideration (*see Attachment 1*). Information is also provided in response to the Board's July 13, 2004 resolution directing staff to prepare a report for its consideration about "establishing development and land use guidelines that will ensure the conservation of water and protection of watersheds and aquifers in the RDN".

RECOMMENDATION

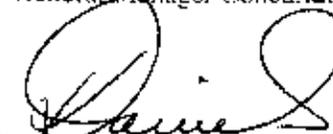
That the Drinking Water Protection Action Plan be received.



Report Writer



General Manager Concurrence



CAO Concurrence



REGIONAL
DISTRICT
OF NANAIMO

**DRINKING WATER PROTECTION
ACTION PLAN**

October 26, 2004

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BACKGROUND

Every resident in the region requires a safe and sufficient supply of drinking water, a very sensitive, precious, finite natural resource. Human activity impacts drinking water availability, yet very little is known regarding how to remediate drinking water sources damaged by human activity.

Responsibilities related to providing drinking water and protecting drinking water are dispersed among numerous individuals, organizations and governmental bodies. This results in a complex patchwork of potentially overlapping roles and responsibilities, and may mean that particular drinking water quality and quantity issues are overlooked.

There is a trend towards shifting provincial government responsibilities related to the provision and protection of drinking water away from the province and toward local governments, individuals and self-policing professions. Recent legislation enacted by the provincial government related to drinking water protection, sewage disposal, agriculture and forestry are a few examples of this responsibility shift.

In light of these realities the Regional District of Nanaimo Board identified Watershed/Drinking Water Protection as Strategic Priority #3 in its *Strategic Plan for 2003-2005*¹. This strategic plan direction resulted in the Board approval of the Drinking Water Protection Initiative Workshop Terms of Reference and Consultation Plan on October 14, 2003, for the purpose of undertaking work to help define actions the Regional District should take in regard to drinking water in the region.

As a part of the Drinking Water Protection Initiative Workshop Project:

- a *discussion paper* was published on April 30, 2004 to provide information to residents about the different types of drinking water providers in the region and the law as it pertains to drinking water and to solicit resident comments regarding actions that should be taken in regard to drinking water;
- a *public workshop* was conducted on May 8, 2004 to provide information to residents about the different types of drinking water providers in the region and the law as it pertains to drinking water quality and to solicit feedback regarding actions that should be taken in regard to drinking water;
- a *report that documents the proceedings of the public workshop* was published on May 27, 2004, and
- a *report that documents public feedback received regarding the discussion paper* was published on May 31, 2004.

This Drinking Water Protection Action Plan is the final deliverable for the Initiative.

The purpose of the Drinking Water Protection Action Plan is to establish actions the Regional District of Nanaimo could take regarding drinking water protection in the region within existing established service areas².

CURRENT DRINKING WATER ROLE

The Regional District of Nanaimo presently provides four key services related to drinking water, as described in the following sections.

Regional Growth Management Services

The Regional District of Nanaimo Regional Growth Management Services Department provides services related to the development and administration of a regional growth strategy. The funding participants of this service are the City of Nanaimo, the City of Parksville, the Town of Qualicum Beach, the District of

¹ Drinking water protection has been an ongoing interest of the Regional District of Nanaimo Board prior to its identification of drinking water protection as a priority in the strategic plan.

² The RDN may only provide a service to properties that are taxed for the service.

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Lantzville, and Electoral Areas A, C, D, E, F, G and H. Electoral Area B does not participate in the function because land use planning services for the area are provided by the Islands Trust.

The Regional Growth Strategy is a comprehensive statement of the future of the region that includes the social, economic and environmental objectives of the Board in relation to the Regional District. It is an agreement between the Regional District of Nanaimo and the member municipalities regarding actions to be taken to achieve the common vision for the region.

The Regional Growth Strategy influences long-range plans and operational activities of the Regional District of Nanaimo and its member municipalities. It is applicable to all Regional District of Nanaimo member municipalities and electoral areas A, C, D, E, F, G and H.

The Regional Growth Strategy provides a framework to guide the activities of all levels of government, the public, the private sector and non-governmental organizations.

In regard to drinking water protection, the Regional Growth Strategy:

- Establishes a broad land use strategy that provides for most new development to be focused onto land inside the Urban Containment Boundaries in a nodal development form;
- Establishes environmental protection as one of the eight key goals; and
- Establishes two policy directives related to drinking water.

The two policy directives specifically related to drinking water are:

- Policy 4E: The RDN and member municipalities agree to protect the supply and quality of surface water resources and aquatic habitats through participation in integrated stormwater management projects.
- Policy 4F: The RDN and member municipalities agree to take measures to identify and protect groundwater resources in the region.

Regional Growth Strategy policy directives do not commit the Board to undertake or allocate resources to any particular activity.

The Regional Growth Management Services function can undertake special studies of a regional nature related to the Regional Growth Strategy. Special studies conducted as a part of the Regional Growth Management Services function are typically of a regional scale and interest, and can provide information on a specific topic of interest for the purpose of informing future Regional Growth Strategy policy and or official community plans of the function participant areas (i.e. electoral areas and member municipalities). The regular work program does not include financial provisions for any special studies. Special studies require the allocation of additional funds to the program budget for the year or years the project is to be conducted.

Community Planning

The Regional District of Nanaimo Community Planning Department is responsible for the preparation of official community plans and developing and implementing land use regulations for electoral areas A, C, D, E, F, G and H of the region. Each member municipality is responsible for the preparation of official community plans and for the regulation of land use for land within their respective jurisdictions. The Islands Trust is responsible for the preparation of official community plans and for the regulation of land use for electoral area B.

Official Community Plans

Official community plans are statements of objectives and policies to guide decisions on planning and land use management, and are intended to work towards the purpose and goals of regional growth strategies, as defined by the *Local Government Act*.

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Environmental protection is one of the stated goals in each of the official community plans for electoral areas A, C, D, E, F, G and H. The official community plans for the City of Nanaimo, the City of Parksville, the Town of Qualicum Beach, the District of Lantzville also include environmental protection as one of their stated goals, and it is likely that environmental protection is a goal in the electoral area B official community plan.

In regard to drinking water, the official community plans for electoral areas A, C, D, E, F, G and H all include objectives related to drinking water, such as:

- Avoiding resource use conflicts through land use designations;
- Designating development permit areas to limit the impacts of development near water bodies and to protect groundwater;
- The establishment of requirements for hydrogeological impact assessments for proposed developments.

The official community plans for these areas also distinguish areas for development from areas to protect for rural and resource uses. Official community plans are not static, and there is therefore an opportunity to amend them from time to time to respond to new information or establish additional policies to enhance the Regional District's ability to protect its drinking water sources.

The Community Planning Department function can undertake special studies of a sub-regional or community nature related to the development of communities in electoral areas A, C, D, E, F, G and H. Special studies conducted as a part of the Community Planning function may be of a local or regional scale and interest, and can provide information on a specific topic of interest for the purpose of informing future official community plans of the electoral areas only, and not the member municipalities. The regular work program does not include financial provisions for any special studies. Special studies require the allocation of additional funds to the program budget for the year or years the project is to be conducted. Special studies can benefit official community plans by providing information about key issue areas to be addressed in the documents.

Land Use Regulation

Land use regulation includes the development of zoning and land use bylaws to establish the specific parameters of land uses, and the consideration of a wide variety of development applications, including applications for subdivision, development permit, development variance permit, rezoning and official community plan amendments.

Land use regulations are developed within the context of planning policy established in official community plans and regional growth strategies, and development applications are considered within that context as well.

In regard to drinking water protection, land use regulations are generally intended to limit the impacts of development on drinking water sources. Land use regulations can also establish standards for proof of potable water for community water systems and for subdivisions in the electoral areas of the region. Land use regulations may include hydrological standards, and may establish development cost charges in certain areas for works and improvements related to water infrastructure.

The Community Planning Department can undertake special studies of a sub-regional or community nature related to the regulation of development in electoral areas A, C, D, E, F, G and H. Special studies conducted as a part of the Community Planning function may be of a local or regional scale and interest, and can provide information on a specific topic of interest for the purpose of informing land use regulations for the electoral areas only, and not the member municipalities. The regular work program does not include financial provisions for any special studies related to regulations as they apply to drinking water. Special studies require the allocation of additional funds to the program budget for the year or years the project is to be conducted. Special studies can benefit land use regulation by providing information about key issue areas to be addressed in the regulations.

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Water Utilities

The Regional District of Nanaimo Water Utilities Department is one of the many providers of water in the region³. It provides drinking water to fourteen *local water service areas* in the unincorporated electoral areas pursuant to the *Local Government Act*. The fourteen local water service areas are identified in Table 1 (Regional District of Nanaimo Local Water Service Areas).

Table 1: Regional District of Nanaimo Local Water Service Areas

- | | |
|--------------------|------------------------|
| ▪ Decourcey | ▪ San Pareil |
| ▪ Nanoose Bay | ▪ Driftwood |
| ▪ Fairwinds | ▪ Morningstar |
| ▪ Madrona | ▪ French Creek |
| ▪ Wall Beach | ▪ Englishman River |
| ▪ West Bay Estates | ▪ Arbutus Park Estates |
| ▪ Surtside | ▪ Melrose Community |

Each of the above local water systems is funded completely by property owners within the service area, and not from taxes collected from land elsewhere in the region. All of the water systems in these areas are groundwater supplied. Each system includes one or more wells, a pump and a distribution system. Most of the systems also include a reservoir and disinfection. All water system connections are metered, and residents are charged for the amount of water they use.

The Regional District of Nanaimo local water service areas include approximately 3,500 connections and serve approximately 8,500 residents⁴. The Regional District is not responsible for drinking water provided in the region by improvement districts, water utilities, water user communities, other systems, municipalities or properties served by individual onsite water well.

Arrowsmith Joint Venture Bulk Water Service

The Regional District of Nanaimo⁵ participates with the City of Parksville and the Town of Qualicum Beach in the Arrowsmith Bulk Water Supply Area. The Arrowsmith Bulk Water Supply Area is intended to provide a long-term, supplemental surface water supply for participants in the service from Englishman River.

ISSUES

Drinking Water Quality Workshop participants and presenters identified seven issue theme areas related to drinking water protection:

1. **Insufficient public awareness about drinking water.** There are concerns that residents are not adequately informed about drinking water protection related topics such as the proper installation and maintenance of wells and septic systems, activities that might have a detrimental impact on drinking water and alternative practices to reduce the potential negative impacts of

³ There are a wide variety of providers of drinking water within the Regional District of Nanaimo. Drinking water is provided by five local governments, seven improvement districts, four water utilities, two water user communities, approximately 34 unorganized other water systems, and an unknown number of strata corporations and individual onsite wells.

⁴ The population of the Regional District of Nanaimo was approximately 132,000 in 2001 according to the 2001 Census of Canada.

⁵ The Regional District of Nanaimo participants in this service are comprised of properties within the Regional District local water service areas in electoral areas E and G. This means that properties within electoral areas E and G that receive their water from an individual on site well do not participate in this service.

these activities, methods of conserving water, work that local government and other organizations are undertaking to protect drinking water, the different methods of obtaining drinking water in the region and the requirements for each of these different methods, and the quality of water provided by all of the different drinking water providers. There are no universal requirements for all providers of drinking water to monitor, report and make widely available documentation about the quality of drinking water they provide, nor is there one repository for this sort of information.

2. **Lack of a 'one stop resource centre' regarding drinking water.** There are concerns that there is no single place to obtain all of the necessary information about drinking water in the region. Information about drinking water is not located in one place because a variety of different organizations (governmental and non-governmental), and individual residents are responsible for the provision of drinking water, and consequently, the development, storage and communication of information about drinking water. Also, a number of different governmental organizations are responsible for various aspects of drinking water regulation. For example, to name a few key organizations, the Ministry of Health and the Central Vancouver Island Health Authority are responsible for the *Drinking Water Protection Act* which is applicable to all individuals and organizations that provide drinking water to more than one property. Land and Water BC Incorporated is responsible for the administration of water user communities pursuant to the *Water Act*, the Ministry of Community, Aboriginal and Women's Services is responsible for the administration of improvement district water providers pursuant to the *Local Government Act*, and water utilities are under the jurisdiction of the Comptroller of Water Rights pursuant to the *Water Utility Act* and *Utilities Commission Act*.
3. **Insufficient information about drinking water resources available in the region.** There are concerns that insufficient information exists regarding drinking water resources in the region. Residents would like more certainty regarding the extent and location of ground and surface drinking water sources, the quality of water that can be obtained from these sources, the rate of usage and recharge of ground and surface water sources, and the amount of population and development that ground and surface water sources can support in the region.
4. **Private ownership of land in watersheds.** There are concerns that private ownership of land in watersheds may result in a limited ability to ensure that the activities taking place on the land are not having a detrimental impact on drinking water sources. In particular, workshop participants expressed concern about the private ownership of land in the City of Nanaimo watershed, which is located in electoral area C of the Regional District of Nanaimo. Workshop participants also expressed concern about the private ownership of land adjacent to Englishman River and other watercourses, and over groundwater resources in the northern half of the region.
5. **Senior government legislation that supersedes local government legislation and permits land use activities that may jeopardize drinking water sources.** There are concerns that senior government legislation applicable to agriculture, forestry and aggregate extraction and processing uses prioritizes those uses over drinking water protection needs. There is also concern about the impact of new legislation concerning the approval of onsite sewage disposal may also present concerns. The lack of senior government legislation pertaining to groundwater protection and the fact that water wells may be drilled on any property without an assessment of the impact of the well on the availability of groundwater to other well users is also an issue. Concerns were also expressed regarding groundwater legislation. In regard to groundwater, the Province has taken steps to better manage groundwater through the adoption of new groundwater regulations that establish requirements for well construction, operation and closure; and it is anticipated that future phases of the groundwater regulation will focus on such matters as source protection measures, water analysis and well reports, and the implementation of water management plans in designated areas.
6. **Local government legislation could be better utilized to protect drinking water sources.** Concern was expressed that local government may not be using tools at its disposal, such as official community plans land use policies and development permit areas, zoning bylaws and land

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use regulations, to the extent possible to protect drinking water sources. Local governments may not be using these tools to the extent possible because of insufficient information about the types of policies, development permit area designations or guidelines or land use regulations that could enhance drinking water protection, or insufficient information about specific drinking water sources in the region that would benefit from protection with these tools.

7. **Lack of coordination related to drinking water interests.** Drinking water crosses jurisdictional boundaries on its way from drinking water sources to users and, as such, actions in one area of the region can have an impact on the provision of drinking water in other areas of the region. Consequently, the protection of drinking water requires coordination of key activities that can impact the availability of drinking water. Unfortunately, drinking water interests are characterized by a patchwork of legislation and responsible government governmental and non-governmental organizations, potentially resulting in particular aspects of drinking water provision being overlooked.

OBJECTIVES

1. To support drinking water protection through the Regional Growth Strategy, official community plans, land use regulations and zoning bylaws;
2. To provide drinking water of sufficient quantity and quality to residents and property owners within Regional District of Nanaimo local water service areas;
3. To provide information to residents and property owners within Regional District of Nanaimo local water service areas about their drinking water;
4. To promote water conservation within Regional District of Nanaimo local water service areas; and
5. To obtain sufficient information about the sources of drinking water for Regional District of Nanaimo local water service areas for the purpose of ensuring that a sufficient drinking water supply is available for the current and projected population within the local water service areas.

ACTIONS

Actions that the Regional District of Nanaimo may undertake with regard to drinking water within existing established service areas are described below.

Regional Growth Management Services (A service for all member municipalities and all electoral areas except B)

1. Continue to protect drinking water through regional growth strategy policies and land use designations, to the extent possible using existing information and legislation and to the extent possible and deemed appropriate in a regional growth strategy by the Regional District of Nanaimo and its member municipalities.
2. Consider undertaking a special project to review and develop policies regarding land use development practices to protect drinking water sources. This information could be useful to member municipalities and electoral areas in the review and development of their official community plans, and the consideration of future amendments to the Regional Growth Strategy.

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Community Planning (A service for all electoral areas except B)

3. Continue to protect drinking water through official community plan policies, land use designations and development permit area designations, to the extent possible using existing information and legislation and to the extent deemed appropriate in official community plans for each Regional District of Nanaimo electoral area.
4. Continue to ensure that proposed new developments (i.e. applications to subdivide or rezone land) meet existing Regional District of Nanaimo regulatory requirements regarding proof of adequate drinking water.
5. Consider undertaking a special project to establish more rigorous Regional District of Nanaimo regulatory requirements regarding proof of adequate drinking water for proposed new developments (i.e. applications to subdivide or rezone land).
6. Consider undertaking a special project to review and develop policies and guidelines regarding land use development practices that provide protection for drinking water sources. This information could be useful to electoral areas in the review and development of their official community plans.

Water Utilities (A service only for specific properties within electoral areas A, E, F, and G that are within RDN water service areas)

7. Continue to provide drinking water in Regional District of Nanaimo local water service areas that meets or exceeds recognized applicable regulatory standards for drinking water.
8. Review the pricing structure for Regional District of Nanaimo local water service area water for the purpose of identifying possible changes to the pricing structure to promote water conservation.
9. Conduct a public awareness campaign for Regional District of Nanaimo local water service areas to raise awareness about the need to conserve water and methods of water conservation.
10. Publish an annual report regarding drinking water provided by the Regional District of Nanaimo in its local water service areas. The annual report could include information about each water service area, such as the number and location of properties included, number of residents served, the quality and quantity of water provided, the source of the water (including known information about aquifer locations and characteristics, groundwater recharge areas and surface water sources), the infrastructure used to collect, store and convey the water (including the number and location of wells), the performance of that infrastructure, and plans in place to maintain or enhance water quality, and actions undertaken to maintain or enhance water quality. The annual report could be made available to participants of the local water service areas and other interested individuals at the Regional District of Nanaimo office and on the Regional District of Nanaimo web site.
11. Fulfill all of the new drinking water provider requirements specified by the Drinking Water Protection Act for Regional District of Nanaimo local water service areas. Key new requirements (some of which may already have been implemented) include obtaining Drinking Water Officer approval of emergency response plans for each water service area, upgrading and certifying operators through the Environmental Operator Certification Program, regular water system sampling and water quality monitoring, conveying water quality sample results to the local health region and water system participants, publishing an annual report about water quality monitoring and assessment, assessment when required by the Drinking Water Officer, preparation of an assessment response plan, preparation of drinking water protection plan, well floodproofing, and cross connection control.
12. Consider evaluating the water supply requirements for property within Regional District of Nanaimo local water service areas and the ability of present water sources to meet those requirements.

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Arrowsmith Joint Venture Bulk Water Service (A service for the City of Parksville, the Town of Qualicum Beach and only for specific properties within electoral areas E and G that are within RDN water service areas)

13. Continue to provide a supplemental long-term water supply from Englishman River supported by storage in Arrowsmith Lake.
14. Request partners in the Arrowsmith Joint Venture to consider evaluating potential threats in the watershed to supplying drinking water and pursuing protective action where necessary

CONCLUSION

The Drinking Water Protection Action Plan identifies actions the Regional District of Nanaimo can undertake regarding drinking water within existing service areas. It is intended to be used as a reference in the consideration of existing and new activities related to drinking water.

October 26, 2004



REGIONAL DISTRICT OF NANAIMO			
NOV - 3 2004			
CHAIR		GM/CRS	
CAO		GMDS	
CMO/MS		GMES	

MEMORANDUM

TO: Neil Connelly
General Manager, Community Services

DATE: October 29, 2004

FROM: Christina Thomas
Senior Planner, Community Services

FILE: 6780 30 50 GRBT

SUBJECT: GREEN BUILDINGS PROJECT

PURPOSE

The purpose of this report is to consider terms of reference for a project to promote green building in the region.

BACKGROUND

Terms of Reference for a project to promote green building in the region are provided (see Attachment 1) as directed at the September 28, 2004 Board meeting.

The Board's request was precipitated by its consideration of the Workshop Report for the April 3, 2004 Sustainability Workshop¹, and the Regional Growth Monitoring Advisory Committee recommendation that a green building program be implemented as one means of taking immediate action to help accelerate progress towards regional sustainability. Following the RGMAC recommendation, the Board requested a report about green buildings on July 13, 2004 and received the report on September 28, 2004.

The purpose of the Green Building Project is to promote green building practices in the Regional District of Nanaimo. The objectives of this project are for the RDN to become informed about green building theory and practice, and for it to make a decision regarding the advancement of future phases of the Project based on its greater understanding of the topic achieved through the Project deliverables.

The Green Building Project includes three deliverables, to be completed in the Spring and Summer of 2005, as described below:

Identify Green Building Program Possibilities / Establish Green Building Program Foundation

Regional District of Nanaimo staff will obtain information about other local government green building programs for the purpose of helping the Regional District make a more informed decision about its possible future role related to green buildings.

Regional District of Nanaimo staff will establish contacts and consult with other local government staff with recognized green building programs to:

- gain an understanding of local government involvement in green building programs (existing programs, future plans),

¹ The Sustainability Workshop was conducted as a part of the State of Sustainability Project that the Regional District is currently undertaking in conjunction with the Regional Growth Monitoring Advisory Committee to assess the region's progress towards sustainability, to make residents aware of the region's progress towards sustainability and to provide more and better opportunities to involve residents of the region in that assessment.

- gain an understanding of the opportunities and challenges of local government green building programs;
- gain an understanding of local government's experience with green building programs;
- identify possible elements of a green building program for the RDN.

It is anticipated that staff from the Greater Vancouver Regional District, the City of Vancouver, the City of Richmond and the City of White Rock will be contacted. Where deemed appropriate, staff from the City of Seattle and City of Portland may also be contacted. Consulting resources may also be retained to provide advice regarding the most appropriate roles for local government in green building advancement.

A report will be produced to document the information gained.

Green Building Educational Tour

Regional District of Nanaimo staff will organize and lead a two to three day tour of nearby green buildings for 4 to 8 representatives of the Board to gain a better understanding of the opportunities and challenges of building green.

It is anticipated that the tour will include visits to LEED² certified buildings in Vancouver, White Rock, and Victoria, and other buildings in these municipalities that are widely recognized to be green.

It is anticipated that the tour will include meetings with key people involved in the design, construction and operation of the green buildings. Consulting resources may be retained to support staff in tour development and implementation.

Terms of Reference for Future Phase of Green Building Project

Using the information gained from the above two components, Regional District of Nanaimo staff will develop terms of reference for the Board's consideration regarding future phases of the Green Building Project.

ALTERNATIVES

1. To approve the Green Building Project Terms of Reference.
2. To request the Green Building Project Terms of Reference be amended to address a specific identified issue, and be forwarded to the Board for reconsideration.
3. To not approve the Green Building Project Terms of Reference.

FINANCIAL IMPLICATIONS

Twenty thousand dollars (\$20,000) would need to be added to the Regional Growth Management Services 2005 budget, at the Board's direction. There are a wide variety of potential funding sources for green building programs and initiatives that the Regional District could seek to supplement possible future phases of the Project, such as the Federation of Canadian Municipalities Green Municipal Funds Program and the Ministry of Community, Aboriginal and Women's Services Smart Development Partnerships Program.

² Leadership in Energy and Environmental Design

GROWTH MANAGEMENT IMPLICATIONS

A green building program would help make the region more sustainable, the overall purpose of the Regional Growth Strategy. It would provide a direct contribution towards the achievement of the Regional Growth Strategy environmental protection goal, which is to protect the environment and minimize ecological damage related to growth and development.

ENVIRONMENTAL IMPLICATIONS

A green building program would help address environmental problems caused by poor building performance. It would result in the construction of buildings that are more environmentally compatible because they require less resources to construct, operate and maintain, and because they result in fewer harmful emissions to the environment. A green building program would result in less solid waste disposal at the regional landfill and contribute towards the achievement of the Regional District's Solid Waste Management Plan objective of 'zero waste' because green buildings typically involve the reuse of existing materials. A green building program would also result in reduced consumption of potable water and reduced generation of liquid waste because green buildings typically include more efficient appliances and infrastructure.

SUMMARY

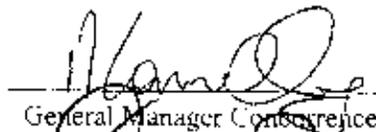
Terms of Reference for a Green Buildings Project are provided (*see Attachment I*) as requested at the September 28, 2004 Board meeting. Activities proposed as a part of the Project include research and communications with other local governments to identify green building program possibilities and establish a foundation for a green building program, an educational green building tour for representatives of the Board, and the development of terms of reference for a future phase of the Project.

RECOMMENDATION

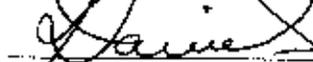
That Terms of Reference for a Green Buildings Project be approved, and forwarded for consideration as part of the 2005 annual budget process.



Report Writer



General Manager Concurrence



CAO Concurrence



Green Buildings Project Terms of Reference

Background

The advancement of green building practices was identified at the Regional District of Nanaimo Saturday, April 3, 2004 Sustainability Workshop¹ as one of the possible ways of making the region a more sustainable place to live.

What is a Green Building?

Green buildings are buildings that require less energy to operate, contribute fewer emissions to the environment, conserve water, generate less solid waste, and provide more comfortable and productive environments for their inhabitants. The definition of what is a green building is somewhat subjective, but different rating systems have been developed and are becoming more common in their use to assess a building's greenness.

Leadership in Energy and Environmental Design (LEED) appears to be the most well-known and widely used system to rate the greenness of buildings. It is a voluntary, consensus based self-assessment tool that has been embraced nationally and internationally as 'the green building design standard'². LEED establishes a system in which a specified number of points are assigned according to the particular attributes of the building in five performance areas: the sustainability of the building site, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Depending upon the number of points accumulated, and hence the sustainability of the building, buildings are classified as LEED Certified, Silver, Gold or Platinum. The United States Green Building Council, a national non-profit entity, developed the LEED trademark, and continually updates the model to respond to new information and science. The Canada Green Building Council, a non-profit coalition of public and private building industry leaders, holds the LEED trademark for Canada and is responsible for recent adaptations of the system for Canada (i.e. LEEDTM Canada) and British Columbia (i.e. LEEDTM BC), as well as continual updates to these systems. LEED was created to define green buildings by providing a standard for measurement and to prevent exaggerated claims about the greenness of a building. It also provides a mechanism to recognize leaders, stimulate green competition, raise consumer awareness, transform the marketplace, and establish market value with a recognized 'brand'.

Why Build Green?

The green building movement was initiated in the early 1990s in response to the growing recognition of the environmental consequences of business-as-usual in the building industry, and as a response to the enormous demand from people in all sectors of the industry who wanted to do things better. Conventional building design

¹ The Sustainability Workshop was conducted as a part of the Sustainability Project that the Regional District is currently undertaking. The Sustainability Project is being conducted to assess the region's progress towards sustainability, to make residents aware of the region's progress towards sustainability and to provide more and better opportunities to involve residents of the region in that assessment. The seven key components of the Project are: [1] a public event to discuss what sustainability means in the context of the Nanaimo region; [2] review, refinement and confirmation of a set of indicators or measures of sustainability; [3] a report that documents the sustainability of the Nanaimo region, based on the chosen sustainability indicators; [4] a public event to discuss the results of that report; [5] a report that provides ideas about how the sustainability of the region can be accelerated [6] the development and implementation of a regional sustainability awards program; and [7] citizen committee involvement in the first six deliverables.

² LEED specifications are intended to supplement, not replace, conventional building codes and bylaws. Conventional building codes and bylaws are intended to ensure the safety of buildings and structures whereas LEED standards promote green building practices.

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and construction typically produces resource-intensive buildings. Building construction worldwide consumes approximately 3 billion tons of raw materials annually, depleting natural resources at an unsustainable rate. Buildings are responsible for annual consumption of 40% of the world's energy and materials. Green buildings contribute to sustainability because they require fewer resources to construct, less energy to operate, contribute fewer emissions to the environment, conserve water, and generate less solid waste than conventional buildings.

Cost has been cited as a reason for not building green. Recent research concludes that "integrating "sustainable" or "green" building practices into the construction of state buildings is a solid financial investment", that "a minimal upfront investment of about two percent of construction costs typically yields life cycle savings over ten times the initial investment", and that "the financial benefits of green buildings include lower energy, waste disposal and water costs, lower environmental and emissions costs, lower operations and maintenance costs, and savings from increased productivity and health"³.

Who is Building Green?

The green building movement has gained tremendous momentum during the last few years. The Netherlands has been a leader in the development and implementation of green building technology for many years. More than 40% of all new building projects in the United Kingdom enroll in its equivalent of the LEED system. During the last decade the movement has gained a foothold in North America. Pennsylvania, Massachusetts, Washington, Oregon, California and Texas appear to be the leaders in green building technology in the United States. Approximately 3% of all new construction in the United States is pursuing LEED certification. British Columbia appears to be leading the way in Canada. The 2010 Olympic bid for Vancouver includes a commitment to green buildings, and BC has more green buildings than any other province in Canada. A variety of public and private sector building projects, including one on Vancouver Island, illustrate the interest in and commitment to green building.

Public sector green buildings in BC that are commonly referenced include the following:

- Vancouver Island Technology Park in Victoria (LEED Gold);
- City of White Rock Operations Building (LEED Gold);
- Semiahmoo Library and RCMP District Office (LEED Silver),
- City of Vancouver Public Works Yard (LEED Gold);
- Tejus William Farrell Building in Vancouver;
- Burnaby Mountain School;
- Nicola Valley Institute of Technology; and
- Liu Centre for the Study of Global Issues and C.K. Choi Building, both at the University of BC.

Private sector green buildings in BC that are commonly referenced include the following:

- The 58 residential unit Silva Building in North Vancouver (expected to achieve LEED Silver);
- The 6 residential unit Koo's Corner Building in Vancouver;
- Mountain Equipment Co-op Head Office;
- 1220 Homer Street architectural office;
- BC Gas Operations Centre;
- Association of Professional Engineers building in Burnaby;
- Keen Engineering office in North Vancouver; and
- 2211 West Fourth, a mixed commercial-residential project (building with Capers and Coast Mountain Sports) in Vancouver.

³ See the October 2003 report, "The Costs and Financial Benefits of Green Buildings" prepared for the Sustainable Buildings Task Force, a group of over 40 California state agencies. It can be viewed at <http://www.ciwmf.ca.gov/greenbuilding/Design/CostIssues.htm>

In Canada there are 66 LEED registered projects (i.e. projects on their way to becoming LEED certified), 4 LEED certified projects, and 525 LEED accredited professionals. British Columbia accounts for 35 of the LEED registered projects, all 4 of the LEED certified projects, and 257 of the LEED certified professionals.

What is the Role of Local Government in Advancing Green Buildings?

Local governments are playing a key role in providing leadership for the advancement of green buildings through green building programs.

In the United States, some well known local government green building programs include the Santa Monica Green Building Program, the Seattle Sustainable Building Program, the City of Portland G Rated Building Program, and the City of Austin Green Building Program.

Closer to home, the Greater Vancouver Regional District has a comprehensive green building program called BUILDSMART⁴, the City of Vancouver supports green buildings through its organizational sustainability initiative and its adoption of LEED Gold as the standard for all new City buildings, the City of Richmond has adopted LEED Silver as the standard for all new City buildings, and the City of Victoria will be developing a green building program in 2005 and 2006 and has advanced the green building concept through the recent Docksides development (City owned industrial lands adjacent to the Gorge to be remediated and redeveloped as a mixed use residential/commercial area by the private sector in accordance with specified green principles).

The role of local government in advancing green buildings focuses on increasing public and construction industry awareness of green buildings and making green building practices easier to implement by:

- developing green building policy;
- educating/informing the public about green buildings and promoting their use;
- educating/informing the building/construction industry about green buildings, and promoting green building construction practices;
- providing technical tools and resources;
- offering incentives and assistance to encourage the use of green building practices and technology.

Purpose

The purpose of the Green Buildings Project is to promote green building practices in the Regional District of Nanaimo.

⁴ For more information about BUILDSMART see www.buildsmart.ca.

Objectives

Exploratory Phase

The objectives of the Green Building Project Exploratory Phase are:

- for the Regional District of Nanaimo to become informed about green building theory and practice;
- for the Regional District of Nanaimo to make a decision regarding the advancement of future phases of the green building project and a green building program.

Future Possible Phases

The objectives of future possible phases of the Green Building Project would be:

- for residents to become informed about the benefits of green building practices and ways to incorporate green building technology into existing and new buildings in the region;
- for the development and construction industry active in the region to become informed about green building theory and practice, the benefits of green building practices and ways to incorporate green building technology into existing and new buildings in the region;
- to increase support for green buildings among residents and the development and construction industry active in the region;
- to identify barriers to the implementation of green building practices in the region, and to identify ways of reducing or eliminating these barriers; and
- to develop and consider a policy regarding green buildings for the region.

Components and Deliverables

Exploratory Phase

1. Identify Green Building Program Possibilities / Establish Green Building Program Foundation

Regional District of Nanaimo staff will obtain information about other local government green building programs for the purpose of helping the Regional District make a more informed decision about its possible future role related to green buildings.

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Regional District of Nanaimo staff will establish contacts and consult with other local government staff with recognized green building programs to:

- gain an understanding of local government involvement in green building programs (existing programs, future plans),
- gain an understanding of the opportunities and challenges of local government green building programs;
- gain an understanding of local government's experience with green building programs;
- identify possible elements of a green building program for the RDN.

It is anticipated that staff from the Greater Vancouver Regional District, the City of Vancouver, the City of Richmond and the City of White Rock will be contacted. Where deemed appropriate, staff from the City of Seattle and City of Portland may also be contacted. Consulting resources may also be retained to provide advice regarding the most appropriate roles for local government in green building advancement.

As a part of this work Regional District of Nanaimo staff assigned to the project will complete basic training in green building theory and practice. This may include courses jointly offered by the Greater Vancouver Regional District and the Simon Fraser University City Program or offered by the Canada Green Building Council or other equivalents.

Regional District of Nanaimo staff will produce a report to document the information gained.

2. Green Building Educational Tour

Regional District of Nanaimo staff will organize and lead a two to three day tour of nearby green buildings for 4 to 8 representatives of the Board to gain a better understanding of the opportunities and challenges of building green.

It is anticipated that the tour will include visits to LEED certified buildings in Vancouver, White Rock, and Victoria, and other buildings in these municipalities that are widely recognized to be green.

It is anticipated that the tour will include meetings with key people involved in the design, construction and operation of the green buildings. Consulting resources may be retained to support staff in tour development and implementation.

3. Terms of Reference for Future Phase of Green Building Project

Regional District of Nanaimo staff will develop terms of reference for the Board's consideration regarding future phases of the Green Building Project.

Future Phases

Future phases of the Green Building Project could include, but not be limited to, the following:

1. Conducting a Board Seminar to provide information about green building theory and practice, to identify the opportunities and challenges presented by green buildings, to discuss how to advance green building practices in the region.
2. Organizing, facilitating and conducting an introductory seminar for local government staff in the Regional District of Nanaimo (i.e. building departments, liquid waste departments, water utility departments, solid waste departments, planning departments) about green buildings.
3. Organizing, facilitating and conducting an introductory seminar for the local construction industry to provide information about green buildings.
4. Organizing, facilitating and conducting an introductory seminar for residents to provide information about green buildings.
5. Researching, writing and publishing an introductory brochure for residents to provide information about green buildings.

October 29, 2004

6. Liaising with staff of local governments that have green building programs to ensure the Regional District benefits from the experience of other organizations.
7. Organizing and facilitating educational seminars about green buildings (possibly including the Leadership in Energy and Environmental Design standard for green buildings) for residents and the local construction industry
8. Organizing and conducting a public workshop about green buildings to discuss the opportunities and challenges of advancing green buildings in the region.
9. Researching, writing and publishing more detailed resource material for residents and the local construction industry about green buildings (e.g. the benefits of green buildings, how to make buildings green).
10. Establishing a directory of resources for green buildings to link providers of green building technology and services with those who may wish to build green.
11. Providing assistance to a proponent of green building (i.e. LEED accredited) pilot project to help coordinate and expedite the approval process.
12. Identifying barriers to green construction practices and developing recommendations regarding methods of eliminating these barriers.
13. Developing corporate policy regarding green buildings for Board consideration.
14. Developing incentives to encourage the use of green building practices and technology.

Timeline

<i>Components and Deliverables</i>	<i>Project Date</i>
1. Identify Green Building Program Possibilities / Establish Green Building Program Foundation	March 2005 – June 2005
2. Green Building Educational Tour	June 2005
3. Terms of Reference Development For Future Phases of Green Building Work	July 2005 – Nov 2005

Budget

<i>Components and Deliverables</i>	<i>Estimated Cost (\$)</i>
1. Identify Green Building Program Possibilities / Establish Green Building Program Foundation	10,000
2. Green Building Educational Tour	5,000 – 10,000
3. Terms of Reference Development For Future Phases of Green Building Work	0 - 5000
Total	20,000

October 29, 2004



REGIONAL DISTRICT OF NANAIMO		
NOV - 2 2004		
CHAIR		GMCS
CAO		GMDS
GMDC		GMES
<i>Call</i>		

MEMORANDUM

TO: N.Avery
Manager, Financial Services

DATE: October 29, 2004

FROM: W.Thexton
Senior Accountant

FILE:

SUBJECT: Operating Results to September 30, 2004

PURPOSE

To present a summary of the operating results for the period ending September 30, 2004

BACKGROUND

The quarterly operating statements for the period January 1 to September 30, 2004 for the Regional District are attached as appendices to this report. The schedules attached include:

- Appendix 1 Overall Regional District Quarterly Summary by Service Area
- Appendix 2 Summary of Operating Results (total revenues and expenditures by function)
- Appendices 3-6 Actual to Budget Summaries by Function (presented in service area order)

The statements reflect primarily actual cash transactions with the exception of property taxes and debt payments, which are recorded monthly, and prior year surpluses (deficits), which are recorded in full at the beginning of the year. Assuming an even distribution of revenues and expenses throughout the year, the proportion of revenues and expenditures to date (the 'benchmark') would be approximately 75% of the budgeted amounts for the year, with the exception of wages where the benchmark is 77%. This is due to the timing of wage payments throughout the year with 20 of 26 pay periods having been completed by September 30th. The third quarter results typically give a reasonable financial picture of how the Regional District's operations will fare for the full year.

Overall operating revenues are generally healthy and above the benchmark for this point in the year. This is due in part to the continued increase in development activity in the Regional District, to utility user fee billings (water, sewer and garbage collection) being completed for the year and to strong activity in recreation services. As we are now three quarters of the way through the year, overall expenditures are following a typical pattern and moving closer to the benchmark as reserve fund transfers and 'other agency' transfers are completed. Overall wage costs are exactly on benchmark at 77% of the annual budget.

Overall Summary by Service Area (Appendix 1)

This summary provides a starting point at an organizational level for the year to date results. Under the Revenue section, property tax revenues are at the expected 75% benchmark. Grants/Operating Other revenues are at 78% overall, varying between from a low in Corporate Services of 68% (see Appendix 4) to a high of 121% in Development Services (see Appendix 5).

Overall Expenditures are at 69%. These results are slightly lower than the benchmark because of Capital Expenditure and Professional Fees categories, which are at 33% and 37% respectively. These costs can be expected to increase later in the year.

Overall Summary by Individual Function (Appendix 2)

This report presents a summary of total revenues, total expenditures and resulting surpluses or deficits for each of the individual functions operated by the Regional District.

Community Services (Appendices 3 and 3A)

Overall operating and grant revenues for Community Services are above benchmark at 77%. However, those for the Regional Parks functions will remain below budget (36%, Page 1 of Appendix 3) due to reduced camping fee revenues from the two campgrounds operated by the Regional District. Under new management service contracts the Regional District will be paid a fee by the contractor rather than collecting revenues directly. There will be some offsetting reduction in campground operating expenses as the two managers assume some responsibility for these items. It is anticipated that the final overall surplus for Regional Parks will be within the budgeted amounts.

Grants/Operating Revenues for the District 69 Recreation (96%), Oceanside Place (82%) and the Ravensong Aquatic Center (81%) functions are well above the benchmark (Page 2 of Appendix 3). Operating expenditures for these three recreation functions are close to the benchmark. Debt Financing-Interest for Oceanside Place will be adjusted at yearend to set aside any amount not required for interest as a "payback of capital" costs for the multiplex. Both revenues and expenditures for District 69 Recreation are above benchmark due to the completion of summer program activities.

Grants/Operating Revenues for the Southern Community and Northern Community Transit services are at 76% of annual budget, slightly above benchmark (Appendix 3A). While fare box revenue for the Southern Community Conventional Transit service is at the 75% benchmark, other ticket and pass revenues are projected to be weaker than budgeted. Unanticipated bus maintenance costs and slightly higher fuel and wage costs will cause expenditures to be higher than budget. Weaker revenues combined with somewhat higher expenditures will result in an estimated \$230,000 to \$250,000 yearend deficit.

Corporate Services (Appendix 4)

Grants/Operating Revenues in Corporate Services (68%) (Page 1 of Appendix 1) are within expectations when municipal debt transfer payments are removed (municipal debt transfers have no net impact on the overall budget as revenues and expenditures are equal and offsetting). Interest on Investments (41%) is below the benchmark as typically the greatest portion of interest is earned on financial instruments and cash balances in the later part of the year after tax requisition funds have been received. Within the Fire Department group (Page 1 of Appendix 4), the Errington Fire Department had budgeted \$100,000 in revenues for gaining grants and the sale of a fire support vehicle which have not yet been received.

Overall expenditures for Corporate Services are at 76% of budget (Page 1 of Appendix 1).

Development Services (Appendix 5)

Strong construction activity throughout the District continues and is reflected in increased operating revenues for Planning (98%) (Page 1 of Appendix 5) and Building Inspection (141%) (Page 2 of Appendix 5) with the result that overall Development Services operating revenues (121%) will be well above the annual budget. Building activity is expected to remain strong in 2005, albeit at a slightly reduced level from this year's activity.

Overall expenditures for Development Services are at only 66% of budget due to lower current capital (16%) and professional fee (37%) expenditures.

Environmental Services (Appendix 6)

Overall Grants/Operating Revenues for Environmental Services (76%) are approximately equal to the benchmark. Substantially all user fee billing revenues for the year are now reflected in the accounts with garbage collection and recycling (97%), water supply (107%) and sewage collection (110%) (Pages 2&3 of Appendix 6) operating revenues approximately equal to budget. Only the final quarter user fees for commercial accounts remain to be billed. Operating revenues for Liquid Waste Management (36%) are below benchmark as \$560,000 budgeted as a transfer from Development Cost Charge funds for various capital projects at the French Creek Pollution Control Center are not yet required. Septage Receiving fees are slightly below the benchmark at the Nanaimo Pollution Control Center (68%) but well above the benchmark at the French Creek Pollution Control Center (94%). Solid Waste Management operating revenues are also slightly below benchmark at 72% due to FCM grants (\$646,000) not yet received, however tipping fee revenues themselves are at a healthy 79% of budget.

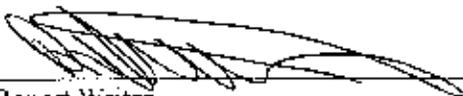
Overall expenditures for Environmental Services (63%) are below the benchmark as budgeted capital expenditures (27%) and professional fees (35%) have yet to be recorded, due mainly to costs not yet incurred for capital projects at the Regional District's two major wastewater treatment plants. Most of the Nanaimo treatment plant capital projects should be completed this year with the exception of a \$280,000 odour control (centrifuge) project. At the French Creek treatment plant, a number of proposed projects have been deferred to 2005 following a capacity options review report.

SUMMARY/CONCLUSIONS

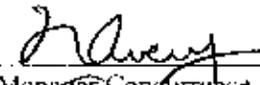
The attached appendices reflect the operating activities of the Regional District recorded up to September 30, 2004. Appendix 1 summarizes the overall results across all functions and reflects that 79% of total budgeted revenues and 69% of budgeted expenditures have been recorded. Grants/Operating/Other Revenues are higher than the benchmark in recreation activities, water supply, sewer collection, garbage collection and building inspection, are approximately at the benchmark in transit service and solid waste management, and are lower than the benchmark in the fire support services and liquid waste management functions for the reasons outlined above. The lower year-to-date expenditures (69%) are due to the timing of capital projects that impact both professional fees and capital expenditures. The overall surplus to the end of September was \$7,968,491, compared to the \$6,674,610 surplus achieved for the same period in 2003.

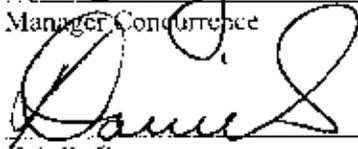
RECOMMENDATION

That the summary report of financial results from operations to September 30, 2004 be received for information.


Report Writer


General Manager Concurrence


Manager Concurrence


C.A.O. Concurrence

COMMENTS:

September 2004 quarterly results memo.doc



REGIONAL DISTRICT OF NANAIMO
GENERAL REVENUE FUND
SEPTEMBER 30, 2004

	COMMUNITY SERVICES			CORPORATE SERVICES			DEVELOPMENT SERVICES			ENVIRONMENTAL SERVICES			TOTAL REVENUE FUND		
	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR
REVENUES															
TAX REQUISITION	\$6,093,855	\$8,125,116	75%	\$2,690,577	\$3,587,417	75%	\$921,510	\$1,228,685	75%	\$7,235,748	\$9,647,843	75%	\$10,941,650	\$22,580,861	75%
GRANTS/OPERATING/OTHER	\$6,138,789	\$7,962,950	77%	1,591,989	2,340,965	68%	1,378,820	1,142,365	121%	7,984,721	10,495,262	76%	\$17,094,329	\$21,941,542	76%
RETAINED EARNINGS	\$1,078,441	\$1,076,432	100%	812,556	812,551	100%	1,164,279	1,164,280	100%	3,043,193	3,043,190	100%	\$6,093,469	\$6,636,453	100%
TOTAL REVENUES	13,309,085	17,164,498	78%	5,095,132	6,740,933	76%	3,464,609	3,535,330	98%	18,253,662	23,186,093	79%	40,132,468	50,628,856	79%
EXPENSES															
OFFICE OPERATING	\$1,469,253	\$1,969,625	75%	\$479,017	\$660,393	72%	\$242,781	\$369,050	66%	\$861,141	\$1,123,426	77%	\$3,051,192	\$4,122,494	74%
COMMUNITY GRANTS	53,145	73,500	72%	31,704	46,696	68%	0	0	0	0	0	0	\$84,859	\$120,196	71%
LEGISLATIVE	0	0		151,994	214,285	71%	0	0	0	0	0	0	\$151,984	\$214,285	71%
PROFESSIONAL FEES	50,932	145,510	35%	125,681	305,580	41%	147,881	395,185	37%	312,950	887,404	35%	\$637,424	\$1,733,879	37%
BUILDING OPS & MAINT	359,995	594,809	61%	125,854	235,715	53%	26,964	45,200	60%	149,508	289,449	52%	\$662,451	\$1,155,173	57%
VEHICLE OPS & MAINT	1,557,828	2,096,525	74%	62,039	159,075	39%	24,302	29,935	81%	607,376	958,497	63%	\$2,252,145	\$3,244,032	69%
OTHER EQUIPMENT OPS & MAINT	42,610	65,950	65%	34,143	77,943	44%	10,230	16,260	63%	0	0	0	\$66,983	\$150,153	54%
OTHER OPERATING	167,760	281,525	60%	10,068	16,430	61%	133,232	203,295	66%	4,339,553	6,775,403	64%	\$4,660,613	\$7,276,653	64%
WAGES & BENEFITS	6,370,973	8,141,427	78%	1,089,698	1,419,781	77%	1,191,915	1,547,210	77%	2,833,851	3,793,705	75%	\$11,496,437	\$14,632,123	77%
RECREATION PROGRAMS	90,149	250,910	36%	0	0	0	0	0	0	0	0	0	\$90,149	\$350,910	36%
CAPITAL EXPENDITURES	285,154	371,695	77%	121,930	274,715	44%	18,446	14,000	16%	839,191	3,069,840	27%	\$1,264,781	\$3,830,260	33%
DEBT FINANCING-INTEREST	423,287	1,035,480	41%	549	6,575	10%	0	0	0	1,265,790	1,691,615	75%	\$1,688,629	\$2,732,670	62%
DEBT FINANCING-PRINCIPAL	190,628	227,980	84%	0	0	0	0	0	0	1,008,270	1,344,380	75%	\$1,498,698	\$1,572,360	76%
DEBT FINANCING-EXCHANGE	0	0		0	0	0	0	0	0	0	0	0	\$0	\$0	
CONTINGENCY	0	(20,000)	0	(830)	0	0	0	0	0	0	0	0	(5600)	(20,000)	4%
TRANSFER TO RESERVE FUND	19,750	53,535	37%	341,481	326,526	104%	9,420	9,420	100%	1,310,110	1,070,110	106%	\$1,680,761	\$1,762,650	95%
TRANSFER FROM RESERVE FUND	0	0		0	0	0	0	0	0	0	0	0	\$0	\$0	
NET TO OTHER GOVT AGENCIES	998,875	1,248,875	80%	2,177,625	2,504,367	87%	0	0	0	0	0	0	\$0,176,500	\$3,753,242	85%
TOTAL EXPENDITURES	\$12,080,340	\$16,537,408	73%	\$4,750,133	\$6,250,080	76%	\$7,905,181	\$2,729,555	66%	\$13,528,343	\$21,303,829	64%	\$32,163,997	\$46,820,870	69%
OPERATING SURPLUS (DEFICIT)	\$1,228,745	\$627,092		\$344,999	\$490,853		\$1,659,428	\$805,775		\$4,735,319	\$1,882,266		\$7,968,491	\$3,805,986	

**REGIONAL DISTRICT OF NANAIMO
SUMMARY OF OPERATING RESULTS
JANUARY 1 TO SEPTEMBER 30, 2004**

	Revenues			Expenditures			Surplus	
	Actual	Budget	Variance	Actual	Budget	Variance	Actual	Budget
COMMUNITY SERVICES								
District 09 Recreation	860,388	1,082,095	80%	846,074	1,050,617	81%	14,314	31,478
Oceanside Place	1,443,246	1,822,590	79%	939,326	1,796,122	52%	503,920	26,468
Ravensong Aquatic Center	1,486,477	1,860,518	80%	1,373,291	1,831,475	75%	113,185	29,043
Gabriola Island Recreation	54,853	72,130	76%	65,230	67,056	97%	(10,377)	5,074
Southern Community Recreation	514,414	686,420	75%	661,288	686,420	96%	(146,874)	0
Port Theater	31,230	41,635	75%	41,635	41,635	100%	(10,405)	0
Gabriola Island Emergency Wharf	40,560	58,190	70%	58,637	58,190	101%	(18,077)	0
Southern Community Transportation	8,558,442	8,806,380	74%	6,797,823	8,804,016	77%	(239,381)	1,364
D69 Conventional Transit	686,378	852,375	81%	651,879	850,570	77%	34,499	1,805
D69 Custom Transit	1,158	2,960	39%	2,040	2,200	93%	(862)	760
Regional Parks	651,356	775,105	84%	336,484	773,395	44%	314,872	1,710
Community Parks								
A	211,537	226,845	93%	19,344	57,168	34%	192,193	169,677
B	172,347	194,745	89%	43,105	81,528	53%	129,242	113,217
C	17,569	20,045	88%	7,679	11,369	68%	9,890	8,576
D	32,816	33,940	97%	5,009	6,392	78%	27,807	27,548
E	132,848	145,345	91%	17,798	66,584	27%	115,050	78,761
F	82,802	86,850	95%	8,774	19,057	46%	73,828	67,793
G	37,718	45,325	83%	20,173	36,044	56%	17,545	9,281
H	61,589	70,335	88%	40,631	51,299	79%	20,958	19,036
Regional Growth Management Service	231,557	281,670	82%	144,120	246,269	59%	87,437	35,401
	<u>13,309,085</u>	<u>17,164,496</u>	<u>78%</u>	<u>12,080,340</u>	<u>16,537,406</u>	<u>73%</u>	<u>1,228,745</u>	<u>627,092</u>
CORPORATE SERVICES								
General Administration	2,522,821	3,426,186	77%	2,150,110	3,032,210	71%	472,711	393,976
Electoral Areas Only	116,673	147,085	79%	80,165	135,757	59%	36,508	11,328
D68 E911	46,311	57,220	81%	14,691	44,321	33%	31,620	12,899
D69 E911	339,180	421,750	80%	357,230	358,505	100%	(18,050)	63,245
Fire Protection								
Volunteer Departments								
Coombs-Hilliers	134,433	172,615	78%	169,642	172,615	98%	(35,209)	0
Dashwood	120,803	152,790	79%	113,714	152,790	74%	7,089	0
Errington	189,839	340,245	56%	218,316	340,245	64%	(28,477)	0
Extension	67,445	86,315	78%	62,974	86,315	73%	4,471	0
Nanoose Bay	199,060	262,695	76%	237,027	260,500	91%	(37,967)	2,195
Service Contracts								
Wellington Fire (Area D)	30,607	40,960	75%	39,810	40,960	97%	(9,203)	0
Yellowpoint Fire (Area A)	70,815	94,660	75%	92,635	94,660	98%	(21,820)	0
Parkville Local (Area G)	43,947	58,595	75%	58,395	58,430	100%	(14,448)	165
Bow Horn Bay Fire (Area H)	0	0		0	0		0	0
French Creek Fire (Area G)	196,397	260,360	75%	254,652	253,315	101%	(58,255)	7,045
Regional Library	890,479	1,185,522	75%	889,142	1,185,522	75%	1,337	0
Feasibility Studies								
Area B (Sewer)	(113)	5,000	-2%	0	5,000		(113)	0
Area E (Sewer)	18,938	18,935	100%	11,630	18,935	61%	7,308	0
Electoral Areas	7,497	10,000	75%	0	10,000		7,497	0
	<u>5,095,132</u>	<u>6,740,933</u>	<u>76%</u>	<u>4,750,133</u>	<u>6,250,080</u>	<u>76%</u>	<u>344,999</u>	<u>490,853</u>

**REGIONAL DISTRICT OF NANAIMO
SUMMARY OF OPERATING RESULTS
JANUARY 1 TO SEPTEMBER 30, 2004**

	Revenues			Expenditures			Surplus	
	Actual	Budget	Variance	Actual	Budget	Variance	Actual	Budget
DEVELOPMENT SERVICES								
Building Inspection	1,796,310	1,522,170	118%	706,972	899,120	79%	1,089,338	623,050
By-law Enforcement								
Animal Control A,B,C,D	73,351	85,955	84%	35,129	64,625	54%	38,222	22,330
Animal Control E,G,H	67,137	85,050	79%	56,352	78,380	72%	10,785	6,570
Animal Control F	23,141	25,945	89%	7,263	16,445	44%	15,878	9,500
Noise Control A	11,125	12,690	88%	2,741	6,895	40%	8,384	5,795
Noise Control B	7,347	8,210	89%	2,819	5,860	48%	4,528	2,350
Noise Control C	7,907	8,780	90%	2,682	5,860	46%	5,225	2,920
Noise Control D	8,530	9,655	88%	2,682	5,035	53%	5,848	4,620
Noise Control E	12,871	14,550	88%	2,721	6,900	39%	10,150	7,560
Noise Control G	9,345	10,470	89%	2,694	5,860	46%	6,651	4,810
Noise Control H	0	4,500		2,664	4,500	59%	(2,664)	0
Unightly Premises	27,784	33,355	83%	9,867	22,435	44%	17,917	10,920
Hazardous Properties	5,172	8,480	61%	2,619	6,280	42%	2,553	2,200
General Enforcement	140,391	196,735	71%	128,391	210,325	61%	12,000	(13,590)
Emergency Planning	112,200	127,265	88%	29,197	87,515	33%	83,003	39,750
Development Planning	1,145,870	1,359,020	84%	794,260	1,282,020	62%	351,610	77,000
House Numbering	16,128	21,500	75%	16,128	21,500	75%	0	0
	<u>3,464,609</u>	<u>3,535,330</u>	<u>98%</u>	<u>1,805,181</u>	<u>2,729,555</u>	<u>66%</u>	<u>1,659,428</u>	<u>805,775</u>
ENVIRONMENTAL SERVICES								
Southern Community Wastewater	4,938,951	6,031,680	82%	3,747,758	5,679,400	66%	1,191,193	352,280
Northern Community Wastewater	2,623,918	3,986,600	66%	2,387,497	3,981,760	60%	236,421	4,840
Duke Point Wastewater	219,999	226,457	97%	71,955	126,303	57%	148,044	100,154
Solid Waste Disposal Facilities	5,415,781	7,430,825	73%	4,057,277	6,457,158	63%	1,358,504	963,667
Solid Waste Collection & Recycling	1,716,408	1,766,971	97%	1,228,248	1,753,686	70%	487,162	13,285
Water Utilities								
Madrona	162,374	185,835	87%	92,270	165,487	56%	70,104	20,348
Fairwinds	355,350	364,150	98%	145,259	295,191	49%	210,091	68,958
Nanoose Bay	580,137	629,045	92%	417,081	569,540	73%	163,056	59,505
Arbutus Park Estates	103,470	121,630	85%	42,344	103,040	41%	61,126	18,580
West Bay Estates	117,564	128,199	92%	64,681	103,265	63%	52,883	24,934
Driftwood	15,392	22,066	70%	8,321	20,718	40%	7,071	1,348
San Pareil	223,740	231,730	97%	87,891	211,800	41%	135,849	19,930
French Creek	230,486	257,630	89%	142,321	228,967	62%	88,165	28,663
Surfside	24,730	28,274	87%	12,059	23,685	51%	12,671	4,589
Decourcey	4,810	6,497	74%	2,743	5,497	50%	2,067	1,000
Morningstar Creek	4,331	4,585	94%	116	4,451	3%	4,215	134
Wall Beach	4,212	4,037	104%	0	4,037		4,212	0
Englishman River	17,825	8,946	199%	12,188	8,946	136%	5,637	0
Melrose Place Water	0	0		0	0		0	0
Nanoose Bay Bulk Water	283,773	372,965	76%	267,189	372,884	72%	16,584	81
French Creek Bulk Water	78,525	99,740	78%	56,031	99,739	56%	22,494	1
Sewer Utilities								
Fairwinds/Nanoose Coll & Treat	332,946	371,350	90%	207,616	297,712	70%	125,330	73,638
French Creek	693,713	765,403	91%	412,029	653,860	63%	281,684	111,543
Pacific Shores	24,729	31,135	79%	17,218	27,945	62%	7,511	3,190
Surfside Sewer	20,503	23,160	89%	7,155	16,854	42%	13,348	6,306
MacMillan R. Sewer	2,928	3,425	85%	2,565	3,425	75%	363	0
Englishman River Stormwater	0	5,000		90	5,000	2%	(90)	0
Pump & Haul	14,894	11,950	125%	2,180	11,950	18%	12,714	0
Streetlighting	53,173	66,810	80%	36,263	61,529	59%	16,910	5,281
	<u>18,263,662</u>	<u>23,186,095</u>	<u>79%</u>	<u>13,528,343</u>	<u>21,303,829</u>	<u>64%</u>	<u>4,735,319</u>	<u>1,882,266</u>
TOTAL - ALL SERVICES	<u>40,132,488</u>	<u>50,626,656</u>	<u>79%</u>	<u>32,163,997</u>	<u>46,820,870</u>	<u>69%</u>	<u>7,968,491</u>	<u>3,805,986</u>

REGIONAL DISTRICT OF NANAIMO
COMMUNITY SERVICES
SEPTEMBER 30, 2004

	REGIONAL GROWTH MANAGEMENT SERVICE			REGIONAL PARKS			COMMUNITY PARKS		
	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR
REVENUES									
TAX REQUISITION	152,973	203,965	75%	349,497	466,000	75%	223,587	256,093	75%
GRANTS/OPERATING/OTHER	14,875	14,000	106%	4,002	11,250	36%	100	0	
RETAINED EARNINGS	63,709	53,795	100%	297,857	297,955	100%	525,339	525,337	100%
TOTAL REVENUES	231,557	281,670	82%	651,356	775,105	84%	749,026	823,430	91%
EXPENSES									
OFFICE OPERATING	\$30,637	\$45,635	67%	\$27,499	\$41,145	67%	\$12,364	\$17,150	72%
PROFESSIONAL FEES	10,186	22,500	45%	30,368	87,500	35%	7,168	19,250	37%
BUILDING OP & MAINTENANCE	7,738	13,000	60%	15,630	21,204	73%	3,234	4,345	74%
VEHICLE OP & MAINTENANCE	350	350	100%	5,056	6,955	73%	0	1,000	
OTHER OPERATING COSTS	9,749	49,530	20%	12,151	19,255	63%	1,342	4,790	28%
WAGES & BENEFITS	84,380	114,054	74%	111,984	155,566	72%	83,951	114,621	73%
EQUIP OP & MAINTENANCE	0	0		1,277	900	142%	0	0	
COMMUNITY GRANTS	0	0		0	0		0	0	
RECREATION PROGRAMS	0	0		9,573	32,000	30%	21,644	113,750	19%
CAPITAL EXPENDITURES	380	500	76%	2,684	2,720	99%	0	15,000	
DEBT FINANCING - INTEREST	0	0		664	1,000	66%	8,728	14,050	62%
DEBT FINANCING - PRINCIPAL	0	0		83,393	85,000	98%	4,086	5,445	75%
DEBT FINANCING - EXCHANGE	0	0		0	0		0	0	
CONTINGENCY	0	0		0	0		0	0	
TRANSFER TO RESERVE FUND	700	700	100%	305	34,150	1%	0	0	
TRANSFER FROM RESERVE FUND	0	0		0	0		0	0	
TRANSFER TO OTHER GOVTS	0	0		36,000	286,000	13%	20,000	20,000	100%
TOTAL EXPENDITURES	\$144,120	\$246,269	59%	\$336,484	\$773,395	44%	\$162,513	\$329,441	49%
OPERATING SURPLUS (DEFICIT)	\$87,437	\$35,401		\$314,872	\$1,710		\$568,513	\$493,989	

REGIONAL DISTRICT OF NANAIMO
COMMUNITY SERVICES
SEPTEMBER 30, 2004

	DISTRICT 69 RECREATION			OCEANSIDE PLACE			RAVENSONG AQUATIC CENTER		
	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR
REVENUES									
TAX REQUISITION	641,709	855,605	75%	906,552	1,208,740	75%	881,244	1,174,988	75%
GRANTS/OPERATING/OTHER	172,984	180,805	96%	350,243	427,400	82%	348,738	420,035	81%
RETAINED EARNINGS	45,685	45,685	100%	186,451	186,450	100%	256,495	256,495	100%
TOTAL REVENUES	860,388	1,082,095	80%	1,443,246	1,822,590	79%	1,486,477	1,860,518	80%
EXPENSES									
OFFICE OPERATING	\$70,901	\$91,580	77%	\$83,432	\$97,315	86%	\$88,417	\$121,365	73%
PROFESSIONAL FEES	655	3,100	21%	117	560	18%	0	500	
BUILDING OP & MAINTENANCE	8,194	10,500	78%	152,301	238,175	64%	95,630	178,135	54%
VEHICLE OP & MAINTENANCE	14,743	20,230	73%	10,632	21,055	50%	1,718	2,875	60%
OTHER OPERATING COSTS	13,863	19,025	73%	10,134	10,780	94%	13,552	19,750	69%
WAGES & BENEFITS	458,081	581,562	79%	481,457	619,827	78%	573,099	759,985	75%
EQUIP OP & MAINTENANCE	1,986	2,675	69%	26,704	35,950	75%	10,849	23,525	46%
COMMUNITY GRANTS	45,940	67,000	69%	1,189	500	238%	6,017	6,000	100%
RECREATION PROGRAMS	32,134	54,980	58%	3,222	16,790	19%	23,576	33,400	71%
CAPITAL EXPENDITURES	3,772	3,970	95%	7,973	71,095	11%	299,191	217,720	96%
DEBT FINANCING - INTEREST	0	0		161,860	683,980	24%	251,928	335,900	75%
DEBT FINANCING - PRINCIPAL	0	0		0	0		99,009	132,015	75%
DEBT FINANCING - EXCHANGE	0	0		0	0		0	0	
CONTINGENCY	0	0		0	0		0	0	
TRANSFER TO RESERVE FUND	305	305	100%	305	305	100%	305	305	100%
TRANSFER FROM RESERVE FUND	0	0		0	0		0	0	
TRANSFER TO OTHER GOVTS	195,490	195,490	100%	0	0		0	0	
TOTAL EXPENDITURES	\$846,074	\$1,050,617	81%	\$939,326	\$1,796,122	52%	\$1,373,291	\$1,831,475	75%
OPERATING SURPLUS (DEFICIT)	\$14,314	\$31,478		\$503,920	\$26,468		\$113,186	\$29,043	

REGIONAL DISTRICT OF NANAIMO
COMMUNITY SERVICES
SEPTEMBER 30, 2004

	GABRIOLA ISL RECREATION			SOUTHERN COMMUNITY RECREATION & CULTURE			TRANSPORTATION SERVICES			TOTAL COMMUNITY SERVICES		
	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR
REVENUES												
TAX REQUISITION	52,344	69,795	75%	547,263	723,675	75%	2,333,686	3,116,255	75%	6,093,855	8,125,116	75%
GRANTS/OPERATING/OTHER	175	0		0	0		5,247,662	6,930,480	76%	6,138,789	7,932,950	77%
RETAINED EARNINGS	2,334	2,335	100%	(1,519)	(1,620)	100%	(299,510)	(239,510)	100%	1,075,441	1,378,432	100%
TOTAL REVENUES	54,853	72,130	76%	545,844	728,055	75%	7,286,536	9,718,905	75%	13,309,085	17,164,498	78%
EXPENSES												
OFFICE OPERATING	\$609	\$770	79%	\$0	\$0		\$1,155,385	\$1,554,625	74%	\$1,469,253	\$1,969,625	75%
PROFESSIONAL FEES	0	0		0	12,000		2,440	0		50,932	145,510	35%
BUILDING OP & MAINTENANCE	0	0		11,061	28,670	39%	66,277	100,780	66%	359,965	594,809	61%
VEHICLE OP & MAINTENANCE	0	75		0	0		1,525,329	2,043,985	75%	1,557,828	2,096,525	74%
OTHER OPERATING COSTS	43	50	86%	608	0		106,310	168,345	67%	167,760	231,525	60%
WAGES & BENEFITS	4,576	6,161	74%	3,830	0		4,569,003	5,789,951	79%	6,370,973	8,141,427	78%
EQUIP OP & MAINTENANCE	0	0		0	0		1,794	3,000	60%	42,610	65,950	65%
COMMUNITY GRANTS	0	0		0	0		0	0		53,146	73,500	72%
RECREATION PROGRAMS	0	0		0	0		0	0		90,149	250,910	36%
CAPITAL EXPENDITURES	0	0		0	0		61,154	60,690	101%	285,154	371,685	77%
DEBT FINANCING - INTEREST	0	0		0	0		109	550	20%	423,287	1,035,480	41%
DEBT FINANCING - PRINCIPAL	0	0		0	0		4,140	5,520	75%	190,528	227,980	84%
DEBT FINANCING - EXCHANGE	0	0		0	0		0	0		0	0	
CONTINGENCY	0	0		0	0		0	(20,000)		0	(20,000)	
TRANSFER TO RESERVE FUND	0	0		0	0		17,830	17,830	100%	19,750	53,595	37%
TRANSFER FROM RESERVE FUND	0	0		0	0		0	0		0	0	
TRANSFER TO OTHER GOVTS	60,000	60,000	100%	687,385	687,385	100%	0	0		598,875	1,248,875	89%
TOTAL EXPENDITURES	\$65,230	\$67,056	97%	\$702,923	\$728,055	97%	\$7,510,376	\$9,714,976	77%	\$12,080,340	\$15,537,405	73%
OPERATING SURPLUS (DEFICIT)	(\$10,377)	\$5,074		(\$157,279)	\$0		(\$223,841)	\$3,929		\$1,228,745	\$627,092	

REGIONAL DISTRICT OF NANAIMO
TRANSPORTATION SERVICES
SEPTEMBER 30, 2004

	GABRIOLA ISLAND EMERGENCY WHARF			SOUTHERN COMMUNITY TRANSPORTATION SERVICES			D69 CONVENTIONAL			NORTHERN COMMUNITY D69 HandyDART			TOTAL		
	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR
REVENUES															
TAX REQUISITION	\$52,884	\$70,515	75%	\$1,975,725	\$2,634,305	75%	\$308,961	\$411,945	75%	\$1,116	\$1,490	75%	\$2,338,686	\$3,118,255	75%
GRANTS/OPERATING/OTHER	0	0		4,875,731	6,464,090	75%	371,929	434,940	86%	2	1,430	0%	5,247,662	6,900,463	76%
RETAINED EARNINGS	(12,324)	(12,325)	100%	(293,014)	(293,015)	100%	5,488	5,490	100%	40	40	100%	(299,810)	(299,810)	100%
TOTAL REVENUES	\$40,560	\$58,190	70%	\$6,558,442	\$8,805,390	74%	\$686,378	\$852,375	81%	\$1,158	\$2,960	39%	\$7,286,538	\$9,718,905	75%
EXPENSES															
OFFICE OPERATING	\$99	\$125	79%	\$793,855	\$1,072,595	74%	\$361,278	\$481,705	75%	\$153	\$230	77%	\$1,155,385	\$1,554,625	74%
PROFESSIONAL FEES	672	0		1,768	0		0	0		0	0		2,440	0	
BUILDING OP. & MAINT.	0	0		66,277	100,790	66%	0	0		0	0		66,277	100,790	66%
VEHICLE OP. & MAINT.	0	0		1,525,329	2,043,985	75%	0	0		0	0		1,525,329	2,043,985	75%
OTHER OPERATING COSTS	254	0		105,908	158,345	67%	0	0		156	0		106,318	158,345	67%
WAGES & BENEFITS	0	0		4,277,271	5,418,795	79%	280,601	368,865	76%	1,731	2,000	87%	4,559,603	5,789,351	79%
EQUIP. OP & MAINT	0	0		1,794	3,000	60%	0	0		0	0		1,794	3,000	60%
COMMUNITY GRANTS	0	0		0	0		0	0		0	0		0	0	
RECREATION PROGRAMS	0	0		0	0		0	0		0	0		0	0	
CAPITAL EXPENDITURES	51,862	52,315	99%	9,292	8,375	111%	0	0		0	0		61,154	60,690	101%
DEBT FINANCING - INT.	0	0		109	550	20%	0	0		0	0		109	550	20%
PRINCIPAL	0	0		4,140	5,520	75%	0	0		0	0		4,140	5,520	75%
-EXCHANGE	0	0		0	0		0	0		0	0		0	0	
CONTINGENCY	0	0		0	(20,000)		0	0		0	0		0	(20,000)	
TRANSFER TO RESERVE FUND	5,750	5,750	100%	12,080	12,080	100%	0	0		0	0		17,830	17,830	100%
TRANSFER FROM RESERVE FUND	0	0		0	0		0	0		0	0		0	0	
TRANSFER TO OTHER GOVTS	0	0		0	0		0	0		0	0		0	0	
TOTAL EXPENDITURES	\$58,637	\$58,190	101%	\$6,797,823	\$8,804,016	77%	\$651,879	\$850,570	77%	\$2,040	\$2,200	93%	\$7,516,379	\$8,714,873	77%
NET SURPLUS	(\$18,077)	\$0		(\$239,381)	\$1,364		\$34,499	\$1,805		(\$882)	\$760		(\$223,841)	\$3,929	

REGIONAL DISTRICT OF NANAIMO
CORPORATE SERVICES
SEPTEMBER 30, 2004

	ADMINISTRATION			ELECTORAL AREAS			PUBLIC SAFETY			FIRE DEPTS			REGIONAL LIBRARY		
	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR
REVENUES															
TAX REQUISITION	\$442,224	\$599,625	75%	\$92,733	\$123,850	75%	\$280,467	\$373,945	76%	\$862,179	\$1,309,565	75%	\$895,141	\$1,180,187	75%
GRANTS/OPERATING/OTHER	1,564,496	2,220,465	70%	531	0	0	0	0	0	17,002	105,500	16%	0	0	0
RETAINED EARNINGS	616,101	616,096	100%	23,435	23,435	100%	105,024	105,025	100%	54,165	54,170	100%	5,338	5,335	100%
TOTAL REVENUES	2,622,821	3,426,186	77%	116,673	147,085	79%	385,491	478,970	80%	1,053,346	1,469,235	72%	890,479	1,185,522	75%
EXPENSES															
OFFICE OPERATING	\$396,303	\$550,146	72%	\$35,308	\$59,972	59%	\$8,998	\$11,940	75%	\$37,328	\$38,335	97%	\$0	\$0	0
COMMUNITY GRANTS	31,704	46,696	68%	0	0	0	0	0	0	0	0	0	0	0	0
LEGISLATIVE	139,507	189,450	74%	12,477	24,835	50%	0	0	0	0	0	0	0	0	0
PROFESSIONAL FEES	104,601	240,955	43%	9,334	30,690	30%	116	0	0	0	0	0	0	0	0
BUILDING OPS & MAINT	111,288	219,279	51%	92	800	12%	451	781	58%	14,123	14,855	95%	0	0	0
VEHICLE OPS & MAINT	4,825	4,825	100%	0	0	0	0	0	0	57,214	154,250	37%	0	0	0
EQUIP OPS & MAINT	26,947	64,323	42%	711	400	178%	2,518	4,720	53%	3,967	8,500	47%	0	0	0
OTHER OPERATING COSTS	6,988	10,430	67%	0	0	0	0	0	0	3,080	6,000	51%	0	0	0
WAGES & BENEFITS	1,087,081	1,419,481	77%	2,580	0	0	0	0	0	37	300	12%	0	0	0
CAPITAL EXPENDITURES	37,491	83,330	45%	19,663	19,060	103%	0	0	0	64,836	172,325	38%	0	0	0
DEBT FINANCING-INTEREST	0	0	0	0	0	0	0	0	0	549	5,575	10%	0	0	0
DEBT FINANCING-PRINCIPAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DEBT FINANCING-EXCHANGE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CONTINGENCY	0	0	0	0	0	0	0	0	0	(807)	0	0	0	0	0
TRANSFER TO RESERVE FUND	203,295	203,295	100%	0	0	0	0	0	0	138,186	126,230	109%	0	0	0
TRSF TO OTHER GOV'T AGENCIES	0	0	0	0	0	0	359,838	385,365	93%	926,645	903,460	99%	899,142	1,185,522	75%
TOTAL EXPENDITURES	\$2,150,110	\$3,032,210	71%	\$80,165	\$135,757	59%	\$371,921	\$402,826	92%	\$1,247,165	\$1,459,830	85%	\$899,142	\$1,185,522	75%
OPERATING SURPLUS (DEFICIT)	\$472,711	\$393,976		\$36,508	\$11,328		\$13,570	\$76,144		(\$193,819)	\$9,405		\$1,337	\$0	

REGIONAL DISTRICT OF NANAIMO
CORPORATE SERVICES
SEPTEMBER 30, 2004

	ELECT AREA REFERENCE			FEASIBILITY STUDIES			MUNICIPAL DEBT TRANSFERS			TOTAL CORPORATE SERVICES		
	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR
REVENUES												
TAX REQUISITION	\$0	\$0		\$7,830	\$10,445	75%	\$0	\$0		\$2,690,377	\$3,587,417	75%
GRANTS/OPERATING/OTHER	0	0		10,000	15,000	67%	1,195,629	2,127,320	56%	2,787,628	4,468,285	62%
RETAINED EARNINGS	0	0		8,452	8,450	100%	0	0		812,556	812,551	100%
TOTAL REVENUES	0	0		26,332	33,935	78%	1,195,629	2,127,320	56%	6,290,761	8,868,253	71%
EXPENSES												
OFFICE OPERATING	\$0	\$0		\$0	\$0		\$0	\$0		\$478,817	\$660,393	72%
COMMUNITY GRANTS	0	0		0	0		0	0		31,704	46,896	68%
LEGISLATIVE	0	0		0	0		0	0		151,984	214,285	71%
PROFESSIONAL FEES	0	0		11,630	33,935	34%	0	0		125,681	305,580	41%
BUILDING OPS & MAINT	0	0		0	0		0	0		125,954	235,715	53%
VEHICLE OPS & MAINT	0	0		0	0		0	0		62,039	159,075	39%
EQUIP OPS & MAINT	0	0		0	0		0	0		34,143	77,943	44%
OTHER OPERATING COSTS	0	0		0	0		0	0		10,068	16,430	61%
WAGES & BENEFITS	0	0		0	0		0	0		1,089,698	1,419,781	77%
CAPITAL EXPENDITURES	0	0		0	0		0	0		121,990	274,715	44%
DEBT FINANCING-INTEREST	0	0		0	0		806,338	1,295,340	62%	806,887	1,303,915	62%
DEBT FINANCING-PRINCIPAL	0	0		0	0		360,760	798,805	45%	360,760	798,805	45%
DEBT FINANCING-EXCHANGE	0	0		0	0		2,534	33,175	8%	2,534	33,175	8%
CONTINGENCY	0	0		0	0		0	0		(800)	0	
TRANSFER TO RESERVE FUND	0	0		0	0		0	0		341,481	329,525	104%
TRSF TO OTHER GOVT/AGENCIES	0	0		0	0		0	0		2,177,625	2,504,367	87%
TOTAL EXPENSES	\$0	\$0		\$11,630	\$33,935	34%	\$1,199,632	\$3,127,320	56%	\$5,949,765	\$8,377,400	71%
OPERATING SURPLUS (DEFICIT)	\$0	\$0		\$14,692	\$0		(\$4,003)	\$0		\$340,996	\$490,853	

REGIONAL DISTRICT OF NANAIMO
DEVELOPMENT SERVICES
SEPTEMBER 30, 2004

	PLANNING			HOUSE NUMBERING			EMERGENCY PLANNING		
	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR
REVENUES									
TAX REQUISITION	528,407	837,875	75%	16,128	21,500	75%	41,247	55,000	75%
GRANTS/OPERATING/OTHER	174,318	176,000	98%	0	0		13,690	15,000	91%
RETAINED EARNINGS	343,145	343,145	100%	0	0		57,263	57,265	100%
TOTAL REVENUES	1,145,870	1,359,020	84%	16,128	21,500	75%	112,200	127,265	88%
EXPENSES									
OFFICE OPERATING	\$125,458	\$186,110	67%	\$16,128	\$21,500	75%	\$3,380	\$16,350	21%
PROFESSIONAL FEES	38,138	165,000	23%	0	0		0	2,000	
BUILDING OP & MAINTENANCE	16,836	24,900	68%	0	0		80	300	10%
VEHICLE OP & MAINTENANCE	5,235	5,235	100%	0	0		1,097	2,400	46%
OTHER OPERATING COSTS	51,351	86,875	59%	0	0		15	1,700	1%
WAGES & BENEFITS	540,214	781,065	69%	0	0		24,625	32,765	75%
EQUIP OP & MAINTENANCE	4,410	7,600	58%	0	0		0	1,500	
COMMUNITY GRANTS	0	0		0	0		0	0	
PROGRAM COSTS	0	0		0	0		0	0	
CAPITAL EXPENDITURES	7,383	20,000	37%	0	0		0	30,000	
DEBT FINANCING - INTEREST	0	0		0	0		0	0	
DEBT FINANCING - PRINCIPAL	0	0		0	0		0	0	
DEBT FINANCING - EXCHANGE	0	0		0	0		0	0	
CONTINGENCY	0	0		0	0		0	0	
TRANSFER TO RESERVE FUND	5,235	5,235	100%	0	0		0	0	
TRANSFER FROM RESERVE FUND	0	0		0	0		0	0	
TRANSFER TO OTHER GOVTS	0	0		0	0		0	0	
TOTAL EXPENDITURES	\$794,260	\$1,282,020	62%	\$16,128	\$21,500	75%	\$29,197	\$87,515	33%
OPERATING SURPLUS (DEFICIT)	\$351,610	\$77,000		\$0	\$0		\$83,003	\$39,750	

**REGIONAL DISTRICT OF NANAIMO
DEVELOPMENT SERVICES
SEPTEMBER 30, 2004**

	BUILDING INSPECTION		BYLAW ENFORCEMENT		TOTAL DEVELOPMENT SERVICES	
	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR
REVENUES						
TAX REQUISITION	101,250	135,000	75%	134,478	179,310	75%
GRANTS/OPERATING/OTHER	1,056,022	748,130	141%	134,790	201,235	67%
RETAINED EARNINGS	639,038	639,040	100%	124,833	124,830	100%
TOTAL REVENUES	1,796,310	1,522,170	118%	394,101	505,375	78%
EXPENSES						
OFFICE OPERATING	\$87,550	\$128,330	68%	\$10,265	\$16,760	61%
PROFESSIONAL FEES	20,028	61,750	32%	89,695	106,435	54%
BUILDING OP & MAINTENANCE	10,078	15,500	65%	0	4,000	0%
VEHICLE OP & MAINTENANCE	11,953	13,700	87%	6,017	8,600	70%
OTHER OPERATING COSTS	45,522	62,720	73%	36,344	52,000	70%
WAGES & BENEFITS	512,675	580,275	88%	114,401	153,105	75%
EQUIP OP & MAINTENANCE	5,820	7,160	81%	0	0	0%
COMMUNITY GRANTS	0	0	0%	0	0	0%
PROGRAM COSTS	0	0	0%	0	0	0%
CAPITAL EXPENDITURES	9,161	25,500	36%	1,902	38,500	5%
DEBT FINANCING - INTEREST	0	0	0%	0	0	0%
DEBT FINANCING - PRINCIPAL	0	0	0%	0	0	0%
DEBT FINANCING - EXCHANGE	0	0	0%	0	0	0%
CONTINGENCY	0	0	0%	0	0	0%
TRANSFER TO RESERVE FUND	4,185	4,185	100%	0	0	0%
TRANSFER FROM RESERVE FUND	0	0	0%	0	0	0%
TRANSFER TO OTHER GOVTS	0	0	0%	0	0	0%
TOTAL EXPENDITURES	\$706,972	\$899,120	79%	\$258,624	\$439,400	59%
OPERATING SURPLUS (DEFICIT)	\$1,089,338	\$623,050		\$135,477	\$65,975	
				\$1,805,181	\$2,729,555	66%
				\$1,659,428	\$805,775	

**REGIONAL DISTRICT OF NANAIMO
ENVIRONMENTAL SERVICES
SEPTEMBER 30, 2004**

	LIQUID WASTE MANAGEMENT			SOLID WASTE MANAGEMENT			GARBAGE COLLECTION/RECYCLING		
	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR
REVENUES									
TAX REQUISITION	\$5,514,570	\$7,352,757	75%	\$301,725	\$402,305	75%	\$0	\$0	
GRANTS/OPERATING/OTHER	367,520	991,200	37%	4,844,347	6,768,815	72%	1,711,578	1,763,141	97%
RETAINED EARNINGS	1,900,778	1,900,760	100%	269,709	269,705	100%	3,830	3,830	100%
TOTAL REVENUES	7,782,868	10,244,737	76%	5,415,781	7,430,825	73%	1,715,408	1,766,971	97%
EXPENSES									
OFFICE OPERATING	\$313,058	\$389,575	80%	\$559,038	\$462,175	78%	\$92,977	\$127,190	73%
PROFESSIONAL FEES	187,955	434,100	43%	76,347	329,300	23%	0	2,500	
BUILDING OP & MAINTENANCE	87,644	97,800	90%	28,307	56,000	51%	1,652	2,245	74%
VEHICLE OP & MAINTENANCE	261,377	353,785	74%	288,447	505,130	57%	988	1,785	55%
WAGES & BENEFITS	1,078,283	1,427,285	76%	1,220,936	1,530,030	80%	25,170	31,875	79%
OPERATIONAL COSTS	925,208	1,377,743	67%	1,673,939	2,804,249	60%	1,106,762	1,587,441	70%
CAPITAL EXPENDITURES	547,716	2,326,900	24%	109,344	415,500	26%	49	0	
DEBT FINANCING - INT	906,750	1,209,010	75%	123,525	164,700	75%	0	0	
DEBT FINANCING - PRINCIPAL	816,111	1,088,155	75%	68,049	90,730	75%	0	0	
DEBT FINANCING - EXCHANGE	0	0		0	0		0	0	
CONTINGENCY	0	0		0	0		0	0	
TRANSFER TO RESERVE FUND	1,083,110	1,083,110	100%	109,345	109,345	100%	650	650	100%
TRANSFER FROM RESERVE FUND	0	0		0	0		0	0	
TSFR TO OTHER GOV'T/AGENCIES	0	0		0	0		0	0	
TOTAL EXPENDITURES	\$6,207,210	\$9,787,463	63%	\$4,057,277	\$6,467,158	63%	\$1,228,246	\$1,753,686	70%
OPERATING SURPLUS (DEFICIT)	\$1,575,658	\$457,274		\$1,358,504	\$963,667		\$487,162	\$13,285	

**REGIONAL DISTRICT OF NANAIMO
ENVIRONMENTAL SERVICES
SEPTEMBER 30, 2004**

	WATER SUPPLY			SEWAGE COLLECTION			STREET LIGHTING			TOTAL ENVIRONMENTAL SERVICES		
	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR	ACTUAL 2004	BUDGET 2004	% VAR
REVENUES												
TAX REQUISITION	\$919,188	\$1,225,586	75%	\$459,990	\$613,310	75%	\$40,275	\$53,685	75%	\$7,235,748	\$9,647,643	75%
GRANTS/OPERATING/OTHER	707,224	659,438	107%	353,823	322,213	110%	229	455	50%	7,984,721	10,495,282	76%
RETAINED EARNINGS	580,307	580,305	100%	275,900	275,900	100%	12,569	12,570	100%	3,043,193	3,043,190	100%
TOTAL REVENUES	2,206,719	2,465,329	90%	1,089,713	1,211,423	90%	53,173	66,810	80%	18,263,662	23,186,095	79%
EXPENSES												
ADMINISTRATION	\$73,606	\$112,036	66%	\$21,742	\$30,850	70%	\$720	\$1,650	45%	\$361,141	\$1,123,426	77%
PROFESSIONAL FEES	36,161	100,604	36%	10,487	20,900	50%	0	0		312,950	887,404	35%
BUILDING OP & MAINTENANCE	20,265	110,744	18%	8,368	9,920	84%	3,272	12,740	26%	149,506	289,449	52%
VEHICLE OP & MAINTENANCE	38,795	66,302	59%	18,371	31,495	58%	0	0		607,976	938,497	63%
WAGES & BENEFITS	379,976	603,645	63%	129,486	200,870	64%	0	0		2,833,851	3,793,705	75%
OPERATIONAL COSTS	190,288	348,491	55%	411,087	610,291	67%	32,271	47,169	68%	4,339,553	6,775,403	64%
CAPITAL COST	178,916	321,165	56%	3,167	6,275	50%	0	0		839,191	3,069,840	27%
DEBT FINANCING - INT	235,518	317,905	74%	0	0		0	0		1,265,793	1,691,815	75%
DEBT FINANCING - PRINCIPAL	124,110	165,495	75%	0	0		0	0		1,008,270	1,344,380	75%
DEBT FINANCING - EXCHANGE	0	0		0	0		0	0		0	0	
CONTINGENCY	0	0		0	0		0	0		0	0	
CONTRIBUTION TO OTHER FUNDS	70,860	70,860	100%	46,145	106,145	43%	0	0		1,310,110	1,373,110	96%
CONTRIBUTION FROM OTHER FND	0	0		0	0		0	0		0	0	
TRANSFER TO OTHER GOVTS	0	0		0	0		0	0		0	0	
TOTAL EXPENSES	\$1,350,494	\$2,217,247	61%	\$648,853	\$1,016,746	64%	\$36,253	\$51,529	59%	\$18,528,343	\$21,303,829	64%
OPERATING SURPLUS (DEFICIT)	\$856,225	\$248,082		\$440,860	\$194,677		\$16,910	\$5,281		\$4,735,319	\$1,882,266	



REGIONAL DISTRICT OF NANAIMO			
OCT 18 2004			
CHAIR		GMCS	
CAO	<i>CA</i>	GMDS	
CMCmS		GMES	
<i>COW</i>		DATE:	

MEMORANDUM

TO: C. Mason
General Manager, Corporate Services

FROM: N. Avery
Manager, Financial Services

SUBJECT: Fire Services Agreement with the Bow Horn Bay Volunteer Fire Department

PURPOSE:

To approve entering into a fire services agreement with the Bow Horn Bay Volunteer Fire Department.

BACKGROUND:

The Regional District currently provides fire protection services through service contracts with a number of agencies. The Bow Horn Bay Fire Protection Service was established earlier this year following the dissolution of the former Improvement District. The fire department has incorporated as a society under the name of the Bow Horn Bay Volunteer Fire Department. Staff have reviewed with the society Board our standard operating agreement and at its meeting held September 20th, 2004 the society Board authorized their Chair and Secretary to enter into a fire services agreement with the Regional District of Nanaimo.

The agreement provides that operational and capital funding will be raised through the Regional District and that fire fighting and fire prevention management services will be provided by the Bow Horn Bay Volunteer Fire Department. The agreement includes budgeting and accounting requirements calling for the submission of periodic operating results reports compared to budget. The agreement covers an initial operating period from August 19th, 2004 to December 31st, 2009 with further automatic renewal periods of five years unless the agreement is terminated. The automatic extension of operating agreements beyond five years is provided for under the Regional District liabilities regulation B.C.Reg 261/2004.

ALTERNATIVES:

1. Approve the agreement as presented.
2. Decline to approve the agreement and seek alternative arrangements for fire fighting services in the service area.

FINANCIAL IMPLICATIONS:

There are no changes to the current financial arrangements with the Regional District. Annual budgets will be prepared by the society and will come before the Regional Board for approval as part of the overall Regional District budget process. Staff supports the agreement.

SUMMARY/CONCLUSIONS:

Following the transfer of responsibilities from the former Bow Horn Bay Fire Protection District to the Regional District of Nanaimo, staff have been working through a number of agreements which formalize the Bow Horn Bay Volunteer Fire Department as a service of the Regional District of Nanaimo. This report brings forward our standard fire services operating agreement between ourselves and the Bow Horn Bay Volunteer Fire Department Society. The society Board approved entering into the agreement at their Board meeting held September 20th, 2004. Staff recommend approving the agreement.

RECOMMENDATION:

1. That the Chair and General Manager, Corporate Services, be authorized to execute a service agreement with the Bow Horn Bay Volunteer Fire Department as presented.


Report Writer


General Manager Concurrence


C.A.O. Concurrence

COMMENTS:

AGREEMENT

This Agreement made this ____ day of _____, 2004

BETWEEN:

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

(hereinafter called the "District")

OF THE FIRST PART

AND:

BOW HORN BAY VOLUNTEER FIRE DEPARTMENT
220 Lions Way
Qualicum Bay, B.C.
V9K 2E2

(hereinafter called the "Society")

OF THE SECOND PART

- A. WHEREAS the District did, by Bylaw No. 1385 and subsequent amendments, establish a service known as the Bow Horn Bay Fire Protection Service Area (the "Service Area") and did within that Service Area authorize the District to undertake and carry out or cause to be carried out and provide for fire protection services and responses to other classes of emergencies in and for the Service Area.
- B. AND WHEREAS the District under Section 798 has all necessary power to do anything incidental or conducive to the exercise or performance of any power, duty or function conferred on a board or regional district;
- C. AND WHEREAS Section 176(1)(a) of the Government Act provides that the Board may make agreements for the operation of services;
- D. AND WHEREAS the Society was incorporated on the 19th day of August, 2004 and the objects of the Society are to maintain the firehall and equipment, oversee all financial affairs of the department and maintain the fire department as a viable entity
- E. NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises, the terms and conditions hereinafter contained (the receipt and sufficiency of which is hereby acknowledged) the parties hereto covenant and agree each with the other as follows:

INTERPRETATION

1. In this Agreement the following terms have the following meanings:

“Services” means the services set out in Schedule ‘A’ to this Agreement.

TERM

2. The term of this Agreement will be for a period of five years commencing on the 19th day of August, 2004 and terminating on the 31st day of December, 2009 unless otherwise terminated as provided in this Agreement.
3. This agreement shall automatically renew for further five year periods after the initial expiry date unless otherwise terminated as provided in this Agreement.

CAPITAL ASSETS

4. The parties to this Agreement acknowledge that the firehall, the firefighting equipment, protective clothing and all other lands, buildings, furniture and equipment utilized by the Society and which were transferred to the Regional District under an Order of the Lieutenant governor in Council dated June 17th, 2004, and any future additions to such land, buildings or equipment purchased out of funds obtained from the District are and will remain the property of the District free and clear of any claim by the Society.
5. During the term of this Agreement the Society, subject to the terms of this Agreement, shall have possession at all times of the firehall, the firefighting equipment, protective clothing and all other land, buildings, furniture and equipment utilized by the Society for the purpose of providing the Services within and for the Service Area, or within and for any other area in accordance with the terms of a mutual aid agreement.

SERVICE AREA

6. The Society will, under the terms hereof and subject to any applicable bylaw of the District and any Federal or Provincial enactment, provide the Services in and for the Service Area, and for any other area in accordance with the terms of a mutual aid agreement.

COST

7. It is acknowledged, understood and agreed that the cost of providing for establishing and equipping the Society for the purpose of carrying out the Services within and for the Service Area shall be borne by the owners of land within the Service Area.

BUDGET

8. The Society will prepare, in a form approved by the Manager, Financial Services of the District, a projected budget for the purpose of providing the Society with the funds to operate, maintain and improve the buildings, equipment and other facilities and chattels utilized by the Society for the purpose of providing and carrying out the Services.

9. The budget shall be presented to the Manager, Financial Services of the District on or before the day specified by the Manager, Financial Services as may be necessary to prepare the District's budget for the following calendar year.
10. The District will review the budget and may either approve the budget or return the budget for amendment by the Society, which will return an amended budget to the District for its approval on or before the day specified by the Manager, Financial Services for the purposes of completing the District's budget for the calendar year.
11. The budget prepared by the Society shall list all expenditures, including capital expenditures proposed for the calendar year. Any accumulated surplus or deficit from the prior year as recorded in the Society's records, must be carried forward and be applied to the next year's budget in accordance with accounting rules established for Regional Districts in the Province of British Columbia.
12. The Society will not expend or contract for or otherwise commit the Society to any expenditure in any calendar year except one that has first been approved in a budget by the District as above provided and will not incur any liability in any year beyond the amount of the funds to be paid to the Society by the District as provided for in the Society budget adopted for that year by the Board of the District.

INSURANCE

13. The District as owner, shall insure and keep insured the vehicles, firehall, land on which the firehall is located or other land utilized in conjunction with the provision of the Services and any and all chattels and equipment owned by the District and the Society and maintained and utilized by the Society to provide the Services under this Agreement. The cost of providing the insurance will be included in the budget prepared by the Society for the purposes of this Agreement.
14. The District has been advised by its insurer that the members of the Society and volunteer firefighters and other persons required under an enactment to provide assistance in an emergency are insured with respect to its policy of insurance from the Municipal Insurance Association of BC while providing the Services under the provisions of a District bylaw or under this Agreement or under the terms of a mutual aid agreement. The Society shall provide for a share of the liability insurance premiums paid by the District as advised by the District from time to time.
15. The Society shall ensure that it is properly registered with the Workers' Compensation Board of BC and shall pay any annual assessments as they become due. The cost of any premiums shall be included as an expenditure in the Society's annual budget.
16. The Society may, at its cost, take out and maintain insurance for the personal effects of the volunteer firefighters and Directors and Officers of the Society.
17. The District may request that the Society take out and maintain a policy of liability insurance in an amount specified by the District with respect to activities of the Society that fall outside this Agreement or that are not covered by the Municipal Insurance Association of BC and the Society shall do so promptly and provide the District with a copy of the policy. This paragraph shall not be interpreted as creating a duty on the part of the District to the Society or to any third party to require the Society to obtain insurance.

MAINTENANCE

18. The Society will, to the satisfaction of the District, maintain the firehall, the grounds around the firehall, the fire equipment and any chattels paid for out of funds obtained through the District for the purpose of providing the Services, in good working condition so that the equipment and facilities are available at all times for the purpose of providing the Services.

OPERATION

19. The Society will operate the equipment and in all other ways provide the Services without negligence and in accordance with standards of operation maintained by other volunteer fire departments of similar size and facilities, or operational guidelines as may be established by the Regional District in consultation with the Society.
20. The Society shall comply with the District's purchasing policies with respect to the acquisition of capital assets as amended from time to time.

COMPLIANCE WITH LAWS

21. The Society will comply with all enactments as defined in the Interpretation Act and all orders and requirements under an enactment including orders and requirements of the Workers' Compensation Board.

FIRE CHIEF

22. The Society will, in the month of December in every second year, appoint or reappoint a Fire Chief who shall be the Fire Chief of the Volunteer Fire Department. The Fire Chief or his designate may be appointed a Assistant under the Fire Services Act.

DIRECTORS

23. At all times, while this Agreement is in force, a representative of the District nominated by the District shall be entitled to attend all meetings of the Board of Directors of the Society.

PAYMENTS

22. (1) In each year during the term of this Agreement, the District will pay to the Society, upon presentation of a quarterly financial statement, in equal quarterly installments, the amount approved in the final budget adopted by the District Board for the current year, less any amounts budgeted to be paid directly by or to be held by the District for, including but not limited to capital expenditures, debt or lease payments, vehicle and property insurance, administration fees and reserve funds. The society shall administer the operating funds in accordance with the budget approved by the Regional District.

Regional District administration costs for disbursing funds and otherwise assigning staff and resources to the management of this agreement shall be established at \$150 annually at the commencement of the term of this agreement and may be reasonably amended by the Regional District from time to time as approved by the Board of the Regional District.

- (2) The Society shall administer the funds in accordance with the budget approved by the District in its annual budget.
- (3) The first quarterly payment shall be made on or before January 10th of each calendar year.
- (4) At the time of the first quarterly payment, the District may:
 - (a) deduct from the payment the amount of or part of any surplus accumulated by the Society during the previous calendar year; or
 - (b) add to the amount of the payment an amount from the budget to reimburse the Society for any deficit incurred by the Society during the previous calendar year.
- (5) The amount of any surplus held by the Society at year end will be applied to the following year's annual budget as described in Section 10.

ACCOUNTS

23. The books of account of the Society shall be kept in such manner and provide such detail as may be required from time to time by the Manager, Financial Services of the District and the Provincial Ministry of Community, Women's and Aboriginal Affairs.

SEPARATE FUNDS AND FINANCIAL STATEMENTS

24. (1) The public funds provided under paragraph 22 and any other funds of the Society shall be separated in its books of account.
- (2) The Society will prepare or have prepared by an auditor as defined under Section 169 of the *Community Charter*, at each year end, audited financial statements containing particulars of assets and liabilities, and a statement of revenue and expenditures for the year for the public funds provided under paragraph 22.
- (3) The Society will file a copy of the audited financial statements with the District by February 15th following each year end. The District's auditors may rely on the Society's audit report, but in any case may require and shall have access to the working papers of the Society's auditor for examination during the year end audit of the District.

RIGHT OF AUDIT

25. At any time the District Board may give to the Society written notice that it desires its representatives to examine the books of account of the Society, and the Society shall produce for examination to such representative within ten days after receipt of such notice, its books of account, and the said representative shall have a right of access to all records, documents, books, accounts and vouchers of the Society and shall be entitled to require from the Directors and Officers of the Society such information and explanations as, in his/her opinion, may be necessary to enable him/her to report to the District Board on the financial position of the Society.

TERMINATION

26. Either party may terminate this Agreement at any time by giving written notice of termination to the other party, and the agreement shall terminate on the 31st day of December of the year following receipt of such notice by the other party, PROVIDED HOWEVER that, in any event, the Agreement shall terminate not later than December 31st, 2009.

EARLY TERMINATION

27. Notwithstanding any other provision herein, the District may terminate this Agreement upon giving the Society 30 days notice of its intention to so terminate:

- (a) should the Society fail to file its annual report or otherwise no longer be in good standing with the Registrar of Companies under the Societies Act;
- (b) should the Society default in any term or condition of this Agreement or fail to perform any covenant herein required to be performed by the Society;
- (c) should the District or any successor to the District provide alternate fire prevention and suppression services within the Service Area; or
- (d) should the Society, in the opinion of the District, fail to adequately provide the Services in and for the Service Area.

28. The Society may terminate this Agreement at any time by giving not less than ninety days written notice of its intention to so terminate in the event of breach by the District of a material term of this Agreement.

29. This Agreement shall enure to the benefit of, and be binding upon, the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties to this Agreement have set their hands and seals as of the day and year first above written.

The Corporate Seal of the REGIONAL DISTRICT OF NANALMO was affixed in the presence of:

_____) (seal)

_____)

SCHEDULE 'A'

"Services" means:

- (1) fire prevention and suppression, including without limiting the generality of the foregoing, training of volunteer firefighters, inspections, enforcement of enactments relating to fire prevention and suppression, elimination of fire hazards and attending at fires for the purpose of containment and extinguishment of the fires and to provide assistance to persons and animals;
- (2) providing assistance in response to other classes of emergency as follows:
 - (a) explosion;
 - (b) flood, tempest, earthquake, landslide, tidal wave or other natural event;
 - (c) building collapse or motor vehicle or other accident;
 - (d) spill, release or leak of a substance capable of injuring property or the health or safety of a person;
 - (e) risk of explosion or fire or a risk of a spill, release or leak of a substance referred to in (d);
 - (f) any emergency as declared under section 798.1 of the Local Government Act or under the Emergency Program Act;
 - (g) first response medical emergencies; and
 - (h) rescue operations;

and further provided that the Society's obligation to provide the Services set out in subsection (2) is subject to the availability of qualified personnel and equipment.

For further clarity, as at the date this agreement was originally signed the Bow Horn Bay Fire Department does not provide first response to medical emergencies.



REGIONAL DISTRICT OF NANAIMO	
OCT 18 2004	
CHAIR	GMCrs
CAO	GMDS
CMCms	GMES
Cow Board	
DATE:	
FILE:	

MEMORANDUM

TO: C. Mason
General Manager, Corporate Services

FROM: N. Avery
Manager, Financial Services

SUBJECT: Regulatory Bylaws – Bow Horn Bay Fire Protection Service

October 16, 2004

PURPOSE:

To seek approval for and adoption of:

Bow Horn Bay Volunteer Fire Department Operations Bylaw No. 1401, 2004; and
Bow Horn Bay Fire Protection Service Regulation Bylaw No. 1402, 2004

BACKGROUND:

The two bylaws attached to this report replace bylaws adopted by the former Bow Horn Bay Fire Protection Improvement District. Bylaw No. 1401 outlines the roles and responsibilities of the Fire Chief in managing the department under the direction of the society Board as well as the authority of the Fire Chief to manage emergency incidents in the service area. The content of this bylaw contains language similar to other operational bylaws in effect for volunteer fire departments in the Regional District.

Bylaw No. 1402 specifies the authority of the Fire Chief to make inspections and orders to prevent circumstances which may cause a fire, as well as regulating the type, size and periods during which burning without a permit is permitted. This bylaw is again similar to other fire regulatory bylaws adopted for fire department service areas in the Regional District.

Both bylaws have been reviewed by staff and are recommended for adoption.

ALTERNATIVES:

1. Approve and adopt the bylaws.
2. Suggest amendments and return the bylaws to the Society for comment.

FINANCIAL IMPLICATIONS:

There are no financial implications.

SUMMARY/CONCLUSIONS:

Bylaws No. 1401 and 1402 replace bylaws adopted by the former Bow Horn Bay Fire Protection Improvement District. As part of the overall housekeeping measures for the transfer of responsibilities from the Improvement District to the Regional District a number of bylaws must be re-adopted by the Regional District. These two bylaws contain language similar to other operational and regulatory bylaws adopted for volunteer fire departments in the Regional District and staff recommend approval and adoption of them as presented.

RECOMMENDATION:

1. That "Bow Horn Bay Volunteer Fire Department Operations Bylaw No. 1401, 2004" be introduced for first three readings.
2. That "Bow Horn Bay Volunteer Fire Department Operations Bylaw No. 1401, 2004" having received three readings be adopted.
3. That "Bow Horn Bay Fire Protection Service Regulation Bylaw No. 1402, 2004" be introduced for first three readings.
4. That "Bow Horn Bay Fire Protection Service Regulation Bylaw No. 1402, 2004" having received three readings be adopted.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1401**

**A BYLAW TO MAKE RULES FOR CONDUCT AT
EMERGENCY INCIDENTS AND THE PROVISION,
OPERATION AND ADMINISTRATION OF THE
BOW HORN BAY VOLUNTEER FIRE DEPARTMENT**

WHEREAS by Section 798 of the *Local Government Act*, the Board has all necessary power to do anything incidental or conducive to the exercise or performance of any power, duty or function conferred on a board or regional district;

AND WHEREAS by Part 15, Division 3, Section 522 a Regional District Board may by bylaw, make rules respecting the authority of the fire chief and any matter within the scope of the Fire Services Act in a manner not contrary to that Act or the regulations under it;

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

1. In this bylaw words and phrases shall be construed as specified hereunder:

“Apparatus” means any vehicle provided with machinery, devices, equipment or materials for fire fighting and assistance response as well as vehicles used to transport fire fighters or supplies.

“Board” means the Board of the Society incorporated as the Bow Horn Bay Volunteer Fire Department acting under contract to the Regional District of Nanaimo.

“Equipment” means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.

“Fire Chief” means the member appointed as head of the Volunteer Fire Department.

“Fire Department” means the volunteer fire department operated by the Bow Horn Bay Volunteer Fire Department.

“Fire Protection” means all aspects of fire safety including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development.

“Incident” means a fire or a situation where a fire or explosion is imminent and includes assistance response circumstances described in section 7 or any other situation presenting a danger or possible danger to life or property and to which the Fire Department has responded.

“Member” means any person that is a duly appointed member of the Fire Department.

“Regional District” means the Board of the Regional District of Nanaimo.

“Service Area” means the boundaries established by the “Bow Horn Bay Fire Protection Service Area Establishment Bylaw No. 1385, 2004” and subsequent amendments.

1. Bow Horn Bay Fire Protection District Bylaw No. 52 is hereby repealed.
2. The Fire Chief shall be appointed by the Board.
3. Other officers and members as the Fire Chief deems necessary, may be appointed to the Fire Department with the approval of the Board.
4. The Fire Chief may appoint other officers of the Fire Department to act as Fire Chief on his behalf.
5. The limits of the jurisdiction of the Fire Department will extend to the area boundaries of the Bow Horn Bay Fire Protection Service Area and no part of the fire apparatus shall be used beyond the limits of the Service Area without the express authorization of a written contract or agreement providing for the supply of fire fighting services or assistance response outside the service area boundary or the express authorization of the Regional District.
6. The Fire Chief has complete responsibility and authorization over the Fire Department subject to the direction and control of the Board to which he shall be responsible and in particular, he shall be required to carry out all fire protection activities, assistance response and such other activities as the Board directs including, but not limited to:
 - (a) rescue operations
 - (b) Mutual aid to other fire departments
 - (c) Response to hazardous material incidents
 - (d) Public service
7. The Fire Chief, subject to the ratification by the Board, shall establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Department including, but not limited to:
 - (a) use, care and protection of Fire Department property;
 - (b) the conduct and discipline of officers and members of the Fire Department; and efficient operations of the Fire Department.
8. The Fire Chief, or in his absence, the senior ranking member present, shall have control, direction and management of all Fire Department apparatus, equipment or manpower assigned to an incident and where a member is in charge, he/she shall continue to act until relieved by an officer authorized to do so.
9. The Fire Chief shall take responsibility for all fire protection matters including the enforcement of the *Fire Services Act* and regulations thereunder and shall assume the responsibilities of the Local Assistant to the Fire Commissioner.
10. Officers and members of the Fire Department shall carry out duties and responsibilities assigned to the Fire Department by the Board, and the Fire Chief shall report to the Board on the operations of the Fire Department or on any other matter in the manner designated by the Board.

11. The Board shall determine the remuneration of all members of the Fire Department.
12. Any member of the Fire Department may be suspended or discharged by the Fire Chief at any time he may deem such action necessary for the good of the Fire Department, provided however, that the member so discharged or suspended by the Fire Chief, may within seven days, appeal in writing to the Board who shall within two weeks hold a hearing and either order that the member so suspended or discharged be reinstated, or that the action of the Fire Chief be confirmed.
13. The Fire Chief, or any other member in charge at a fire is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.
14. The Fire Chief, or any other member in charge at an incident, is empowered to enter premises or property where the incident occurred and to cause any member, apparatus or equipment of the Fire Department to enter, as he deems necessary, in order to combat, control or deal with the incident.
15. The Fire Chief, or the member in charge at an incident, is empowered to enter, pass through or over buildings or property adjacent to an incident and to cause members of the Fire Department and the apparatus and equipment of the Fire Department to enter or pass through or over building or property, where he deems it necessary to gain access to the incident or to protect any person or property.
16. The Fire Chief, or the member in charge at an incident, may at his discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him.
17. No person shall enter the boundaries or limits of an area prescribed in accordance with section 16 unless they have been authorized to enter by the Fire Chief or the member in charge.
18. The Fire Chief, or the member in charge at an incident, may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in section 16.
19. The Fire Chief may obtain assistance from other officials of the Board or the Regional District as he deems necessary in order to discharge his duties and responsibilities under this bylaw.
20. No person at an incident shall impede, obstruct or hinder a member of the Fire Department or others assisting or acting under the direction of the Fire Chief or the member in charge.
21. No person shall damage or destroy Fire Department apparatus or equipment.
22. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or the member in charge.
23. No person shall falsely represent themselves as a Fire Department member.
24. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire incident, fire hydrant, cistern or body of water designated for fire fighting purposes.

25. The Fire Chief or the member in charge of an incident may request persons who are not members to assist in extinguishing a fire, removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding or securing same and in demolishing a building or structure at or near the fire or other incident.
26. The Fire Chief or the member in charge of an incident is empowered to commandeer privately owned equipment which he considers necessary to deal with an incident. Remuneration rates shall be set out annually by the Board.
27. Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act or thing or omits any act or thing thus violating any of the provisions of this bylaw, shall be deemed to have committed an offence, and upon a summary conviction is liable to imprisonment for a term of not more than 6 months or to a fine of not more than \$2,500 or to both fine and imprisonment.
28. This bylaw may be cited as the "Bow Horn Bay Volunteer Fire Department Operations Bylaw No. 1401, 2004".

Introduced and read three times this 26th day of October, 2004.

Adopted this 26th day of October, 2004.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1402**

**A BYLAW TO MAKE RULES FOR THE PREVENTION,
SUPPRESSION AND REGULATION OF FIRES IN THE
BOW HORN BAY FIRE PROTECTION SERVICE AREA**

WHEREAS by Section 798 of the *Local Government Act*, the Board has all necessary power to do anything incidental or conducive to the exercise or performance of any power, duty or function conferred on a board or regional district;

AND WHEREAS the Board of the Regional District of Nanaimo deems it desirable to regulate the prevention and suppression of fires;

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

1. This bylaw may be cited as the "Bow Horn Bay Fire Protection Service Fire Regulation Bylaw No. 1402, 2004".
2. Bow Horn Bay Fire Protection District Fire Regulation Bylaw No.58, known as "Fire Regulations Bylaw, 1995" is hereby repealed.
3. In this bylaw, unless the context otherwise requires:
 - (1) The following terms and expressions shall have the means hereinafter assigned to them, that is to say:
 - (a) "**Animal organic waste**" shall mean solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, hair and feathers.
 - (b) "**Approved plastic container**" shall mean approved by a recognized testing authority.
 - (c) "**Authorized**" shall mean authorized by the Chief of the Fire Department.
 - (d) "**Authorized incinerator**" shall mean any metal or masonry container in good condition mounted on a non-combustible base, fitted with a metal screen or grill of less than 12.5 mm (1/2") mesh to restrict any sparks or flying debris.
 - (e) "**Board**" shall mean the Board of Directors of the Society incorporated as the Bow Horn Bay Volunteer Fire Department operating under contract to the Regional District of Nanaimo.
 - (f) "**Building**" shall mean any structure or building used or intended to be used for the support, shelter or enclosure of persons, animals or chattels.
 - (g) "**District**" shall mean the Bow Horn Bay Fire Protection Service Area established under Bylaw No.1385, 2004 and subsequent amendments;

- (h) **“Dwelling”** shall mean any building or part of a building occupied or intended to be occupied as the residence of not more than one family.
- (i) **“Extinguished”** shall mean no visible flame, sparks, glowing embers or smoke.
- (j) **“Fire Chief”** shall mean the Fire Chief appointed by the Board of the Bow Horn Bay Volunteer Fire Department or any person designated by the Fire Chief to act on his behalf.
- (k) **“Fire Department”** shall include the Bow Horn Bay Volunteer Fire Department and the fire department of any other fire protection district or municipal corporation attending fires within the service area.
- (l) **“Fire hazard”** shall mean any condition that is conducive to the destruction of life or property by fire, or will, or is likely to, increase the extent or severity of the fire.
- (m) **“Flash point”** shall mean the flash point of a flammable liquid as determined by the Tagliabue Closed Cup Tester or the Abel-Pensky Flash Point Tester methods.
- (n) **“Garbage”** shall mean any animal, vegetable and food wastes or scraps.
- (o) **“Gasoline”** shall mean any product of petroleum or any liquid that will flash or emit a flammable vapour below the temperature of one hundred ten degrees Fahrenheit (110° F), or forty-four degrees Celsius (44° C).
- (p) **“Occupant”** shall mean owner, agent, lessee, licensee or tenant of any building premises or land to which any of the provisions of this bylaw shall apply.
- (q) **“Person”** where used in this bylaw shall mean natural persons of either sex, associations, corporations, or co-partnerships, whether acting by themselves or by a servant, agent, or employee, and the heirs, executors, administrators, or assigns or other legal representatives of such persons to whom the context shall apply according to law.
- (r) **“Private residence”** shall mean any dwelling or two-family dwelling.
- (s) **“Refuse”** shall mean any approximately evenly proportioned mixture of rubbish and animal or vegetable waste material of low moisture content.
- (t) **“Rubber”** shall mean rubber goods, tires, plastics, and tar and asphalt roofing materials.
- (u) **“Rubbish”** shall mean any readily combustible inorganic dry waste material, but does not include animal or vegetable wastes.
- (v) **“Two-family dwelling”** shall mean any building occupied or intended to be occupied as the residence of not more than two families.

- (w) "Vehicle" shall mean every device upon or in which any person or property is, or may be, transported or drawn on or upon a public highway.
- (2) Unless the context otherwise requires, wording importing the singular number shall include the plural and words importing the masculine gender shall include the feminine, and the converse shall apply.
3. (1) Where this bylaw and any regulations under the *Fire Services Act* deal with the same subject matters, any further or more stringent restrictions in this bylaw on the use of property or fire shall have full force and effect.
- (2) In the event of any conflict, inconsistency or repugnancy between this bylaw and the *Waste Management Act*, the *Waste Management Act* shall in all cases prevail.

Right of Entry

4. (1) With the exception of a privately owned and occupied single-family dwelling, the Fire Chief is hereby empowered to enter upon any land or premises for the purpose of making an inspection or investigation:
- (a) to inspect for conditions which may cause a fire, increase the danger of a fire or increase the danger to persons;
- (b) to see that any flammable matter is rendered harmless or suitably safeguarded against fire by requiring
- (i) the erecting of barricades;
 - (ii) the posting of "no admittance" signs; or
 - (iii) any other measures deemed necessary by the Fire Chief.

No Obstruction

- (2) No person shall obstruct the Fire Chief in making any entry authorized by this bylaw.

No Hindrance

5. No person shall in any way hinder any member of the Fire Department or any other person under the direction of the Fire Chief at any fire or other emergency.

Breaking Blockage

6. Except with the permission of the Fire Chief, no person shall be permitted to enter any burning building or within the lines across any alley, lane, street or area marked by ropes or guards.

Driving Over Hose

7. No person shall drive or run over any fire hose with any vehicle.

Access to Fire Hydrant

8. No person shall place or maintain any object or matter on a sidewalk or street which interferes with free access or approach to any fire hydrant for a distance of 15 feet (4.5 metres) on either side of the hydrant.

Smoking Prohibited

9. (1) Where, in his opinion, smoking may create a fire or explosion hazard, the Fire Chief may prohibit smoking in any building, theatre, public hall, assembly hall, dance hall, school auditorium, skating rink, arena, or place used for public amusement, sport or public assembly or any structure or open space in which combustible materials are handled, stored, manufactured or sold.

Post Suitable Signs to Prohibit Smoking

- (2) Where, in the opinion of the Fire Chief, smoking should be prohibited to prevent a fire hazard, he may give notice in writing to the occupant to post suitable signs that smoking is prohibited in or on such premises or buildings and the occupant thereof shall prohibit smoking in such premises or buildings. The term "smoking" shall include the carrying of a lighted pipe, cigar or cigarette.

Penalty

- (3) Any person violating any such order or notice shall be deemed to be guilty of an infraction of this bylaw and shall be liable to the penalties herein imposed.

Dirty Chimneys

10. (1) No owner or occupant of any building shall permit any chimney, stovepipe or flue to remain in any condition which may cause or create a fire hazard.

Stopping Unused Flues

- (2) Every owner or occupant of any building shall keep all openings in any chimney in such buildings, while such openings are not in use, closed by a proper stopper of metal or other non-combustible material.

Inspection of Chimneys, Flues, Furnaces

11. (1) Where he deems it necessary, the Fire Chief or his designate may examine any chimney, flue, fireplace, hearth, oven, furnace, heater, boiler, stove, stem-pipe, funnel or any other equipment deemed to be a fire hazard.

Notice to Remedy Fire Hazard

- (2) Where any chimney, flue, fireplace, hearth, oven, furnace, heater boiler, stove, steampipe, funnel or any other equipment is found to be a fire hazard, the Fire Chief shall notify the owner or occupant of the building of the condition and indicate the remedy and the time within which the condition shall be remedied.

Duty to Comply

12. Where any owner or occupant has received notice under Section 11 he shall comply with the notice within the time indicated.

Depositing Ashes

13. (1) No person shall deposit any ashes or allow any ashes to be deposited or remain:
- (a) in any combustible container;
 - (b) on the floor of any building belonging to or occupied by him; or
 - (c) in any metallic container which is within 300 mm (12 inches) of any woodwork or any other combustible material.

Depositing Flammable Material Among Ashes

- (2) It shall be unlawful for any person to deposit, or allow or cause to be deposited, any paper, straw, hay, shavings or other combustible or flammable material or thing in or among any ashes or other materials or things taken from any stove, furnace, or fireplace.

No Open Flame or Smoking Near Flammable Material

14. No person, in that part of any building where there is an accumulation of hay, straw, shavings or other readily flammable material, or liquids, shall smoke, or have in their possession any lighted pipe, cigar or cigarette, or light or carry any naked light, flame, or light not enclosed in a shade or other non-combustible guard.

Metal Receptacles for Flammable Material

15. No person shall keep any waste, rags, papers, or other substance liable by spontaneous combustion to cause fire, except in a container made of metal or other non-combustible material and with an air-tight top or lid of the same type of material.

Control of Combustible Material

16. No person shall deposit or allow to collect or be deposited, any paper, rubbish, or other combustible material likely to cause or promote fire dangerous to buildings or other property.

Clearing of Roof

17. No owner or occupant of any building shall allow any paper, wood, debris or other combustible rubbish or material to accumulate upon the roof of the building.

Duty to Safely Store

18. Any person who makes, uses or has charge of shavings, paper bags, litter or other combustible material shall, at the close of each day, ensure that they are safely stored or disposed so as to be safe from fire.

Remove Fire Hazard

19. (1) Any owner or occupant of real property shall remove any matter or thing situated in or on any building or premises which, in the opinion of the Fire Chief, is a fire hazard or increases the danger of fire.

Secure Unoccupied Buildings

- (2) Any owner of any unoccupied building shall ensure that it is properly secured against entry by unauthorized persons.

Notice

- (3) Where, in the opinion of the Fire Chief, any fire hazardous condition exists or any unoccupied building is not properly secured, the Fire Chief shall give written notice to the owner or occupant at their last known address or by posting a notice in a conspicuous place on the building or premises.

Duty to Comply

- (4) In any notice under this section, the Fire Chief shall indicate the nature of the condition to be remedied, and the time within which the owner or occupant must comply.

Burning

20. Except as provided in this bylaw, no person shall light, ignite, or maintain any open flame fire, such as candles, in any public building.
21. The Fire Chief may withhold or cancel any permit issued where, in his opinion, the igniting of a fire in any area may create a hazard to persons or property.

"Open Air" Fires

22. (1) A fire in the "open air" shall mean a fire out-of-doors, not contained in any authorized incinerator.

- (2) Some competent person appointed by the owner shall supervise and keep under control any burning in the "open air" and ensure that any equipment necessary for fire control is available.

A pile of material to be burned must not exceed 1 x 1.3 m (3 ft. x 4 ft.) or larger at the discretion of the Fire Chief.

The fire must be located at least:

- (a) 3 m (10 ft.) from any grass, shrubbery or wooden fence; and
- (b) 6 m (20 ft.) from any building.

- (3) During light up and until all fires are extinguished there must be at least one person at the site who:

- (a) actively patrols to prevent the fire from escaping; and
- (b) is equipped with the following:
 - 1) a shovel;
 - 2) an ax, pulaski, or mattock;
 - 3) a pail containing at least 18 litres of water, or something that is at least equivalent to an 18 litre pail of water, or an operational garden hose of adequate length.

- (4) Before any fires are ignited, all combustible material must be removed for at least 1 metre in every direction from the perimeter of the pile of material to be burned.

- (5) The material to be burned must be a minimum of 5 metres (16 ft.) from any snag, slash, wooden structure, or standing timber.

- (6) The person lighting, fueling, or making use of the open fire must, immediately on the fire escaping or threatening to escape, provide, in addition to the person patrolling, 2 adult persons with suitable firefighting tools, and must ensure that they make reasonable attempts to extinguish the fire.

- (7) No more than 1 burn pile may be ignited at one time.

- (8) Ignited piles must have burned down to a smoldering condition before more piles are ignited.

Authorized Incinerators

23. The owner of an authorized incinerator shall ensure:

- (1) That the authorized incinerator is maintained in a condition that provides for proper combustion of any material burned;

- (2) That while it is in use, the permit holder or some competent person appointed by him shall supervise any burning and ensure that any equipment necessary for fire control is available;
- (3) That the authorized incinerator is located at least:
 - (a) 3 m (10 ft.) from any dry grass, shrubbery or wooden fence; and
 - (b) 6 m (20 ft.) from any building.

Restriction, Fires in the "Open Air" or in an Authorized Incinerator

24. (1) Except a fire lawfully maintained by special written permit from the Fire Chief, no persons shall ignite or have burning any fire in the "open air" or in an authorized incinerator:
 - (a) between sunset of one day and sunrise of the following day; or
 - (b) between the hours of 12 noon Saturday and sunrise of the following Monday during the months of June, July and August in any year; or
 - (c) on Canada Day, BC Day or Labour Day holidays.
- (2) Except for the occasional lawful "open air" burning of waste materials resulting from land clearing, agriculture, logging, gardening, demolition or construction, no person shall burn any waste material other than in an authorized incinerator.

No Permit Required

- (4) No person is required to obtain a permit for the occasional burning of waste material from October 15th in any year to April 15th of the following year unless proclaimed otherwise by the Fire Chief.

Unauthorized Fires

25. No person shall light or maintain any fire either in the "open air" or in any form of container on any street, lane or boulevard allowance, without proper authorization.

Fire Escapes

26. Each storey above the ground floor of any building used as a school, hotel, apartment building, duplex or boarding house, as those which are defined in the local zoning bylaw, shall be provided by the owner with an adequate fire escape or adequate fire escapes, and the owner, and the tenant, if any, shall maintain the same in good repair and condition.
27. No door to any exit leading to a fire escape in any building shall be closed or fastened except with a standard panic or exit bolt, which may be readily opened without the aid of a key or other devices.

Gasoline Storage

28. Except as authorized by a valid written permit issued by the Fire Chief, no person shall store or keep gasoline other than:
- (1) gasoline not exceeding 45 litres (10 gallons) in closed metal containers or in approved plastic containers for outdoor storage only;
 - (2) gasoline in the gasoline tank of an automobile, gasoline engine, motor boat or aeroplane, whose tank is permanently connected to and supplies its engine.

Storage of Explosives or Flammable Compound, Liquid or Material in Public Building

29. Except in a place especially provided for the purpose and approved by the Fire Chief, it shall be unlawful for any person to keep, store or use any combustible explosive or flammable compound, liquid or material in any part of a building used or maintained as a hotel, apartment house, school or place of public assembly.

Disposal of Gasoline Storage Tanks

30. All unused gasoline storage tanks on service station sites shall be either filled or be removed.

Enforcement

31. (1) The Fire Chief may enter upon any premises in order to ascertain that the provisions of this bylaw are being obeyed.
- (2) No person shall obstruct the Fire Chief in the discharge of his duty under this bylaw.
- (3) The Fire Chief may order the extinguishing of any fire deemed hazardous.

Penalty

32. (1) Any person who violates any provision of this bylaw shall be liable, upon conviction, to a maximum penalty of \$2,000.00 as authorized under the *Offences Act*.
- (2) Where any violation continues, each day in which it continues shall be a separate violation for the purpose of prosecution under this bylaw.

Introduced and read three times this 26th day of October, 2004.

Adopted this 26th day of October, 2004.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

OCT 29 2004

MEMORANDUM

CHAIR	GMCPS
CAO	GMDS
CMC	GMES

TO: Stan Schopp
Manager, Building Inspection Services

DATE: October 26, 2004

FROM: Allan Dick
Senior Building Inspector

FILE: 3810-20

SUBJECT: Section 57 of the Community Charter - Contravention of Bylaw Meeting Date - November 9, 2004

PURPOSE

To provide for the Committee's review, proposed Section 57 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 B

- Owners Name: William Moe
 Legal Description: Lot 177, Section 31, Plan 17658, Nanaimo District, Gabriola Island
 Street Address: 1459 Barrett Road

Summary of Infraction:
 July 3, 2001 - letter sent by certified mail regarding expired permit and permit required for construction of addition
 July 9, 2001 - verification of certified mail received
 July 31, 2001 - BP 23561 issued for addition
 April 30, 2004 - status inspection; permit expired
 June 2, 2004 - inspection notice left with owner; apply for permit
 July 14, 2004 - permit application received
 October 25, 2004 - owner contacted numerous times to pick up permit; permit not picked up yet
 October 26, 2004 - file forwarded to manager for S57 filing
- Owners Name: Kevin Dent
 Legal Description: Lot 87, Section 2, Plan 2223, Nanaimo Land District, Gabriola Island
 Street Address: 2540 Coho Drive

Summary of Infraction:
 September 30, 2002 - inspection report left with owner; permit expired
 May 11, 2004 - letter sent; permit expired
 June 7, 2004 - 2nd letter sent via courier; permit expired
 October 25, 2004 - message left for owner to contact RDN office
 October 25, 2004 - file forwarded to manager for S57 filing (expired permit for studio)

Electoral Area D

1. Owners Name: Gregory and Linda Gow
Legal Description: Lot 15, Sections 9 and 10, Range 4, Plan 36191, Mountain District
Street Address: 2765 Benson View Road

Summary of Infraction:

October 28, 2003 - BP 25274 issued to locate mobile home
September 22, 2004 - permit applied for deck addition
September 22, 2004 - survey received showing mobile and deck encroaching setbacks
October 1, 2004 - owner contacted regarding variance of setback requirements
October 8, 2004 - owner contacted; unwilling to deal with issues in a timely manner
October 15, 2004 - Senior Inspector attempted to contact owner; left message on machine
October 26, 2004 - file forwarded to manager for S57 filing (mobile currently occupied without an occupancy permit)

Electoral Area G

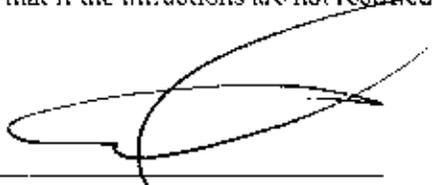
1. Owners Name: Klaus Schmidt
Legal Description: Lot 21, Block 1, District Lot 9, Plan 15370, Newcastle District
Street Address: 965 Surfside Drive

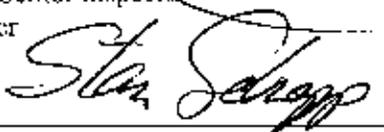
Summary of Infraction:

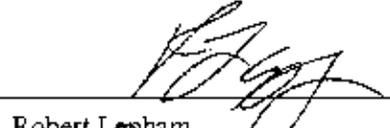
October 4, 2004 - letter sent by engineering department regarding illegal sewer connection
October 26, 2004 - file forwarded to manager for S57 filing (illegal sewer connection)

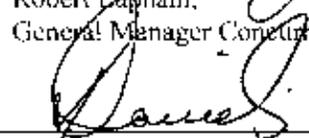
RECOMMENDATION

That a notice be filed against the titles of the properties listed, pursuant to Section 57 of the *Community Charter* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued.


Allan Dick, Senior Inspector
Report Writer


Stan Schopp, Manager Concurrence


Robert Lapham,
General Manager Concurrence


CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO	
OCT 29 2004	
CHAIR	GMCS
CAO	GMDS
GMCMC	GMES
[Signature]	
DATE:	

MEMORANDUM

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

DATE: October 25, 2004

FROM: Dennis Trudeau
Manager of Liquid Waste

FILE: 5340-01

SUBJECT: Water and Wastewater Innovative Technologies

PURPOSE

To examine innovative water and wastewater technologies that may have application in future development in the Regional District of Nanaimo (RDN).

BACKGROUND

At the April 13, 2004, Board Meeting, the Board passed the following motion:

“That staff prepare a report and recommendation for the Board on innovative water and wastewater technologies and techniques that have been, or may be, in use to include rainwater cistern system, water conservation to reduce demands on water systems or distribution systems, and water reuse and recycling in residential, commercial, and industrial applications that may have application in future development in the Regional District of Nanaimo.”

Wastewater

During the Liquid Waste Management Plan consultation process, a workshop was held on innovative technologies. The workshop included presentations on a number of innovative technologies including:

- Membrane Bioreactors
- Solar Aquatics
- Sand Filters

Membrane Bioreactors

This technology uses membranes to separate solids from the liquid waste stream. It replaces sedimentation basins and clarifiers or can be used to greatly reduce their size. While this will contribute to a lower capital cost, the operational costs of these units can offset initial savings. Staff is familiar with these systems as there are over three operating systems in British Columbia. Staff feels that these systems have promise for wastewater recycling opportunities since the level of treatment is quite high and they can be designed to remove viruses and bacteria. Currently the costs to obtain these results are typically double those of a conventional wastewater treatment facility. The high costs are due to membrane replacement, membrane cleaning, and electrical charges.

Unrestricted effluent reuse can be achieved with ultraviolet disinfection. Unrestricted effluent reuse refers to irrigation of crops, fire suppression, process water, and toilet flushing. A dual pipe system is required for subdivisions utilizing renovated wastewater for fire suppression or toilet flushing, thereby increasing development and utility costs.

Solar Aquatics

Solar aquatics can be compared to a typical secondary sewage treatment plant system inside a green house. The secondary tankage, as well as providing aeration and settling tanks, is used to support various types of plants. These systems have an aesthetic value that appeals to many people and can achieve high levels of treatment. They have high capital and operating costs and generally require greater space than conventional treatment. A typical system requires over five times as much tankage as a conventional system. Unrestricted effluent use can be achieved if ultraviolet disinfection is provided.

Sand Filters

Sand filters are now being combined with other technologies to provide effluents for unrestricted use. A sand filter provides additional solids reduction making an effluent more amenable to ultraviolet disinfection.

Sand filters can be combined with standard secondary facilities to produce excellent effluent quality. The RDN consultants have reviewed treatment options that included a sand filter which would have produced an effluent for unrestricted reuse.

Other Opportunities

There are other wastewater technologies that are being trialed by various communities. For example, Ladysmith is currently reviewing a new technology based on electro-coagulation. Ladysmith is interested in this technology since their current treatment plant site is very small and this system may allow them to stay at their present site instead of moving their plant location. This technology uses electrical energy and various chemical compounds to remove contaminants and solids from wastewater. Staff will be monitoring Ladysmith's and any other communities experiences with new and innovative processes as they may prove useful in future RDN projects.

Wastewater Reuse

While it is possible to produce effluents for reuse, the required technologies are more expensive to build and operate. To date there are no communities in British Columbia (BC) that employ dual piping that would allow for the reuse of liquid waste effluent. There are examples in BC where sewage effluents are reused in irrigation schemes, one of which is in the RDN. The French Creek Pollution Control Center (FCPCC) produces a high quality effluent that has been used successfully for nearly ten years at the Morningstar Golf Course.

Staff expects that over time areas that have serious drought issues will begin to employ these technologies and the price will begin to drop. During that time the designs would be improved and the technologies would not pose as much of a risk to those municipalities purchasing them.

Staff stays abreast of these new technologies through literature reviews, attending conferences, and site visits to different facilities.

Innovative technologies by their nature are generally newer technologies with little track record. There are examples in BC of municipalities selecting innovative technologies that did not provide the benefit they were expecting. In addition the newer innovative technologies tend to be more expensive.

Water

Environmental Services operates 12 water systems in the RDN. Effective planning and water conservation initiatives are required to ensure adequate supply is available for the future. Recent drought experiences and public concerns about water supply have highlighted how important this work is.

RDN staff is currently reviewing the following water conservation opportunities:

- Water Smart Public Information opportunities
- Landscape rebates to convert to xeriscape gardens
- Household fixtures rebate programs to change out high use fixtures.
- Water barrel programs to increase the use of rainwater for gardening.
- Water use pricing to provide for a sustainable resource.

The RDN website provides information on a number of these programs and staff plan to continue to educate residents in this regard. The programs will be reviewed and depending upon staff resources, available budget, and board decisions will become part of our work plan.

Staff regularly attends conferences, seminars, and reviews new literature to keep abreast of technologies affecting their areas of responsibility. Where appropriate those technologies are analyzed early at the pre-design stage of a project to determine applicability and best value for the RDN.

ALTERNATIVES

1. That staff be directed to stay abreast of new technologies that may be used to improve effluent quality and reduce water use and that these technologies are considered when making servicing decisions.
2. That staff be directed to have a consultant complete a more in-depth study of innovative water and wastewater technologies that may have application in future development in the RDN.

FINANCIAL IMPLICATIONS

Alternative 1 would not increase RDN costs since funding is already made available in training budgets to attend conferences and seminars dealing with innovative technologies.

Alternative 2 would, depending upon the scope, cost approximately \$15,000. At this time, staff feel that it is more effective to have staff attend appropriate venues where innovative technologies are discussed, tested and critically reviewed. Once there are more examples of innovative technologies with sufficient operating experience it may be effective to have a consultant's report prepared that provides a detailed comparison of the systems.

SUMMARY

At the April 13, 2004, Board Meeting, the Board directed staff to prepare a report and recommendation for the Board on innovative water and wastewater technologies that may have application in future development in the Regional District of Nanaimo.

Staff regularly attends conferences, seminars, and reviews engineering journals and other literature to keep abreast of technologies affecting their areas of responsibility. Where appropriate those technologies are analyzed early at the predesign stage of a project to determine applicability and best value for the RDN.

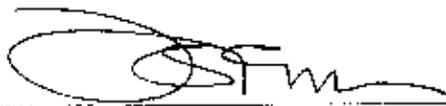
There have been a number of recent projects where innovative technology has been reviewed during the planning stages of the project. Generally, innovative projects that can reduce water use are more expensive than simply finding more water. This will not always be the case if water demands increase and compromise supply capacities. It will become even more important for staff to remain knowledgeable on new and innovative technologies and implement them when appropriate.

RECOMMENDATION

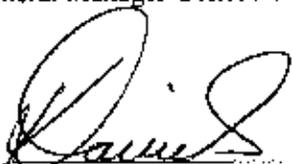
That staff be directed to stay abreast of new technologies that may be used to improve effluent quality and reduce water use and that these technologies are considered when making servicing decisions.



Report Writer



General Manager Concurrence



C.A.O. Concurrence



REGIONAL DISTRICT OF NANAIMO		
OCT 29 2004		
CHAIR		GMCRS
CAO		GMDS
GMCMJ		GMES
		<i>Call</i>

MEMORANDUM

TO: Dennis Trudeau
Manager of Liquid Waste

DATE: October 25, 2004

FROM: Chris Brown, AScI
Engineering Technologist

FILE: 4520-20-64

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

PURPOSE

To consider an amendment to Bylaw 975 which established the Regional District of Nanaimo's Pump and Haul program.

BACKGROUND

The pump and haul service was established to provide a solution for those properties unable to obtain a permit for an on site septic disposal system. In order to apply for a permit under this bylaw the following conditions must be met:

- the applicant must have been formally rejected by the Ministry of Health for an on site system
- the parcel must be greater than 700 m²
- the parcel is for existing uses and the disposal system has failed, or the parcel is currently vacant and will only be used for the construction of a single family residence
- the parcel cannot be further subdivided or stratified according to existing zoning or a restrictive covenant
- a community sewer system is not available
- including the parcel will not facilitate development of any additional units on the property
- the development conforms to zoning bylaws

A person wishing to incorporate a property (or properties) into the Pump and Haul Service Area must first apply to the Regional District of Nanaimo to amend the Pump and Haul Bylaw No. 975. A Restrictive Covenant shall be registered against the title of the land in question in accordance with section 219 of the Land Title Act. The Restrictive Covenant shall require that the owner of the lot maintain a contract with a pump out company with a copy of the current contract always deposited with the Regional District of Nanaimo; the owner of the lot connect to sewers when they become available and the owner shall not subdivide or construct any additional units on the property.

A request has been received to include the following property into the Pump and Haul function:

1. Lot 85, DL 32, Plan 21586, Gabriola Island, Nanaimo Land District
Gallagher Way, Gabriola Island
Area B

Eric and Burnilette Gilmer have petitioned the RDN to include their property 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 indicates the property could not be approved for a sewage disposal permit. The property is greater than 700 m² and conforms to the existing zoning bylaws.

A Restrictive Covenant will be registered on the property requiring that a continuous contract with a pump out company be on file with the Regional District of Nanaimo, that the owner will connect to sewers when they become available and that the owner shall not subdivide or construct any additional units on the property.

ALTERNATIVES

- 1. Do not accept the application.
- 2. Accept the application.

FINANCIAL IMPLICATIONS

There are no financial implications. The applicant pays an application fee and an annual user fee. The Pump and Haul program is a user pay service.

SUMMARY/CONCLUSION

The application meets all requirements for inclusion into the Pump and Haul function, specifically the parcel size is greater than 700m², a community sewer is not available, sewage disposal permits could not be obtained under the Provincial Sewage Disposal Regulation and the property conforms to zoning bylaws. An appropriate Restrictive Covenant has been prepared for the property.

RECOMMENDATIONS

- 1. That the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include Lot 85, DL 32, Gabriola Island Nanaimo Land District, Plan 21586. (Gallagher Way, Area B).
- 2. That "Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.38. 2004" be read three times and forwarded to the Inspector of Municipalities for approval.

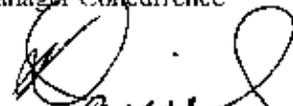


 Report Writer

General Manager Concurrence

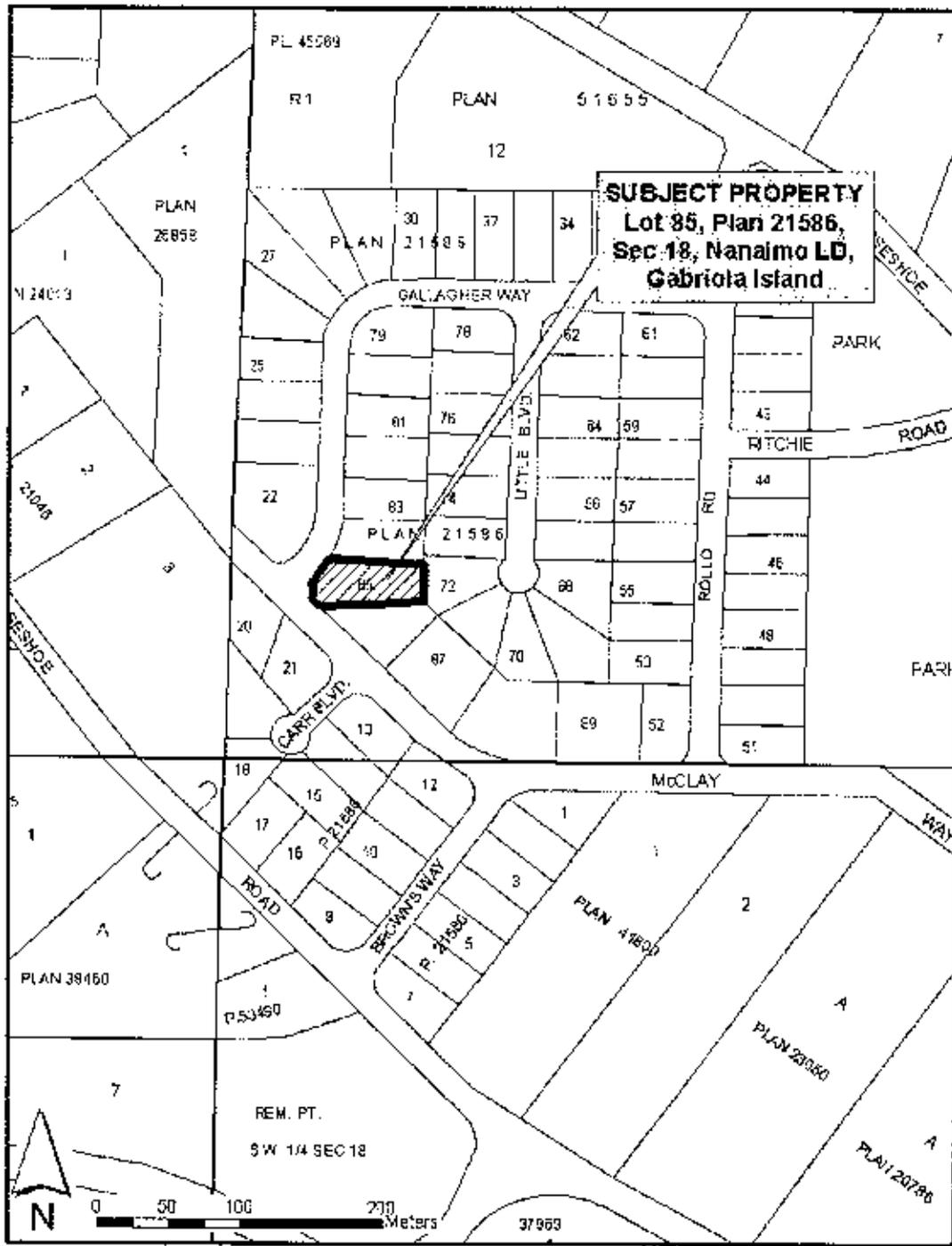


 Manager Concurrence



 CAO Concurrence

COMMENTS



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 975.38

**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', 'G' and 'H' have consented, in writing, to the adoption of this bylaw;

AND WHEREAS the Councils of the City of Nanaimo and the District of Lantzville have consented, by resolution, to the adoption of Bylaw No. 975.38;

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

Lot 85, Section 18, Plan 21586, Gabriola Island, Nanaimo Land District (Electoral Area B)

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

1. Schedule 'A' of Bylaw No. 975.37 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. 975.38, 2004".

Introduced and read three times this ____ day of _____, 2004.

Received the approval of the Inspector of Municipalities this ____ day of _____, 2004.

Adopted this ____ day of _____, 2004.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

BYLAW NO. 975.38

SCHEDULE 'A'

Electoral Area 'B'

1. Lot 108, Section 31, Plan 17658, Nanaimo Land District.
2. Lot 6, Section 18, Plan 17698, Nanaimo Land District.
3. Lot 73, Section 31, Plan 17658, Nanaimo Land District.
4. Lot 24, Section 5, Plan 19972, Nanaimo Land District.
5. Lot 26, Section 12, Plan 23619, Nanaimo Land District.
6. Lot 185, Section 31, Plan 17658, Nanaimo Land District.
7. Lot 177, Section 31, Plan 17658, Nanaimo Land District.
8. Lot 120, Section 31, Plan 17658, Nanaimo Land District.
9. Lot 7, Section 18, Plan 17698, Nanaimo Land District.
10. Lot 108, Section 12, Plan 23435, Nanaimo Land District.
11. Lot 75, Section 13, Plan 21531, Nanaimo Land District.
12. Lot 85, Section 18, Plan 21586, Nanaimo Land District.

Electoral Area 'D'

Electoral Area 'E'

1. Lot 69, District Lot 68, Plan 30341, Nanoose Land District.
2. Lot 1, District Lot 72, Plan 17681, Nanoose Land District.
3. Lot 17, District Lot 78, Plan 14212, Nanoose Land District.
4. Lot 32, District Lot 68, Plan 26680, Nanoose Land District.
5. Lot 13, Block F, District Lot 38, Plan 13054, Nanoose Land District.
6. Lot 5, District Lot 78, Plan 25366, Nanoose Land District.
7. Lot 24, District Lot 68, Plan 30341, Nanoose Land District.
8. Lot 13, District Lot 78, Plan 25828, Nanoose Land District.
9. Lot 58, District Lot 78, Plan 14275, Nanoose Land District.
10. Lot 28, District Lot 78, Plan 15983, Nanoose Land District.
11. Lot 23, District Lot 78, Plan 14212, Nanoose Land District.
12. Lot 23, District Lot 78, Plan 28595, Nanoose Land District.
13. Lot 53, 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, Block 526, Strata Plan VIS4673, Cameron Land District.
5. Strata Lot 180, Block 526, Strata Plan VIS4673, Cameron Land District.
6. Strata Lot 181, Block 526, Strata Plan VIS4673, Cameron Land District.
7. Strata Lot 182, Block 526, Strata Plan VIS4673, Cameron Land District.
8. Strata Lot 183, Block 526, Strata Plan VIS4673, Cameron Land District.

Electoral Area 'G'

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

Electoral Area 'H'

1. Lot 22, District Lot 16, Plan 13312, Newcastle Land District.
2. Lot 29, District Lot 81, Plan 27238, Newcastle Land District.
3. Lot 46, District Lot 81, Plan 27238, Newcastle Land District.
4. Lot 9, District Lot 28, Plan 24584, Newcastle Land District.
5. Lot 41, District Lot 81, Plan 27238, Newcastle Land District.
6. Lot 20, District Lot 16, Plan 13312, Newcastle Land District.
7. Lot 2, District Lot 9, Plan 21610, Newcastle Land District.
8. District Lot 2001, Nanaimo Land District.

City of Nanaimo

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

District of Lantzville

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



REGIONAL DISTRICT OF NANAIMO			
OCT 29 2004			
CHAIR		GMCrs	
CAO		GMDS	
CC/GMS		GMS	
		<i>Calvin</i>	DATE
			FILE

MEMORANDUM

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

October 29, 2004

FROM: Carcy Melver
Manager Solid Waste

5360-22

SUBJECT: Regional Landfill Post Closure Implementation Plan

PURPOSE

To present the Regional Landfill Post Closure Implementation Plan to the Board for consideration.

BACKGROUND

In April 2004 the Ministry of Water, Land and Air Protection (MWLAP) issued Operational Certificate (OC) MR-01714 to the RDN. The OC authorizes the operation of the regional landfill located on Cedar Road in Nanaimo and specifies the operating requirements for the site. One of the conditions of this OC is that a closure and post closure plan be submitted to the Regional Waste Manager by December 31, 2004.

The Regional Landfill has been in operation since the 1940's. Once the landfilling operation is complete, the land can be used for other limited purposes. In anticipation of the OC requirement for a post-closure plan, in 2003 staff completed an assessment of options for post closure use that would allow the site to be a future community resource. As landfill operations are expected to continue for a number of years, staff also considered possible community uses of the closed portion of the site while the adjacent active landfill operation continues.

After consultation with the community in the vicinity of the landfill and staff from the City of Nanaimo regarding a range of potential options for the site, a park was identified as the preferred post-closure use. As shown in the conceptual drawing (Attachment 1), the park would include:

- Open areas for informal play opportunities;
- Naturalized plantings that contribute to wildlife habitat and provide a nature experience for the user;
- Hiking trails that integrate the site into the trail system in the surrounding area; and,
- Picnic areas and viewpoint lookouts to survey the surrounding area.

The park will evolve in two phases. As the landfill site will continue to operate for a number of years, it is proposed that the park will initially be developed only on the closed and capped portion of the old landfill (Attachment 2). This will allow a portion of the site to be used as a community amenity sooner. Implementation of Phase One will occur once the closed portion of the site is deemed to be stable, which would be no earlier than 2007. Phase Two, will occur once the landfill is fully closed and the entire site is stabilized.

The final park design is intended to reflect an open meadow concept using native plant communities. This type of park structure is intended to take advantage of the existing site topography and accentuate opportunities for viewscapes from within the site. Phase One programming includes a turf field open space, and a passive trail system as shown on Attachment 2. Other possible park uses, such as an off-leash dog park and picnicking areas could be incorporated into the final park plan at a later phase of the park's development.

A planted screening berm and fence will be provided to separate park users from the active portion of the landfill. The proposed fence will itself be screened by shrub and tree plantings, so as not to detract from the naturalized park experience.

An implementation plan, including a budget and timeline, for the development of a park on the closed portion of the landfill has been prepared by our consultants Gartner Lee Limited with assistance from Lanark Consultants Ltd. This plan is enclosed under separate cover for information.

ALTERNATIVES

1. Approve the Regional Landfill post closure implementation plan for submission to the Ministry of Water Land and Air Protection.
2. Direct staff to consider an alternative post closure implementation plan for the Regional Landfill.
3. Do not approve the Regional Landfill post-closure implementation plan at this time.

FINANCIAL IMPLICATIONS

Alternative 1

The estimated cost to undertake the development of a park on the closed area of the site would be approximately \$2 million. This project would be implemented over four years, beginning in 2007 at the earliest since construction cannot begin until leachate mounding issues in the closed landfill have been addressed. If approved this plan would add the following amounts to the Long Term Financial Plan:

<i>Year</i>	<i>Capital Cost</i>
2007	\$1,050,949
2008	\$817,082
2009	\$8,000
2010	\$119,744
Total	\$1,995,775

As this is only a conceptual plan, detailed cost estimates will be prepared for consideration in the 2007 annual budget process or later if required. However, under the current Long-Term Financial Plan, this park could be funded without any increase in taxes or tipping fees.

Alternative 2&3

There are no cost estimates for these alternatives available at this time.

INTERDEPARTMENTAL IMPLICATIONS

The RDN Parks and Recreation Department was consulted on this project and provided valuable input into the planning process.

INTERGOVERNMENTAL IMPLICATIONS

Meetings were held with municipal staff from the City of Nanaimo Planning and Parks, Recreation and Culture departments to obtain their input into the options for post closure. City of Nanaimo staff was supportive of the concept of a park at the site. The City's Parks, Recreation and Culture staff indicated that they would be able to provide additional input as the planning for the park evolves to ensure that the park design and use is consistent with the City's vision and recreational needs.

CITIZENS/PUBLIC RELATIONS IMPLICATIONS

The community consultation process focused on the community that lives in the vicinity of the landfill, as they have been the people most affected by the operation of the landfill and will also be affected by its future use. The community consultation process consisted of the Landfill Site Liaison Committee, an information package and survey sent to all residents in the area, and an open house at the landfill. The concept was also presented at public meetings held in June to discuss the Solid Waste Management Plan.

Thirty-two percent of the surveys were returned, with 94% of the responses supporting the park idea. The open house was attended by seven residents, all of whom indicated support for the park. In general the adjacent community considers the creation of an amenity, such as a park, to be an effective means to reduce the long-standing stigma that has been associated with living near the dump.

The final post closure implementation plan was reviewed and approved by the Landfill Site Liaison Committee at their meeting on October 27, 2004. The Regional Waste Advisory Committee also supported the plan at their meeting on October 28, 2004.

ENVIRONMENTAL IMPLICATIONS

Landfilling practice in B.C., including site closure requirements, is governed by the Environmental Management Act (EMA) and criteria developed and approved pursuant to the Act. Section 8 of the "Landfill Criteria for Municipal Solid Waste" sets out requirements for closure planning of a landfill. These must be considered in the context of possible end use options, and how these options may be affected by requirements for the on-going operation of certain environmental control and long-term monitoring facilities.

Post closure use of the site as a park can easily be integrated in the on-going operation of pollution abatement engineering works such as the leachate collection system, the landfill gas collection system, the surface water management system, and the surface and ground water monitoring systems. Under the EMA the RDN is responsible operating and maintaining these systems for 25 years after final closure. This is why many landfills are turned into parks once active landfilling operations have ceased.

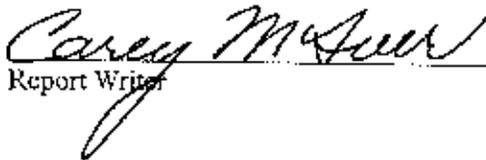
SUMMARY/CONCLUSIONS

One of the conditions of the Operational Certificate (OC) authorizing the operation of Regional Landfill on Cedar Road in Nanaimo is that a closure and post closure plan must be submitted to the Ministry of Water, Land and Air Protection by December 31, 2004. In anticipation of the OC requirement, in 2003 staff completed an assessment of options for post closure use that would allow the site to be a future community resource. As landfill operations are expected to continue for a number of years, staff has also considered possible community uses of a portion of the site while the active landfill operation continues in the other portion. After consultation with the community in the vicinity of the landfill and staff from the City of Nanaimo regarding a range of potential options for the site, a park was identified as the preferred post-closure use.

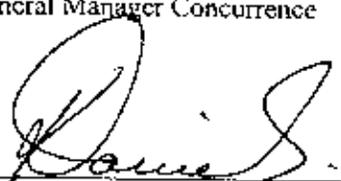
The estimated cost to undertake the development of a park on the closed area of the site would be approximately \$2 million. This project would be implemented over four years, beginning in 2007 at the earliest since construction cannot begin until leachate mounding issues in the closed landfill have been addressed. As this is only a conceptual plan, detailed cost estimates will be prepared for consideration in the 2007 annual budget process or later if required. However, under the current Long-Term Financial Plan, this park could be funded without any increase in taxes or tipping fees.

RECOMMENDATION

1. That the Board approve the Regional Landfill post closure implementation plan for submission to the Ministry of Water Land and Air Protection.


Report Writer


General Manager Concurrence


CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO		
NOV - 2 2004		
CHAIR	GMCrS	
CAO	GMDS	
CMCrsG	GMES	
<i>[Signature]</i>		

MEMORANDUM

TO: John Finnie, P. Eng. **DATE:** October 26, 2004
 General Manager Environmental Services

FROM: Carey McIver **FILE:** 5360-45
 Manager Solid Waste

SUBJECT: Landfill Gas Utilization Update

PURPOSE

To provide the Board with an update on plans to utilize landfill gas (LFG) collected at the Regional Landfill to create energy.

BACKGROUND

In 2001 the RDN commissioned Connestoga-Rovers and Associates (CRA) to investigate whether the gas generated at the Regional Landfill could be transformed from an environmental liability to a "green" energy asset. Typically, energy recovery from landfill gas (LFG) is considered economical only at large landfills. This study looked at the viability of energy recovery from a relatively small landfill and the technologies appropriate to its size.

The study, cost-shared by the Federation of Canadian Municipalities (FCM), identified two utilization options with significant potential: direct use of LFG as a low-grade fuel at either an existing facility (Harmac, aquaculture, or greenhouse facilities) or the development of a facility adjacent to the landfill; and, generation of 1.5 MW of electricity at a facility located at, or adjacent to the landfill.

In May 2002 the Board approved a recommendation from staff to implement a full LFG Management Plan prior to selecting the most beneficial LFG utilization option. This plan consists of three components: the LFG collection system, the LFG migration monitoring system and the contingency response plan.

The new LFG collection system was commissioned in December 2003 and consists of a collection field with 25 vertical extraction wells and a control plant with process control system, blower and flare. In 2004 a horizontal collection trench was installed in the active landfilling area and five new extraction wells were drilled for connection to the system early in 2005.

Because this project significantly reduces greenhouse gas emissions from the landfill, the FCM have agreed to provide the RDN with a conditional grant of \$582,000 towards the cost of this new collection system. In exchange for the grant the RDN has agreed to transfer the rights to any emission reductions that result from the project to the FCM, who in turn plan to trade these emission reductions to buyers within the emerging Canadian emission trading market established under the Kyoto Protocol. FCM is currently preparing the legal agreements to enable the transfer of emission reduction rights.

With respect to using the LFG collected from this new system as an energy source, and in accordance with the 2004 solid waste business plan, staff had planned to issue a request for proposals (RFP) late in 2004 to identify a user for the gas. However our engineering consultants have recommended that this RFP be delayed until after 2006, when the Board will have decided on how long the site will be operating

based on the results of the new and emerging technologies review. This is because the quantity and length of time that LFG will be produced at the site will have a considerable bearing on any potential utilization projects as well as the ultimate economic value of the gas to the RDN.

In the interim, staff proposes to issue an RFP for a pre-utilization LFG demonstration project at the site. The intent of this project is to identify interest for innovative short-term (two years) beneficial utilization of the LFG until approximately 2006, when the long-term operations horizon for the site will be determined. The objectives of this demonstration project will be to:

- identify potential proponents that will provide a revenue stream to the RDN; and,
- create interest and improved downstream potential for LFG utilization at the site through the demonstration of successful operating experience.

The RFP, which staff propose to issue in December 2004, invites interested parties to submit proposals for the design, financing, construction, operation, maintenance, and decommissioning of a facility to utilize LFG collected at the landfill. The purpose of the facility will be for the generation of marketable energy via direct or indirect combustion of LFG. We have already been approached by one firm that wishes to demonstrate their LFG-to-energy technology and we are confident that the RFP will receive a positive response.

FINANCIAL IMPLICATIONS

The RFP will stipulate that all costs associated with the design, construction, operation, maintenance, and decommissioning of the demonstration project are to be born by the proponent. The RDN will only be responsible for supplying the LFG and a site for the construction, operation and maintenance of the facility. The only direct costs anticipated for this project will be engineering services to review the integration of the collection system with the LFG utilization technology as well as the design and installation of a connection point between the RDN LFG control station and the proponent's utilization facility. These costs are not anticipated to exceed \$15,000 and may be off-set by any potential revenue sharing associated with the utilization facility.

ENVIRONMENTAL IMPLICATIONS

LFG is a harmful greenhouse gas (GHG) when released into the atmosphere. The new LFG collection and flare system constructed at the landfill in 2003 prevents a number of adverse effects, such as gas migration, foul odours and the potential for explosion as well as significantly reducing greenhouse gas emissions from the site. Generation of marketable energy via direct or indirect combustion of LFG will reduce greenhouse gas emissions even further as well as replace the use of non-renewable sources of fuel.

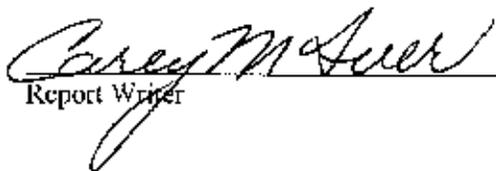
SUMMARY/CONCLUSIONS

In accordance with the 2004 business plan for solid waste, staff had planned to issue a request for proposals (RFP) late in 2004 to identify a user for the gas generated at the Regional Landfill. However our engineering consultants have recommended that this RFP be delayed until after 2006, when the Board will have decided on how long the site will operating based on the results of the new and emerging technologies review. This is because the quantity and length of time that LFG will be produced at the site will have a considerable bearing on any potential utilization projects as well as the ultimate economic value of the gas to the RDN.

In the interim, staff proposes to issue an RFP for a pre-utilization LFG demonstration project at the site. The intent of this project is to identify interest for innovative short-term beneficial utilization of the LFG until approximately 2006, when the long-term operations horizon for the site will be determined. The objectives of this demonstration project will be to identify potential proponents that will provide a revenue stream to the RDN as well as create interest and improved downstream potential for LFG utilization at the Site through demonstration of successful operating experience.

RECOMMENDATION

1. That the update on plans to utilize landfill gas (LFG) collected at the Regional Landfill be received for information.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

MINUTES

Electoral Area 'A' Parks and Green Spaces Advisory Committee
Thursday, September 16, 2004
Cedar Heritage Center, 1644 MacMillan Road, Cedar.

Attendance: Judy Burgess (Chair) Gay Cunningham
Joe Materi Lynnette Aldcroft
Kerri-Lynne Wilson Margaret Johnson
Frank Garnish Henrik Kreiberg (Area 'A' Director)

Staff: Jeff Ainge

Apologies: Barbara Metcalf

Guest: Harriet Rueggeberg

J. Burgess called the meeting to order at 7:30 pm

DELEGATIONS & PRESENTATIONS

Harriet Rueggeberg of Lanarc Consultants provided background on the current Regional Parks System Master Plan Review, and invited the Committee's involvement in the process. A useful discussion followed which included several trail and bridge items, and the Committee's hopes for a cultural mining "trail" putting together different bits of local mining related sites of interest.

AGENDA

MOVED F. Garnish, SECONDED M. Johnson that the agenda be adopted as amended. CARRIED

APPROVAL OF MINUTES

MOVED F. Garnish, SECONDED M. Johnson to approve the minutes of the May 20, 2004 meeting. CARRIED

REPORTS & NEW BUSINESS

a) **Director's Report.**

- Director Kreiberg reports that the item of most interest currently is the Regional Parks System Master Plan Review.
- It's also budget time so staff is busy getting geared up for that.
- Nothing has transpired regarding the survey on the MCT trail. It's an expensive proposition to do, but trail boundaries still remain an issue.
- Still working on RDN plans to have a referendum next fall on whether people want to pay extra for sports or recreational facilities. They are trying to find suitable wording or a different way to gauge the public's reaction. Process should finish in 13 months time.
- Nothing has been done with the Kimball Road proposition raised at the May meeting.

- Regarding the possibility of donating money to groups such as NAIT to secure parkland, there hasn't been any other area that has done it, but it probably could be done.

b) **Staff Report** Jeff Ainge

Kipp Road/Cinnabar Ridge

- Susan Cormie (Senior Planner) advises that the zoning amendment is now complete with a small dedication of parkland to the rear of the industrial area (not accessible yet). The majority of the future parkland is in the subdivision portion of the subject properties. This portion has not been finalized yet and as a result we still do not have the parkland.
- J. Burgess requested that staff and the Committee make this a priority item for resources and time in 2005 to protect the many features of the property before it gets well known and used as a park.
- J. Materi mentioned we would like some money set aside for developing a trail there.

Thelma Griffith Park

- Staff have received a copy of the Provincial "Order in Council" granting the land to the RDN for community park, but until it is registered in our name it is still Crown land. We paid for a full legal survey, and have complied with all requirements of the Province; it just seems to be taking a very long time to receive the final paperwork. Staff have met with neighbourhood residents to discuss park use, and have prepared a plan to overhaul the play equipment. A legal encroachment agreement was signed with "encroachee" on property.

Kayak launch

- At the Director's request staff met on site with a neighbour to review upgrading the boat launch at the end of Nelson/Murdoch/Fawcett Rd. At that meeting, it was decided to move the kayak traffic onto a different area and create a dedicated kayak launch area. RDN applied to Ministry of Transportation (MoT) for a permit, and that has started us down a slope of paperwork and consultation with DFO and LWBC. Staff have obtained the required 29 page application form from LWBC, and have spoken to upland owners, as required by the province. There is a 140-day turnaround time on the applications, as it needs to be approved by Cabinet and undergo a First Nations assessment. Staff have spoken to the contractor who provided the RDN with a quote and he is still interested in the work, even though it will now likely be occurring next spring, or possibly late winter, if weather and tides are cooperative. There was discussion as to the appropriateness of this location for a widely publicised launch point, and alternatives that might be possible, as well the RDN's role in providing such a feature.

Nanaimo River Regional Park management plan

- Open House to review draft plan was held on Sept 8th. About 24 people came out and provided comments. Pope & Talbot and RDN staff will meet to review some issues of concern regarding management of the area with their pipeline and wells. Squatters were removed from the adjacent MoT "fire suppression camp" property, and concrete barriers installed to restrict vehicle access. Staff removed the sign indicating RDN interest in acquiring the MoT property in order to reduce the confusion as to current ownership. The Ministry has written to open discussions with regards RDN interest in the property, and possibilities for tenure or acquisition.

Staff resources

- Given the upcoming development issues, which are likely to stretch over into 2005, staff have been asked to consider dedicating staff time to Electoral Area 'A'. Items include inventorying Kipp Road park (when it becomes RDN park) and beginning to work on development options, working with the local community on installing play equipment at Thelma Griffith park, seasonal maintenance and sign installation on the MCT, and coordinating the construction of the kayak ramp at Cedar by the Sea.

These might best be achieved by retaining the current Park Assistant (a casual temporary position) and paying him from the Area 'A' operating funds. It is an issue staff will discuss with the Director.

Year in Review 2003

- Copies of the 2003 Year in Review for the Recreation and Parks Department were distributed to committee members. It gives an overview of all the things the staff are involved with throughout the Regional District.

Bylaws

- Copies of the draft Park Use Bylaws were provided for the Committee. Consultation with Park Advisory Committees is required, so feedback is most welcome. These Bylaws will bring the RDN into line with many other jurisdictions and with them in place we should be better able to manage some of the issues of improper use of parks and trails over time.

c) MCT Subcommittee – Kerri-Lynne Wilson and Jeff Ainge

- MCT work party is tentatively planned for October 16 at the minesite. Will be clearing out invasive plants that have been encroaching.
- Would like to do a planting by the "berm" off Woobank, and maybe some beside the property that was logged.
- Some vandalism at the minesite recently. The picnic table and fence at the river end of the trail have been damaged. Joe suggests that perhaps if the fence and the table were more "official" looking they may be less prone to vandalism.
- On the motorbike issue, Jonathan is researching the use of steel pipe for signage posts. A local sign company can produce adhesive signs that can be stuck on the post, and are very hard to peel off or deface. If signs and posts are defaced or "tagged", it is easy to spray paint the post and damaged sign and slap on a new sticker. Jonathan suggests 3 posts at Wheatsheaf-Hemer section. One at Wheatsheaf entrance, and one on either side of Woobank Rd. We can purchase pipe (\$420) and a number of sticker/signs (replacements held in store for the anticipated vandalism). Staff can cut, paint, and cap the signs, and suggest that staff and/or a volunteer install them. Posts will be 4ft high, with 2ft in the ground, and heavily concreted. Signs will indicate no motorcycles or 4 wheel drive vehicles.
- Staff are researching the addresses of residences backing onto the MCT corridor with the intent of writing a letter reminding neighbours of the non-motorised aspect of the trail, and to remind them about checking their property lines before doing land clearing along the boundary. Some properties have vegetation covenants in the area too and they should be made aware of it if it applies to them.
- Crossing signs have been purchased to install on the trail, and they'll go up very shortly. A request has been made of MoI for roadside signage for Woobank Rd.
- Staff will ask Director Kreiberg to mention the motorised use issue in his next column published in the Take 5 magazine, and other RDN electoral area publications.
- Staff will also talk to him about contacting the RCMP to make them aware of the problems with improper use of the trail.
- As noted above, Park Use Bylaws have been drafted that include restricting motorised use, and they provide for the issuing of infraction notices and tickets. This may be needed to get the message out that the trail is managed for non-motorised use.

d) Morden Mine Society – Judy Burgess

- A picnic was held in June, at which time the idea of a Coal Mining Trail caused great interest. They are now doing a walking tour of coal-mining sites of interest on Saturday, September 18th that is filled up plus a waiting list. Obviously there is lots of interest.
- The Brannen Lake Correctional Centre men were out to help clear out the brush around the tippie.
- A structural study of the tippie is needed. A structural engineer is needed for this. The Heritage Branch will give matching funding for such a study, so a grant application has been made.

e) **San Salvador** – Frank Garnish

- Frank met with Chief Wesley and the Snuneymuxw band would be interested in developing a park with RDN at San Salvador. (it would be owned by the band and leased by the RDN).

NEXT MEETING

Next meeting date was set for Thursday, November 18, 2004 7:30pm at Cedar Heritage Centre

ADJOURNMENT

MOVED M. Johnson, SECONDED F. Garnish that the meeting be adjourned at 10:05 pm

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE AREA 'B' PARKS AND OPEN SPACE ADVISORY COMMITTEE REGULAR MEETING HELD ON MONDAY, SEPTEMBER 13, 2004 AT 7:00 PM WOMEN'S INSTITUTE HALL, GABRIOLA ISLAND

In Attendance

Don McLaughlin Kerry Marcus Jacqueline Cecil Sears Director Gail Lund

Staff

Joan Michel

Observers

Ten guests

Absent

Ron Holmes

Rundy Young

Carol Boyce

Mike McCrae

In the absence of Chairman R. Holmes, J. Michel established that the meeting lacked a quorum of Committee Members, but that those present were content to stay in place and discuss park matters. The observers were invited to join in.

REGIONAL PARK PLAN

Harriet Rueggeberg of Lanarc Consultants presented a summary of the Regional Parks Plan process currently underway in the RDN.

REQUEST FOR TRAIL DEVELOPMENT ASSISTANCE

Allan Billington requested assistance with the development of a trail connector off the end of developed Redwood Road. J. Michel to investigate.

PARK USES

General discussion followed on the uses for parks and trails; on authorities involved with trails on Gabriola, e.g., the Island Trust Fund Board, the newly forming Gabriola Land and Trails Trust and the RDN; and on the negotiation of access as opposed to purchase as the primary means of acquiring public trail within the RDN.

GABRIOLA LAND AND TRAILS TRUST (GaLTT)

K. Marcus led a short discussion of developments to date with the new group. Incorporation documents have been filed.

EL VERANO BOAT LAUNCH

J. Michel reported that application had been made to the Province's Heritage Branch (archaeology) for an alteration permit so that planned parking lot improvements at Narrows Road can be pursued as planned.

COX COMMUNITY PARK

J. Michel reported that a solution to the footings for the proposed boardwalk by the new River Place entrance has not yet been identified. The problem is hardpan or bedrock has yet to be found. It may be that further work will have to be postponed to the spring because of wet weather. A proper parking area is scheduled for development in 2005, and will be located off Taylor Bay Road in the old dump site area. Trail connections between the community park and Descanso Bay Regional Park are being examined.

BARB MEYER MEMORIAL

Jennifer Lynch of the Coast Realty Group, friend and co-worker of Barb Meyer who passed away suddenly in the spring, presented ideas about commemorating Barb in a Gabriola park. Options discussed included benches and plaques, naming the ball fields at Rollo McClay after Barb and her husband Bob Meyer (both were very active in the development of the fields), and naming the Decoureey Road park adjacent to the Myers' residence after Barb. J. Michel asked that Jennifer and her group put together a proposal that outlines what they are prepared to contribute towards a memorial act involving parks and to submit it to the POSAC.

BEACH ACCESSES

R. Young's summer beach access report was circulated and discussed. J. Michel reported on the following 2004 beach access work underway.

#47 Islands View Drive

After two site visits with the landowners, and useful input by neighbours across the road, it has been determined that the existing road allowance route should be maintained and no alternate pursued. This beach access will be partially surveyed in 2004 with trail upgrading to follow, possibly in 2005.

#43 Shaw Road

J. Michel is to meet with the neighbour who has the road gated in order to discuss installation (at the neighbour's expense) of a kissing gate to contain his livestock while permitting free access by trail walkers. This site will receive some surveying in 2004.

#52 Rowan Way

Some survey is required to conclude on a proper trail route to the water. The neighbour whose driveway sits on the western side of the road allowance has a permit to encroach.

#62 Page's Marian/Coast Road

This beach access will also require some survey in order to clarify boundaries before trail upgrade work can be concluded.

COMMUNITY PARKS

J. Michel reported that a geo-technical engineering consultant had been contracted to assess the stability of the wave rock formation at the Malaspina Galleries; report yet to be received. Observers noted that the interpretive signage at the Galleries was not correct; J. Michel to investigate.

POSAC MEMBERSHIP

The interest and participation of the observers who attended the meeting was noted and they were roundly thanked by the POSAC Committee. The observers were encouraged to consider becoming part of the Committee since one vacancy currently exists and a number of positions would be coming open at the end of the year through regular rotation.

NEXT MEETING AND ADJOURNMENT

November 8, 2004, usual time and place. Meeting ended at 9 pm.

R. Holmes
Chairman

REGIONAL DISTRICT OF NANAIMO
MEETING OF THE
NANOOSE BAY PARKS AND OPEN SPACE ADVISORY COMMITTEE

OCTOBER 4, 2004. – 7:00 PM
NANOOSE LIBRARY HALL,
NANOOSE ROAD, NANOOSE BAY

MINUTES

Attendance: Paula Young
Elisabeth Bakker
Pauline Bibby (Area 'E' Director)
Tony Ransom
Frank Van Eynde

Absent: Robert Grose

Staff: Jeff Ainge (RDN Parks Supervisor)

Meeting was called to order at 7:00 pm by Frank Van Eynde who acted as Chairperson.

INTERIM CHAIR

MOVED P. Bibby, SECONDED T. Ransom that due to the resignation of Debbie Kuhn, Frank Van Eynde be appointed Chairperson for the remainder of the year. CARRIED

INTRODUCTIONS

The Committee members introduced themselves to the ten members of the public in attendance.

LATE DELEGATIONS

MOVED P. Bibby, SECONDED T. Ransom to accept a late delegation from K. Zaborniak. CARRIED

Ms. Zaborniak spoke as a director of NPORA regarding the recent Public Information Meeting to provide input to the proposed parkland dedication associated with the subdivision application for DL 68 located on Northwest Bay Road in the vicinity of Madrona and Craig Creek. She stated that NPORA did not support including the eagle tree within a park dedication. She also stated that the Area Director should respect the Committee's recommendations when voting on this issue at the Board table.

In response, Director Bibby reported she had spoken with Planning staff and that the parkland proposal will be altered. The developer is considering a voluntary covenant for the eagle tree.

ADOPTION OF THE AGENDA

MOVED P. Bibby, SECONDED T. Ransom that the agenda be adopted. CARRIED

APPROVAL OF MINUTES

MOVED P. Bibby, SECONDED P. Young that the minutes of the July 12, 2004 meeting, and minutes of the September 9, 2004 Special Meeting both be approved. CARRIED

BUSINESS ARISING FROM MINUTES

Parkland dedication through subdivision. In response to discussion at previous meetings, Director Bibby sought clarification on the referral process. Planning staff will try to give the Committees 2-4 weeks in which to receive, consider and respond to referrals. Wherever possible, the referrals will be tied in to regularly scheduled committee meetings. The Committee agreed to meet on the first Monday of every second month, or as required.

COMMUNICATIONS & CORRESPONDENCE

Copies of correspondence between members of the Fairwinds Golf Society, Fairwinds Golf Course staff, and RDN Park staff regarding alterations to a walking trail, were received as information.

REPORTS & DISCUSSION ITEMS

- a) Regional Parks Plan Review. Staff provided an update on the process to date including the recent open houses.
- b) Committee appointments expiring at December 31, 2004. There will be two current memberships expiring at the end of the year, plus there is a vacancy following Ms Kuhn's resignation.

MOVED E. Bakker, SECONDED T. Ransom that all three positions be advertised together in December, and that the Committee operate with an empty seat for the remainder of the year. CARRIED

- c) Nanoose Place landscaping proposal & progress. P. Young & E. Bakker reported that they had investigated a number of corporate funders, including TD Trust Friends of the Environment, BC Hydro, and Telus. Fairwinds would also be approached. Display boards had been prepared for Nanoose Place. The Chair expressed appreciation for the work Paula and Elisabeth had done on this project.
- d) Water site accesses. Staff reported that they had discussed the issue of sign placement with Ministry of Transportation staff, and work can proceed without additional Ministry input. Staff will work to clarify a sign and means of installing it, and report to the Committee.
- e) Staff update on local and regional parks issues. Staff advised that recent work was completed to brush out the loop trails, and clean the gravel under the play equipment at Nanoose Rd Park. Without more obvious community use, the tenure of this park is in jeopardy of not being renewed by the Province in 2006. Staff also commented that yard waste has recently been dumped in Brickyard Park. Mr Ransom offered to talk to some of the Park's neighbours about the issue.
- f) Director's Update. Director Bibby advised that the Preliminary Draft of the Nanoose Bay OCP would be available Wednesday October 6th, and that this will be used to work out the kinks prior to a more formal draft being prepared in December. There will be a series of Working Group meetings through October and November.

PARKLAND DEDICATION

Although not a formal agenda item for discussion, the proposed parkland dedication at DL 68, Northwest Bay Road generated considerable discussion. In response to the September 30th Public Information Meeting on this topic, Mr Van Eynde presented a motion and sought Committee endorsement.

MOVED E. Bakker, SECONDED P. Young that to assure the availability of useable designated parkland in this proposed development, any and all parkland shall consist of a single parcel and that no portion of said parkland be located within a 30 metres distance from the single eagle tree located on the proposed development.

A lengthy discussion ensued including numerous questions, responses and comments from the public in attendance. Following this, a friendly amendment was sought for the original motion, to read as follows.

MOVED E. Bakker, SECONDED T. Ransom that to assure the availability of useable designated parkland in this development, any and all parkland shall consist of a single parcel and that no portion of said parkland shall be located within a 30 meter distance from the single eagle tree located on the proposed development and it is further recommended that the designated parkland be moved further south to include the adjacent lots to make up the total 5 % of designated parkland. CARRIED

QUESTIONS AND COMMENTS FROM THE FLOOR

In addition to the considerable discussion generated by the parkland dedication proposal, staff was questioned as to the proposed signs identifying beach access locations and the cost to maintain them; and clarification was sought on the golf cart access issue mentioned under items of Correspondence.

COMMITTEE ROUND TABLE

T. Ransom asked what action the Committee could take to raise the issue of protection for Wallis Point. Director Bibby responded that the land did not have any current zoning, so the RDN was moving to zone the land PU4Z (Public Land, No Subdivision) which is its current use by the Department of National Defence. If the land changes ownership, a public rezoning process will be required for changes of use or for subdivision. The zoning bylaw is at second reading.

NEXT MEETING DATE

As per the discussion earlier in the meeting, the next meeting will be Monday December 6, 7:00pm at the Nanoose Library Hall.

ADJOURNMENT

MOVED P. Bibby, SECONDED P. Young that the meeting adjourn at 8:45pm.

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGIONAL PARKS PLAN REVIEW SELECT COMMITTEE INAUGURAL MEETING HELD ON WEDNESDAY OCTOBER 13, 2004, AT 12 NOON IN THE RDN COMMITTEE ROOM

Present:

Director L. McNabb	Chairperson
Director H. Kreiberg	Electoral Area 'A'
Director J. Stanhope	Electoral Area 'G'
Director D. Bartram	Electoral Area 'H'

Also In Attendance:

N. Connelly	General Manager of Community Services
T. Osborne	Manager of Recreation and Parks
H. Rueggeberg	Lanarc Consultants Ltd.
D. Backhouse	Lanarc Consultants Ltd.

CALL TO ORDER

The meeting was called to order at 12:03 pm.

ADOPTION OF MINUTES

Moved Director Bartram, Seconded Director Stanhope that the minutes of the Regional Parks Plan Select Committee held on July 5, 2005 be approved.

CARRIED

PROJECT UPDATE

Ms. Rueggeberg gave an overview of the project to date, which included completion of the analysis of the current systems and near completion of the outreach phase. Three open houses were held at the end of September in Qualicum Bay, Parksville, and Cedar with less than satisfactory attendance. The public survey was more successful of which 139 responses were received by the October 8th deadline. Ms. Rueggeberg also met with three of the Park and Open Space Advisory Committees and is currently meeting with contacts at key governmental ministries and agencies.

SURVEY QUESTIONNAIRE

Ms. Rueggeberg gave an overview of the responses of the questionnaire with the Committee. The Committee discussed the need to use the survey as a guide to identify obvious trends that were evident throughout the survey responses. Mr. Backhouse informed the Committee that responses received in the RDN survey were very similar to those received on a survey that Lanarc recently conducted for the Sunshine Coast Regional District.

VISION AND GOALS

The Committee reviewed, discussed the revised the wording for the vision and goals section of the Plan.

PLAN KEY STRATEGIES

The Committee reviewed tables that included priorities from the 1995 park plan and a new set of priorities for the new plan on acquisitions and development of regional parks and trails. The Committee then reviewed and approved in general the new park classifications for regional parks and trails.

REVIEW PLAN OUTLINE

Ms. Rueggeberg gave an overview of proposed outline for the plan, which was agreed to by the Committee.

PUBLIC MEETINGS FOR DRAFT PLAN

Based on the low turn out for the three public meeting held in September, the Committee decided to hold two public meetings for review of the draft plan on December 1 at the Oceanside Place - Multipurpose Room and on December 2 at the Nanaimo Aquatic Centre - Room A.

NEXT MEETING

Select Committee meetings are scheduled for November 17, December 15, 2004 and January 19, 2005. All meetings will be held between 12:00 noon and 3:00 pm in the RDN Committee Room.

ADJOURNMENT

The meeting was adjourned at 2:27 pm.

L. McNabb
Chair

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE DISTRICT 69 RECREATION COMMISSION REGULAR MEETING HELD ON THURSDAY, OCTOBER 21, 2004, AT 1:00 PM AT OCEANSIDE PLACE

Attendance:

Frank Van Eynde
Dave Bartram
Reg Nosworthy

Eve Flynn
Patty Biro
Chris Burger

Jack Wilson
Craig Young

Staff:

Tom Osborne

Cathy MacKenzie

Dan Porteous
Recording Secretary

CALL TO ORDER

Chair Van Eynde called the meeting to order at 1:03 pm.

DELEGATIONS

- 2.1 Ms. Marilyn Sims, Director of the Family Resource Association and Mr. Alan MacDonald, Team Leader for the Youth Team of the Ministry of Child and Family Development presented information pertaining to a project proposal titled: *Citizen Builders - A Youth Link Partnership Initiative*. Ms. Sims provided a brief overview and profile of the Family Resource Association and its link as a host agency for the proposal.

Mr. MacDonald presented a community profile including general information, statistics for the City of Parksville, and key issues pertaining to youth at risk focusing on the need for more programs targeted at youth of an earlier age (11-12 years). The proposal incorporates recreation and mentorship programming that would include a half-time position for a staff person to act in a coordinating and hands-on leadership role, working directly with the youth and referring them to appropriate services as required. The proposal is a community based initiative fostered by the Youth Link Committee of various youth serving agencies that meet monthly at Oceanside Place to share information, address concerns and initiate action plans regarding a wide range of youth related issues.

MINUTES

- 3.1 MOVED Director Bartram, SECONDED Commissioner Wilson, that the Minutes of the District 69 Recreation Commission Regular Meeting held on October 21, 2004, be approved. CARRIED
- 3.2 MOVED Commissioner Nosworthy, SECONDED Commission Young, that the Minutes of the District 69 Recreation Commission Grants Committee Meeting from October 4 be received. CARRIED

COMMUNICATION/CORRESPONDENCE

4.1-4.3 **MOVED** Commissioner Nosworthy, **SECONDED** Director Bartram, that the correspondence be received as follows:

- Ravensong Aquatic Club re: Recreation Grant
- BC Games
- Annual Update to RDN from Parksville Curling Club

CARRIED

FUNCTION REPORTS

5.1-5.4 Mr. Osborne presented the Function Reports for the Ravensong Aquatic Centre, Oceanside Place, Recreation Coordinating, and Community and Regional Parks including the following highlights.

The sauna and steam room project at Ravensong Aquatic Centre has been completed and has been well received by the patrons, which have included a number of new customers attracted to the recent addition. Public and staff safety concerns regarding some new light fixtures have been addressed with the new addition.

The baffling has been completed at Oceanside Place in the Howie Meeker Arena and that comments regarding the system have been favorable. Staff are pleased with the performance of the baffling and the work came in under budget at \$53,000 from the proposed \$60,000. The sound system has yet to be remixed for the music and PA system, and will only improve the overall sound quality. A quote of approximately \$47,000 has been attained regarding baffling for the Victor Kraatz Arena and will be formally presented to the Commission in the near future.

Summer scheduling for 2005 is already underway and already there are challenges in terms of meeting the demand for ice time. Staff will continue to work through the issue; however, depending on outcomes the Commission may be approached to provide direction.

Joe Foran, long time Maintenance Worker, is retiring in December of 2004. Mr. Osborne will explore RDN policy with respect to protocol regarding retirement celebrations for long time employees of the RDN.

Mr. Osborne addressed the increased demand regarding the Financial Access Program coordinated through the Recreation Coordinating Function. The costs associated with providing financial access to customers continues to rise in all three of the Recreation Functions due to a large number of resident who are challenged with keeping up with higher fees, as well as the increased promotion and awareness of the Program throughout the District.

The Parks Master Plan is well underway and approximately 140 surveys have been returned regarding the review. The Plan should be completed by February 2004. The Nanaimo River Regional Park Plan will be presented to the Board in December. The agreement regarding the Englishman River project (management of Block 602) has yet to be completed due to changes in the nature of the agreement with the Province that need to be addressed.

MOVED Commissioner Wilson, **SECONDED** Commissioner Young, that the Function Reports be received.

CARRIED

BUSINESS ARISING FROM DELEGATIONS

- 6.1 Commissioners asked a variety of questions regarding the proposal *Citizen Builders – A Youth Link Partnership Initiative* and concerns were voiced regarding downloading from the Province through the Ministry. Mr. MacDonald expressed that the proposal was a community partnership. It was suggested that the representatives present their proposal to the Board, which the representative agreed to. Mr. Osborne clarified that proponents of the proposal had approached the Recreation and Parks Department as they were exploring partnership funding through the Recreation Coordinating Function. Such a proposal would include Commission participation to seeking Board direction and approval. The Chair thanked the representatives for their presentation.

MOVED Director Bartram, SECONDED Commissioner Young, that the Youth Link Partnership Initiative present their proposal to the Regional Board.

CARRIED

BUSINESS ARISING FROM COMMUNICATIONS/CORRESPONDENCE

- 7.1 The Commission discussed the invitation to bid for the BC Games. Some of the discussion revolved around the recent, unsuccessful District 69 bid process for the BC Seniors' Games. Due to this past experience, as well as the workload and infrastructure necessary to bid successfully for the BC Games, especially in light of Nanaimo's involvement in a bid, the Commission decided not to recommend a bid process at this time for District 69.

NEW BUSINESS

- 8.1 Mr. Osborne informed the Commission that an in-camera report regarding the Management Services Agreement with RG Properties would be on the agenda for the November 18, 2004 meeting.

BUSINESS ARISING FROM MINUTES

- 9.1 Commissioner Biro expressed concerns regarding one of the grant applications that was denied funding as it was considered strictly a school based program. She requested that the Commission consider a motion to amend the Commission's Grant Committee recommendations. The request was based new information regarding the nature of the program in question. The KSS Music Program provides a school based program; however, instruments are provided to community groups approximately twenty-five percent of the time. Therefore, the instrument in question could be supported through the grant program at 25% of the purchase price.

To support the motion presented by Commissioner Biro, the Commission needed to consider reducing funds from another application. Discussion took place regarding the Errington War Memorial Hall's application for building improvement funds. Concerns were expressed regarding grant funding being used for these types of improvements and the cost/benefit associated with the old hall. The Commission may review the criteria for the Grant Program in the future; however, the application for the hall could be reduced and supported subject to an assessment of the building.

MOVED Commissioner Biro, SECONDED Commissioner Young, that the District 69 Recreation Commission Grants Committee recommendations be amended to include a \$750 grant to the KSS Music Program to be used towards the purchase of a Bass instrument.

CARRIED

MOVED Commissioner Biro, SECONDED Commissioner Wilson, that the Errington War Memorial Hall Grant recommendation be reduced by \$750, from \$8,000 to \$7,250, subject to a building assessment to be reviewed by the Commission before releasing the funds.

CARRIED

MOVED Commissioner Young, SECONDED Commissioner Nosworthy, that the recommendations from the District 69 Recreation Commission Grants Committee be approved as follows, which include amendments to the KSS Music Program and the Errington War Memorial Hall:

Community Grants:

Community Group	Amount
Bowser Tennis Club - resurfacing courts	\$2,500
Coombs Halloween Candy Walk	\$1,000
Errington War Memorial Hall - washroom upgrade, old hall repairs	\$7,250
Oceanside Community Arts Council - musical recitals	\$ 700
Oceanside Lyrics Ensemble	\$ 800
Parksville and District Association for Community Living	\$ 870
Parksville Special Olympics	\$ 700
Ravensong Masters Swim Club	\$1,300

Youth Grants:

Community Group	Amount
Deep Bay Yacht Club	\$2,500
District 69 Family Resource Association	\$2,190
KSS Music Program - Parents Committee - purchase bass instrument	\$ 750
Vancouver Island Adrenalin Games	\$ 800

CARRIED

COMMISSIONER ROUNDTABLE

Commissioner Wilson reported that the review of Qualicum Beach Community Plan is well underway. He is currently involved with the Qualicum Beach Parks and Recreation Commission to address issues to be included in the Community Plan.

Commissioner Nosworthy reported that the Arrowsmith Coombs Country Business Association (ACCBS) is no longer an entity, now having merged with the Arrowsmith Community Enhancement Society (ACES). The ACES now has a new element that focuses on business and economic development. ACES also is expanding their focus on Parks and Trails and is also exploring a more formal recreation identity.

Commissioner Burger reported that a Parks survey has been completed as a planning exercise for the City of Parksville's Parks Master Plan. The City of Parksville is also quite involved with the Block 602 agreement regarding the Englishman River project.

Commissioner Biro reported that there are some residents of the Deep Bay area that are exploring the concept of incorporating as a municipality. The President of the Mapleguard Ratepayers' Association has expressed concerns regarding the amount tax dollars spent on recreation. Director Bartram attended a public meeting in mid October and a follow up meeting is being planned in November. Commissioner Biro added that the annual Halloween Party is being planned for the community and that a new fitness class has started up at the school. Area H is also considering the establishment of a Parks and Open Space Advisory Committee.

Commissioner Flynn reported that the French Creek Elementary School has officially changed status and is now the French Creek Community School. She also added that a notice of recommendation from the School Board will be presented to the Commission in November regarding the addition of the School Board to the RDN Field Agreement that includes both the City of Parksville and the Town of Qualicum Beach.

Commissioner Young reported that there is a draft of the Area G Beach Access Inventory; however, there is still plenty of work yet to be completed.

Director Bartram reported that he is quite involved with the Area H issue pertaining to residents of Deep Bay exploring incorporation. He will continue to provide information to the residents and attend meetings to discuss the issue.

Chair Van Eynde reported that the first review of the OCP Draft is underway for Nanouse Bay. He also reported that 5% of 2.15 hectares of land has been set aside for parkland through a recent subdivision application.

ADJOURNMENT

MOVED Director Bartram that the meeting be adjourned at 2:40 pm.

NEXT MEETING

The next meeting will be held Thursday, November 18, at 2:00 pm at Oceanside Place, in Multipurpose Room 1.

Frank Van Eynde, Chair



Minutes for the Meeting held:
Thursday, October 21, 2004 @ 1:30 PM
Regional District of Nanaimo – Committee Room
6300 Hammond Bay Road, Nanaimo, BC

Present:

Andrew Tucker, Nanaimo
Bob Lapham, RDN
Brent Mueller, MCAWs
Brian Mehaffey, Nanaimo
Christina Thomas, RDN
Cheryl Wirsz, Parksville
Ian Howat, Lantzville
Neil Connelly, RDN
Paul Butler, Qualicum Beach

1. **Call to order.**

N. Connelly called the meeting to order, described the purpose of the meeting, and indicated that B. Mueller would be facilitating discussion related to the Urban Containment and Fringe Area Management Implementation Agreement Review (as discussed at the last meeting).

2. **Old Business**

a) Urban Containment and Fringe Area Management Implementation Agreement Review

B. Mueller facilitated discussion related to the Urban Containment and Fringe Area Management Implementation Agreement Review. Participants shared their perspectives regarding the positive aspects of the present Agreement and its application to date. Participants reviewed the document, titled "Urban Containment and Fringe Area Management Implementation Agreement Review: Issues" that summarizes the Agreement issues identified in the one-on-one meetings between Regional District of Nanaimo staff and the staff of each party to the Agreement. Participants spoke to some of the issues identified in the document, and agreed that the document identifies the issues that should be discussed as a part of the Agreement Review. Participants initiated discussion about one of the issues, the criteria for Urban Containment Boundary changes. There was agreement amongst the participants regarding the need to create two separate agreements as a part of the Urban Containment and Fringe Area Management Implementation Agreement Review Project: an agreement about urban containment, and an agreement about rural protection.

3. **New Business**

aj) Regional Context Statements

C. Thomas indicated that the Regional District of Nanaimo Community Planning Department has submitted to Regional Growth Management Services staff the proposed new Regional Context Statement (RCS) for the Electoral Area E Official Community Plan, and requested IAC comment on the RCS pursuant to the Board approved policy regarding RCSs.

4. **Next Meetings.**

An IAC meeting, open to all IAC members, was set for Thursday, November 25, 2004 between 11:00 AM and 12:30 PM to review and discuss the Regional Context Statement for the Electoral Area E Official Community Plan. Another IAC meeting, comprised of representatives for each of the parties to the Urban Containment and Fringe Area Management Implementation Agreement, was set for Thursday, November 25, 2004 from 1:30 PM to 4:30 PM to continue with the Agreement Review discussion.

5. **Adjournment.**

The meeting adjourned at 4:00 PM.

N. Connelly, Chair

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE
REGIONAL GROWTH MONITORING ADVISORY COMMITTEE /
STATE OF SUSTAINABILITY PROJECT MEETING
HELD ON WEDNESDAY, OCTOBER 6, 2004
IN THE COMMITTEE ROOM**

Present:

Director Bill Holdom	Chair
Director Dave Bartram	Deputy Chair
Brian Anderson	
Gordon Buckingham	
Betty Collins	
Janet Farooq	
Adele McKillop	
Ross Peterson	
Sharon Thomson	

Also in attendance:

Christina Thomas	Senior Planner, Community Services
David Harper	Consultant, Westland Resource Group
Kellie Bunting	Consultant, Westland Resource Group

Absent:

Douglas Anderson
Sylvia Neden

CALL TO ORDER

Director Holdom called the meeting to order at 5:30 PM.

MINUTES

B. Collins requested that the minutes of the previous meeting (Sept. 8/04) be amended to reflect the fact that she was in attendance at the meeting.

The minutes of the previous meeting (Sept. 8/04) were approved as amended.

OLD BUSINESS

a) Green Buildings

Directors Holdom and Bartram updated the RGMAC about the Board's consideration of the staff report about green buildings. Directors Holdom and Bartram stated that the board received the report and requested that terms of reference be developed for the Board's consideration for a project to promote green building in the region.

C. Thomas distributed copies of the staff report about green buildings to RGMAC members.

C. Thomas stated that she is preparing a report that includes terms of reference for a project to promote green buildings in the region, and that it is anticipated this report will be considered at the November 9th Committee of the Whole and November 23rd Board meetings.

b) Presentation to Oceanside Development and Construction Association Regarding Sustainability Project

Director Bartram updated that RGMAC about a presentation he delivered to the Oceanside Development and Construction Association (ODCA) about the State of Sustainability Project on September 15, 2004. Director Bartram stated that the presentation was well received, and that the ODCA supports sustainability but has some concerns.

B. Anderson indicated that there is an association of homebuilders in the Nanaimo area that might appreciate an opportunity to hear the presentation.

Director Holdom indicated a willingness to deliver the presentation to the Nanaimo homebuilders group if requested.

c) Sustainability Project Revised Timeline

C. Thomas distributed a revised timeline for the completion of the remaining project components of the State of Sustainability Project, dated September 29, 2004. C. Thomas stated that the timeline was updated to provide more time to develop the report about the sustainability of the region and plan for the second public event. C. Thomas stated that the public event would be postponed from September of 2005 to January or February of 2006 to provide more time for these activities.

d) Sustainability Indicator Selection

C. Thomas provided an update about the process to select a consultant to provide advice regarding sustainability indicators, stated that Westland Resource Group had been hired, and introduced David Harper and Kellie Bunting of Westland Resource Group.

D. Harper facilitated a discussion about various aspects of sustainability, the proposed work program to develop recommendations about sustainability indicators, and the parameters of the assignment.

D. Harper distributed an October 4, 2004 memorandum from himself to the RGMAC titled "Potential Criteria for RDN Sustainability Indicators", and requested input regarding criteria to be used to analyze the suitability of the possible indicators in the September 10, 2004 chart developed by the RGMAC titled, "Framework for Sustainability Indicator Selection for the Regional District of Nanaimo".

K. Bunting distributed a 16 page chart with information about the consultant's preliminary analysis of whether the possible indicators in the September 10th chart meet the criteria for sustainability indicators, and explained that the chart classifies the possible indicators into three categories: those that are definitely worth further exploration (green), those that might be worth further explanation (yellow), and those that are probably not worth further exploration (grey).

D. Harper solicited RGMAC feedback about the preliminary analysis, and specifically invited the RGMAC to identify possible indicators that it feels should be investigated. D. Harper indicated that the chart includes suggested rewording for a few of the sustainability characteristics as well as some alternative indicators for exploration (highlighted in red). D. Harper indicated that in cases where none of the possible indicators were deemed suitable to assess a particular sustainability characteristic, alternative indicators would be recommended.

The RGMAC concurred that in some cases it may be desirable to select a particular indicator regardless of the availability of data to support it, and that the Regional District could either collect the data itself or lobby a relevant organization to collect the data.

Possible indicators for the first four environmental capital characteristics in the chart were discussed. The RGMAC agreed to independently review the possible indicators for the remaining environmental,

economic and social sustainability characteristics, and e-mail comments to Westland Resource Group by Wednesday, October 13th regarding the classification of each possible indicator and particular indicators that are worthy of consideration despite their classification.

K. Bunting committed to providing an electronic version of the table to RGMAC members via e-mail so that members could provide their comments by making amendments to the chart if they wish.

D. Harper suggested that an alternative approach should be considered regarding the assessment of possible indicators for the characteristics associated with institutional leadership and management. D. Harper distributed a brochure published by the International Council for Local Environmental Initiatives titled, "The Municipal Environmental Agenda: Does Your Local Government...", and stated that it provides examples of questions that could be posed to assess institutional leadership and management.

NEW BUSINESS

None.

OTHER BUSINESS

Director Holdom informed the RGMAC that the City of Nanaimo Advisory Committee on the Environment is sponsoring a public presentation on November 10, 2004 by Guy Daurcey about living without oil, and invited RGMAC members to attend.

NEXT MEETING

C. Thomas stated that the next meeting is scheduled for Wednesday, October 27th at 5:00 PM, and that Wednesday, November 3rd is also set as a meeting date.

C. Thomas stated that the meeting originally anticipated for Wednesday, November 24th is being moved to Wednesday, December 1st because of a scheduling conflict, and that it is anticipated that the consultant will present their recommendations regarding sustainability indicators at the December 1st meeting.

ADJOURNMENT

Director Holdom adjourned the meeting at 9:30 PM.

Original Signed By

Chair, Director Bill Holdom

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGIONAL GROWTH MONITORING ADVISORY COMMITTEE / STATE OF SUSTAINABILITY PROJECT HELD ON WEDNESDAY, OCTOBER 27, 2004 IN THE COMMITTEE ROOM

Present:

Director Bill Holdom	Chair
Director Dave Bartram	Deputy Chair
Brian Anderson	
Gordon Buckingham	
Betty Collins	
Adele McKillop	
Ross Peterson	
Sharon Thomson	

Also in attendance:

Christina Thomas	Senior Planner, Community Services
Neil Connelly	GM, Community Services

Absent:

Douglas Anderson
Janet Farooq
Sylvia Neden

CALL TO ORDER

Director Holdom called the meeting to order at 5:45 PM.

MINUTES

The minutes from the previous meeting (Oct.6/04) were approved as presented.

OLD BUSINESS

a) Sustainability Indicator Selection

C. Thomas provided an update regarding Westland Resource Group's work to develop recommendations regarding sustainability indicators for the Regional District of Nanaimo. C. Thomas indicated that the RGMAC had been asked to provide feedback directly to Westland regarding the classification of possible indicators (i.e. those that are 'definitely worth further exploration', those that 'might be worth further exploration', those that are 'probably not worth further exploration') that were not discussed at the October 6th meeting, identify particular indicators that should be further explored despite their classification as 'probably not worth further exploration,' and provide reasons to substantiate these recommendations. C. Thomas indicated that Westland has reviewed Committee member feedback provided, made some adjustments to the categorization of the possible indicators in response to RGMAC feedback where it deemed appropriate, and created a shorter more manageable list of possible indicators

to research. C. Thomas indicated that Westland has requested advice from the Intergovernmental Advisory Committee regarding possible sustainability indicators pursuant to the Project Description, is now researching the shorter indicator list, and will develop a report regarding its recommendations for discussion at the December 8, 2004 RGMAC meeting. It was noted that the report would be available for RGMAC member review approximately one week in advance of the December 8th meeting.

A. McKillop stated that an analysis should be undertaken to determine the fit between the sustainability indicators recommended for the region and the Regional District of Nanaimo Regional Growth Strategy.

R. Peterson stated that a hierarchy of documents (such as the Board Strategic Plan, the Regional Growth Strategy, and zoning bylaws) directs Regional District of Nanaimo business, and that these documents should conform with each other.

NEW BUSINESS

a) *Methods/techniques/policies/actions to achieve each of the sustainability characteristics identified in the "Framework for Sustainability Indicator Selection for the Regional District of Nanaimo"*

C. Thomas provided an overview of the October 21, 2004 report, "Methods/Techniques/Policies/Actions to Achieve Sustainability". It was noted that the report provides a framework for the RGMAC to brainstorm potential methods/techniques/policies/actions to achieve each of the identified sustainability characteristics, in response to a RGMAC September 1, 2004 request to discuss this topic.

The RGMAC received the October 21, 2004 report, "Methods/Techniques/Policies/Actions to Achieve Sustainability," for information, and concurred that the framework would meet its needs in terms of structuring discussion about the subject matter.

Directors Holdom and Bartram facilitated RGMAC discussion using the approved framework, and C. Thomas recorded RGMAC discussion on flipcharts. The RGMAC brainstormed potential methods, techniques, actions and policies to achieve the following characteristics of sustainability:

Economic Capital

1. Positive economic growth
2. The economic tools favour sustainable, environmentally responsible economic activities.
3. The economy is characterized by a diversity of different types and sizes of businesses and services.
4. A wide variety of employment opportunities exist, and residents are employed.
5. Residents have training (i.e. knowledge/skills) that qualifies them for employment.
6. The urban core areas of the region are characterized by their vitality.
7. Regional consumption of products and services produced in the region in economically viable ways is maximized.
8. There is an effective system of conveying goods and services within the region, and between the region and other regions
9. Energy requirements are reduced, and or energy costs are minimized.

Social Capital

1. Residents are healthy, and healthcare services and facilities are available when they are needed.
2. Residents are educated or trained so that they are qualified for employment.
3. A wide variety of employment opportunities exist, and residents are employed.
4. Poverty is minimized, and residents can meet their basic needs.
5. Housing is affordable, and a variety of different types and sizes of housing is available to accommodate the current and projected demographics of the region.

During the brainstorming work individual RGMAC members suggested that consideration be given to rewording the following characteristics to address or clarify the portions of the following characteristics that are underlined:

- Positive economic growth;
- The economic tools favour sustainable, environmentally responsible economic activities;
- Energy requirements are reduced, and or energy costs are minimized;
- Residents are healthy, and healthcare services and facilities are available when they are needed.

NEXT MEETINGS

The next meeting was set for Wednesday, November 3, 2004, for the purpose of completing the discussion about possible methods/techniques/policies/actions to achieve each of the sustainability characteristics.

C. Thomas indicated that the meeting proposed for December 1, 2004 had been changed to December 8, 2004 because of a scheduling conflict with a Regional District of Nanaimo regional parks plan public event. Westland Resource Group will be in attendance on the 8th to present their report with recommendations regarding sustainability indicators for the region, and obtain RGMAC input about the recommendations. It is hoped that the RGMAC will finalize its recommendations regarding sustainability indicators at this meeting, so that the Board may be requested to make a decision about the indicators in January of 2005.

ADJOURNMENT

Director Holdom adjourned the meeting at 9:15 PM.

Chair, Director Holdom

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE TRANSIT BUSINESS PLAN UPDATE SELECT COMMITTEE
MEETING HELD ON THURSDAY, OCTOBER 28, 2004, AT 12 NOON
IN THE RDN COMMITTEE ROOM

Present:

Director T. Krall	Chairperson
Director J. Stanhope	Electoral Area G
Director D. Haimc	Electoral Area D
Director B. Holdom	City of Nanaimo
Director R. Cantelon	City of Nanaimo

Also In Attendance:

G.Hanson	Nanaimo Downtown Partnership
A. Kenning	City of Nanaimo
T. Moscrip	City of Nanaimo
K. Daniels	Administrator
N. Connelly	General Manager, Community Services
R. Henry	Manager, Transportation Services

Regrets: Director T. Westbrook Town of Qualicum Beach

CALL TO ORDER

The meeting was called to order at 12:10 pm.

MINUTES

MOVED by Director Cantelon, SECONDED by Director Holdom that the Minutes of the Transit Business Plan Update Select Committee meeting held September 9, 2004 be adopted. CARRIED

ADMINISTRATION

Downtown Nanaimo Transit Exchange Update

Director Krall introduced the topic and advised the Committee of the importance of partners (i.e. RDN, BC Transit, City of Nanaimo and the Downtown Business Partnership) to work together on this matter, in anticipation of the loss of the Gordon Street transit exchange next spring. In this context, the site would be turned back to the City by the end of June 2004, as the site of the new Nanaimo Convention Centre.

Director Krall introduced G. Hanson, who in-turn advised the Committee of concerns from downtown businesses with respect the relocation of a transit exchange in the

downtown area, citing examples from other cities in the Province concerning vandalism, cleanliness, exhaust and noise pollution associated with downtown transit exchanges. Mr. Hanson affirmed that although transit is indeed very important for downtown businesses, he advocated the notion for a flow-through or passenger-type exchange system; whereby buses would transit through the city core on a continuous basis.

N. Connelly advised of the results of a recent meeting with the City of Nanaimo regarding transit exchange options. He advised that Wallace Street, adjacent to City Hall, was proposed by City staff as a potential site for the new transit exchange site. R. Henry confirmed that this site meets requirements in terms of transit efficiencies, with sufficient space along the corridor for ten buses (five each side of the street). N. Connelly advised that if an exchange site in the downtown core were not obtained, then the only option would be for transit to flow-through the city. This would cause many scheduling changes for buses, which could lead to ridership frustration and revenue reductions. He noted that similar communities, such as Kelowna and Kamloops, have down-transit exchange sites that provide effective transit operations that serve the public.

A discussion followed on logistics associated with the relocation of a new transit exchange in light of the loss of the Gordon Street Site, as well as the requirement to work out a viable plan.

MOVED by Director Stanhope, SECONDED by Director Cantelon that a plan for the downtown transit exchange be finalized by February 1, 2005. CARRIED

In this context, staff will work diligently with all stakeholders, and report progress to the Committee at subsequent meetings

Parksville / Qualicum Beach Community Bus Review Update

N. Connelly introduced the report and updated progress on evaluating the service. R. Henry advised that the on-board ridership survey is underway; preliminary results indicate a lot of interest in the program and favourable comments from the public. He advised that a detailed report will be provided at the next Committee meeting. N. Connelly outlined ridership statistics contained in the report. The results of the ridership count underway (from 18 Oct to 1 Nov 04) will be provided, and compared to previous ridership counts, at the next Committee meeting.

MOVED by Director Stanhope, SECONDED by Director Holdom that the Parksville / Qualicum Beach Community Bus Review Update be received for information. CARRIED

2004 Year-End Projections

N. Connelly advised that the projected year-end deficit for the southern community transit system would be approximately \$230,000, to be carried forward to 2005. This deficit is approximately \$63,000 less than the deficit carried forward from 2003 for the 2004 budget.

For 2004, revenues are projected to be approximately \$104,000 under budget, and expenditures \$125,000 over budget. The revenue reductions accrued from losses in conventional fares, due to flat ridership to date, forecast to year-end. Cost escalations are essentially due to increased wage and benefits (\$84,500 or 1.5% of budget) related to greater than anticipated extended sick leave absences, incremental maintenance associated with unforeseen engine/power-train failures and incremental fuel costs of \$8,000.

2005 Budget and Operational Issue Areas

N. Connelly advised that the projected shortfall for 2005, given no increase to the 2004 tax requisition, would be approximately \$410,000. This would be based on the deficit carried forward from 2004 (\$230,000), no increases in revenues from projected 2004 results, incremental expenditures due to the 18-20% increase in BC Transit negotiated fuel prices effective April 2005 (\$105,000), special cost-shared maintenance program for mid-life work on our aging bus fleet \$52,000), and a 2.8% increase in wage benefits due to new collective agreement (\$155,000). Options to deal with the projected shortfall were discussed.

- Increase tax requisition; full (to break-even) or partial (to reduce shortfall)
- Service reductions
- Increase fares.

MOVED by J. Stanhope, SECONDED by R. Cantelon that a letter be sent to the Premier that the Province consider for their 2005 budget, the allocation of surplus funds for additional funding to transit for the Nanaimo Regional transit system and others in the BC Transit Municipal Systems program. CARRIED

A discussion followed regarding the need to work out a viable strategy / action plan to reduce the preliminary 2005 deficit, for staff to present at the next meeting.

Staff advised of the availability of budget information for the District 69 transit system, noting that the District 69 system is not projected to post a deficit for 2004 and that budget issues for 2005, for this system, would not be to the same extent as for District 68.

ADJOURNMENT

The meeting was adjourned at 1:30 pm. and the next meeting was scheduled for November 18, 2004.

T. Krall
Chair