

REGIONAL DISTRICT OF NANAIMO

**COMMITTEE OF THE WHOLE
TUESDAY, FEBRUARY 8, 2005
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

- 4 **Ceri Peacey**, re Hamilton Marsh – Area F.
- 5 **Cyndy Jefferies**, **Nanaimo Area Land Trust**, re Operational Funding.
- 6-29 **Annette Tanner**, **Western Canada Wilderness Committee**, re RDN Parks Plan Revision.

MINUTES

- 30-38 Minutes of the Committee of the Whole meeting held Tuesday, January 11, 2005.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATION/CORRESPONDENCE

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RECREATION & PARKS

- 39-42 Renewal of Licence of Occupation for Parkland (Oakdowne Road) in Area H.
- 43-46 Englishman River Regional Park – Application to Develop Road Allowance – Area F.
- 47-50 Home Lake Regional Park Operations Update.
- 51-53 Renewal of Trail Use Licence for Arrowsmith Trail.
- 54-61 Recreation Facilities and Sportsfields Usage Survey Results.

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ADMINISTRATION

- 62-82 Regional Services Review – Phase II Final Report.

- 83-84 Review of Tax Requisition Allocation Methods for Recreation Services.
Police Support Services Establishing Bylaw No. 1421. (report to be circulated)
- 85-87 Electoral Area Election and By-Election Funding Policy.
- 88-92 Bow Horn Bay Fire Protection Service Agreement – Big Qualicum Hatchery.

FINANCE

- 93-98 Security Issuing Bylaw No. 1420 – City of Parksville Roadworks.

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- 99-101 Short Term Temporary Borrowing Resolution.

DEVELOPMENT SERVICES

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LIQUID WASTE

- 102-115 Piper’s Inn Pub Lease Agreement Extension.
- 116-117 French Creek Pollution Control Centre Dewatering Upgrade.

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- 118-124 Organics Diversion Strategy.
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- 129-132 Mid Vancouver Island Habitat Enhancement Society – Request for Letter of Support.

COMMISSION, ADVISORY & SELECT COMMITTEE

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

- 133-135 Minutes from the meeting of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project held January 12, 2005. (for information)

Intergovernmental Advisory Committee.

- 136-141 Minutes from the meetings of the Intergovernmental Advisory Committee held January 13 and January 27, 2005. (for information)

Transit Business Plan Select Committee.

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Minutes from the meeting of the Transit Business Plan Select Committee held January 27, 2005. (for information)

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)

IN CAMERA

ADJOURNMENT

Pearse, Maureen

From: Ceridwen [ceridwen@bcsupernet.com]
Sent: Friday, January 28, 2005 6:30 PM
To: Pearse, Maureen
Subject: Presenting at RDN Meeting February 8th, 2005 - Hamilton Marsh

My name is Ceri Peacey. I am a resident of the Hilliers Area in Qualicum Beach near Hamilton Marsh. I would like to give a ten minute presentation at the meeting on February 8th regarding our neighborhood's concern about the logging planned for this Spring at Hamilton Marsh.

My concern is two fold. It involves the potential destruction of one of the few wildlife areas left in Hilliers. It also involves the impact of logging all around the Hilliers area yet to be started and that will eventually turn our neighborhood into a moonscape.

I would like to include a brief video presentation. Which format is preferred? (I would prefer to put it on cd/dvd but could put it onto a VHS tape.

Thanks in advance.

**Ceri Peacey
661 Gilbert Road
Qualicum Beach, BC
V9K 1V2
(250) 752-4720**

31-Jan-05

Tonn, Nancy

From: Nanaimo & Area Land Trust [admin@nalt.bc.ca]
Sent: Wednesday, February 02, 2005 10:38 AM
To: Tonn, Nancy
Subject: Request Please

Hello Nancy,

Please accept this email as our request to be included as a delegation for next week's meeting February 8. The subject of our presentation will be operational funding. If you require further information we would be happy to provide additional info before the end of the day.

Please confirm that we will be included on the agenda and advise if you need more info.

Thank you,

Cyndy Jefferies
Nanaimo Area Land Trust
250-714-1990

2/2/2005

Pearse, Maureen

From: WCWC Mid Island Chapter [wcwcqb@shaw.ca]
Sent: Friday, January 28, 2005 3:44 PM
To: Pearse, Maureen
Subject: Delegation request for Feb. 8/2005 RDN mtg.
Attachments: ATT340583.txt

Western Canada Wilderness Committee, Mid-Island
Box 442, Qualicum Beach, BC, V9K 1S9, ph. 250 752-6585, fax: 250 752-7085
email: wcwcqb@shaw.ca www.cathedralgrove.com

Attention: Maureen Pearse
From: Annette Tanner, Chairperson Western Canada Wilderness Committee, Mid Island
Re: Request to appear as a delegation at the Tuesday, February 2, 2005 RDN meeting.

I would like to appear as a delegation and have included comments submitted to Lanarc Consulting in November, as a backgrounder for my presentation.
Thank you.

Annette Tanner, Chairperson.

Western Canada Wilderness Committee, Mid-Island
Box 442, Qualicum Beach, BC, V9K 1S9, ph. 250 752-6585, fax: 250 752-7085
email: wcwcqb@shaw.ca www.cathedralgrove.com

Friday, November 12, 2004.

Lanarc Consultants Ltd.
375 Franklyn Street,
Nanaimo, BC, B9R 2X5
T. 250 754-5651, F. 250 754-1990
Email: rueggeberg@lanarc.ca

Sent via email: rueggeberg@lanarc.ca

Dear Harriet,

Re: Regional District of Nanaimo Parks Plan Revision

Thank you for meeting with Ronda and Gary Murdock and me to discuss the Western Canada Wilderness Committee's concerns for a process for input that will address proposed revisions to the Regional District of Nanaimo's Park System Plan.

03-Feb-05

We look forward to receiving a copy of the working plans for the Parks Plan revision. Bob Lapham has been contacted for a meeting about the Little Qualicum River Floodplain Forest in Qualicum Beach and Area G, in order to provide you with an update on the work and public support that we have for acquisition of that forest.

Thank you also for the RDN Park Plan map. WCWC is at the moment compiling a conservation vision, map and strategy for Vancouver Island. Our Mid Island Chapter is particularly concerned with the Central Island's Regional District of Nanaimo's Regional Park Plans system, as land use issues within this region are critical to the future of conservation for the entire island.

At our meeting with you, on Wednesday, Nov. 3, 2004, we stated that December seems like a rushed time of the year to conduct public meetings, because of Christmas concerts, holiday plans and a large sector of the population leaving to go South for the Winter.

The December timeline for public presentations of a draft Parks Plan also seems rushed in light of the fact that the draft RDN Park Plan map at present :

1. Does not include the 1995 Sensitive Ecosystem Inventory mapping by Canadian Wildlife Service, Environment Canada and BC Ministry of Environment. This study and mapping of sensitive ecosystems on East Vancouver Island and the Gulf Islands supports a conservation priority for East Vancouver Island that includes the Coastal Douglas fir Zone and the Nanaimo Lowlands, all located within the Regional District of Nanaimo. The SEI polygons have recently been updated.

"GREENBELTS:

Goal:

A Greenbelt function is distinct from the other park functions. The service is an essential component of the Regional District's park system requiring the coordination of other Regional District services and the other agencies of the park system. The goal is to secure and protect for all time, regionally significant components of open space, productive or threatened habitat and sensitive landscape features which contribute to the inherent livability of the region and the protection of its natural resources and landscape character. Human access may be possible in some cases where natural resources are not disturbed. Greenbelts, which provide for human use, are referred to as Greenways.

Objectives:

- To protect natural streams, watercourses, lakes and marshlands, which contribute to water quality, fish habitat or wildlife corridors.

- To actively pursue the protection of informal outdoor recreational pursuits on Crown lands including the provision of suitable access and services.
- To work with other responsible government agencies and land owners to develop a plan for the security of a regional greenway system." **1995 RDN Parks Plan, p.15**

2. The Regional Park Plan map does not include all Crown Land within the regional district. It is necessary for the Government to complete its inventory of Crown Land within the regional district, before a regional parks plan can be finalized. It would be imprudent for the Regional District to prematurely close options to public land where available.

"Provincial Financial Support for Regional Park Systems

The province has been active in the past in supporting regional park land acquisition, providing Crown Land for park land and granting funds to assist with its acquisition. The assistance provided to the Greater Vancouver Regional District (GVRD) illustrates this. The GVRD has received millions of dollars in provincial grants and matching funds to assist with park land acquisition. BC Parks states that provincial funding is not in place to assist the Regional District of Nanaimo with its park land acquisition. However, the province has a number of programs in place to assist with the funding of community initiatives. **Furthermore, through its Protected Area Strategy, the province has expressed support for the creation of a greater park land resource, including sites closer to communities such as those provided by regional park systems.**

The Regional District Park System proposed by this Plan will require assistance from the province for park land acquisition. **As such, an extensive lobbying effort to secure provincial funding is in order."**

"While opportunities to acquire lands with provincial support are not readily available, and the price of land is increasing, the Regional District still has opportunity. An increased population base, an active economy and public opinion all appear on the side of the Regional District for the establishment of a comprehensive park system.

In consideration of these relevant issues the Regional District of Nanaimo is committed to immediate and effective action in order to establish a comprehensive park system." **1995 RDN Parks Plan, P.2,3**

3. The Regional Parks Plan map does not include Agricultural Land Reserves. With minimally protected lands in the regional district, Agricultural land is vital to support a buffer and interface for wildlife, conservation/populated areas.

4. The Regional Parks Plan map does not include historic sites or popular recreation areas within the regional district as targets for future acquisition possibilities.

The Wilderness Committee is asking that the draft RDN Park Plan map include the completed inventory of Crown Lands, which Land, Water BC is compiling at present through their Crown Land Inventory, so that no options for parkland acquisition are missed. The extra time will also allow for the Sensitive Ecosystems, agricultural land and popular recreation areas and uses to be mapped as well.

In a press notice from the RDN it states, "Having achieved many of the objectives of the 1995 Regional Parks Plan, it's time to review and re-define the future direction policies, priorities and actions for regional parks for the next 10 years." Would it be possible to be specific about the objectives which have been achieved, by referring to the following objectives of the 1995 Regional Parks Plan?

"RDN SIGNIFICANT SITES

This section identifies significant sites and concepts in which the Regional District of Nanaimo has an interest. Thirty-eight (38) sites and four (4) concepts are recognized as significant to the Regional District's parks, outdoor recreation and open space mosaic. Provincial Parks are also catalogued due to their critical overall importance in providing opportunities to this region's parks mosaic. Twenty-three (23) of the identified significant sites have been highlighted to indicate which sites are currently under discussion around possible access or joint management with the Regional District of Nanaimo. Community park land initiatives specific to each of the Regional District's eight electoral areas are also outlined." **1995 RDN Parks Plan, p.III**

1. Which properties in the 1995 Parks Plan acquisition list were acquired? (Please indicate the size of the acquired parcels.)
2. Which properties in the 1995 Parks Plan acquisition list were lost due to sales, development, logging etc.? (Please indicate size of parcels.)
3. What lands are currently on the revised property acquisition list? Which of these lands have been acquired, which lands have been lost and which are still on the list? Please list in order of priority.

With only 1.4 percent of the Regional District's landbase within the Regional Parks Plan system, it is doubtful that the following mission statement for the 1995 Parks Plan has been met:

"The security, protection and stewardship of lands within the region which maintain livability, provide environmental and natural resource protection and

accommodate outdoor recreational pursuits." 1995 RDN Parks Plan (inside cover)

The 1.4 percent (see attached chart) of the RDN landbase in a Regional Parks System, can only be the cornerstone to maintaining livability for the area. Conservation of natural areas and access to outdoor recreation for the growing number of people projected to move to the area is part of planning and vision for future needs.

"Rapid Growth and the Need to Sustain Livability

The Regional District of Nanaimo is a key element in a rapidly developing geographical area referred to as the Georgia Basin. Within this area respected authorities recognize the threat that growth poses to livability and natural resources. It is not merely a "not in my back yard reaction".

"If current population growth trends continue, the region's population of 5 million can be expected to double over the next 25 years. The major question facing the Georgia Basin is whether we can accommodate this growth without destroying the livability and natural environment of the Region". (the "Georgia Basin Initiative" of the Round Table)

In the last five years the Regional District of Nanaimo has experienced a rapid population growth rate of 23.8%, compared to 14.4% for the rest of Vancouver Island. It is recognized by the public and various government agencies, that this growth has the potential to compromise the natural resources and livability of this region. Therefore, it is critical that governments manage this change with available means and the appropriate mechanisms to limit the impact on the quality and character of the region.

A Park System Plan is a recognized mechanism of protecting a region's significant natural resources and maintaining livability. Eighty-five percent of the Regional Districts across the province have established park systems, which protect lands that represent natural character, provide for informal outdoor recreation and secure significant natural features within these regions. **The Regional District of Nanaimo's Park System Plan has been prepared in consideration of the urgent need to provide such a service to manage the area's growth by maintaining a standard of livability.** Establishment of this park system follows successful precedents of many other regional park systems in this province." ***1995 RDN Parks Plan, p. 1***

The 1995 Regional Parks Plan efforts to set land aside as parks for public access for the future needs of future population projections is paramount in spite of the everyday pressure to build and manage recreation facilities for today. These population pressures at this point in the history of the Regional District must continue to focus on securing a lasting land base of regional parks for the future projected growth of the region. The goals and objectives of the 1995 RDN Parks

Plan outline the need to expand and build a park system. These goals and objectives are more relevant and more urgent today, as we plan for the future recreation and conservation needs of a growing population.

“Public Demand for Environmental Protection and Informal Outdoor Recreation

Recent trends in the attitudes of people show a shift to a greater environmental conscience in which the protection of lands from development and resource extraction is a priority and participation in activities, which involve informal recreation, within the natural environment is on the increase. During the development of the Park System Plan, residents from across the entire Regional District expressed the need and commitment to secure open space as a high priority. The public has requested that the Regional Board and its member municipalities develop a comprehensive park system, which protects natural resources, secures significant features and representative samples of the area's landscape, and provides the opportunity for passive outdoor recreation. A willingness was expressed by the public to assist in the costs of this initiative.

The Regional District Park System is a means for local residents to satisfy the demand to protect local lands of significance. The Regional Park System will provide for public participation and will accommodate the protection and stewardship of lands, which are close to home and easily accessible for daily appreciation of the natural environment. With the commencement of the parks plan process; the public is under the impression that something will be done by the Regional District of Nanaimo in this regard. This Park System Plan proposes a realistic strategy, which responds to public demands.” ***1995 RDN Parks Plan, p.2,3***

The following information details the importance of including the Environment Canada and Ministry of Environment's Sensitive Ecosystems Inventoried lands and provincial Crown Land, on the Regional District of Nanaimo's Parks Plan map. A higher level land use plan is required to meet a conservation strategy for protected areas on East Vancouver Island (E & N land) that is consistent with the Province's proclaimed 12 percent protected areas strategy (CORE). We would like to point out to the Regional District of Nanaimo that the previous government did not succeed in setting aside land within the E & N Land on East Vancouver Island or within the Regional District of Nanaimo for its target of 12 percent ecosystem representation in its Protected Areas Strategy.

With little opportunity for public access to limited Crown Land within the E & N lands on Vancouver Island or Crown Land within the Regional District of Nanaimo, the Western Canada Wilderness Committee vehemently opposes any further resource extraction, sale or development of crown land within the E & N Land or the Regional District of Nanaimo until an inventory of public land has been completed and a higher level land use plan has been put in place to determine the

highest best use of Crown Land located within the E & N land on Vancouver Island and Crown Land located within the Regional District of Nanaimo.

Without public land, the proposed Regional District of Nanaimo's Growth Management Plan as well as its Parks Plan, is unsustainable because the region cannot support further fragmentation, degradation or removal of endangered, red-listed habitat and species on its minimal public landbase.

The Regional District of Nanaimo's Growth Management Plan and Regional Parks plan, are located in one of BC's rarest and most endangered ecosystems, the Coastal Douglas-fir zone and Nanaimo Lowlands. These unique ecosystems extend from Campbell River to Victoria along the east coast of Vancouver Island and onto the adjacent Gulf Islands. The Mediterranean-type climate and long growing season supports one of the smallest, rarest and most biologically diverse ecosystems in Canada. Over 87 percent of Vancouver Islanders live in this area and the population is growing. A century of intense urban development and logging has caused this to be one of BC's most degraded ecosystems (places with the greatest loss of natural environment).

Today, less than 2 percent of the Nanaimo Lowlands region is protected. Much of that is already highly modified and heavily used for recreation. Most of the remaining wildlands are in private holdings so there are few conservation options available. As the corporately-owned forest lands are logged--most of them on short fifty to sixty year rotations--the need for natural habitats for birds, other wildlife and salmon, will increase.

The highest and best use for the remaining pieces of forested public lands-which are few and far between-is to protect them as parks. The Regional District of Nanaimo's Growth Management Plan without a comprehensive conservation-based Regional Parks system would greatly diminish the local quality of life and could condemn this ecosystem to extinction

The Regional Parks plan must be developed prior to any paving, logging or development within the Regional District. Good forests and natural ecosystems are hard to find and must be planned for, identified and acquired first before details on where and how to pave and develop are determined.

An excellent example of an older Coastal Douglas-fir forest with endangered red-listed plant communities on Crown Land can be found along the headwaters of Grandon Creek in Qualicum Beach. The addition of such a piece of land would certainly help the Regional Parks System achieve its goals of protecting more of the land base. Located within the Municipality of Qualicum Beach, this land borders the Regional District Area G and is an example how a Parks System Plan for the region

must focus on maintaining and restoring connectivity of natural areas. Land and Water, BC must be approached to compensate the Regional District for the shortfall of public land in the region and for its under-represented public landbase. As a corporation, LWBC, must now be in a position to not only balance its books, but to balance the imbalance of land use within this province. The province has almost 95 percent of its land designated as public land. The east side of Vancouver Island has less than 5 percent of its land designated public land. **LWBC must not be allowed to target the sale of any further crown land from the E & N region of Vancouver Island.**

Almost 95 percent of British Columbia is Crown Land where 12 percent of the land base has been designated as part of the Protected Areas Strategy by the previous government. A higher level plan is required for the East Coast of Vancouver Island (E & N land) where the proposed Regional Parks plan has almost no access to public owned provincial Crown Land.

On East Vancouver Island's E & N land and in the Regional District of Nanaimo, approximately 94 percent of the land has been **removed from** the Public Land Base and given to private industry. This results in only 2 percent of the land base designated as high use recreation areas with little conservation values or strategies to sustain wildlife habitat or to restore conservation corridors.

When the Regional District of Nanaimo's Regional Park System Plan was drawn up, there was only 2 percent of the landbase within the Regional District designated as high-use recreation areas.

- Has the 2 percent protected area within the Regional District of Nanaimo increased?
- By how much has it increased?
- What areas are being planned to be included into the Regional District of Nanaimo's Park System Plan, so that the mission statement for protection of the Regional District's natural features can be attained?
- With the projected population increases that the District of Nanaimo's Growth Management Plan addresses, what will be the ratio of people per hectare of park land within the Regional District of Nanaimo in the year 2030?

The highest best use for the remaining crown land within the RDN is for conservation and parks. Because of the Government's E & N land grant to private industry (Big Business), the form of logging we see on the E & N lands allows for local community jobs to be exported in the form of raw logs. Big Business is exempt from paying stumpage or property taxes for the running of our hospitals, schools and the Vancouver Island railway. The E & N lands have alienated crown land from the public as well as from the Small Business Woodlot Enterprises. The

government of the day made the decision to support Big Business (private industry) by giving away the public's E & N land - **1/5 of Vancouver Island**. The logging industry is well represented in this region. The Western Canada Wilderness Committee encourages a higher land use plan that will acknowledge public values related to the changing and growing needs of surrounding population centres and tourism. The plan must address the rapid elimination of our natural East Coast environment that supports the highest biological diversity in British Columbia, in Canada and possibly in all of North America.

The Small Business Woodlot Programs can be relocated outside the E & N land where the government has not given away the public's land to big business (private industry) and where the public still owns 94 percent of the province. Unfortunately the E & N land was given away to big business (private industry) and that decision has tied the hands of the BC public. A possible solution could be to move Small Business Programs for Crown Land to areas of BC where Crown Land exists.

There is very little public land remaining on East Vancouver Island (E & N land) for the maintaining and protection of public values and interest. The Western Canada Wilderness Committee requests that a higher plan be developed to determine how public land, where it still exists on East Vancouver Island (E & N land) can be used as a core to restore, repair, connect and preserve the natural environment for: tourism, clean water protection, conservation of endangered red-listed habitat to maintain and enhance our present endangered and red-listed wildlife species, clean air, fish habitat and public recreation spaces.

The rare and endangered mediterranean-style Coastal Douglas-fir climatic zone can only be conserved here on east Vancouver Island found within the Nanaimo Lowland Ecosystem. The Western Canada Wilderness Committee supports the small business programs, but cannot support further removal of the natural environment on the minimal crown land within these endangered biogeoclimatic zones, because these tiny ecosystems only exist here on the East Coast of Vancouver Island (E & N land).

The Regional District of Nanaimo's Growth Management Plan requires a bigger Regional Parks vision in order to protect critical habitat and red-listed, endangered and rare old forest structures within this threatened, endangered and quickly disappearing ecosystem.

We are very pleased that Environment Canada's and the Ministry of Environment's Sensitive Ecosystem Inventory for the East Coast of Vancouver Island has been completed and that the study area has now been recognized as a high priority for

restoration and conservation. With such an extremely high biodiversity in this biogeoclimatic zone, we now have the information that indicates that perhaps due to the high biodiversity of the region, 30 percent, or a minimum of 20 percent of the region needs to be protected to maintain the species present.

With the expected population increases and the desire for more golf courses and outdoor recreation facilities thanks to the mild climate on the East Coast of Vancouver Island's E & N land and Regional District of Nanaimo, the Western Canada Wilderness Committee recommends that areas for conservation strategy be assessed and compiled separately from high use parks and recreation areas. Minimal numbers of fragmented small Provincial Parks have been overbooked for over 30 years and the natural areas within these isolated parks are showing signs of overuse.

If growing population trends require trails, golf courses and playing fields, the Western Canada Wilderness Committee insists that these be part of a recreation, health and growth management plan that would be separate from land designated as part of a conservation strategy aimed at maintaining or restoring enough of the natural environment to sustain the present wildlife species that depend on these natural ecosystems. Heavily modified, fragmented and overused parks, recreation fields, deforested trails and golf courses must have a recreation "greenspace" designation that is separate from land set aside for a conservation strategy.

Ministry of Environment Conservation Data Centre, will indicate to what extent biological inventories and ground truthing have been done in the blocks outside the Sensitive Ecosystem study area occurring within the E & N Land Grant Area. (Environment Canada and Ministry of Environment Sensitive Ecosystem Inventory, for East Vancouver Island.) The forests within the Regional District are the most endangered and threatened forest types in Canada; the forests located within the Nanaimo Lowland and the Coastal Douglas-fir biogeoclimatic zones.

Some of the Crown Land in question may have been a candidate under the CORE process. With the new scientific research work done in the past few years, it is imperative that access to crown land on East Vancouver Island's E & N Land and within the Regional District for Conservation, Recreation, Tourism and Small Business Woodlots must be evaluated in a cost benefit study to determine the highest best use of this highly valuable and quickly disappearing public resource.

On the east coast of Vancouver Island and within the Regional District of Nanaimo, where only 2 percent of the land base has been set aside for conservation, recreation and tourism needs, heavy residential and tourist use of these tiny

pockets of "protected" land, have already heavily modified the small over-used Provincial, Regional and Municipal Parks. Red-listed plant communities have become toilets, campsites, roads, parking lots, riding trails, picnic areas and playing fields where many residential user groups express their needs and their rights to outdoor recreation uses.

The expanding population predicted for the East Coast of Vancouver Island's E & N land and Regional District will require that the highest best use of crown land be addressed before any further removal of natural ecosystems on crown land occurs. The Regional District of Nanaimo must plan for a parks/ recreation/ conservation strategy **BEFORE** approving further sprawl and paving of the region. Without securing the natural environment for conservation and recreation before planning for development, the Regional District's will speed the extirpation of red-listed/threatened marbled murrelets and the extinction of the red-listed forest types on which these species are dependent.

According to the Discovery Channel's, **Champions of the Wild**, the world's most endangered mammal lives on Vancouver Island, the Vancouver Island Marmot with less than 30 existing in the wild. The quality of life and water that we know and enjoy will be diminished without planning for natural areas and recreation opportunities above the less than 2 percent currently achieved by the Regional District's Parks System Plan.

The Regional District of Nanaimo is surrounded by corporate-owned free enterprise land. As a result of market demands, forest companies are moving to ecosystem-based planning and forest certification. Weyerhaeuser's Coastal Forest Project has yearly reviews to evaluate their efforts in maintaining older forests in this region. To what percentage of ecosystem representation are older forests in the region being protected or set aside? At present we have only 110 hectares of Coastal Douglas-fir oldgrowth protected in the entire province. What percentage of the landscape would that be and what is the goal for maintaining and restoring older second growth forests? As well, perhaps the Ministry of Forests can work with the Forest Company holders of the Private Land within the Mount Arrowsmith TSA, to commit to an Inventory of the Private Lands and to commit to an ecosystem or landscape level plan that includes entire watersheds regardless of tenure.

A shockingly small amount of Old Growth protection over the total area of the Regional District, will fail to protect habitats needed by endangered plants and animals.

How much crown land does the provincial government own within the E & N Land and Regional District of Nanaimo? What percentage of the E & N Land, Regional District of Nanaimo is Provincial Forest land and what percentage is Provincial Parks

and Recreation land? Since we now have more information through the SEI study and understand that only 110 hectares of old growth coastal Douglas-fir forest have been protected on the entire east coast of Vancouver Island (1992, Marvin Eng, Ministry of Forests, Gaps in Ecosystem Representation), has an initiative been made to retain our older forests? Can small business woodlot programs gain access to land outside the E & N lands as a result of the recent government clawback? The little Crown Land located close to population centres must provide for conservation, recreation, drinking water protection and clean air.

All logging, development and sale of Crown Land within the E&N Land Grant area and Regional District must be put on hold until an inventory of Crown Land assets has been completed, including the Crown Land recently sold for general revenue by the previous and current Government. These profits must be reinvested into buying back the quickly disappearing natural ecosystems on East Vancouver Island within this Land Grant area. Land and Water, BC must stop selling crown land on East Vancouver Island's E & N land and stop targeting the removal of any more of these public lands out of public ownership, control and environmental protection.

Access to Crown Land for logging would be more available in areas of BC where over 90 percent of the land base is Crown Land. Logging and even tourism can be moved to areas in BC where the province owns Crown Land, but our East Vancouver Island growing urban centres that need protected drinking watersheds, clean air and recreation areas, cannot be relocated to other areas in BC, nor can we protect the sensitive, endangered East Coast Vancouver Island ecosystems elsewhere in BC.

Residents within the expanding population base of east Vancouver Island's E & N land and Regional District of Nanaimo cannot be expected to drive to Strathcona Park, or the West Coast or other areas of BC for their daily outdoor recreation needs, clean air or clean water.

It is unfortunate that a past government gave away East Vancouver Island (E & N land that used to belong to the province of BC) to Big Business (private industry) and tied the hands of the BC Public, but we must build a Regional Park Plan and demand that LWBC stop the sale of Crown Land within the E & N lands immediately.

The Western Canada Wilderness Committee is adamant that no further logging, resource extraction or liquidation of Crown Land takes place until LWBC has completed its inventory of Crown Land on East Vancouver Island's E & N land and that the Regional Park Plan includes those lands on their Regional Park Plan map.

LWBC must be petitioned to stop the sale of Crown Land within the E & N land and compensate the Regional District with a higher level land use plan and conservation strategy where the previous Government's CORE land use strategy for East Vancouver Island's E & N land and Regional District failed in 1994.

The Regional District cannot plan for growth until a Regional Parks plan has been put in place to assign protection of the natural features and outdoor recreation needs for the projected population in the Regional District of Nanaimo Growth plan.

LWBC must balance the public land of this region, not its books, by returning to the public, the restoration of a balanced land base comparable to that of the rest of the Province. Regional Districts and Municipalities up and down Vancouver Islands east coast (E & N) must recommend to LWBC at the upcoming AVICC this spring that:

1. An inventory of Crown Land within the E & N lands be completed
2. No further sales or logging take within those lands and that each regional government be compensated for the previous government's mismanagement of the CORE process that left the Regional District of Nanaimo and E & N lands out of the deal.

The recommendation to set aside the natural areas before they disappear, will be seen as the utmost urgent planning action that can be taken today before real-estate prices go up even further. Setting aside the forests, wetlands and streams of today is better than tearing up and reforesting the pavement of tomorrow. Therefore, it is imperative that all Environment Canada Sensitive Ecosystem Inventoried SEI sites and Crown land, once LWBC has completed their inventory, be included in the Regional Parks Map in order for the Regional Parks plans to address a conservation strategy for their acquisition and protection. Agricultural Land must also be mapped onto the Regional Parks plan, as it provides important locations of buffers and interface areas that provide critical conservation values as migratory corridors and greenspace visual corridors between parks, trails and development. With projected increases in population, the need for sustainability will require MORE Agricultural Land, not less, therefore the Western Canada Wilderness Committee does not support the rezoning of Agricultural Land for subdivisions or development such as proposals to remove Agricultural Land in Deep Bay.

The Regional District of Nanaimo's Growth Management Plan supports and recognizes the importance of Agricultural Land and a sustainable mix of land uses in the RDN GMP Report's vision statement.

"Communities in the Regional District of Nanaimo will seek to improve the quality of life for residents while respecting the ecological integrity of the environment. The region and its interdependent

communities will possess a vibrant, sustainable economy, and will contain a mix of land uses and housing types in safe, friendly, well designed neighbourhoods. The form and design of settlements will reflect the diversity of the region's landscapes and cultural qualities, and will maintain the distinction between urban and rural areas. Residents will have easy access to workplaces, services, natural areas, and educational opportunities by a choice of mobility options. Each community will be surrounded by designated urban boundaries and permanently protected, contiguous corridors of open space. Growth and development will be managed to improve the quality of the region's communities, protect open space, and enhance the natural environment for the benefit of all life." ***RDN Growth Management Plan***

Agricultural Land provides access to locally grown produce while also providing a contiguous corridor of open space. The economic opportunity that food production and agri-tourism provides in this setting must be protected.

Agriculture is, "the innovation, the technology, the economic backbone of our province." www.agaware.bc.ca Throughout the year, AgAware BC has been working to help the urban population put real faces to farmers and ranchers, through stories, at Media Family Days on the farm, in newsletters and on the website. **98 percent of our province's population doesn't live on farms.**

AgAware has produced videos for BC schools so that these eye-openers to modern day farms and issues can touch us all. "AgAware's Hamburger Theatre exhibit at Science World never winds down. Around 3,000 visitors a day learn about the important industry behind the food they eat."

AgriTourism - "There are links to most of the open farms in BC in the AgriTourism section of AgAware BC's website, where you can search for a farm or event near your city or town. March, walk, drive a tractor, wave a flag, or hand out brochures you can help spread the word that "agriculture is everywhere"! www.agaware.bc.ca

Since every mouthful of food that is consumed in BC must travel approximately 2,000 kilometres, the Western Canada Wilderness Committee would like to support continued local access to local agricultural designated land as a way of reducing green house gases produced by trucks, planes and trains supplying us with far-away-food. The RDN Growth Management Plan supports the vision for an improved quality of life in the following goals:

"Goals

The main ingredients of the better quality of life identified in the vision statement are sorted into eight goals:

The Vision Statement calls **for containing urban areas to limit sprawl. The goal of urban containment will be attained by applying policies to focus development in urban areas rather than at the edges of communities.**

Maintaining a strong rural economy and the character of rural communities and ecosystems are important Growth Management Plan goals. **These goals can be achieved in part by halting the suburban development of rural lands,**

supporting provincial land use regulations, and making decisions that strengthen rural economic activity.

The public in the RDN has expressed deep concern about the environmental harm caused by growth. The Growth Management Plan calls for coordinated efforts to protect and restore the environment." ***RDN Growth Management Plan***

The Western Canada Wilderness Committee requests that all rural Agricultural Land within the RDN and E&N Lands remain intact in order to protect the Pacific Flyway for migratory birds. (Environment Canada, Canadian Wildlife Service). Agricultural land provides a buffer for wildlife migration in a part of Vancouver Island, BC that has not been able to set aside or protect 12 percent of the east coast land for wildlife, greenspace, recreation or conservation. (E & N Land Grant)

Agricultural Lands can also provide important wetland drainage and habitat for endangered and red-listed species, Pacific Flyway migratory birds, as well as nesting for local heron populations. Local salmon streams are recharged with the sponge effect of the water retention of the site. Agricultural use of the land will provide economic opportunity, rural open space, agri-tourism opportunities and sustain the rural agricultural economy and character.

"Official Community Plans will promote and encourage retention of large rural holdings.

Suburbanization of rural areas is a major threat to the character and quality of life in the RDN. Protection of rural lifestyles, environmental quality, and economically viable rural commercial activity requires large properties. Large land parcels are needed for livestock operations and for forestry. Smaller parcels tend to increase land values, making them uneconomic for commercial agriculture or forestry. Rural parcels should allow their owners to live and earn a living with minimal reliance on community services (especially water and sewer). This degree of self-sufficiency requires large land parcels.

Subdivision, rezoning, land use change, and speculation have aroused concern about the future of rural parts of the region. The RDN and municipalities, through the OCP process, will seek ways of retaining large rural parcels and discouraging their subdivision. Applications for development that are inconsistent with retention of large parcels and protection of rural character should be denied." *Regional District of Nanaimo Growth Management Plan Website, www.rdn.bc.ca*

It is important to review the quality of life surveys for the Regional Districts and Official Community Plans to determine the role of Agricultural Land within the Regional District. Each community knows best how to preserve the quality of life in their own communities. The Western Canada Wilderness Committee supports community groups in preserving Agricultural Land.

Policy 3D.

OCPs will include policies supporting retention of land in the Agricultural Land Reserve (ALR).

"Because of the geology and topography of Vancouver Island, many areas of agriculturally suitable soils are found in small pockets, a condition that is often used to justify their removal from the ALR. These pockets of soil may, however, be highly productive, and maintaining agricultural land is important to the regional and provincial economy as well as to the environmental quality and rural character of the RDN. The RDN is well endowed with agricultural land; with nine percent of its area in the ALR, the RDN has almost three times the Vancouver Island average.

The number of people employed in farming has grown in recent years, and the health of this economic sector requires a secure land base." *Rdn website: www.rdn.bc.ca*

Local residents enjoy being able to buy fresh produce and eggs from farms at reasonable prices.

"RDN jurisdictions will adopt planning policies that support retaining agricultural land, and will protect the viability of agricultural operations by discouraging road and service extensions through or adjacent to such parcels, and by considering the need for appropriate land uses as buffers. Where ALR lands are located within urban containment boundaries, OCPs will include ways of retaining the existing and future agricultural and open space values of the lands.

Policy 3E.

Urban areas will be designed to protect rural integrity.

Urban Containment Boundaries will help to protect rural lands from pressures for urbanization, but other measures can reinforce the effectiveness of UCBs. For example, buffers of open space or large suburban lots may reduce the likelihood of conflicts over land use on the rural-urban fringe. Road designs should be designed to avoid directing traffic toward rural areas or increasing pressure to extend roads through rural lands." ***RDN Growth Management Plan, www.rdn.bc.ca***

Nearly 87 percent of the population of Vancouver Island lives within the Nanaimo Lowland biogeoclimatic zone. Rural open space and a source of food production

potential of Agricultural Lands is necessary in a region where the CORE Land Use Plan and the Regional District of Nanaimo Parks Plan have so far failed to conserve 12 percent of the landbase for conservation or recreation values.

“GOAL 4: ENVIRONMENTAL PROTECTION

Policy 4A.

A program of open space protection will be developed by local, regional, and senior governments, including implementation of the *Regional Parks System Plan*.

The RDN, municipalities, and senior government agencies will design and implement a strategy for protecting open space and the natural legacy of the region. The strategy should identify or create new funding sources for a regional open space program, and coordinate the acquisition and management of land for open space use.

The open space protection program should:

- establish an open space acquisition and capital improvement fund to purchase and manage lands;
- form a partnership with existing funding and land banking groups such as the Nature Trust of BC and land management groups such as Ducks Unlimited;
- establish a consistent region-wide policy to encourage dedications of land;
- encourage cooperation among jurisdictions, building on the experience gained in the Community Greenways program; and
- implement the *Regional Parks System Plan*.

The region should work closely with local, provincial and federal resource management agencies to develop and implement cooperative open space projects. Implementation agreements should be established if appropriate.

In addition to funding and land acquisition, the RDN and municipalities should collaborate in preparing regulations to protect important environmental features. Such legislation may include:

- tree protection bylaws under Section 929 of the *Municipal Act*, and related initiatives to protect trees through Development Permits and subdivision approval processes;
- fill removal and fill placement bylaws to prevent damage to wetlands, floodplains, productive soils, and streams;
- consistent setbacks from streams, lakes, and marine shores so that natural features and the public interest can be protected;

- zoning classifications that reflect the different kinds of parks and protected areas in the RDN, such as playfields, limited use natural areas, privately-owned protected areas, and areas where public access and disturbance should be minimized.” ***RDN Growth Management Plan***

The Regional District of Nanaimo Parks Plan has been able to set aside less than 2 percent of the land base as parks for public access, enjoyment, recreation and wildlife conservation. Rural agricultural land offers the visual corridor for recreation and provides sustainable economic opportunity and wildlife corridors that compensate for the lack of recreation and conservation land use planning and land use options.

The agricultural land acts as a recharge area for aquifers and as sponge for collecting stormwater runoff. The importance of local organic farming opportunities cannot be overemphasized in a society that is becoming more and more health conscious.

The Western Canada Wilderness Committee would like to emphasize that due to the lack of a provincial conservation vision for the East Coast of Vancouver Island, the Regional District of Nanaimo has only approximately 2 percent of its land base set aside for recreation, trails, conservation and wildlife. Agricultural land provides rural greenspace, wildlife corridors, economic development in agri-tourism and food production and a contribution to the quality of life and rural character outlined in the following policy 4B.

“Policy 4B.

The RDN and local jurisdictions will base development and open space protection decisions on the ecological character of the land.

The designation of land for urban, rural, open space, or resource extraction uses will reflect and protect ecological characteristics of the area. The first step in achieving this policy is to identify ecologically significant areas. The inventory of environmental features of the RDN is incomplete, so the Regional District, member municipalities, and senior governments will collaborate in conducting an open space inventory and mapping program to document the distribution and size of all remaining and restorable natural areas. The initiative can build on existing parks and open space mapping and should include results of senior governments' Sensitive Ecosystem Inventory. The immediate priorities of the project should be to:

- prepare an atlas of all environmentally significant terrestrial, aquatic, and marine areas at scales appropriate to accurately delineate small streams and

- wetland refuges needed by coho salmon and other wildlife species;
- rate the ecological significance of the open space areas and determine their suitability for conservation, recreation, or limited development;
 - determine needs, opportunities, and priorities for open space acquisition or protection in all parts of the region;
 - link the inventory directly to nodal land use planning, open space acquisition programs, and regulation of environmentally disturbing activities.

Site plans for the development and community plans should consider environmental characteristics of an area first, and design plan elements to protect important features.

Policy 4C.

A system of interconnected trails, greenways, and natural corridors capable of sustaining or enhancing native plant and animal species will be established regionally. The Community Greenways project being undertaken in British Columbia with RDN and local involvement emphasizes the importance of establishing corridors of open space. OCPs in the RDN will recommend that Greenways principles and approaches should be applied in protecting riparian corridors and coastal and terrestrial components of an open space system throughout the RDN. Some of these corridors can be used for bikeway or pedestrian trail systems, but some sensitive areas may not be suitable for unrestricted human access.

Policy 4D.

Measures to protect the supply and quality of surface and groundwater will be developed and implemented in each jurisdiction.

Surface water protection measures include selecting and implementing appropriate riparian setbacks in new developments, and control over residential, industrial, and agricultural practices that affect water quality and quantity. **The RDN should explore partnerships and opportunities for coordination with the Ministry of Environment, Lands and Parks and the Department of Fisheries and Oceans to undertake integrated watershed planning and water quality enforcement.** Land use planning provides the most reliable means of protecting groundwater supplies and aquifer recharge areas. Land use decisions in unincorporated areas should, therefore, be based on information from watershed and aquifer studies. **Implementation of Growth Management Plan policies dealing with Services and Resource Use will also support the protection of surface and groundwater.**

Policy 4E.

Development of remaining natural segments of the coastal zone will be discouraged.

Most of the region's coastline has been alienated for private use: industry, private homes, tourist resorts, and military facilities. Provincial foreshore and aquaculture leases effectively privatize other coastal resources. Because the coastal zone is one of the most valuable public and environmental assets in the RDN, further private development that limits public access, use, and appreciation of the coastline or that alters the natural character of the coastal zone should be discouraged. Future development of aquaculture facilities may be located where minimal disruption of habitat and public access would occur. **A detailed coastal resource inventory should be conducted to document the nature, importance, and sensitivity of the region's foreshore and backshore.**

Policy 4F.

Floodplains and other aquatic features will be protected or restored to a natural condition.

All RDN jurisdictions, the Ministry of Environment, Lands and Parks, and the Department of Fisheries and Oceans will collaborate in developing and implementing bylaws and other measures to prevent filling or urbanization of floodplains, wetlands, lakes, and streams. **Floodplains are important parts of the aquatic ecosystem, providing storage for storm flows, minimizing the cost and extent of drainage works, allowing groundwater recharge, and supporting a variety of plant and animal species.** OCPs and zoning bylaws should be amended to protect floodplains and associated wetlands and water features. **Where floodplains and other aquatic features have already been affected by filling or development, opportunities for restoring their biological and hydrological function should be explored.**

- a. **protecting the land base and business environment needed by BC's agricultural producers to operate efficiently without undue restrictions or competition from other land uses; and**
- b. **preserving the limited supply of agricultural land that can provide a secure and healthy food supply for current and future generations"** *RDN Growth Management plan*

It is important to note the importance of wilderness areas in recharging aquifers for salmon streams as well as for agricultural land use. The mission statement of the Western Canada Wilderness Committee is the preservation of wilderness through public education and scientific research. Agricultural lands provide economic

development opportunities while at the same time acting as buffers for badly fragmented and almost non-existing protected areas.

The E & N landscape of East Vancouver Island cannot support further fragmentation, degradation or removal of endangered, red-listed habitat and species on its minimal public land base. Agricultural Lands are fundamental in balancing the need for food and rural open space. Agricultural would address the preservation of one of the world's fastest disappearing resources: topsoil.

The highest and best use for Agricultural Land is to provide food for the growing east Vancouver Island population and to act as a buffer for the remaining pieces of forested public lands-which are few and far between.

The role of agricultural land in providing economic opportunity for agri-tourism, food production and rural open space can be better understood and valued, when it is pointed out how a lack of provincial land use planning for east Vancouver Island has affected the Regional Park System Plan. When the 1995 Regional Parks plan was drawn up, there was less than 2 percent of the land base within the Regional District part of the Regional Parks system. The following questions have to be addressed:

- At that time, what was the ratio per person per hectare of land?
- What is the ratio of numbers of people per hectare now?
- Has the 2 percent protected area within the Regional District of Nanaimo increased?
- By how much has it increased?
- What areas are being planned to be included into the Regional District of Nanaimo's Park System Plan? What percentage of the Regional District will be set aside for conservation of natural areas? How much will be set aside for outdoor recreation activities (trails and other highly modified landscapes)?
- With the projected population increases in Regional District, what will be the ratio of people per hectare of park land in the year 2030?
- What will be ratio of people per hectare of Agricultural Land in the year 2030?

The Western Canada Wilderness Committee encourages a higher land use plan that will acknowledge public values related to the changing and growing needs of surrounding population centres, tourism and the rapid elimination of our natural East Coast environment that supports the highest biological diversity in British Columbia, in Canada and possibly in all of North America.

Agricultural land is critical in compensating for the lack of planning and regrettable

permanent loss of Vancouver Island's East Coast PUBLIC ACCESS lands. These agricultural lands must be included on the Regional Parks Plan systems map.

The expanding population predictions for the East Coast of Vancouver Island's E & N land and Regional District of Nanaimo will require that the highest best use of these remnant crumbs of crown land and agricultural land be addressed and located on the Regional Parks Plan map before any further removal of Crown Land or agricultural land rezoning occurs.

The Regional District of Nanaimo must plan for a parks/ recreation/ conservation strategy, local food sources on agricultural land, economic opportunities in agriculture, and the quality of life that rural open spaces provide before approving further urban sprawl such as the development and paving of the foreshore and estuary of French Creek where fill and rip rap spill into the Straits of Georgia to "protect" the monster homes.

The little parcels of crown land located close to population centres must provide for conservation, recreation, drinking water protection and clean air. A Regional Parks System can enhance ecosystem-based planning or watershed assessments necessary for providing drainage and recharge capabilities for healthy watersheds while protecting critical habitat and endangered and rare old forest structures.

The Western Canada Wilderness Committee supports planning for growth by firstly, putting a plan in place to assign protection of the natural features of the area, outdoor recreation spaces, local food supply on our agricultural land and clean water needs for the population growth projected in the Regional District of Nanaimo Growth plan.

Agricultural Lands and Crown Land are sources of aquifer recharge and filtration for ground water resources while providing economic opportunity in agriculture and agri-tourism. Crown land must be shown on the map to provide core areas for the Regional Parks Plan acquisition strategy, while the agricultural lands must be mapped on the Regional Park plan map, to determine where buffers can be located.

A Regional Parks planning map that contains the Sensitive Ecosystem sites, Crown Land and Agricultural Land, will present a better model for a better Regional Parks Plan vision and strategy that would be more effective in maintaining the local natural, rural, cultural heritage, character and quality of life of the region that includes access to local public land for outdoor recreation areas.

Little Mountain, Morrison Creek and Lost Trails Wetlands are examples where leasing will not provide planning or vision for future park acquisition options. How

many more public land parks is the Liberal Government planning to dispose of? Please list the areas and highlight these sites on the Regional Parks Planning map. Morrison Creek and Little Mountain were included in the 1996 Vancouver Island Land-Use Plan as being protected under their Special Feature Protected Areas strategy. Please provide an accounting for these and other Regional Parks or trails where LWBC is effectively proposing to sell our Regional Parks. It must be assumed that any leases on private land will cease when real estate prices go up and land is sold.

In summary, it is imperative that the Regional District of Nanaimo lobby both the provincial government where the previous government's CORE land use decision left the Nanaimo Regional District with less than 2 percent of the entire region in protection and also the federal government where the original decision was made to remove the E & N land from the Crown. Both levels of government must be lobbied to return and restore to Crown a balanced land use base to the area. There must be no further Crown Land removed from the public sector until a process has been established to address the severe shortfall and shortsightedness of these two land use decisions.

“Provincial Financial Support for Regional Park Systems

The province has been active in the past in supporting regional park land acquisition, providing Crown Land for park land and granting funds to assist with its acquisition. The assistance provided to the Greater Vancouver Regional District (GVRD) illustrates this. The GVRD has received millions of dollars in provincial grants and matching funds to assist with park land acquisition. BC Parks states that provincial funding is not in place to assist the Regional District of Nanaimo with its park land acquisition. However, the province has a number of programs in place to assist with the funding of community initiatives. **Furthermore, through its Protected Area Strategy, the province has expressed support for the creation of a greater park land resource, including sites closer to communities such as those provided by regional park systems.**

The Regional District Park System proposed by this Plan will require assistance from the province for park land acquisition. **As such, an extensive lobbying effort to secure provincial funding is in order.”**

“While opportunities to acquire lands with provincial support are not readily available, and the price of land is increasing, the Regional District still has opportunity. An increased population base, an active economy and public opinion all appear on the side of the Regional District for the establishment of a comprehensive park system.

In consideration of these relevant issues the Regional District of Nanaimo is committed to immediate and effective action in order to establish a comprehensive park system.” 1995 RDN Parks Plan, P.2,3

In the meantime, the Regional Parks Plan System must aim to "PLAN" for the future and not eliminate a vision or future for parks in the region. The Western Canada Wilderness Committee is concerned that a parks plan and vision for the future cannot be addressed until all possibilities for conservation and parks within the Regional District of Nanaimo are brought to the table and mapped.

Again, to recapitulate, a Regional Parks Plan System cannot be put together without a map that clearly marks all possibilities within this very challenging land use base. This information would include all Crown Land, (federal and provincial), once the inventory is completed, all Agricultural Land and all Environment Canada and Ministry of Environment's Sensitive Ecosystem Inventory sites. The location of popular recreation areas and trails can be mapped with the assistance of local groups such as hikers, horseback riders, etc.

Yours truly,

Annette Tanner,
Chairperson.

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON TUESDAY, JANUARY 11, 2005, AT 7:12 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
Alternate	
Director H. Webster	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 C. Haime	District of Lantzville
Director L. Sherry	City of Nanaimo
Alternate	
Director H. Webster	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director R. Cantelon	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
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. Tonn	Recording Secretary

DELEGATIONS

Don Cameron, re Park Proposal for the Mount Arrowsmith Massif.

Mr. Cameron provided a visual presentation with respect to the Alpine Club of Canada and the Federation of Mountain Clubs of BC's proposal to obtain Mount Arrowsmith Massif (Block 1380) as a Regional District park.

LATE DELEGATION

MOVED Director Bartram, SECONDED Director Cantelon, that Mr. Ron Nichol be permitted to address the Committee as a late delegation.

CARRIED

Ron Nichol, re Moved-on Buildings in the Regional District of Nanaimo.

Mr. Nichol spoke in favour of proposed changes to RDN Building Regulation and Fees Bylaw No. 1250 which would accommodate the acceptance of moved-on buildings in the RDN. He also noted that the area compatibility requirements would be more favourable when the appraised value of the moved on house is 100% of the averaged assessed value of surrounding properties.

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Alternate	
Director D. Tyndall	City of Nanaimo
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MINUTES

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the regular Committee of the Whole meeting held November 9, 2004 and the special Committee of the Whole meetings held November 16 and 30, 2004, be adopted.

CARRIED

COMMUNITY SERVICES

RECREATION & PARKS

Electoral Area 'A' Recreation Services Study – Project Advisory Committee.

MOVED Director Kreiberg, SECONDED Director McNabb, that the Terms of Reference for the Recreation Services study for Electoral Area 'A' be amended to include a Project Advisory Committee as provided for in Appendix 1.

CARRIED

REGIONAL GROWTH MANAGEMENT

State of Sustainability Project – Selection of Sustainability Indicators.

MOVED Director Holdom, SECONDED Director Bartram, that the Board concurs in principle with the RGMAC position as stated on pages 2 and 3 of the corresponding staff report and congratulates the RGMAS on the difficult progressive work on Region Sustainability accomplished to date.

CARRIED

MOVED Director Holdom, SECONDED Director Bartram, that the Board approve Tier 1 indicators listed in Attachment 1 of the corresponding staff report.

CARRIED

MOVED Director Holdom, SECONDED Director Bartram, that the Board obtain information about trends in available data on groundwater wells in the region from a groundwater specialist and that the Board approve an additional \$6,000.00 in the budget to hire a professional groundwater specialist to collect and interpret data from selected groundwater monitoring wells.

CARRIED

MOVED Director Holdom, SECONDED Director Bartram, that the RGMAC review the scope of the survey related to institutional leadership given the “minimum initial cost of \$20,000.00 for a representative survey” and provide a recommendation to the Board in due course.

CARRIED

DEVELOPMENT SERVICES

EMERGENCY SERVICES

Emergency Measures Bylaw No. 1416.

MOVED Director Krall, SECONDED Director Biggemann,:

1. That this report be received for information.
2. That “Regional District of Nanaimo Emergency Measures Bylaw No. 1416, 2005” be introduced and given three readings.

CARRIED

PLANNING

Board of Variance Policy – Planning Services Fees and Charges Amendment Bylaw No. 1259.01 and Board of Variance Amendment Bylaw No. 1260.01.

MOVED Director Westbrook, SECONDED Director Bartram,:

1. That the staff report on a Board of Variance policy be received for information.
2. That the Board of Variance policy attached to the staff report as Schedule 1 be approved.
3. That “Regional District of Nanaimo Planning Services Fees and Charges Bylaw Amendment Bylaw No. 1259.01, 2005” be given three readings.
4. That “Regional District of Nanaimo Planning Services Fees and Charges Bylaw Amendment Bylaw No. 1259.01, 2005” be adopted.
5. That “Regional District of Nanaimo Board of Variance Amendment Bylaw No. 1260.01, 2005” be given three readings.
6. That “Regional District of Nanaimo Board of Variance Amendment Bylaw No. 1260.01, 2005” be adopted.

CARRIED

Moved-on Buildings in the Regional District of Nanaimo.

MOVED Director Cantelon, SECONDED Director Westbrook, that staff be directed to prepare an amendment to Bylaw No. 1250 for consideration by the Board, that includes the amended regulations as outlined in the staff report and that the regulations be further amended to reflect an appraised value of 100% of average assessed value of the developed properties within 100 metres.

CARRIED

ENVIRONMENTAL SERVICES

UTILITIES

Water and Sewer Connection Fee Amendments – Bylaw No.’s 524.14, 619.10, 700.11, 726.11, 727.11, 764.14, 815.09, 886.08, 1097.06, 1334.02, 1172.04, 1383.01, 765.12, 1241.04, 422.14, 1237.04.

MOVED Director Sherry, SECONDED Director McNabb,:

1. That “Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 524.14, 2005” be introduced for three readings.
2. That “Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 524.14, 2005” having received three readings, be adopted.
3. That “Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.10, 2005” be introduced for three readings.
4. That “Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.10, 2005” having received three readings, be adopted.
5. That “Regional District of Nanaimo Surfside Properties Specified Area Water Regulations and Rates Amendment Bylaw No. 700.11, 2005” be introduced for three readings.

6. That "Regional District of Nanaimo Surfside Properties Specified Area Water Regulations and Rates Amendment Bylaw No. 700.11, 2005" having received three readings, be adopted.
7. That "Regional District of Nanaimo Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.11, 2005" be introduced for three readings.
8. That "Regional District of Nanaimo Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.11, 2005" having received three readings, be adopted.
9. That "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.11, 2005" be introduced for three readings.
10. That "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.11, 2005" having received three readings, be adopted.
11. That "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.14, 2005" be introduced for three readings.
12. That "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.14, 2005" having received three readings, be adopted.
13. That "Regional District of Nanaimo West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.09, 2005" be introduced for three readings.
14. That "Regional District of Nanaimo West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.09, 2005" having received three readings, be adopted.
15. That "Regional District of Nanaimo Wall Beach Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 886.08, 2005" be introduced for three readings.
16. That "Regional District of Nanaimo Wall Beach Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 886.08, 2005" having received three readings, be adopted.
17. That "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.06, 2005" be introduced for three readings.
18. That "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.06, 2005" having received three readings, be adopted.
19. That "Driftwood Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1334.02, 2005" be introduced for three readings.
20. That "Driftwood Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1334.02, 2005" having received three readings, be adopted.
21. That "Regional District of Nanaimo San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.04, 2005" be introduced for three readings.
22. That "Regional District of Nanaimo San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.04, 2005" having received three readings, be adopted.
23. That "Englishman River Community Water Supply Service Area Rates and Regulations Amendment Bylaw No. 1383.01, 2005" be introduced for three readings.

24. That "Englishman River Community Water Supply Service Area Rates and Regulations Amendment Bylaw No. 1383.01, 2005" having received three readings, be adopted.
25. That "Fairwinds Sewerage Facilities Specified Area Rates Amendment Bylaw No. 765.12, 2005" be introduced for three readings.
26. That "Fairwinds Sewerage Facilities Specified Area Rates Amendment Bylaw No. 765.12, 2005" having received three readings, be adopted.
27. That "Surfside Sewer Rates and Regulations Amendment Bylaw No. 1241.04, 2005" be introduced for three readings.
28. That "Surfside Sewer Rates and Regulations Amendment Bylaw No. 1241.04, 2005" having received three readings, be adopted.
29. That "Regional District of Nanaimo French Creek Sewer Local Service Area Regulation and Rates Amendment Bylaw No. 422.14, 2005" be introduced for three readings.
30. That "Regional District of Nanaimo French Creek Sewer Local Service Area Regulation and Rates Amendment Bylaw No. 422.14, 2005" having received three readings, be adopted.
31. That "Electoral Area 'A' (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Amendment Bylaw No. 1237.04, 2005" be introduced for three readings.
32. That "Electoral Area 'A' (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Amendment Bylaw No. 1237.04, 2005" having received three readings, be adopted.

CARRIED

Water Local Service Areas – Water Restriction Bylaw Amendments – Bylaws No. .1345.01, 1343.01, 1346.01, 1350.01, 1344.01, 1349.01, 1348.01, 1347.01, 1342.01, 1341.01, 1340.01, 1384.01.

MOVED Director Sherry, SECONDED Director Biggemann,:

1. That "Nanoose Water Uses Restrictions Amendment Bylaw No. 1345.01, 2005" be introduced for three readings.
2. That "Nanoose Water Uses Restrictions Amendment Bylaw No. 1345.01, 2005" having received three readings be adopted.
3. That "French Creek Water Uses Restrictions Amendment Bylaw No. 1343.01, 2005" be introduced for three readings.
4. That "French Creek Water Uses Restrictions Amendment Bylaw No. 1343.01, 2005" having received three readings be adopted.
5. That "Surfside Water Uses Restrictions Amendment Bylaw No. 1346.01, 2005" be introduced for three readings.
6. That "Surfside Water Uses Restrictions Amendment Bylaw No. 1346.01, 2005" having received three readings be adopted.
7. That "Arbutus Park Water Uses Restrictions Amendment Bylaw No. 1350.01, 2005" be introduced for three readings.

8. That "Arbutus Park Water Uses Restrictions Amendment Bylaw No. 1350.01, 2005" having received three readings be adopted.
9. That "Madrona Water Uses Restrictions Amendment Bylaw No. 1344.01, 2005" be introduced for three readings.
10. That "Madrona Water Uses Restrictions Amendment Bylaw No. 1344.01, 2005" having received three readings be adopted.
11. That "Fairwinds Water Uses Restrictions Amendment Bylaw No. 1349.01, 2005" be introduced for three readings.
12. That "Fairwinds Water Uses Restrictions Amendment Bylaw No. 1349.01, 2005" having received three readings be adopted.
13. That "West Bay Water Uses Restrictions Amendment Bylaw No. 1348.01, 2005" be introduced for three readings.
14. That "West Bay Water Uses Restrictions Amendment Bylaw No. 1348.01, 2005" having received three readings be adopted.
15. That "Wall Beach Water Uses Restrictions Amendment Bylaw No. 1347.01, 2005" be introduced for three readings.
16. That "Wall Beach Water Uses Restrictions Amendment Bylaw No. 1347.01, 2005" having received three readings be adopted.
17. That "Decourcey Water Uses Restrictions Amendment Bylaw No. 1342.01, 2005" be introduced for three readings.
18. That "Decourcey Water Uses Restrictions Amendment Bylaw No. 1342.01, 2005" having received three readings be adopted.
19. That "Driftwood Water Uses Restrictions Amendment Bylaw No. 1341.01, 2005" be introduced for three readings.
20. That "Driftwood Water Uses Restrictions Amendment Bylaw No. 1341.01, 2005" having received three readings be adopted.
21. That "San Pareil Water Uses Restrictions Amendment Bylaw No. 1340.01, 2005" be introduced for three readings.
22. That "San Pareil Water Uses Restrictions Amendment Bylaw No. 1340.01, 2005" having received three readings be adopted.
23. That "Englishman River Community Water Uses Restrictions Amendment Bylaw No. 1384.01, 2005" be introduced for three readings.
24. That "Englishman River Community Water Uses Restrictions Amendment Bylaw No. 1384.01, 2005" having received three readings be adopted.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

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

MOVED Director Lund, SECONDED Director McNabb, that the minutes of the Electoral Area 'B' Parks & Open Space Advisory Committee meeting held November 8, 2004 be received for information.

CARRIED

Regional Parks Plan Review Select Committee.

MOVED Director Kreiberg, SECONDED Director McNabb, that the minutes of the Regional Parks Plan Review Select Committee meetings held November 17 and December 15, 2004 be received for information.

CARRIED

District 69 Recreation Commission.

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

CARRIED

Intergovernmental Advisory Committee.

MOVED Director Sherry, SECONDED Director Cantelon, that the minutes of the Intergovernmental Advisory Committee meeting held December 14, 2004 be received for information.

CARRIED

Director Westbroek requested that staff initiate discussion at the next Intergovernmental Advisory Committee meeting with respect to the inclusion of water shed areas during the fringe area management implementation agreement review to allow for a broader base of urban containment and report back to the Committee of the Whole.

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

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

CARRIED

Transit Business Plan Update Select Committee.

MOVED Director Krall, SECONDED Director McNabb, that the minutes of the Transit Business Plan Update Select Committee meeting held December 16, 2004 be received for information.

CARRIED

MOVED Director Krall, SECONDED Director Holdom, that the Regional District request that the City of Nanaimo allow for the relocation of the downtown Nanaimo transit exchange in 2005 to the west side of Wallace Street between Wentworth and Fitzwilliam as outlined in the staff report

CARRIED

MOVED Director Krall, SECONDED Director Holdom, that staff prepare a Terms of Reference for a study on transit exchange and service delivery options for the longer term for downtown Nanaimo.

CARRIED

Vancouver Island Regional Library Board.

Director Krall welcomed Director Kreiberg as the RDN Board's new representative to the VI Regional Library Board.

Deep Bay Harbour Authority.

Director Bartram noted that he has been appointed the new Chairperson to the Deep Bay Harbour Authority Board.

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Park Proposal for the Mount Arrowsmith Massif.

MOVED Director Westbrook, SECONDED Director Biggemann, that staff prepare a report on a proposal to partner with the ACC/FMCBC to approach the BC Government to seek the creation of a wilderness area park for Crown Land Block 1380 (the Arrowsmith Massif) and further that the report include consultation with the Alberni Clayoquot Regional District.

CARRIED

NEW BUSINESS

Transit Business Plan Update Select Committee.

Director Bartram requested that the Transit Business Plan Update Select Committee review the large increase in the Electoral Area 'H' transit budget and bring forward suggestions as to how this increase may be addressed.

Electoral Area 'E' By-election.

MOVED Director Bartram, SECONDED Director Cantelon, that staff review the policy in place with respect to the division of costs between all Electoral Areas when a by-election is held and report back to the Committee.

CARRIED

Transit Evaluation.

Director Webster noted that Electoral Area 'E' will be holding an open house on January 27, 2005 to obtain resident feedback on community bus expansion in Nanoose Bay.

IN CAMERA

MOVED Director Sherry, SECONDED Director Tyndall, that pursuant to Section 90(1) (g) of the *Community Charter* the Board proceed to an In Camera meeting to consider items relating to legal matters.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:12 PM

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO	
JAN 31 2005	
CHAIR	GMCMS
	GMC'S
CAO	GMS
	GMS
CDW ✓	

MEMORANDUM

TO: Tom Osborne
Manager of Recreation and Parks

DATE: January 31, 2005

FROM: Jeff Ainge
Parks Supervisor

FILE: 6140-01/H17

SUBJECT: Renewal of Licence of Occupation for Parkland in Area 'H'

PURPOSE

To seek Board approval to renew a 10-year Licence of Occupation agreement offered by Land and Water BC Inc for Oakdowne Road Community Park in Electoral Area 'H'.

BACKGROUND

The Regional District has received a tenure renewal offer from Land and Water BC Inc (LWBC) for Lots 37 and 38, District Lot 89, Newcastle Land District making up the 13.1 hectare (32 acre) parcel known as Oakdowne Road Community Park. [See map attached] The previous licence expired in May 2004, and the renewal is backdated to that time. The expiry date of the renewal is May 15, 2014.

The Regional District acquired the parcel in 1994 by way of a 10-year Licence for the purposes of Community Park. One of the terms of the Licence at the time of issuance (1994) was for the Regional District to develop the land, within five years, in accordance with the approved Park Development Plan. This Plan had been submitted by the Regional District as part of the tenure application package, and spoke to trails, signage, and minor amenities such as a parking area and picnic area. This work was not undertaken.

In late 2003, RDN Park's staff was approached by a park neighbour, who offered to assist with trail development and other volunteer driven activities, in the park. Due to staff commitments with other parks, this did not occur. In early 2004, when staff began to explore the options for renewing the tenure it was learnt that LWBC were intending to market several parcels of Crown land in the area, including the lots that made up the Park. Following a meeting with a LWBC staff person and their land development agent, staff wrote to LWBC requesting renewal of the tenure for the land making up the community park.

The tenure offer before the Board makes no mention of a Development Plan, however there is considerable interest from some residents to see better marked trails and a developed entry point for the Park. The 2005 Area 'H' Community Parks budget has allocated \$1,000 for unspecified development work in the Oakdowne area, which could cover staff supervised volunteer activities.

ALTERNATIVES

1. To approve the renewal of a 10-year Licence of Occupation from Land and Water BC Inc for the Community Park located at Oakdowne Road in Electoral Area 'H'.
2. To not approve the renewal of a 10-year Licence of Occupation from Land and Water BC Inc and provide alternative direction to staff.

FINANCIAL IMPLICATIONS

The tenure renewal requires the payment of a Licence Fee (\$1.00), an Application Fee (\$200) and GST for a total of \$215.07. While not specified in the 2005 Area 'H' Community Parks budget, this amount can be achieved from the general budget allocation.

INTERGOVERNMENTAL IMPLICATIONS

When the local residents became aware of the Crown's intention to not renew the Park Licence, and to include it in a larger sale of Crown owned parcels, concern was expressed to the Area Director, RDN staff, MLAs and to LWBC directly. Land and Water BC commissioned an environmental assessment for the property. The report indicated several natural features and ecosystems worthy of protection were located throughout the parcels. To date, LWBC have not formally announced their intentions for the other Crown owned parcels in the vicinity of the Parkland.

The Ministry of Forests has used the parkland and some neighbouring land for the purpose of demonstrating certain types of tree pathogens. This has entailed falling trees within the park and forestry trainees examining the fallen trunks. Staff understands that this use may continue under separate agreement between LWBC and the Ministry; a Licence of Occupation does not provide the Regional District rights of exclusive use. As in the past, staff anticipates the Ministry staff will coordinate any falling activities in consultation with Park staff and neighbours.

CITIZEN IMPLICATIONS

Due to the concerns raised by many in the immediate neighbourhood regarding the LWBC plans to market Crown owned land in that area, and through the efforts of one individual in particular who developed a website and generated a lot of support for saving the area for its environmental features, many citizens have an increased awareness of the Park. Staff intends to encourage neighbours to assist with development and maintenance projects, in particular formalizing the network of trails, improving access trails and signage, developing interpretive materials to showcase and protect the sensitive features, and to promote community stewardship. The newly formed Area 'H' Parks and Open Space Advisory Committee can play a lead role in this effort.

SUMMARY

The Regional District has received a tenure renewal offer from Land and Water BC Inc (LWBC) for Lots 37 and 38, District Lot 89, Newcastle Land District making up the 13.1 hectare (32 acre) parcel

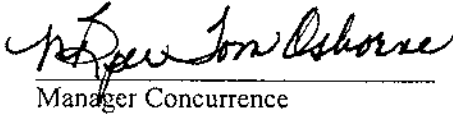
known as Oakdowne Road Community Park. The previous Licence expired in May 2004. Considerable community interest was generated when it was learned that Land and Water BC Inc. was considering marketing this park, along with other Crown owned parcels for sale. With the renewal of the Park Licence, staff intends to build on the community interest and support and involve volunteers in any development and maintenance projects.

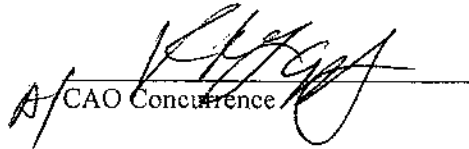
RECOMENDATION

That the renewal of a 10-year Licence of Occupation from Land and Water BC Inc. for the Community Park located at Oakdowne Road in Electoral Area 'H', be approved.


Report Writer

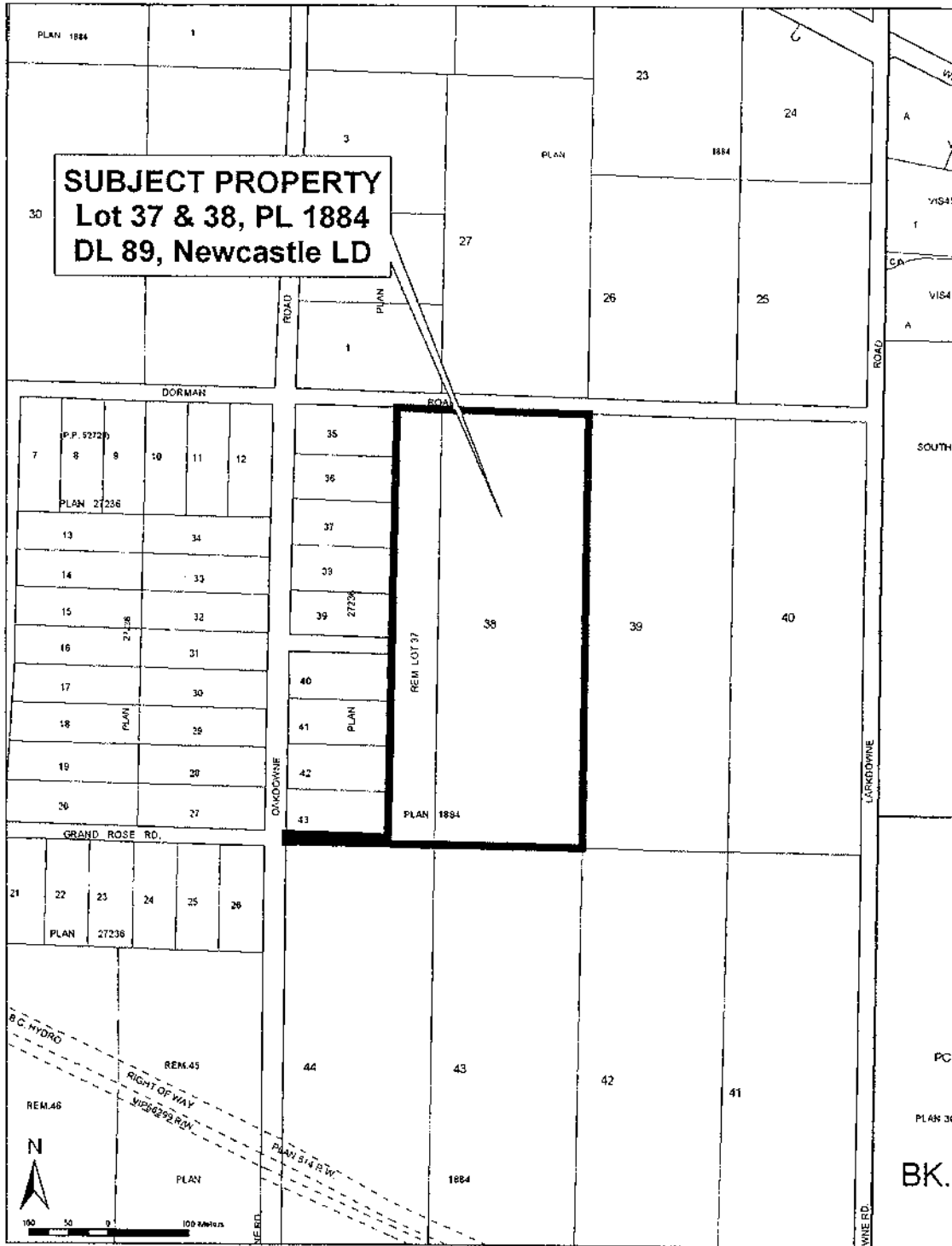

General Manager Concurrence


Manager Concurrence


CAO Concurrence

COMMENTS:

Subject Property Location





REGIONAL DISTRICT OF NANAIMO	
JAN 31 2005	
CHAIR	GMCmS
	GMCrS
CAO	GMDS
	GMES
CDW ✓	

MEMORANDUM

TO Tom Osborne
Manager of Recreation and Parks

DATE: January 28, 2005

FROM Joan Michel
Parks and Trails Coordinator

FILE: 6140-01 EAF

SUBJECT Application to the Ministry of Transportation for a Permit to Develop Road Allowance in Area 'F' for Trail Access to Englishman River Regional Park

PURPOSE

To obtain Regional Board authorization to apply to the Ministry of Transportation for a permit to carry out works on undeveloped Middlegate and Rawlins Roads (Area 'F') for the purpose of re-establishing trail access to the west side of Englishman River Regional Park.

BACKGROUND

At its Special Meeting on January 11, 2005, the Regional Board gave final approval to the execution of documents creating Englishman River Regional Park from Block 602 including the Crown's Lot 1. The Region may now assume its property management role for the entire 177 hectare riverfront property. A first management plan for the Park is to be developed in 2005 in partnership with The Nature Trust.

The Lot 1 lease with the Province restricts development for this section of the Park, but does permit the RDN to develop a parking lot at the end of Middlegate Road, one of two traditional access points to Block 602. The parking lot, with attendant signage, will constitute the formal entrance on the west side of the Park and serve the large number of users who approach the Park from Errington and Coombs. Development of the parking lot is not expected for a few years however, given the cost of the project and limited budget.

Until a formal parking lot and access to the west side of Englishman River Regional Park can be developed, simple trail access into the Park requires realignment and upgrading. The traditional trail access into Block 602 from the end of developed Middlegate Road trespassed on neighbouring private lands. These lands have since moved to residential development and landowners are asserting their property rights and have now barred access to the old trail. A new trail is now required to be routed down undeveloped Middlegate Road allowance, across undeveloped Rawlins Road allowance and into the Park (*see Attachment No. 1*). At this time, the terrain off the end of developed Middlegate is difficult to negotiate, especially for equestrians, and users are opting to trespass on neighbouring residential properties in order to find a safer route.

Development of a simple trail along road allowance leading into the west side of Englishman River Regional Park will primarily entail machine time to create a safe route down the steep slope off the end

of developed Middlegate and to install a culvert to handle the drainage ditch that crosses undeveloped Middlegate. The trail must be designed so as to block ready access by ATVs and other motorized vehicles not permitted in Englishman River Regional Park. Local users, e.g., the Silver Spurs Riding Club, have partnered with the residents' association for the immediate Middlegate area and developed a plan for the new trail down and into the Park. The partnership has found donors for excavation services, culvert and other material. Those involved have also now accepted that a permit from the Ministry of Transportation should be in place before any trail work on the road allowance is carried out. They will wait for the Region to secure the permit and oversee development before participating in any building.

ALTERNATIVE

1. To authorize staff to apply to the Ministry of Transportation for permission to use and develop undeveloped Middlegate and Rawlins Roads for the purpose of creating safe public trail access to the west side of Englishman River Regional Park.
2. To provide alternative direction to staff regarding the trail access.

FINANCIAL IMPLICATIONS

Local users and residents have committed to fund required trail improvements; total project costs are estimated to be \$1,000. As required, funds are available from the Area 'F' community parks budget to supplement the community's donation of labour and material. Note that the creation of trail on undeveloped Middlegate and Rawlins Roads is part of a proposed community trail network for Errington-Coombs.

CITIZEN IMPLICATIONS

The proposed trail work will directly involve the participation of landowners most affected by public trail use in the area, as well as at least one of the major local user groups. The cooperative effort, including the Region, will be most helpful to the RDN in establishing good relations with the neighbours of Englishman River Regional Park and making a start on dealing with vandalism in the area and unauthorized park use by the owners of ATVs and other motorized vehicles.

SUMMARY


The Regional has now assumed park and property management duty for Englishman River Regional Park. On the west side of the Park, residential development has resulted in closure of the traditional trail access into the Park. Area residents and local user groups have pulled together resources to create a new trail route off the end of Middlegate Road and into the Park. They have agreed to hold off altering the road allowance until the Region obtains a development permit from the Ministry of Transportation and is ready to oversee development. The cooperative project bodes well for good neighbour relations on the west side of Englishman River Regional Park.

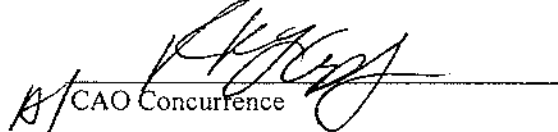
RECOMMENDATION

That the Regional District apply to the Ministry of Transportation for permission to use and develop Middlegate and Rawlins Road allowances for the purpose of creating trail access to Englishman River Regional Park for walkers, cyclists and equestrians.


Report Writer

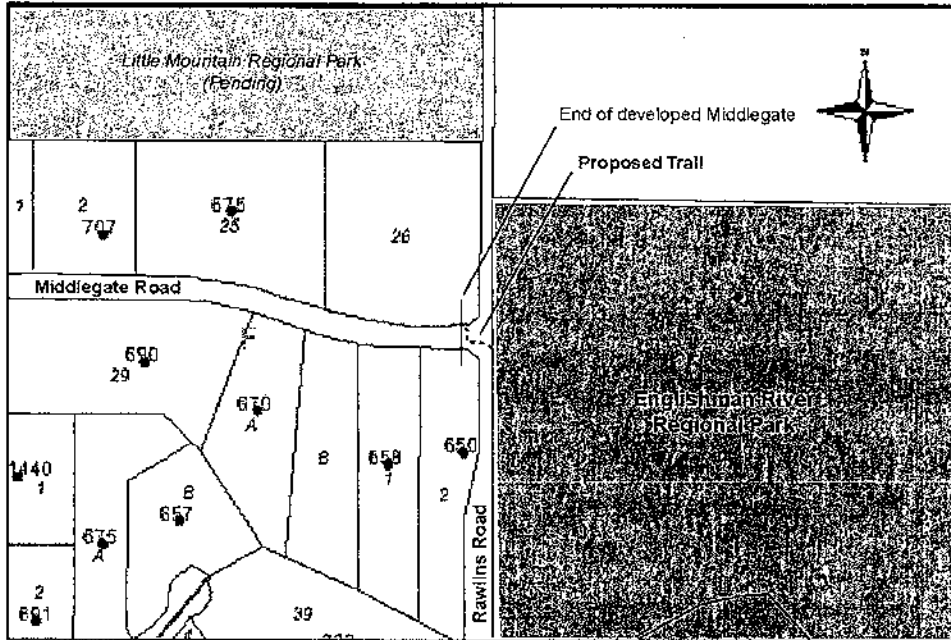

General Manager Concurrence


Manager Concurrence


CAO Concurrence

COMMENTS:

Attachment No. 1



Map 1: Western Access to Englishman River Regional Park



REGIONAL DISTRICT OF NANAIMO	
JAN 31 2005	
CHAIR	GMCrS
	GMCrS
CAO	GMDS
	GMES
CDW ✓	

MEMORANDUM

TO Tom Osborne
Manager of Recreation and Parks

DATE: January 28, 2005

FROM Joan Michel
Parks and Trails Coordinator

FILE: 6240-20-HOLA

SUBJECT Horne Lake Regional Park Operations Update

PURPOSE

To provide the Board with a revised timeline for completing a long-term plan and public-private operating and development agreement for Horne Lake Regional Park.

BACKGROUND

At the October 26, 2004 Regional Board Meeting, a staff report on long-term planning for Horne Lake Regional Park (HLRP) was received. The report discussed a series of actions leading to the completion of a long-term plan and operating and development agreement for the Park by the end of March 2005. The actions may be summarized as follows:

- (a) rezone the Park and complete a comprehensive emergency plan by the end of December 2004;
- (b) with the assistance of professional advice develop a long-term public-private operating and development agreement, and update the existing HLRP Management Plan accordingly, by the end of January 2005; and
- (c) issue a Request for Proposals (RFP) and conclude a long-term operating and development agreement with a private contractor by the end of March 2005.

It has not been possible to meet the ambitious timeline contained in the October report to the Board as: (i) it was determined that a fast-track rezoning process that by-passes a public information meeting at the outset would not provide for adequate public consultation about long-term development at HLRP, (ii) the length of term being proposed for the public-private contract, i.e., 20-25 years, will demand careful crafting of an agreement, something that would have been difficult to achieve under the old timeline, (iii) in the park and campground business, late winter is not an ideal time to be going to market with any kind of RFP, and (iv) there is no significant downside to revising the timeline and allowing a reasonable timeframe for the completion of all actions. In addition, in November 2004, the Board approved the use of funds that had been set aside for the development of the long term operating agreement to be used to fund the Nanaimo Area Lands Trust operational shortfall.

A revised timeline for the completion of all actions is attached (see Attachment No. 1). In summary, all preliminary work including rezoning and Board approval of a revised management plan is to be

completed by this July, the RFP call initiated in September, a long-term agreement negotiated and executed by the end November, and a Park operator-developer in place at the start of 2006. In this way, the new operator will have time to consider undertaking major development at the park before the 2006 camping season gets underway.

The 2004 HLRP operating contract with Mr. R. Varela of Horne Lake Adventures was extended to the end of March 31, 2005, and will be further extended to December 31, 2005. Mr. Varela is also the operator of neighbouring Horne Lake Caves Provincial Park (HLCPP). Note that BC Parks, having already moved to 7-10 year operating agreements for many of its parks, is now exploring longer-term operating and development agreements similar to that planned for HLRP. Like the RDN, the Province has concluded that required private sector investment in the capital development of parks could only be achieved through long-term contracts. Eventual examination of joint long-term operation and development of HLRP and HLCPP will be an action item in the revised HLRP management plan. At this time, it is expected that the current HLCPP operating agreement will be renewed for another 10 years.

ALTERNATIVES

1. To receive and approve the revised timeline for completion of the long-term operating and development plan and agreement for Horne Lake Regional Park.
2. To provide alternative direction to staff regarding the long-term planning for Horne Lake Regional Park.

FINANCIAL CONSIDERATIONS

The 2005 Provisional Budget includes an allocation for HLRP sufficient to carry out the planned actions discussed in this report as well as to support minor RDN development required under the current Park Management Plan. For 2005, Staff will continue to focus development funds on the environmental recovery of Gazebo Point and the north shore of the Qualicum River along with the upgrading of signage and picnic tables. Successful operations and increased occupancy during 2004 resulted in an increased share of revenue for the RDN; it is hoped that the same will occur in 2005.

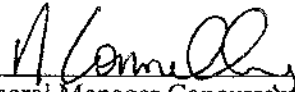
SUMMARY


In October 2004, the Regional Board approved an update on long-term planning for Horne Lake Regional Park. A series of actions, including the rezoning of the Park, revision of the Park Management Plan, and development of a long-term public-private operating-development agreement were outlined. These actions were to have concluded with the initiation of a long-term operating-development agreement April 1, 2005. It has not been possible to meet the proposed schedule without short-changing opportunity for public input during the rezoning phase and compromising the quality of the long-term public-private agreement for the Park. A revised timeline, attached, provides the Board, stakeholders, the general public, prospective park operator-developers and staff with an updated timeframe within which to conclude the approved action plan. There are no significant issues related to the revision of the timeline. The existing operating agreement for Horne Lake Regional Park will be extended to the end of 2005, and the new long-term agreement will take effect as of January 1, 2006.

RECOMMENDATION

That the revised timeline for completing actions leading to a long-term plan and public-private operating and development agreement for Horne Lake Regional Park be received.


Report Writer


General Manager Concurrence


Manager Concurrence


A/ CAO Concurrence

COMMENTS:

Attachment No. 1

HORNE LAKE REGIONAL PARK: PLANNING FOR THE LONG-TERM

	2005	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan-06
1 2005 Timeline														
Board report on revised timeline			■											
2 Rezoning														
Prepare application		■	■											
Public information meeting			■											
Preliminary referrals			■	■										
Report to CoW and review					■									
1st & 2nd reading by full Board					■	■								
Formal referrals; regulatory notification					■	■								
Public hearing						■								
3rd reading by full Board							■							
Deal with conditions if any							■							
Final Board adoption							■							
3 Management Plan Update														
Revise & include basis of an agreement		■	■	■	■	■								
Report to Board							■							
4 Business Proposal														
Contract professional advisor & draft			■	■	■									
RDN & legal review of draft agreement					■	■	■							
Final agreement							■	■	■					
5 RFP														
Establish dates									■					
Prepare RFP packages									■					
Advertise										■				
Mandatory site visit										■				
Proposals due											■			
Selection process											■			
6 Long-term Agreement														
Negotiate with 1st choice												■	■	
Amend, confirm legal & execute												■	■	■
New agreement takes effect														■



REGIONAL DISTRICT OF NANAIMO	
JAN 31 2005	
CHAIR	GMCmS
	GMCrS
CAO	GMDS
	GMES
COW ✓	

MEMORANDUM

TO: Tom Osborne
Manager of Recreation and Parks

DATE: January 28, 2005

FROM: Jeff Ainge
Parks Supervisor

FILE: 6240-20/C-ARTR

SUBJECT: **Renewal of Trail Use Licence for Arrowsmith Trail**

PURPOSE

To request Regional Board approval for renewing a five-year Trail Use Licence with Weyerhaeuser Company Limited.

BACKGROUND

The renewal of a five-year Non-Exclusive Licence is being offered by Weyerhaeuser Company Limited (WeyCo) covering portions of their private forest lands for use as part of the Arrowsmith Trail. The offer has come about with the impending expiration of the current Licence issued by WeyCo to the Regional District on April 1, 2000.

The Arrowsmith Trail is a hiking trail located on the lower northern flank of Mt. Cokely. The route was originally constructed by CP Rail in 1912-1913, and many still refer to it as the CPR Trail. The trail begins at Cameron Lake (on Highway 4), passes through Provincial Parkland and enters TimberWest Ltd property as it gains elevation and switchbacks through forest. The Regional District also holds a five-year renewable Licence with TimberWest Ltd for this portion of trail. A map of the trail is attached for information.

At approximately 850 meters above sea level, the trail enters Weyerhaeuser Ltd property, forks into two branches and both branches continue upward and pass into the Regional Park owned and managed by the Alberni Clayoquot Regional District. The eastern branch provides access to a lookout point perched high above Cameron Lake with spectacular views of the Oceanside area, Strait of Georgia and Coast Mountains. It is possible to complete a loop trip by taking one of the branches up and closing the loop with the other branch on the way down. It is also possible to ascend the summit of Mt Cokely via the Arrowsmith Trail, and return in one long day hike.

The terms of the renewal confirm that it is for another five-years (expiring March 31, 2010); will cost \$550+GST, and that the terms and conditions expressed in the April 2000 document remain in full force throughout the term of the renewal. Specific conditions in the Licence include the ability for the temporary closure of the trail due to fire hazard concerns; the use of the trail is not to restrict WeyCo's operations in any way; and the ability for WeyCo to require temporary or permanent relocation of the trail at its discretion.

Partnerships such as this are recognized as being of vital importance given there is little publicly owned Crown land available that offers such easy access to a sub-alpine environment. Weyerhaeuser has proven

to be willing to allow formal recreational access to areas of their holdings, such as this trail and the Trans-Canada Trail to the south (for which the Regional Board approved entering into a renewable trail Licence in August 2004).

ALTERNATIVES

1. To proceed with entering into a five-year renewable non-exclusive licence for portions of the Arrowsmith Trail located on Weyerhaeuser private land.
2. Not to proceed with entering into a five-year renewable non-exclusive licence for portions of the Arrowsmith Trail located on Weyerhaeuser private land and provide alternate direction.

FINANCIAL IMPLICATIONS

A licence fee of \$550.00 plus GST is required for the term of the licence. The 2005 Regional Parks budget has allocated funds for this purpose.

CITIZEN IMPLICATIONS


The Arrowsmith Trail is a very popular hiking trail attracting hikers from throughout the Regional District and other jurisdictions. It is widely publicized in hiking books and guides for the Island. A map and description for the trail is available on the RDN website, and an RDN produced brochure is also available. Prior to the Regional District's involvement with the trail, all of the trail work was carried out by volunteers, usually from the local outdoor clubs. Volunteers have continued to assist the Regional District with the trail maintenance as well as with the bridge installation over McBey Creek. With the assistance of the Regional District, agreements such as this have been entered into to secure public trail access over private land.

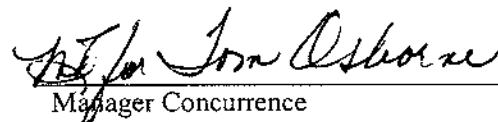
SUMMARY

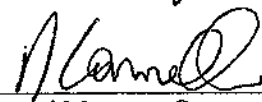
The Regional District has been offered, by Weyerhaeuser, a renewal for a five-year trail use Licence for portions of the Arrowsmith Trail located on their private land. The terms and conditions of the Licence do not differ from that of the original Licence issued in 2000. The term of the licence is April 1, 2005 to March 31, 2010.

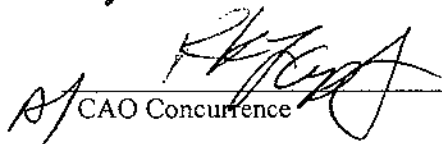
RECOMMENDATION

That the Regional District renew the Trail Use Licence for the section of the Arrowsmith Trail located on Weyerhaeuser private land.


Report Writer

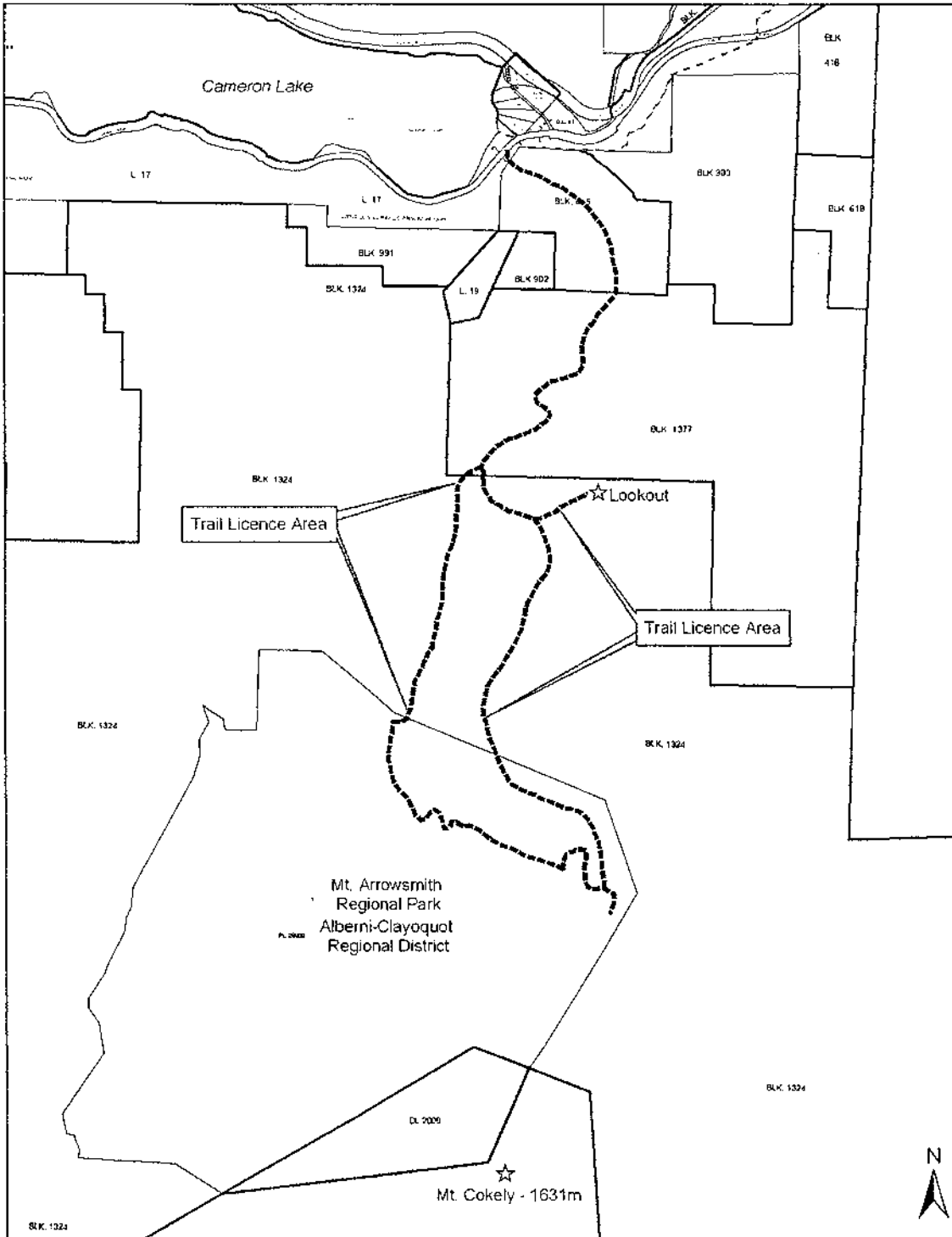

Manager Concurrence


General Manager Concurrence


CAO Concurrence

COMMENTS:

Attachment No. 1
Arrowsmith Trail – Non-exclusive Licence for trail on Weyerhaeuser Company Ltd Land.





REGIONAL DISTRICT OF NANAIMO	
JAN 31 2005	
CHAIR	GMCMS
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CAO	GMDS
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MEMORANDUM

TO: Neil Connelly
General Manager of Community Services

DATE: January 28, 2005

FROM: Tom Osborne
Manager of Recreation and Parks

FILE: 5920-20-D69

SUBJECT: Recreation Facilities and Sportsfields Usage Survey Results

PURPOSE

To report on the results of the usage survey for recreation facilities and sportsfields and the 2005 budget implications.

BACKGROUND

On completion of the Regional Services Review (2000), the Regional District entered into agreements with the City of Nanaimo, the City of Parksville and the Town of Qualicum Beach to share the costs of certain regionally significant recreation facilities and sportsfields. The District of Lantzville was added as a separate municipal participant after its incorporation in 2003.

In School District 68, the City of Nanaimo, District of Lantzville and Electoral Areas A, B, C and D share in the operating costs of the City's four major recreation centers, eleven City sportsfields and two Electoral Area sportsfields (Area B and Area C). In School District 69 the City of Parksville, Town of Qualicum Beach and Electoral Areas E, F, G and H share in the operating costs of two City of Parksville sportsfields and one Town of Qualicum Beach sportsfield. The jurisdiction that owns the facility is responsible for the capital cost of that facility.

The principles for cost sharing in both agreements are centered on the usage that each area makes of the facility. With respect to City of Nanaimo major recreation facilities (arenas & pools), usage is based upon counting 'public sessions attended'. With respect to sportsfields in both District 68 and District 69, usage is based upon the street addresses in team registration lists. The cost sharing agreements provide that adjustments to participant allocations will be updated every three years, based on the results of a statistically valid survey using the above noted parameters. This report outlines the result of the survey work done in 2004 in accordance with the agreements.

In District 68, City of Nanaimo recreation facilities were surveyed during the summer period and again in mid to late fall. This process allowed for a very large sample totaling 14,337 attendees, with a margin of error of +/- 1%.

The collection of team registrant street addresses from groups using City of Nanaimo sportsfields proved to be problematic. Some of the groups had a difficult time tracking down the information due to changes in coaches, executives and other volunteer positions in their organizations. One group challenged the reporting process, citing recent changes to the Privacy Act. RDN staff worked closely with City of Nanaimo staff to gather the required information with some success. One fairly major exception occurred with the Adult Slo-Pitch league (McGirr Sportsfield Society) where only 24 of the 46 team rosters were submitted; the remaining 22 could not be located. The largest field user in the Nanaimo area with over 1,900 members, Nanaimo Youth Soccer, did submit their information after some initial delays. The total sample size in 2004 was 4,356. In general, it was more difficult to obtain information to complete the survey in 2004 compared to 2001. This is likely due to the fact that prior to 2001 the City of Nanaimo had a non-resident fee policy and teams could not register for field use without providing that information

In District 69 team registration lists were provided by all field user groups. Additional time was also spent revising the data to account for the incorporation of a portion of Electoral Area G into the Town of Qualicum Beach, which occurred on December 31, 2004. The total sample size in 2004 was 1,642.

The methodology for the 2004 survey is attached as **Appendix 1**. The results of the survey are shown below.

District 68 Survey Results:

Table 1 - District 68 Recreation Facilities

Participant	2001 Census Population % of group	2001 Survey	2004 Survey
City of Nanaimo	81.9	87.9	88.6
District of Lantzville	4.0	4.3	3.2
Electoral Area A	7.4	4.9	4.2
Electoral Area B	3.9	1.5	1.7
Electoral Area C	1.3	0.4	0.4
Electoral Area D	1.5	1.0	1.9

Table 2 - District 68 Sportsfields

Participant	2001 Census Population % of group	2001 Survey	2004 Survey
City of Nanaimo	81.9	85.0	86.7
District of Lantzville	4.0	5.0	6.0
Electoral Area A	7.4	7.7	3.4
Electoral Area B	3.9	.4	0.3
Electoral Area C	1.3	.8	1.2
Electoral Area D	1.5	1.1	2.4

District 69 Survey Results:

Table 3 - District 69 Sportsfields

Participant	2001 Census Population % of group	2001 Survey	2004 Survey
City of Parksville	27.3	30.8	31.4
Town of QB	18.3	22.4	18.8
Electoral Area E	12.7	10.5	11.2
Electoral Area F	14.7	14.6	12.6
Electoral Area G	18.6	17.3	21.4
Electoral Area H	8.4	4.4	4.6

ALTERNATIVES

This report is being provided for information and will be used to calculate requisition amounts using the 2005 budget.

FINANCIAL IMPLICATIONS

Cost sharing is based on the actual expenditures from the prior year. For practical purposes, the costs used are the projected estimates to the end of the prior calendar year. The cost sharing results based on 2004 estimated actual expenditures are shown in the tables below:

Table 4 - District 68 Recreation Facilities Cost Share

Participant	2004 % Share	2004 Cost	2005 % Share	2005 Cost	Change
City of Nanaimo	87.9	\$3,858,430	88.6	\$3,898,520	\$40,090
District of Lantzville	4.3	\$186,980	3.2	\$140,805	(\$46,175)
Electoral Area A	4.9	\$213,070	4.2	\$184,805	(\$28,265)
Electoral Area B	1.5	\$65,225	1.7	\$74,800	\$9,575
Electoral Area C	.4	\$17,395	0.4	\$17,600	\$205
Electoral Area D	1.0	\$43,485	1.9	\$83,605	\$40,120
Totals	100%	4,384,585	100%	\$4,400,135	\$15,550

Table 5 - District 68 Sportsfields Cost Share

Participant	2004 % Share	2004 Cost	2005 % Share	2005 Cost	Change
City of Nanaimo	85.0	\$917,370	86.7	\$1,024,850	\$107,480
District of Lantzville	5.0	\$53,965	6.0	\$70,925	\$16,690
Electoral Area A	7.7	\$83,105	3.4	\$40,190	(\$42,915)
Electoral Area B	.4	\$4,320	0.3	\$3,545	(\$775)
Electoral Area C	.8	\$8,635	1.2	\$14,185	\$5,550
Electoral Area D	1.1	\$11,870	2.4	\$28,370	\$16,500
Totals	100%	\$1,079,265	100%	\$1,182,065	\$102,800

Table 6 - District 69 Sportsfields

(Note: Town of Qualicum values not finalized – these are estimates only)

Participant	2004 % Share	2004 Cost	2005 % Share	2005 Cost	Change
City of Parksville	30.8	\$130,630	31.4	\$132,255	\$1,625
Town of QB	22.4	\$95,000	18.8	\$79,185	(\$15,815)
Electoral Area E	10.5	\$44,530	11.2	\$47,175	\$2,645
Electoral Area F	14.6	\$61,920	12.6	\$53,070	(\$8,850)
Electoral Area G	17.3	\$73,370	21.4	\$90,135	\$16,765
Electoral Area H	4.4	\$18,660	4.6	\$19,375	\$715
Totals	100%	\$424,110	100%	\$421,195	(\$2,915)

OTHER SURVEY IMPLICATIONS

There have been two major and consistent challenges to producing the survey results in compliance with the agreement. The first is the reluctance of attendees and team managers to release street address information. Without readily available and reliable information the survey method may produce inconsistent results.

Secondly, the process is intrusive to both the public and is inconvenient to facilities during busy sessions. One alternative to consider is adjusting the survey period to once every five years from the current three years. Based upon staff's experience with the last two surveys and ensuring a statistically valid result, it may be worthwhile exploring other cost sharing alternatives that would be less costly and more administratively simpler.

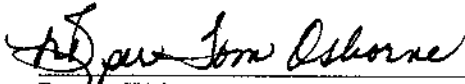
One area of concern in the agreements to City of Nanaimo staff, is the reliance on "public sessions" for facility cost sharing. With respect to ice rink facilities it is recognized by both Regional District and City staff that team sports better reflect usage, but to this point, given the way the agreement is worded, it has not been part of the survey data. It is recommended that this aspect of ice rink facility usage be reflected in a renewed agreement, if usage continues to be measured using survey methods.

CONCLUSIONS

In accordance with the Recreation Facilities and Sportsfield agreements between the Regional District and its member municipalities, a survey was undertaken in 2004 to establish current cost sharing percentages for these facilities. The information has been summarized in this report and would form the basis for cost sharing for the 2005 budget.

RECOMMENDATIONS

1. That the 2004 survey results be received for information and applied to the respective 2005 Annual Budgets.
2. That alternative funding formulas be reviewed as part of the renewal process of the Recreation Facilities and Sportsfield Services Agreements in District 68 and 69.


Report Writer


General Manager Conurrence


C.A.O. Conurrence

Appendix 1

Methodology for 2004 Recreation Facilities Sports Field Usage Survey

Prepared by: Jake Belobaba, RDN Surveyor

Summary

This document provides an overview of the survey methodology used in the 2004 Recreation Facilities and Sports Field survey. It also notes the differences in methodology compared to the 2001 Recreation and Sports Field survey.

Sampling Timeframe

The sampling methods used for the 2004 survey were designed to mimic a “typical week” at each recreation facility. For both the summer and fall samples, every hour of public sessions on each day of the week was randomly sampled¹. Each facility was only sampled when public sessions were available. Basically, this sampling method is the equivalent of sampling at every facility for one week during all public sessions in both the summer and fall. The summer sample was collected between July 28th and August 28th. The fall sample was collected between Sept 27th and November 8th. Figure 1, illustrating the sampling schedule for the week of October 3rd to October 10th, provides an example of a typical week of sampling.

In 2001, each facility was sampled randomly using two-hour blocks between 8:00 am and 8:00 pm. In 2004, the method was very similar. However, the sample times extended outside of hours between 8:00 am and 8:00 pm. Also, in 2004 sampling times were coordinated with certain types of public sessions. For example, City of Nanaimo cashiers noted that participants attending the arthritis and therapy swim at Beban pool would usually arrive up to 30 minutes before the swim started. Once the session had started, very few users would arrive for the swim. Therefore, the surveyor would arrive 30 minutes before the session was open, even though there were no public sessions available at that time. This method was also used for public skates. For scrub hockey, the surveyor would arrive up to one hour before the start of the session.

¹ Beban pool was only sampled when both the pool and fitness facility were open for public use.

Figure 1: Sampling Schedule for the week of October 3 to October 10

	Sunday 3-Oct	Monday 4-Oct	Tuesday 5-Oct	Wednesday 6-Oct	Thursday 7-Oct	Friday 8-Oct	Saturday 9-Oct	Sunday 10-Oct
6:00								
6:30								
7:00								
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Duration	Location
	Cliff McNabb Arena
	Beban Pool
	Frank Crane Arena
	Civic Arena
	Nanaimo Aquatic Centre
	No Sample Collected

Recording Public Sessions Attended

The RDN surveyor was located in the reception area at each facility during sampling times. Facility users, including unaccompanied children under 12, were asked if they were attending a public swim, skate or using the fitness facility. They were then asked if they would be willing to provide their street address. Regular users were asked to provide this information each time they attended a public swim, skate or used the fitness facilities. Users who did not reside on Vancouver Island between Ladysmith and Bowser were simply asked what city or town they lived in. Their visit was recorded as "out of town." Addresses were recorded on numbered sheets and later entered into a computer. Occasionally, rather than recording the street address, the area of residence would be recorded. This was done most often for certain groups such as visitors from the Nanaimo Boys and Girls club, which were recorded as "Nanaimo." Exchange students residing in the Malaspina College dorms, that frequented Nanaimo Aquatic Center and used English as a second language, are another example of this technique. This Method was not used for facility users who knew and could clearly state their street address but only wanted to provide a street name or the general area they lived in. These users were recorded as "refused."

The method used to record public sessions attended in 2004 differed from the method in 2001 in the following ways:

The method used to record public sessions attended in 2004 differed from the method in 2001 in the following ways:

1. In 2001 only postal codes were collected.
2. The surveyor roamed the lobby area of a given facility as opposed to being near the front desk.
3. Accompanied children under the age of 12 were not asked to provide their addresses unless they arrived with an adult.

In the 2004 survey, 1.93% of users refused to provide a street address. In 2001, 0.47% of users asked refused to provide a postal code. The higher rate of refusals in 2004 is most likely the result of the following factors. First, asking unaccompanied children, who were generally reluctant to give their address to a stranger or simply didn't know their street address. Second, requesting more personally identifiable information, which generated concerns about privacy. However, as a result of using street addresses to determine place of residence, only 0.4% of recorded visits could not be placed within the correct region. In 2001, 1.2% of recorded visits could not be placed within the correct region.

Sample Size and Margin of Error

The combined fall and summer samples for City of Nanaimo recreation facilities yielded a very large sample size of 14,337 recorded visits. A sample size this large provides a confidence level of 99% and a margin of error of plus or minus 1%. This means that the results could be 1% higher or 1% lower than indicated. "Confidence level" refers to the likelihood that the results are an accurate representation of the population surveyed. A margin of error of up to +/- 5% and a confidence level as low as 95% is generally considered acceptable for public surveys.

Sampling Methods for District 68 and District 69 Field Users

To sample District 69 sports field users; a sample was obtained from registration data from RDN Files. For District 68 sports field users, a letter was sent to team representatives requesting a list of addresses and postal codes for each player. Once all field user the data was obtained, legible addresses that were not post office boxes were entered into a computer.

Determining Place of Residence of Field and Recreation Facility Users

Using RDN, City of Nanaimo, City of Parksville, and Town of Qualicum road indexes, each recorded visit was categorized into a given RDN electoral area or municipality. Users visits from users who did not live in Parksville, Qualicum, Nanaimo, or an RDN electoral area were categories as being from "Other" areas. Also, visits by users residing on First Nations Reservations within the Regional District of Nanaimo or City of Nanaimo were categorized as being "out of region" users, since they do not pay property taxes to a municipality or the Regional District of Nanaimo².

² In the excel documents containing the raw data for the 2004 survey, visits from users residing on first nations reservations are coded as "O" for "Other." However, they are additionally coded as "FNR" for "First Nations Reservation." As a result, these user visits can be re-categorized at a later date if necessary.



REGIONAL DISTRICT OF NANAIMO	
JAN 31 2005	
CHAIR	GMCms
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MEMORANDUM

TO: K. Daniels
Chief Administrative Officer

DATE: January 18, 2005

FROM: C. Mason
General Manager, Corporate Services

FILE:

SUBJECT: Regional Services Review – Phase II Final Report

PURPOSE:

To review the consultant report and recommendations as undertaken as part of the Phase II Regional Services Review.

BACKGROUND:

On December 7, 2004 the Board was presented with the consultant’s final report providing options for implementing changes to existing services or for establishing new services as defined under the Terms of Reference for the Regional District Service Review – Phase II. A copy of the consultant’s “Fact Sheets” and “Options Paper” are attached for information.

As a first step, the Board reviewed the original Phase I services: Southern Community Recreation, D69 Sports Fields, Regional Parks, Septage Treatment and Transit Services. The Board then considered the Phase II services, which were broken down into two categories.

Group One

- > District 69 Recreation
> Police Support Services
> Regional Planning & EA Planning
> Emergency Planning

Group Two

- > Economic Development & Tourism
> Port Theatre
> Community Centres
> Vancouver Island Conference Centre

The consultant concluded that it was unlikely to reach agreement amongst the regional district and the municipalities on Group Two services. However, after lengthy consideration, the Board focused upon the four services included under ‘group one’ as warranting further discussion. The consultant prepared specific funding options for each of these services. The consultant’s findings are summarized below.

Group One Services:

District 69 Recreation. The Board had requested a review of the current method of raising taxes within the District 69 Recreation function. This function includes three distinct services – Ravensong Aquatic Centre (Parksville, Qualicum Beach, Electoral Areas F, G, & H); Oceanside Place – (Parksville, Qualicum Beach, Electoral Areas E, F, G, & H); and Recreation Programs – (Parksville, Qualicum Beach, Electoral Areas E, F, G, & H). Currently, these services are cost shared on an assessment basis. Three alternative cost allocation methods were presented by the consultant for cost sharing these functions: assessment; population; and 50/50 assessment-population. It was requested that a fourth method of allocation be presented for comparison purposes that separated ‘debt cost’ on assessment and ‘operational cost’ on population.

Police Support Services. The Board also asked that a new service be considered that could fund Police Support Services. The consultant presented cost scenarios (included in the attached consultant report) on the assumption that the Electoral Areas would contribute an equivalent per capita amount to that funded in the municipalities (\$1.16). Scenarios included a combined function across all Electoral Areas and separate functions for District 68 and District 69.

Direction was received to prepare a bylaw for consideration, which would propose to establish a function in the District 69 Electoral Areas only. There was also a proposal that the District 69 municipalities may be interested in a combined District 69 'sub-regional' policing support function.

Regional Planning. Board members requested clarification of how the Board was involved in providing input on large development applications and questioned whether this input was sufficient to address Board concerns. A flowchart was prepared (as shown in the attached report) which lays out the process for reviewing applications both as part of the Official Community Plan (OCP) and Regional Growth Strategy (RGS) processes. It was noted that the Board would have an early opportunity to design the consultation process and that any RGS changes would need to obtain the approval of the Board and member municipalities before proceeding. There was no indication by the Board to change the current cost allocation model for funding Regional Planning and therefore, no changes are recommended to the assessment based formula.

Emergency Planning. The structure of Emergency Planning was reviewed with Board members and it was noted that the four municipalities and the Regional District each have their own individual functions. There was no interest expressed in merging these functions into a single regional function at this time, so consultant alternatives were not provided. It was acknowledged that there is a regional commitment to raise the level of emergency planning within the Regional District electoral areas.

ALTERNATIVES:

1. Receive the consultant report for information and proceed with the direction outlined in this report.
2. Provide alternative direction on Phase II services.

FINANCIAL IMPLICATIONS:

A general overview of the financial implication of amending the cost allocation method for existing services is presented in the attached consultant report.

CONCLUSIONS:

At the Seminar held on December 7, 2004, the Board was presented with the consultant findings on the Service Review project undertaken by the Board. The consultant reviewed a variety of services that have regional significance. These services fell under three categories: existing Phase I services; existing Phase II services; and new Phase II services. Following a review of the existing Phase I services, the consultant reached the conclusion that following actions were generally agreed upon:

- Change the approach to collecting usage information (currently user surveys)
- Undertake no further work on existing services until the 5 year agreements are ready for renewal
- Include the formula for the Transit function in the 5 year review

- Revisit Regional Parks as part of the Phase II review

With respect to proposed Phase II services for Economic Development & Tourism, the Port Theatre, Community Centres and the Vancouver Island Conference Centre, the consultant concluded that it was unlikely to reach agreement amongst the regional district and the municipalities on these services. However, it was noted that there may be future economic development and tourism opportunities linked under the existing Regional Parks function, and it was proposed that this item be referred to the Regional Parks Master Plan Review Committee for further study.

In addition, it was identified that any jurisdiction wishing to undertake a referendum for the Port Theatre would have the option to do so to coincide with the November 2005 Local Government Elections. Electoral Area D and Electoral Area E may be interested in putting the question to residents again, given the support it received at the Pleasant Valley voting place and the close margin of defeat (2 votes) in Nanoose Bay.

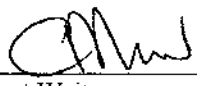
As a result of the discussion with the Board, the following initiatives were recommended to be brought forward for consideration:

- District 69 Police Support Service Establishing Bylaw
- Cost Sharing Allocation Review for District 69 Recreation Services

Separate staff reports will be prepared addressing options for these services.

RECOMMENDATION:

That the Consultant Report on the Phase II Service Review be received for information.



Report Writer



C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

REGIONAL SERVICES REVIEW

PHASE II

OPTIONS

December 10, 2004

SECTION ONE: INTRODUCTION

- The Phase II Service Review Fact Sheets were presented and discussed at a special Board Meeting on June 15, 2004. At that meeting, the following decisions were taken:

Phase I Services

- o No further work is necessary at this time on the Phase I services. Any outstanding issues, including those associated with the cost-sharing of transit, will be addressed on the five year anniversary of the service changes introduced in 2001.
- o Changes will be made to the design of the surveys used to determine recreation usage and the revised design will be used in 2004.
- o The Board may decide to return to the issue of cost-sharing of Regional Parks as part of a wider package of changes associated with Phase II services.

Phase II Services

- o The Board agreed to divide the Phase II services into two groups.
 - o Work would continue on the services in Group One. Options would be developed for the Board to consider.
 - o No further work would be undertaken, at this time, on Group Two services because it is unlikely that consensus could be reached on the issues associated with these services.
 - o Each Board member agreed to provide direction to staff on the list of services to be included in each Group.
- Following the Board meeting, senior staff from the Region and the Municipalities met and agreed to recommend the following classification of services to the Board:

Group One

- o District 69 Recreation
- o Police Support Services
- o Regional Planning and Electoral Area Planning
- o Emergency Planning

Group Two

- o Economic Development and Tourism
- o The Port Theatre
- o Community Centres
- o Vancouver Island Conference Centre

- This document presents options for three of the four services in Group One: District 69 Recreation; Policing Support Services; and, Regional Planning and Electoral Area Planning. Subsequent discussions concerning the Emergency Planning Service have indicated a sufficient level of satisfaction with the current direction of the service and little interest in moving to an alternative (region-wide) model of service governance.
- While it has not been possible to make progress on the economic development function, the Board may wish return to this issue in the context of updating the Regional Parks Plan. Work on the updated Plan is expected to be completed in early 2005 and terms of reference for the process include consideration of the contribution of Regional Parks to economic generation and tourism.

SECTION TWO: DISTRICT 69 RECREATION

INTRODUCTION

- The Board has asked for information on alternative approaches to cost-sharing that better reflect usage of the facilities and programs. At this time, accurate information on usage of the recreation programs is only available for sports fields. Therefore, we have use population as a proxy for usage. Three options are compared:
 - o Status-Quo: All recreation costs are shared on the basis of converted assessment except playing fields, which are shared on the basis of usage.
 - o Option 1: All costs other than sports fields are to be shared on the basis of population.
 - o Option 2: All costs other than sports fields are to be shared on the basis of 50% population and 50% converted assessment. (The 50/50 split is somewhat arbitrary but conforms to the approach used for allocating costs associated with the Regional Library. An alternative approach would be to allocate debt servicing costs on the basis of assessment and operating costs on the basis of population.)
- Exhibit 2.1 shows the costs that were allocated among participating jurisdictions in 2004. The sports field costs include the costs borne by the municipalities even though these costs are not part of the regional requisition.

Exhibit 2.1 Dist. 69 Recreation Program - 2004				
	Operating Costs	Debt Servicing	Total Costs	Requisition*
Ravensong	\$1,304,105	\$467,915	\$1,772,020	\$1,174,988
Oceanside	\$971,698	\$683,980	\$1,655,678	\$1,208,740
Recreation Programs	\$861,128		\$861,128	\$657,115
Sub-Total Recreation	\$3,136,931	\$1,151,895	\$4,288,826	\$3,040,843
Sports Fields	\$424,122		\$424,122	\$424,122
Grand Total	\$3,561,053	\$1,151,895	\$4,712,948	\$3,464,965

*The municipal share of sports fields does not actually become a regional requisition.

- Currently, Electoral Area E does not contribute to Ravensong. In all of the Options, we assume that this situation does not change.

FINANCIAL IMPACT

- Exhibit 2.2 compares the impact of the options on tax requisitions and on the taxes paid on homes with assessed values of \$200,000. For simplicity, the cost of Sports Fields is excluded from the Options because no change is contemplated in the allocation of these costs.
- Under the status quo, the amount paid on homes of \$200,000 is identical in each jurisdiction except for Electoral Area E.

Exhibit 2.2 Dist. 69 Recreation - Comparison Of The Options			
District 69	Status Quo Assessment	Option 1 Population Requisitions	Option 2 50/50 Assessment & Population
City of Parksville	\$834,938	\$876,426	\$855,682
Town of Qualicum Beach	\$633,019	\$588,190	\$610,604
Electoral Area E	\$317,268	\$237,689	\$277,478
Electoral Area F	\$379,322	\$470,857	\$425,090
Electoral Area G	\$553,389	\$597,783	\$575,586
Electoral Area H	\$322,907	\$269,898	\$296,403
Total	\$3,040,843	\$3,040,843	\$3,040,843
District 69	Status Quo Assessment	Option 1 Population Taxes on \$200,000 Home	Option 2 50/50 Assessment & Population
City of Parksville	\$136	\$143	\$139
Town of Qualicum Beach	\$136	\$126	\$131
Electoral Area E	\$77	\$58	\$68
Electoral Area F	\$136	\$169	\$153
Electoral Area G	\$136	\$147	\$142
Electoral Area H	\$136	\$114	\$125

- Exhibit 2.3 shows the total requisition under each option for the three components of recreation services.
- In moving from the status quo, the most significant changes in cost allocation occur in those communities with relatively low assessment compared to population (Electoral Area F) and those with relatively high assessment relative to population (Electoral Areas E and H).

- We have seen District 68 that population may not be a good proxy for usage of recreation facilities. We expect usage to be greater for persons living closer to the facilities and programs than for other residents. If the Board wishes to consider usage as the basis of cost allocation, it would have to approve a baseline survey of users in order to determine each jurisdiction's share of usage. If usage were adopted, periodic surveys would be needed to update usage information.

Exhibit 2.3 Summary of the Options - By Service			
Ravensong	Status Quo Assessment	Option 1 Population	Option 2 50/50 Assessment & Population
City of Parksville	\$360,204	\$367,368	\$363,786
Town of Qualicum Beach	\$273,093	\$246,549	\$259,821
Electoral Area E			
Electoral Area F	\$163,645	\$197,368	\$180,506
Electoral Area G	\$238,740	\$250,571	\$244,655
Electoral Area H	\$139,306	\$113,132	\$126,219
Total	\$1,174,988	\$1,174,988	\$1,174,988
Oceanside	Status Quo Assessment	Option 1 Population	Option 2 50/50 Assessment & Population
City of Parksville	\$307,543	\$329,778	\$318,661
Town of Qualicum Beach	\$233,168	\$221,322	\$227,245
Electoral Area E	\$205,533	\$153,980	\$179,756
Electoral Area F	\$139,720	\$177,172	\$158,446
Electoral Area G	\$203,837	\$224,932	\$214,384
Electoral Area H	\$118,940	\$101,556	\$110,248
Total	\$1,208,740	\$1,208,740	\$1,208,740
Recreation Programs	Status Quo	Option 1 Population	Option 2 50/50 Assessment & Population
City of Parksville	\$167,191	\$179,279	\$173,235
Town of Qualicum Beach	\$126,758	\$120,319	\$123,538
Electoral Area E	\$111,735	\$83,709	\$97,722
Electoral Area F	\$75,957	\$96,317	\$86,137
Electoral Area G	\$110,813	\$122,281	\$116,547
Electoral Area H	\$64,660	\$55,210	\$59,935
Total	\$657,115	\$657,115	\$657,115

IMPLEMENTATION

- A change to the cost-allocation formula could be accomplished with agreement of 2/3^{rds} of the service participants (i.e. 4 of the 6).

SECTION THREE: POLICE SUPPORT SERVICES

INTRODUCTION

- The Board has expressed interest in the possibility of establishing a new regional service that would provide ongoing support to community agencies delivering Police Support Services. This new service would be financed by the Electoral Areas only and would supplement the assistance currently provided to these agencies by the three largest municipalities.
- The agencies supported would be those providing services such as restorative justice, victims' assistance, citizens on patrol, community policing, auxiliary policing, speed watch and other crime prevention activities. However, the purpose of the service would be stated in general terms; it would not be constrained to specific activities or specific agencies. The participants would decide which agencies to support. In doing so, they may wish to discuss with member municipalities how best to harmonize their respective granting policies.
- We have assumed that, initially, the total level of support provided per person in the Electoral Areas would be equivalent to that provided by the municipalities (\$1.16 per person in 2003). Over time, the amount provided would be adjusted to match any increase in the per person amount provided by the municipalities (subject to agreement of the participants). The assumed level of support is greater than that provided to these agencies in recent years through the Grant-in Aid function.
- Given that different community agencies operate in different parts of the Region, the Board may wish to consider creating two separate service areas: District 68 and District 69. We have provided information on a single combined area and two separate areas.
- Three options have been examined for sharing costs among Electoral Areas:
 - o Option 1: All costs to be shared on the basis of converted assessment
 - o Option 2: All costs to be shared on the basis of population
 - o Option 3: All costs to be shared on the basis of 50% assessment and 50% population

FINANCIAL IMPACT – SINGLE SERVICE AREA

- Exhibit 3.1 compares the impact of the options on the regional tax requisition and on the taxes paid on homes with assessed values of \$200,000. Under the status quo, the amount paid on homes of \$200,000 is identical in each jurisdiction. Under Option #2 the taxes paid can vary considerably depending on the relationship between assessment and population. For example, Area C has very high assessment relative to

its population and as a consequence it would be allocated a much lower proportion of costs under Option 2 than Option 1. However, the overall tax impact is still in the order of \$1 to \$3 per home per year.

Exhibit 3.1 Comparison of the Options with One Combined Service Area			
	Option 1 Assessment	Option 2 Population Requisitions	Option 3 50/50 Assessment & Population
Electoral Area A	\$4,763	\$7,695	\$6,229
Electoral Area B	\$5,257	\$4,077	\$4,667
Electoral Area C	\$4,142	\$1,354	\$2,748
Electoral Area D	\$1,157	\$1,537	\$1,347
Electoral Area E	\$7,145	\$5,591	\$6,368
Electoral Area F	\$4,857	\$6,433	\$5,645
Electoral Area G	\$7,086	\$8,168	\$7,627
Electoral Area H	\$4,135	\$3,688	\$3,911
Total	\$38,543	\$38,543	\$38,543
Option 3 50/50 Assessment & Population			
	Option 1 Assessment	Option 2 Population	Option 3 50/50 Assessment & Population
Taxes on \$200,000 Home			
Electoral Area A	\$1.74	\$2.82	\$2.28
Electoral Area B	\$1.74	\$1.35	\$1.55
Electoral Area C	\$1.74	\$0.57	\$1.16
Electoral Area D	\$1.74	\$2.32	\$2.03
Electoral Area E	\$1.74	\$1.36	\$1.55
Electoral Area F	\$1.74	\$2.31	\$2.03
Electoral Area G	\$1.74	\$2.01	\$1.88
Electoral Area H	\$1.74	\$1.55	\$1.65

FINANCIAL IMPACT – SEPARATE SERVICE AREAS

- Exhibit 3.2 compares the impact of the options on the regional tax requisition and on the taxes paid assuming two service areas.
- Although the amount raised per person in each of the two areas is assumed to be the same, the taxes paid on an 'average' are slightly lower in District 68 because of the larger ratio of non-residential to residential assessment in that area.

Exhibit 3.2 Comparison of the Options with Two Service Areas			
	Option 1 Assessment	Option 2 Population	Option 2 50/50 Assessment & Population
Requisitions			
District 68			
Electoral Area A	\$4,559	\$7,695	\$6,127
Electoral Area B	\$5,032	\$4,077	\$4,555
Electoral Area C	\$3,965	\$1,354	\$2,659
Electoral Area D	\$1,107	\$1,537	\$1,322
Total D68	\$14,664	\$14,664	\$14,664
District 69			
Electoral Area E	\$7,347	\$5,591	\$6,469
Electoral Area F	\$4,995	\$6,433	\$5,714
Electoral Area G	\$7,286	\$8,168	\$7,727
Electoral Area H	\$4,252	\$3,688	\$3,970
Total D69	\$23,880	\$23,880	\$23,880
	Option 1 Assessment	Option 2 Population	Option 2 50/50 Assessment & Population
Taxes on \$200,000 Home			
District 68			
Electoral Area A	\$1.67	\$2.82	\$2.24
Electoral Area B	\$1.67	\$1.35	\$1.51
Electoral Area C	\$1.67	\$0.57	\$1.12
Electoral Area D	\$1.67	\$2.32	\$1.99
District 69			
Electoral Area E	\$1.79	\$1.36	\$1.58
Electoral Area F	\$1.79	\$2.31	\$2.05
Electoral Area G	\$1.79	\$2.01	\$1.90
Electoral Area H	\$1.79	\$1.55	\$1.67

IMPLEMENTATION

- The service could be introduced using the alternative approval (counter-petition) process.
- The District of Lantzville could choose to participate in the new service or to provide grants directly to these agencies.
- If the new service were approved, the Board would need to develop a policy for allocating funds among the various community agencies (e.g. the balance between ongoing support payments and one-time payments). The specific agencies supported need not be the same as those supported by the municipalities.

SECTION FIVE: REGIONAL PLANNING AND ELECTORAL AREA PLANNING

INTRODUCTION

- Following the Board's discussion of the Fact Sheets, two issues remained on the table for further examination and discussion:
 - Does the current development approval process allow for early direction from the Board on large development applications that are inconsistent with the Regional Growth Strategy? This Section provides an explanation of the process for the Board.
 - What are the financial implications of alternative cost-sharing approaches? This Section provides a range of Options for the Board to consider.
- The issue of inter-jurisdictional consultation on development applications relating to border properties was also raised. There is a referral process for such applications and the 1998 Fringe Area Implementation Agreement is currently under review. Therefore, that issue has not been pursued further.

THE PROCESS OF APPROVAL OF MAJOR DEVELOPMENT APPLICATIONS

- The process starts with receipt of a major development application. Following application, the first stage of review and approval process includes:
 - Determining whether the application would require an amendment to the relevant OCP and the RGS.
 - Ensuring the applicant provides adequate supporting information on all the significant impacts of the proposed development.
 - Requiring the applicant to hold a public information meeting to share information on the proposed development.
 - Giving clear direction to the applicant about the ways in which the proposed application is in conflict with existing Board policies.
 - Allowing the applicant the opportunity to identify benefits to the Region that may be considered as offsets to any perceived negative features of the development.

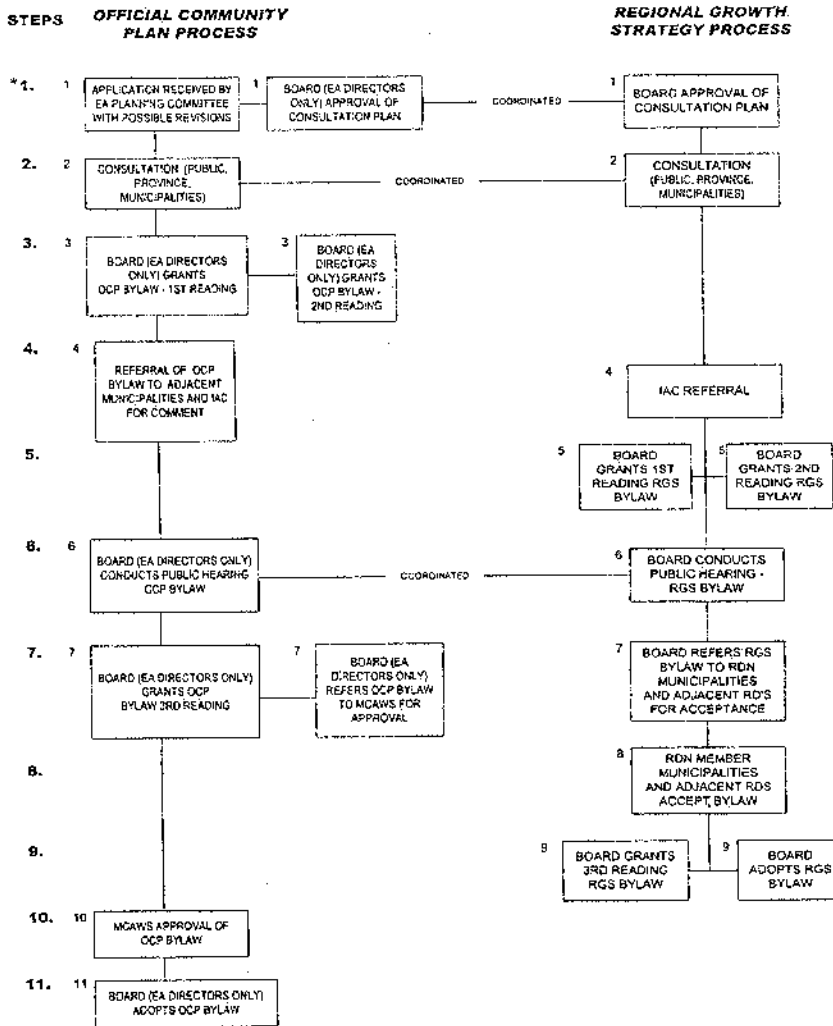
- Under the Board's current policy the first stage of the process is **delegated** to the General Manager of Development Services.¹ During this stage, Board members are kept informed through regularly scheduled Regional Board 'Ideas and Updates' Meetings; senior staff are kept informed through regularly scheduled meetings of Administrators.
- Proponents may choose to withdraw their application during the first stage.
- If a major application continues beyond the first stage, it enters into two interconnected Board approval streams:
 - The first stream relates to approval under the Electoral Area Planning authority of the Board that considers possible amendment to the relevant OCP.
 - The second stream relates to the impact of the proposal on the RGS and the possible need for amendment to the RGS.
- The first step in each of these streams involves Board approval of the proposed consultation process with the public and affected jurisdictions, including member municipalities, other Regional Districts and the Province.
- The Board has the opportunity at this first step of the decision making process to give notice to the applicant on the suitability of the proposed development in the context of the RGS. It can also ensure that the approved consultation process reflect the scope and significance of the project. However, the Board does not make a decision concerning approval of the application at this first step. Exhibit 5.1 provides a flow chart of the various steps in the decision making process.
- The current process of delegating the first stage of the approval process to staff has the following benefits:
 - The Board does not have to spend time considering proposals that are not well defined or have not been well prepared.
 - The Board does not have to spend time considering proposals that are, subsequently, significantly modified after discussions with staff and early input from the public.
 - The Board does not have to spend time considering proposals that are ultimately withdrawn.
- To date, no major projects have been carried forward beyond the first stage of the process and have required amendment to the RGS. (The Rivers Edge project at Englishman River was in-stream prior to the current policies in the RGS that limit rural parcel sizes to the maximums in existing OCPs.) Concerns were recently raised with respect to a large potential development in Electoral Area H but that application has been withdrawn. Some of these recent concerns relate to the public information process used by the Region with respect to the development proposal. However, the public information meeting process is considered to be necessary to allow public

¹ This policy of delegation was adopted in 1999 and extended to include the public information meeting in 2000.

input to be considered at an early stage of the development application review process and is thought to be working well to improve public awareness and alleviate information gaps.

EXHIBIT 5.1

PROCESS FOR THE CONSIDERATION OF A DEVELOPMENT THAT REQUIRES CHANGES TO AN ELECTORAL AREA OFFICIAL COMMUNITY PLAN (OCP) AND THE REGIONAL GROWTH STRATEGY (RGS)



***NOTE:** Property owners may submit applications to amend official community plans at any time. Some of these applications may be inconsistent with the Regional Growth Strategy and, as such, proponents of these applications may request amendments to the Regional Growth Strategy concurrent with their application to amend an official community plan.

Pursuant to "Regional District of Nanaimo Impact Assessment Bylaw 1165, 1990", the General Manager of Development Services is delegated authority to determine whether development applications submitted by property owners include appropriate supporting information to consider the requested amendments. As a part of the application submission process, a public information meeting is conducted to provide an opportunity for the developer to share information with the community about the proposed amendment, and identify issues that should be considered as a part of the application review process. Member municipality elected official and staff are informed about these public information meetings and invited to attend. Developers may wish to revise their applications to respond to public issues identified at the public information meeting. Information about the application, public information meeting feedback, and changes the developer has made to the application in response to the public feedback is provided to the Electoral Area Planning Committee and Board. Additional issues to be addressed in development applications may also be identified at this stage, and at later stages in the process.

Information is also shared with member municipalities through regularly scheduled Regional Board Ideas and Updates Meetings and regularly scheduled Administrator and Elected Official Meetings that include representatives from each of the member municipalities.

QARW04 - REV 05/11/05

- The current process does present some risk that a project may gain ‘momentum’ with the local community before the Board can consider the proposed development in the context of the wider Regional impact. However, involving the Board at a very early stage can have the effect of creating tensions at the Board table which prove to be unnecessary because, subsequently, the character of the project is modified or the project is withdrawn. There is benefit in not involving the ultimate decision makers in applications that are still at a formative stage.
- The existing processes could be changed to direct staff to seek Board approval before authorizing a public information meeting during the first stage of the process. This would give the Board an earlier opportunity to review the application and to provide guidance on the impacts that need to be considered by the applicant. In order to make this consistent for all such applications within the RDN, this procedural requirement would have to apply to applications within Municipalities as well as the Electoral Areas (There are several such applications pending within RDN Municipalities.) Under this process, there is some risk that a proponent or select individuals would have the opportunity to ‘promote’ the proposal absent of any local or regional public perspectives and this could result in the Board making a premature and a less informed decision with respect to the proposal. Therefore, this modification is not recommended.

THE COST-ALLOCATION ISSUE

- Three alternative ways of cost-sharing the Regional Planning service have been examined:
 - o Status Quo: All costs to be shared on the basis of converted assessment
 - o Option 1: All costs to be shared on the basis of population
 - o Option 2: All costs to be shared on the basis of 50% converted assessment and 50% population.
- Exhibit 5.2 compares the impact of the options on the regional tax requisition and on the taxes paid by a home valued at \$200,000. The impacts are based on the 2004 requisition for Regional Planning.

Exhibit 5.2 Regional Planning - Comparison of the Options			
	Status Quo Assessment	Option 1 Population	Option 2 50/50 Assessment & Population
Requisitions			
City of Nanaimo	108,794	120,561	114,678
City of Parksville	18,349	17,049	17,699
Town of Qualicum Beach	13,912	11,442	12,677
District of Lantzville	5,782	5,843	5,813
Electoral Area A	8,175	10,956	9,566
Electoral Area C	7,110	1,927	4,518
Electoral Area D	1,985	2,188	2,087
Electoral Area E	12,263	7,960	10,112
Electoral Area F	8,336	9,159	8,748
Electoral Area G	12,162	11,628	11,895
Electoral Area H	7,096	5,250	6,173
Total	203,965	203,965	203,965
Taxes on \$200,000 Home			
	Status Quo Assessment	Option 1 Population	Option 2 50/50 Assessment & Population
City of Nanaimo	\$2.99	\$3.32	\$3.15
City of Parksville	\$2.99	\$2.78	\$2.89
Town of Qualicum Beach	\$2.99	\$2.46	\$2.73
District of Lantzville	\$2.99	\$3.02	\$3.01
Electoral Area A	\$2.99	\$4.01	\$3.50
Electoral Area C	\$2.99	\$0.81	\$1.90
Electoral Area D	\$2.99	\$3.30	\$3.14
Electoral Area E	\$2.99	\$1.94	\$2.47
Electoral Area F	\$2.99	\$3.29	\$3.14
Electoral Area G	\$2.99	\$2.86	\$2.93
Electoral Area H	\$2.99	\$2.21	\$2.60

Note: Electoral Area B does not participate in this Service

APPENDIX
DISTRIBUTION OF CONVERTED ASSESSMENT AND
POPULATION

Summary of Converted Assessment and Population - District 68

	Converted Residential	Converted Non-Residential	Converted Total	2001 Population
City of Nanaimo	445,477,135	281,888,929	727,366,064	73,000
District of Lantzville	34,068,985	4,589,271	38,658,256	3,538
Electoral Area A	44,724,243	9,932,167	54,656,410	6,634
Electoral Area B	55,725,530	4,598,961	60,324,491	3,515
Electoral Area C	6,811,853	40,720,926	47,532,779	1,167
Electoral Area D	10,399,860	2,873,846	13,273,706	1,325
Total RD	597,207,606	344,604,101	941,811,706	89,179

Summary of Converted Assessment and Population - District 68 - Per Cent of Total

	Converted Residential	Converted Non-Residential	Converted Total	2001 Population
City of Nanaimo	74.6%	81.8%	77.2%	81.9%
District of Lantzville	5.7%	1.3%	4.1%	4.0%
Electoral Area A	7.5%	2.9%	5.8%	7.4%
Electoral Area B	9.3%	1.3%	6.4%	3.9%
Electoral Area C	1.1%	11.8%	5.0%	1.3%
Electoral Area D	1.7%	0.8%	1.4%	1.5%
Total RD	100%	100%	100%	100%

Summary of Converted Assessment per Person - District 68

	Converted Residential Per Person	Converted Non-Residential Per Person	Converted Total Per Person
City of Nanaimo	\$6,102	\$3,861	\$9,964
District of Lantzville	\$9,629	\$1,297	\$10,927
Electoral Area A	\$6,742	\$1,497	\$8,239
Electoral Area B	\$15,854	\$1,308	\$17,162
Electoral Area C	\$5,837	\$34,894	\$40,731
Electoral Area D	\$7,849	\$2,169	\$10,018
Total RD	\$6,697	\$3,864	\$10,561
Electoral Areas Only	\$9,308	\$4,598	\$13,906

Summary of Converted Assessment and Population - District 69

	Converted Residential	Converted Non-Residential	Converted Total	2001 Population
City of Parksville	80,985,679	41,692,857	122,678,536	10,323
Town of Qualicum Beach	79,719,663	13,290,667	93,010,329	6,928
Electoral Area E	73,600,325	8,386,483	81,986,808	4,820
Electoral Area F	35,412,603	20,321,661	55,734,264	5,546
Electoral Area G	75,033,045	6,277,191	81,310,235	7,041
Electoral Area H	36,007,915	11,437,209	47,445,125	3,179
Total RD	380,759,229	101,406,068	482,165,297	37,837

**Summary of Converted Assessment and Population - District 69 --
Per Cent of Total**

	Converted Residential	Converted Non-Residential	Converted Total	2001 Population
City of Parksville	21.3%	41.1%	25.4%	27.3%
Town of Qualicum Beach	20.9%	13.1%	19.3%	18.3%
Electoral Area E	19.3%	8.3%	17.0%	12.7%
Electoral Area F	9.3%	20.0%	11.6%	14.7%
Electoral Area G	19.7%	6.2%	16.9%	18.6%
Electoral Area H	9.5%	11.3%	9.8%	8.4%
Total RD	100%	100%	100%	100%

Summary of Converted Assessment per Person - District 69

	Converted Residential Per Person	Converted Non-Residential Per Person	Converted Total Per Person
City of Parksville	\$7,845	\$4,039	\$11,884
Town of Qualicum Beach	\$11,507	\$1,918	\$13,425
Electoral Area E	\$15,270	\$1,740	\$17,010
Electoral Area F	\$6,385	\$3,664	\$10,049
Electoral Area G	\$10,657	\$892	\$11,548
Electoral Area H	\$11,327	\$3,598	\$14,925
Total RD	\$10,063	\$2,680	\$12,743
Electoral Areas Only	\$10,689	\$2,255	\$12,945

**Summary of Converted Assessment and Population – Region Wide
Per Cent of Total**

	Converted Residential	Converted Non-Residential	Converted Total	2001 Population
City of Nanaimo	45.6%	63.2%	51.1%	57.5%
City of Parksville	8.3%	9.3%	8.6%	8.1%
Town of Qualicum Beach	8.2%	3.0%	6.5%	5.5%
District of Lantzville	3.5%	1.0%	2.7%	2.8%
Electoral Area A	4.6%	2.2%	3.8%	5.2%
Electoral Area B	5.7%	1.0%	4.2%	2.8%
Electoral Area C	0.7%	9.1%	3.3%	0.9%
Electoral Area D	1.1%	0.6%	0.9%	1.0%
Electoral Area E	7.5%	1.9%	5.8%	3.8%
Electoral Area F	3.6%	4.6%	3.9%	4.4%
Electoral Area G	7.7%	1.4%	5.7%	5.5%
Electoral Area H	3.7%	2.6%	3.3%	2.5%
Total RD	100%	100%	100%	100%

Summary of Converted Assessment per Person – Region Wide

	Converted Residential Per Person	Converted Non-Residential Per Person	Converted Total Per Person
City of Nanaimo	\$6,102	\$3,861	\$9,964
City of Parksville	\$7,845	\$4,039	\$11,884
Town of Qualicum Beach	\$11,507	\$1,918	\$13,425
District of Lantzville	\$9,629	\$1,297	\$10,927
Electoral Area A	\$6,742	\$1,497	\$8,239
Electoral Area B	\$15,854	\$1,308	\$17,162
Electoral Area C	\$5,837	\$34,894	\$40,731
Electoral Area D	\$7,849	\$2,169	\$10,018
Electoral Area E	\$15,270	\$1,740	\$17,010
Electoral Area F	\$6,385	\$3,664	\$10,049
Electoral Area G	\$10,657	\$892	\$11,548
Electoral Area H	\$11,327	\$3,598	\$14,925
Total RD	\$7,700	\$3,511	\$11,211
Electoral Areas Only	\$10,164	\$3,146	\$13,310

TO: C. Mason
General Manager, Corporate Services

DATE: February 2, 2005

FROM: N. Avery
Manager, Financial Services

FILE:

SUBJECT: Review of Tax Requisition Allocation Methods for Recreation Services

PURPOSE:

To illustrate the results of using alternative requisition allocation methodologies for the District 69 Recreation services.

BACKGROUND:

The Board has requested, following its discussions during the Regional Services review, that staff provide information about the effects of allocating property taxes among the participants in the District 69 recreation services (Multiplex, Aquatic Center and Recreation Programming) using cost sharing formulas other than the existing all assessments only approach. This report summarizes the effects of basing allocations on 100% population, 50% population/50% assessments and using a combination of assessments for debt and population for operating.

ALTERNATIVES:

1. Recommend changing the allocation method to one of the alternatives shown in the table below.
2. Make no changes to the current allocation method.
3. Receive this report for information.

FINANCIAL IMPLICATIONS:

For the purposes of the table below the amounts for all three District 69 recreation services have been combined for each participant.

Participant	100% assessments (current)	%	100% population	%	50% assessments/ 50% population	%	Assessments for Debt/Population for Operating	%
Parksville	833,280	26.5%	904,190	28.8%	868,740	27.7%	878,905	28.0%
Qualicum Beach	730,270	23.3%	606,830	19.3%	668,550	21.3%	652,380	20.8%
Area E	355,345	11.3%	247,220	7.9%	301,285	9.6%	284,720	9.1%
Area F	384,510	12.2%	485,775	15.5%	435,140	13.9%	449,100	14.3%
Area G	500,715	16.0%	616,725	19.6%	558,715	17.8%	574,745	18.3%
Area H	335,070	10.7%	278,450	8.9%	306,760	9.8%	299,340	9.5%

As would be intuitively expected, a population based model will shift dollars to more densely populated areas – in this case the City of Parksville and Electoral Areas F and G.

The 50% assessment/50% population result and the “debt by assessment/operating by population” models are almost identical in outcome. This is because the operating costs are higher in total among the three services than the cost to service debt, so that population is weighted more heavily in the fourth alternative. From a measurement perspective staff feel that separating debt from operating is a bit too arbitrary. It suggests that there is a direct connection between a particular line item and the property tax requisition. This is not necessarily the case because regional district budgets must include all revenues which are used to offset annual costs, including debt.

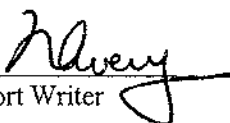
SUMMARY/CONCLUSIONS:

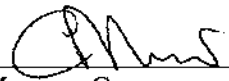
The allocation among participants of the tax requisitions for District 69 recreation services , is currently based on property assessments. The Board asked staff to provide an illustration of the effect of applying three alternative cost sharing models to the District 69 recreation services – 100% of population, 50% assessment/50% population and debt based on assessment/operating based on population. The results are reported in the table above.

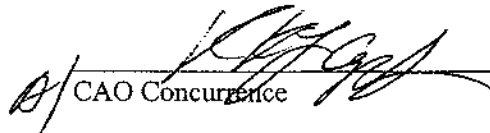
The assessment based allocation model is the most commonly used approach for regional district services although there is a trend to fine tuning the model. Using assessments to allocate costs for people based services does not seem to be the best measure of benefit. A pure population based approach may not necessarily reflect usage of facilities, however our recent experiences with a usage based approach suggests that it too can produce unexpected results. Staff feel that the debt vs operating approach is the least representative measure because it isolates particular line items which in a regional district budget, are simply an annual cost. Staff therefore support the blended assessment/population model as appropriate for these budgets.

RECOMMENDATION:

That the Board consider revising the District 69 recreation services cost sharing model to a blended 50% assessment/50% population approach commencing in the 2006 taxation year.


Report Writer


General Manager Concurrence


CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO	
FEB - 3 2005	
CHAIR	GMCmS
	GMCrS
CAO	GMDS
	GMES
COW ✓	

MEMORANDUM

TO: K. Daniels
Chief Administrative Officer

FROM: C. Mason
General Manager, Corporate Services

SUBJECT: Electoral Area Election & By-Election Funding Policy

DATE: February 2, 2005

FILE:

PURPOSE

To consider options for funding elections and by-elections within electoral areas.

BACKGROUND

The recent resignation of the Director for Electoral Area E has raised questions from the Board on the legislative requirements to fund by-elections through the Electoral Areas Administration Budget. Specifically, it was asked whether a Board policy could be established which could apply different rules for different circumstances and whether an individual electoral area could be charged the sole cost of a by-election. Staff have reviewed the applicable sections of the *Local Government Act* and have also discussed this question with both Provincial Staff and our Municipal Solicitors. The responses and findings are summarized below.

Intent of s.804 - Electoral Area Administration.

Section 804(2)(c)(i) of the *Local Government Act* – “Apportionment of costs” sets out that in the case of Electoral Area administration costs, the service area is to be deemed to be all the Electoral Areas. It is this section that all Regional Districts across the province use as their legal authority to establish Electoral Area administration budgets. This authority is provided under the Act, similar to General Administration, and does not require an establishing bylaw. Its main purpose is to fund electoral area elections, by-elections, conferences and seminars.

The authority under s.804 stems back to the previous *Municipal Act* which stated under s.787 that the costs of Electoral Area elections, conferences and seminars would be charged to an Electoral Area administration budget. Under the previous Act, all other administrative costs were charged to a General Administration budget, which municipalities also shared.

Changes were made under the new *Local Government Act* a few years ago to provide more flexibility to Electoral Area administration, at which time the Regional District of Nanaimo was able to charge more things to the Electoral Areas budget such as the cost of computers and newsletters. It also gave the District the flexibility to apportion individual costs to individual electoral areas, where only those areas benefit from the ‘service’. Section 804(2)(c)(ii) now states that:

... if the board provides that some or all of the costs are to be apportioned among the electoral areas that the board considers benefit from the administration, those costs must be apportioned among those electoral areas, with the service area deemed to be all those electoral areas.

In discussions with both provincial staff and our solicitors the general interpretation is that the governance of an Electoral Area is not considered a 'service' within the meaning of s.804(2)(c)(ii). Electoral Area Directors play a broader role on the whole Board and therefore subsection (ii) does not apply. The election of a Director is a statutory requirement, not a service.

Board Policy.

If the Board chooses to interpret that sub-section (ii) is intended to apply and by-elections should be charged to individual Electoral Areas, then the Board will be required to adopt a policy that determines that there is an individual "benefit" to an electoral area by holding by-elections.

In response to the question regarding developing a policy that has different rules depending upon the circumstance for holding a by-election, this approach would not be consistent with the intent of s.804. To charge an electoral area the cost of the by-election because one Area Director has resigned does not fall under the interpretation of providing a "benefit" to a service area under subsection (ii). Rather, this decision would be viewed as punitive to an Electoral Area rather than beneficial to that Electoral Area.

Therefore, if the Board wishes a policy, it should do so on the basis that it considers that all elections and by-elections provide an individual benefit to individual electoral areas. It should not have different funding models based upon different reasons for holding a by-election, with some funding shared and others charged on an individual basis. This policy alternative is not recommended by staff, due to the statutory requirement to hold by-elections. By-elections are not a discretionary service area function

ALTERNATIVES

1. That the Board approve a policy which stipulates that all elections and by-elections be funded by individual electoral areas.
2. That elections and by-elections continue to be funded under the electoral areas administration function.

FINANCIAL IMPLICATIONS

The first alternative would result in individual electoral areas covering the whole cost of running elections and by-elections within their areas. A by-election typically costs \$10,000 should a vote be required. Currently, these costs are shared amongst all electoral areas.

CONCLUSIONS

Staff have been asked to look into the possibility of preparing a policy that would enable by-elections to be charged to individual electoral areas. The question is whether the authority provided under s.804(2)(c)(ii) of the *Local Government Act* enables the Board to charge individual electoral areas the cost of running by-elections rather than having these costs shared amongst all electoral areas.

As noted in this report, opinions received from both provincial staff and our municipal lawyers suggest that this section is not intended to apply to governance issues such as the election and by-election of individual directors. The section is more likely intended to enable individual electoral areas to pay for specific services which benefit only those areas – individual directors would then have the choice of proceeding with the service (or not) based upon the cost.

As a by-election is not a discretionary service, the role of an electoral area director does not appear to fall within the scope of this section. Historically, the Electoral Area Administration has treated electoral area directors in the same way as a municipal council when it comes to funding elections, by-elections, and conferences; therefore, staff are not recommending the adoption of a policy to charge elections and by-elections back to individual electoral areas.

RECOMMENDATION

That the report on the funding of Electoral Area elections and by-elections be received for information.



Report Writer



G.M. Concurrence


A/

C.A.O. Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO	
JAN 31 2005	
CHAIR	GMCrs
	GMCrs
CAO	GMDS
	GMES
Feb Cow	
Corporate Services	

TO: C. Mason
General Manager

DATE: January 18, 2005

FROM: N. Avery
Manager, Financial Services

FILE:

SUBJECT: Bow Horn Bay Volunteer Fire Department – Fire Protection Service Agreement With Department of Fisheries - Big Qualicum Hatchery

PURPOSE:

To approve entering into a fire protection agreement with the Department of Fisheries - Big Qualicum Hatchery on behalf of the Bow Horn Bay Fire Department.

BACKGROUND:

The former Bow Horn Bay Fire District had two agreements to provide fire protection outside of its boundaries – one with the Department of Fisheries in regard to the Big Qualicum Fish Hatchery and a second with the Qualicum Band of Indians. These agreements must be reissued between the Regional District and those entities as a result of the Bow Horn Bay Fire Department becoming a Regional District service.

The agreement attached to this report contains standard wording regarding liability protection for each party and provides for a fee of \$500 annually, which has been billed and paid, for 2004. Further, the Department of Fisheries - Big Qualicum Hatchery has signed the updated agreement.

ALTERNATIVES:

1. Approve the agreement as presented.
2. Recommend alternate wording or fees for the agreement.
3. Do not approve the agreement.

FINANCIAL IMPLICATIONS:

Alternative 1

The Fire Department advises that they have seldom been called upon to respond to a fire at the hatchery and the fee in the agreement is a reasonable amount in the event of a callout.

Alternative 2

Based on discussions with the fire department, staff have no alternative suggestions for either fees or agreement wording. The agreements contain standard liability clauses which are the primary concern when a response is provided outside of official boundaries.

Alternative 3

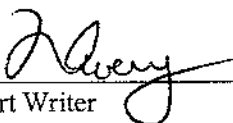
The department would forgo the small amount of revenue resulting from the agreement. This would have no significant impact on the annual budget, but the agreement is a long standing arrangement and there is at present no compelling reason not to approve the agreement.

SUMMARY/CONCLUSIONS:

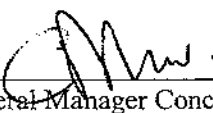
Following the transfer of responsibilities from the former Bow Horn Bay Fire Protection District to the Regional District of Nanaimo, staff have been working through a number of agreements which existed between the Improvement District and various other parties. The agreement attached herein relates to providing fire protection services to lands occupied by the Department of Fisheries - Big Qualicum Hatchery which is outside of the service area boundaries. The agreement provides for indemnification and liability protection and a small annual fee. The fire department reports that fire calls have been rare and the relationship with the hatchery is a positive one – therefore, staff recommend approving the agreement.

RECOMMENDATION:


1. That the Chairperson and General Manager, Corporate Services, be authorized to execute a fire protection service agreement with the Department of Fisheries - Big Qualicum Hatchery on behalf of the Bow Horn Bay Fire Department as presented.



Report Writer



General Manager Concurrence



C.A.O. Concurrence

COMMENTS:

THIS AGREEMENT made this _____ day of _____, 2005

BETWEEN:

**DEPARTMENT OF FISHERIES
BIG QUALICUM HATCHERY**
215 Fisheries Road
Qualicum Bay, B.C.
V9K 1Z5

OF THE FIRST PART

AND:

REGIONAL DISTRICT OF NANAIMO
6300 Hammond Bay Road
Nanaimo, B.C.
V9T 6N2
(hereinafter called the "District")

OF THE SECOND PART

WHEREAS the District established the service of fire protection under the "Bow Horn Bay Fire Protection Service Area Establishment Bylaw No. 1385, 2004";

AND WHEREAS Section 176(1)(b) authorizes regional districts to enter into agreements with a public authority respecting the undertaking, provision and operation of these services;

WHEREAS the Department of Fisheries at the Big Qualicum Hatchery has requested that fire protection be provided to their property more particularly described as 210 and 215 Fisheries Road found on Plan 1753R, District Lot 254, Alberni Land District which is located outside of the District's boundary;

NOW THEREFORE the parties hereto covenant and agree as follows:

1. In this Agreement:

"Fire Chief" means the Fire Chief or his/her delegate of the Bow Horn Bay Fire Protection Society operating under contract to the Regional District of Nanaimo.

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

2. The District hereby agrees to provide fire suppression services through the Bow Horn Bay Fire Protection Society to the property described above when requested to do so and when, in the opinion of the Fire Chief or his/her delegate, it is safe to do so without endangering the fire protection services for the Service Area within the District.

3. The fire fighting equipment and personnel of the fire department shall remain under the sole control of the Fire Chief or his/her delegate at all times.

4. The Fire Chief retains the authority to recall the personnel or equipment under his command to the District when he/she determines it is necessary.
5. The annual fee payable for the fire protection services under this agreement shall be \$500.00 (five hundred dollars) payable within 30 days of receipt of the invoice by the Department of Fisheries. Both parties agree to a yearly review of this fee.
6. The District shall not be liable for any damages, expenses or losses occurring by reason of suspension or discontinuation of the services herein agreed to be provided by the District where such suspension or discontinuance is caused by circumstances beyond the control of the District.
7. The Department of Fisheries hereby agrees to indemnify the District, its servants, agents or employees from any claims, demands, actions or causes of action which may be made against the District arising out of or in consequence of any loss (including without limitation, loss of life), injury or damage of all and every description to person or property caused in whole or in part or in any way contributed to by any act or omission of the District, its servants, agents or employees, in the performance of this agreement or provision of fire protection to the property in question or in the purported performance or purported provision of fire protection to the property in question or in failing to perform this agreement.
8. This agreement for service shall not be construed as placing a greater liability on the District in respect of the Department of Fisheries than the liability that exists in the law between the District and a property owner in the Service Area.
9. This agreement shall take effect as and from June 17th, 2004 and shall remain in effect for a term of one year and will renew each year automatically for further one year terms unless either party wishes to terminate the agreement in accordance with Section 12 hereof.
10. Notwithstanding anything in this agreement contained to the contrary, this agreement may be terminated by the District or the Department of Fisheries following 30 days notice by either party delivered in writing by registered mail to the other.
11. This agreement shall be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the parties hereto have set their hands and seals on the day and year above written.

The Corporate Seal of the)	
DEPARTMENT OF FISHERIES)	
was hereto affixed in the presence of)	
its authorized signatories:)	(seal)
)	
_____)	
Administrator)	
)	
_____)	
Officer Responsible for Corporate)	
Administration)	

The Corporate Seal of the)
REGIONAL DISTRICT OF NANAIMO)
was hereto affixed in the presence of)
of its authorized signatories:)
)
)
_____)
Chairperson)
)
)
_____)
General Manager Corporate Services)
)

(seal)



REGIONAL DISTRICT OF NANAIMO	
JAN 24 2005	
CHAIR	GMCMS
	GMCrS
CAO	GMDS
	GMES
Feb Cow	

MEMORANDUM

TO: C. Mason
General Manager, Corporate Services

DATE: January 24, 2005

FROM: N. Avery
Manager, Financial Services

FILE:

SUBJECT: Regional District Undertaking Financing on Behalf of City of Parksville

PURPOSE

To introduce the following security issuing bylaw for three readings and adoption:

“Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1420, 2005”.

BACKGROUND

The City of Parksville has recently advised the Regional District that it wishes to draw on its loan authorization bylaw “Northwest Bay Road Specified Area Establishment Bylaw No. 1351, 2001” for the purposes of completing the financing for this highway improvement project. Regional Districts are required to adopt security issuing bylaws on behalf of their member municipalities to secure borrowing through the Municipal Finance Authority.

ALTERNATIVES

1. Approve the bylaw. This is the standard process set out in the *Local Government Act*.
2. Do not approve the bylaw. The only reason for not proceeding would be if the Board had a concern that default was likely, in which case all members of the Regional District would become liable for the outstanding debt. There are no reasons of which staff are aware that would concern the Board with respect to the City defaulting and therefore this action is not recommended.

FINANCIAL IMPLICATIONS

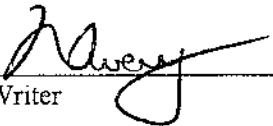
The City is entirely responsible for the debt financing and must raise sufficient monies to cover the annual debt payments. Should the City default on its debt the Regional District and all of its members are jointly and severally liable for the debt payments. This is the standard practice for municipal borrowing in the Province.

SUMMARY/CONCLUSIONS

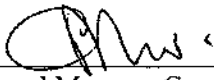
The City of Parksville requested that the Regional District adopt a security issuing bylaw in order that it can draw on its loan authorization bylaw “Northwest Bay Road Specified Area Establishment Bylaw No. 1351, 2001. The bylaw attached to this report meets the requirements of the *Local Government Act*.

RECOMMENDATION

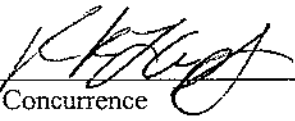
1. That "Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1420, 2005" receive first three readings.
3. That "Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1420, 2005" having received first three readings be adopted and forwarded as required to the Ministry of Community, Aboriginal and Women's Services for a certificate of approval.



Report Writer



General Manager Concurrence



C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1420

A BYLAW TO AUTHORIZE THE ENTERING INTO OF AN AGREEMENT RESPECTING FINANCING BETWEEN THE REGIONAL DISTRICT OF NANAIMO (THE "REGIONAL DISTRICT") AND THE MUNICIPAL FINANCE AUTHORITY OF BRITISH COLUMBIA (THE "AUTHORITY") ON BEHALF OF THE CITY OF PARKSVILLE

WHEREAS the Municipal Finance Authority of British Columbia (the "Authority") may provide financing of capital requirements for Regional Districts or for their member municipalities by the issue of debentures or other evidence of indebtedness of the Authority and lending the proceeds therefrom to the Regional District on whose request the financing is undertaken;

AND WHEREAS the City of Parksville is a member municipality of the Regional District of Nanaimo (the "Regional District");

AND WHEREAS the Regional District is to finance from time to time on behalf of and at the sole cost of the member municipalities, under the provisions of Section 824 of the *Local Government Act*, the works to be financed pursuant to the following loan authorization bylaws;

<u>Municipality</u>	<u>L/A Bylaw Number</u>	<u>Purpose</u>	<u>Amount of Borrowing Authorized</u>	<u>Amount Already Borrowed</u>	<u>Borrowing Authority Remaining</u>	<u>Term of Issue</u>	<u>Amount of this Issue</u>
Parksville	1351	Road works	\$800,000	\$Nil	\$800,000	20yrs	\$800,000
Total Financing under Section 824:							<u>\$ 800,000</u>

AND WHEREAS the Regional Board, by this bylaw, hereby requests such financing shall be undertaken through the Authority:

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

1. The Regional Board hereby consents to financing the debt of the City of Parksville in the amount of Eight Hundred Thousand Dollars (\$800,000.00) in accordance with the following terms.

2. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Regional District and its member municipalities up to, but not exceeding Eight Hundred Thousand Dollars (\$800,000) in lawful money of Canada (provided that the Regional District may borrow all or part of such amount in such currency as the Trustees of the Authority shall determine but the aggregate amount in lawful money of Canada and in Canadian Dollar equivalents so borrowed shall not exceed \$800,000 in Canadian Dollars) at such interest and with such discounts or premiums and expenses as the Authority may deem appropriate in consideration of the market and economic conditions pertaining.
3. Upon completion by the Authority of financing undertaken pursuant hereto, the Chairperson and the Manager of Financial Services of the Regional District, on behalf of the Regional District and under its seal, shall at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements, which said agreement or agreements shall be substantially in the form annexed hereto as Schedule 'A' and made part of this bylaw (such Agreement or Agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
4. The Agreement in the form of Schedule 'A' shall be dated and payable in the principal amount or amounts of monies and in Canadian dollars or as the Authority shall determine and subject to the *Local Government Act*, in such currency or currencies as shall be borrowed by the Authority under Section 1 and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
5. The obligation incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority, and shall bear interest at a rate to be determined by the Treasurer of the Authority.
6. The Agreement shall be sealed with the seal of the Regional District and shall bear the signature of the Chairperson and the Manager of Financial Services of the Regional District.
7. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
8. If during the currency of the obligation incurred under the said Agreement to secure borrowings in respect of City of Parksville Loan Authorization Bylaw 1351 there shall be requisitioned annually an amount sufficient to meet the annual payment of interest and the repayment of principal.
9. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided, however, that if the sums provided for in the Agreement are not sufficient to meet the obligations of the Authority, any deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional Board of the Regional District shall make due provision to discharge such liability.

10. The Regional District shall pay over to the Authority at such time or times as the Treasurer of the Authority so directs such sums as are required pursuant to section 15 of the *Municipal Finance Authority Act* to be paid into the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.
11. This bylaw may be cited as "Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1420, 2005".

Introduced and read three times this 22nd day of February, 2005.

Adopted this 22nd day of February, 2005.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

CANADA
PROVINCE OF BRITISH COLUMBIA
AGREEMENT
REGIONAL DISTRICT OF NANAIMO

The Regional District of Nanaimo (the "Regional District") hereby promises to pay to the Municipal Finance Authority of British Columbia (the "Authority") at its Head Office in Victoria, British Columbia, the sum of _____ Dollars (\$_____) in lawful money of Canada, together with interest calculated semi-annually in each and every year during the currency of this Agreement; and payments shall be as specified in the table appearing on the reverse hereof commencing on the ____ day of _____, 20__, provided that in the event the payments of principal and interest hereunder are insufficient to satisfy the obligations of the Authority undertaken on behalf of the Regional District, the Regional District shall pay over to the Authority such further sums as are sufficient to discharge the obligations of the Regional District to the Authority.

Dated at _____, British Columbia, this ____ of _____, 20__.

IN TESTIMONY WHEREOF and under the authority of Bylaw No. cited as "Regional District of Nanaimo Security Issuing (City of Parksville) Bylaw No. 1420, 2005". This Agreement is sealed with the Corporate Seal of the Regional District of Nanaimo and signed by the Chairperson and the Manager of Financial Services thereof.

Chairperson

Manager, Financial Services

Pursuant to the *Local Government Act*, I certify that this Agreement has been lawfully and validly made and issued and that its validity is not open to question on any ground whatever in any Court of the Province of British Columbia.

Dated this ____ day of _____, 20__.

Inspector of Municipalities of British Columbia



REGIONAL DISTRICT OF NANAIMO	
JAN 18 2005	
CHAIR	GMCMS
CAO	GMS
	GMS
<i>Collins</i>	

**NANAIMO REGIONAL
HOSPITAL DISTRICT
MEMORANDUM**

TO: C. Mason
General Manager, Corporate Services

DATE: January 18, 2005

FROM: N. Avery
Manager, Financial Services

FILE:

SUBJECT: Temporary Borrowing Resolution

PURPOSE

To obtain approval of the resolution to authorize a short term borrowing limit for 2005.

BACKGROUND

Section 31 of the *Hospital District Act* permits short term borrowing to meet anticipated operating expenditures of the Hospital District, including amounts necessary for debt principal and interest payments. It is anticipated that as the Health Region submits grant reimbursement requests, there may be a requirement to provide for cash flow prior to the August 1st receipt of 2005 property taxes. The resolution attached provides the Hospital District the ability to utilize a revolving line of credit in the amount of \$2,000,000 for 2005 (unchanged from 2004).

ALTERNATIVES

1. Adopt the resolution.
2. Do not adopt the resolution.

FINANCIAL IMPLICATIONS


At present the Hospital District bank account stands at about \$3.3 million. Debt servicing costs up to August 1st total \$2 million dollars, with approximately \$2 million dollars in outstanding equipment grant commitments. While staff do not expect to require significant amounts of the line of credit, it will support temporary fluctuations in the cash balance as equipment grant reimbursements requests are received.

SUMMARY/CONCLUSIONS

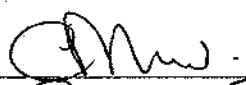
Pursuant to authority granted by the *Hospital District Act*, staff have prepared a short term borrowing resolution to provide for cash flow requirements prior to receiving tax monies on August 1st, 2005.

RECOMMENDATION

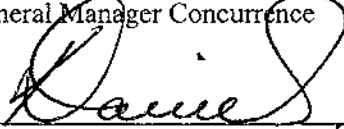
That a short term borrowing authority to a maximum of \$2,000,000 in the form of the resolution attached, be adopted.



Report Writer



General Manager Concurrence



C.A.O. Concurrence

COMMENTS:

NANAIMO REGIONAL HOSPITAL DISTRICT

RESOLUTION

Short Term Borrowing Resolution.

MOVED , SECONDED that

WHEREAS pursuant to Section 31 of the *Hospital District Act*, the Board may by resolution, borrow for purposes other than capital expenditures by way of temporary loan such sums as the Board may deem necessary to meet current operating expenditures for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Board;

AND WHEREAS pursuant to Section 25 of the Act, member municipalities and the Province are not required to make payment from taxation revenues of amounts requisitioned by a District until August 1st, of each year;

AND WHEREAS estimated debt retirement and bank interest charges in the amount of \$2,000,000.00 must be paid before payment of such revenue is due;

NOW THEREFORE BE IT RESOLVED that the Board of the Nanaimo Regional Hospital District may borrow pursuant to Section 31 of the *Hospital District Act*, a sum not exceeding \$2,000,000.00 in 2005 for the purpose of paying the above mentioned debt retirement and bank interest charges.

DATED at Nanaimo, B. C.)
this ____ day)
of _____, 2005.

General Manager, Corporate Services



REGIONAL DISTRICT OF NANAIMO	
JAN 25 2005	
CHAIR	GMCMS
	GMCrs
CAO	GMDS
	GMES
COW ✓	
DATE:	

MEMORANDUM

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

FROM: Dennis Trudeau
Manager of Liquid Waste

SUBJECT: Liquid Waste
Greater Nanaimo Pollution Control Centre
Piper's Inn Pub Lease Agreement -Extension

FILE: 2240-20-PIP

DATE: January 24, 2005

PURPOSE

To approve the extension of the Piper's Inn Pub (603309 BC Ltd.) lease agreement.

BACKGROUND

Future expansions of the Greater Nanaimo Pollution Control Centre (GNPCC) are required to service a long-term population of over 200,000 people. The first of those expansions is planned for construction in the next 5-7 years.

As part of an expansion options design exercise, conceptual plans were prepared for a number of potential treatment processes. The plans were reviewed and it was determined that there were two properties adjacent to the treatment plant that would be impacted by the expansion. Those two properties were the Piper's Inn Pub and the Lagoon Grocery Store.

A decision was made to purchase these two neighbouring properties in 2002. Since the properties were not required immediately, a decision was made to lease the properties back to the previous owners. The lease back to the previous owners was for three years ending April 25, 2005. The lease was for one dollar annually and was reflected in the purchase price of the properties.

The Piper's Inn Pub has bought new property to relocate their business. Before they can relocate they have to successfully complete a rezoning of the property. That process has not been completed to date. The City of Nanaimo has indicated that they anticipate a decision early in 2005. Following the rezoning approval it is expected that an additional 16 months would be required before a new pub is constructed and ready to occupy. The City of Nanaimo has requested that the RDN extend the lease agreement with the pub until March of 2006.

The extension of the lease will protect the employment of those hired by this business until it can be relocated.

The extension of the lease can be accommodated within the GNPCC expansion plans. The Whalley Creek relocation project was to be started in 2005 but a review of those plans indicates that the relocation can be done in two phases without jeopardizing the expansion of the treatment facility.

Since the previous lease was part of an overall sales agreement the lease amount was unrealistically low. A market assessment has been carried out to determine a market based rate for the monthly lease of this property. The rate is reflected in the proposed lease which is attached as Appendix 'A'.

A three-month termination clause has been included in the agreement in the event that the rezoning of the property is unsuccessful.

The grocery store was also asked if they wished to extend their lease. They have indicated that they do not wish to continue their operations.

The extended lease period will also allow the community some additional time to adjust to the elimination of this local commercial zone while allowing time for the business to relocate.

ALTERNATIVES

1. That the lease agreement for the Piper's Inn Pub be approved.
2. Do not approve the lease agreement.

FINANCIAL IMPLICATIONS

The pub's lease payments will add \$17,400 to the revenues of the GNPCC.

SUMMARY/CONCLUSIONS

In 2002 the RDN improved the long term viability of the GNPCC treatment plant expansion plans by purchasing two properties that extended into the middle of the site. They were the Piper's Inn Pub and adjacent Lagoon Grocery Store. As a part of the sales agreement they were leased back to the previous owners for \$1/year for three years. Those leases will expire April 25, 2005.

The City of Nanaimo has requested that the RDN extend the lease agreement with the pub until March of 2006 to allow time for the Piper's Inn Pub to relocate their business. The Pub is currently rezoning property to re-establish their business. The City of Nanaimo has indicated that they anticipate a decision early in 2005. Following the rezoning approval it is expected that an additional 16 months would be required before a new pub is constructed and ready to occupy.

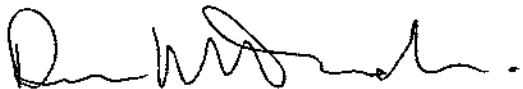
The extension of the lease can be accommodated with minor changes to the GNPCC expansion plans

Since the previous lease was part of an overall sales agreement the lease amount was unrealistically low. A market assessment has been carried out to determine a market based rate for the monthly lease of this property. The rate is reflected in the proposed lease.

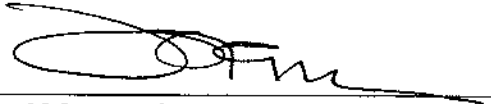
The extension of the lease will protect the employment of those hired by this business until it can be relocated.

RECOMMENDATION


That the lease agreements for the Piper's Inn Pub (Lot 2 Plan 7504 District Lot 51 Wellington Land District) be approved.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

LEASE

THIS LEASE made as of the ____ day of _____ 200_.

BETWEEN:

REGIONAL DISTRICT OF NANAIMO

6300 Hammond Bay Road
Nanaimo, B.C.
V9T 6N2

(the "**Landlord**")

OF THE FIRST PART

AND:

603309 B.C. LTD.

191 Cilaire Drive
Nanaimo, B.C.
V9S 3E2

(the "**Tenant**")

OF THE SECOND PART

WHEREAS

A. The Landlord leased lands legally described as:

PID: 003-182-789

Lot 2, District Lot 51, Wellington District, Plan 7504 except parts
in Plans 23005 and 26263

(the "**Lands**"),

pursuant to a Lease that is to expire April 25, 2005;

B. The Tenant wishes to continue using the property for the purposes of a pub while it pursues an application to rezone other lands located within the City of Nanaimo to permit relocation of the public (the "**Rezoning Bylaw**");

C. The Landlord has agreed to lease the Lands to the Tenant for a period of time to allow for the Council of the City of Nanaimo to make a decision regarding the Rezoning Bylaw;

- D. The Tenant has agreed that if the Rezoning Application is unsuccessful that the Landlord may terminate the Lease.

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

1. **Premises**

The Landlord leases to the Tenant the Lands (the "**Premises**") situated in Nanaimo, British Columbia.

2. **Term**

For the term commencing on the 26th day of April, 2005 and ending on the 31st day of March, 2006.

3. **Termination**

If the City of Nanaimo does not approve any reading of the Rezoning Bylaw sought by the Tenant, the Landlord shall have the right and option to terminate this Lease forthwith upon thirty (30) days' notice to the Tenant.

4. **Use**

The Tenant shall use the Premises for the purpose of a pub and one residential rental suite.

5. **Rent**

The Tenant shall pay to the Landlord a monthly rent of ONE THOUSAND, FOUR HUNDRED AND FIFTY (\$1,450.00) DOLLARS payable on the first day of each month of the term.

6. **Tenant's Covenants**

The Tenant covenants with the Landlord:

Rent

- (a) to pay all rents reserved under this Lease;

Taxes

- (b) to pay all taxes, rates, duties and assessments whatsoever, whether municipal, provincial, federal, or otherwise, including GST, charged upon the Tenant or the Landlord as a result of the Tenant's occupation of or use of the Premises unless exempted by municipal bylaw;

Utilities

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

Construction

- (d) that it will not construct any buildings or structures on the Premises unless, prior to any construction, having obtained
 - (i) a development permit from the Landlord;
 - (ii) a building permit where required authorizing the construction or renovations of the buildings and structures set out in the permit and the plans and specifications attached to it; and
 - (iii) required inspections,

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

Repair

- (e) that it will repair, reasonable wear and tear and damage by any peril the risk of which has been insured against pursuant to paragraph (n) hereof excepted; and to give immediate notice to the Landlord of any defect in water, gas or other pipes or fixtures, heating apparatus, electric or other wires or fixtures, or in any structure on the Premises;
- (f) and that the Landlord may enter and view the state of repair and the Tenant will repair within thirty (30) days of receiving written notice any defect or deficiency in the condition of the Premises, reasonable wear and tear and damage by any peril the risk of which has been insured against pursuant to paragraph (n) hereof excepted;
- (g) and will keep and leave whole and in good repair all water, gas and electrical fixtures, glass, pipes, faucets, locks, fastenings, hinges, heating and cooling apparatus in, on or attached to the Premises;

- (h) and the Tenant will leave the Premises in good repair, reasonable wear and tear excepted;

Assign or Sublet

- (i) that, subject to paragraph 5(j) and (k), it will not assign nor sublet without leave of the Landlord's Board such leave not to be unreasonably withheld;
- (j) one residential rental suite may be sublet without the consent of the Landlord's Board on condition that the sublease is not inconsistent with the terms of this Lease and the Tenant is not released or relieved from its obligations to perform all the terms, covenants and conditions that this Lease requires the Tenant to perform;
- (k) the Landlord's Board shall consider granting leave for assignment or subletting at its next scheduled Board meeting provided that notice of the request for leave is given at least seven (7) days before the next scheduled Board meeting;
- (l) that the Landlord's consent to assignment or subletting shall not release or relieve the Tenant from its obligations to perform all the terms, covenants and conditions that this Lease requires the Tenant to perform, and the Tenant shall pay the Landlord's reasonable costs incurred in connection with the Tenant's request for consent;

Nuisance

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

Regulations

- (n) that it will
 - (i) comply promptly at its own expense with the legal requirements of all authorities, including an association of fire insurance

underwriters or agents, and all notices issued under them that are served upon the Landlord or the Tenant, and

- (ii) indemnify the Landlord from all lawsuits, damages, losses, costs or expenses that the Landlord may incur by reason of non-compliance by the Tenant with legal requirements or by reason of any defect in the Premises or any injury to any person or to any personal property contained on the Premises unless the damages, losses, costs, expenses or injuries are the result of the negligence of the Landlord;

Insurance

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

- (s) that if both the Landlord and the Tenant have claims to be indemnified under any insurance required by this Lease, the indemnity shall be applied first to the settlement of the claim of the Landlord and the balance, if any, to the settlement of the claim of the Tenant;

Indemnification

- (t) that it will indemnify the Landlord from and against all lawsuits, damages, losses, costs or expenses which the Landlord may incur by reason of the use of the Premises by the Tenant or the carrying on upon the Premises of any activity in relation to the Tenant's use of the Premises and in respect of any loss, damage or injury sustained by the Tenant, or by any person while on the Premises for the purpose of doing business with the Tenant or otherwise dealing with the Tenant, including all costs and legal costs, assessed on a solicitor and client basis, and disbursements and this indemnity shall survive the expiry or sooner determination of this Lease;

Builders' Liens

- (u) that it will indemnify the Landlord from and against all claims for liens for wages or materials or for damage to persons or property caused during the making of or in connection with any excavation, construction, repairs, alterations, installations and additions which the Tenant may make or cause to be made on, in or to the Premises; and will allow the Landlord to post and will keep posted on the Premises any notice that the Landlord may desire to post under the provisions of the Builders' Lien Act;

Possession

- (v) that it will at the expiration or sooner determination of this Lease peaceably surrender and give up possession of the Premises without notice from the Landlord, any right to notice to quit or vacate being hereby expressly waived by the Tenant, despite any law or custom to the contrary;

Maintenance

- (w) to maintain the Premises, at all times to an excellent standard of maintenance;

7. Landlord's Covenants

The Landlord covenants with the Tenant for quiet enjoyment;

8. **Miscellaneous Covenants**

And it is hereby mutually agreed:

Re-entry

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

Forfeiture

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

Distress

- (c) that if the Landlord is entitled to levy distress against the goods and chattels of the Tenant, the Landlord may use enough force necessary for that purpose and for gaining admittance to the Premises and the Tenant releases the Landlord from liability for any loss or damage sustained by the Tenant as a result;

Destruction

- (d) that if the Premises or any part of them are at any time during the Term burned down or damaged by fire, lightning, explosion, tempest, or earthquake, so as to render them unfit for the purpose of the Tenant,
 - (i) the rent or a proportionate part of it according to the nature and extent of the damage sustained shall be suspended and abated until the Premises have been rebuilt or made fit for the purpose of the Tenant; or
 - (ii) if the Tenant elects not to undertake restoration, repair or replacement this Lease shall terminate and, for the purpose of this subparagraph (e), if the Tenant does not advise the Landlord concerning the Tenant's intention within the thirty (30) days, the Tenant shall be deemed to have elected not to undertake restoration, repair and replacement;

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

Fixtures

- (f) (i) that, unless the Tenant, upon notice from the Landlord, removes them, all buildings, structures or improvements constructed on the Premises by the Tenant, save and except for moveable business fixtures of the Tenant, shall, at the determination of the Lease, become the sole property of the Landlord at no cost to the Landlord;
- (ii) notwithstanding section 7(f)(i), for seven (7) days subsequent to any determination of the Lease, the Tenant shall have the absolute right to salvage all business fixtures and equipment on the Premises.

Holding Over

- (g) that if the Tenant holds over following the Term and the Landlord accepts rent, this Lease becomes a tenancy from month to month subject to those conditions in this Lease applicable to a tenancy from month to month;

Landlord's Payments

- (h) that if the Landlord incurs any damage, loss or expense or makes any payment for which the Tenant is liable under this Lease, then the Landlord may add the cost or amount of the damage, loss, expense or payment to the rent and may recover it as if it were rent in arrears;

Landlord's Repairs

- (i) that
 - (i) if the Tenant fails to repair or maintain the Premises in accordance with this Lease, the Landlord, its agents, employees or contractors may, upon ninety-six (96) hours notice, enter the Premises and make the required repairs or do the required maintenance and recover the cost from the Tenant, and
 - (ii) in making the repairs or doing the maintenance the Landlord may bring and leave upon the Premises all necessary materials, tools and equipment, and
 - (iii) the Landlord will not be liable to the Tenant for any inconvenience, annoyance, loss of business or injury suffered by the Tenant by reason of the Landlord effecting the repairs or maintenance;

Insolvency

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

the Term shall, at the option of the Landlord, immediately become forfeited, and the Landlord may re-enter and repossess the Premises despite any other provision of this Lease;

Removal of Goods

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

Time

- (l) that time shall be of the essence of this Lease;
- (m) that the Tenant may terminate this Lease by giving thirty (30) days written notice of termination and the termination shall be effective at the expiration of the thirty (30) day period;

Notices

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

If to the Landlord:

6300 Hammond Bay Road
Nanaimo, B.C. V9T 6N2

If to the Tenant:

191 Cilaire Drive
Nanaimo, B.C. V9S 3E2

or at the address a party may from time to time designate, then the notice shall be deemed to have been received forty-eight (48) hours after the time and date of mailing. If, at the time of the mailing the notice, the delivery of mail in the Province of British Columbia has been interrupted in whole or in part by reason of a strike, slow-down, lock-out or other labour dispute then the notice may only be given by actual delivery of it;

Fitness of Premises

- (o) that the Landlord has made no representation or warranties as to the condition, fitness or nature of the Premises and by executing this Lease, the Tenant releases the Landlord from any and all claims which the Tenant now has or may in future have in that respect;

- (p) that the Tenant admits that it has inspected the Premises in their present state and that they are suitable for the Tenant's purposes;

Net Lease

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

Binding Effect

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

Amendment

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

Law Applicable

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

Interpretation

- (u) that when the singular or neuter are used in this Lease they include the plural or the feminine or the masculine or the body politic or corporate where the context or the parties require;
- (v) all provisions of this Lease are to be construed as covenants and agreements as though the words importing covenants and agreements were used in each separate paragraph;

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

IN WITNESS the parties have signed and sealed this Lease on the _____ day of _____, 200__.

REGIONAL DISTRICT OF NANAIMO was)
 affixed in the presence of its authorized)
 signatories)
)
 _____)
 Chairperson)
)
 _____)
 Chief Administrative Officer)
)

603309 B.C. LTD. by its authorized)
 signatories)
)
 _____)
 Name:)
)
 _____)
 Name:)



REGIONAL DISTRICT OF NANAIMO	
JAN 7 5 2005	
CHAIR	GMCmS
	GMCrS
CAO	GMDS
	GMSS
<i>Call</i>	
General Manager of Environmental Services	

MEMORANDUM

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

DATE: January 5, 2005

FROM: Dennis Trudeau
Manager of Liquid Waste

FILE: 5330-20-FCPCC-DU

SUBJECT: **Liquid Waste Management**
French Creek Pollution Control Centre Dewatering Upgrade

PURPOSE

To consider the purchase of a centrifuge for the French Creek Pollution Control Centre Dewatering Upgrade.

BACKGROUND

The French Creek Pollution Control Centre (FCPCC) is a secondary treatment plant that produces biosolids as a part of their normal operations. The biosolids need to be dewatered to facilitate economical transportation to composting operations.

In 1984 the Regional District of Nanaimo purchased and installed a belt filter press (BFP) to dewater biosolids at the FCPCC. The BFP has operated well over the last 20 years but is now undersized and near the end of its operational life. An assessment has been completed by the RDN's consultants who recommend that the RDN replace the BFP unit with a centrifuge. The advantages of a centrifuge include improved working conditions for staff, better dewatering and improved odour management. Odour is contained better with a centrifuge since it is an enclosed unit, unlike the BFP which is open to the air. Staff have investigated centrifuges at other operations and confirm that odours are greatly reduced by their use.

The Greater Nanaimo Pollution Control Centre (GNPCC) recently completed a dewatering upgrade. They replaced an aging BFP with a centrifuge. The RDN received nine bids for supplying centrifuge equipment for the GNPCC Dewatering Upgrade. Our consultant reviewed the bids and recommended an Alfa Laval unit both from a capital and net present value basis. They indicate that the Alfa Laval is the least costly unit and has the best service available. Alfa Laval's bid was \$322,070 (includes taxes).

Staff recommend purchasing the same unit for the FCPCC. Advantages of purchasing the same unit include:

- Require only one set of parts,
- Staff only have to be trained on one set of equipment, and
- Periodic specialized maintenance can be done cheaper since expenses for trips requiring off-island specialists can be split between both facilities.

Alfa Laval has been contacted and they have indicated that they will honor the price quoted (\$322,070 taxes included) for the GNPCC unit.

Our year 2005 budget for this project is \$1,000,000. The project components which include building renovations, centrifuge installation, polymer system upgrade and engineering are expected to cost \$600,000. Based on a purchase price of \$322,070 there are sufficient funds to purchase the centrifuge and complete the project. The installation of the centrifuge will improve the operation of the FCPCC.

ALTERNATIVES

1. Not award the contract.
2. Award the contract to Alfa Laval to provide a centrifuge for a purchase price of \$322,070.

FINANCIAL IMPLICATIONS

The 2005 RDN budget is \$1,000,000 for this project. The lowest tendered price for the supply of the same centrifuge for the GNPCC was \$322,070 (2004). Alfa Laval will honor this price for purchase of a unit for the FCPCC. Based on our expected construction costs there is adequate money in the budget for completing this project.

SUMMARY/CONCLUSIONS

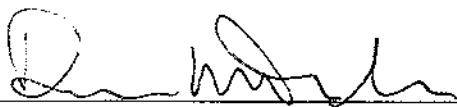
The FCPCC produces biosolids that need to be dewatered to facilitate economical transportation to composting operations. The FCPCC has used a BFP over the last 20 years to dewater its biosolids, but is now undersized and near the end of its operational life. An assessment has been completed by the RDN's consultants who recommend that the RDN replace the BFP unit with a centrifuge. The advantages of a centrifuge include improved working conditions for staff, better dewatering and improved odour management.

The RDN recently replaced an aging BFP at the GNPCC with a centrifuge. The RDN evaluated nine bids for supplying centrifuge equipment for the GNPCC Dewatering Upgrade. Our consultant recommended the Alfa Laval unit both from a capital and net present value basis. They indicate that the Alfa Laval is the least costly unit and has the best service available. Alfa Laval's bid was \$322,070 (includes taxes). Alfa Laval has indicated that they will honor this price for the FCPCC dewatering upgrade project.


Staff recommend purchasing the same unit for the FCPCC. There is adequate money in the 2005 budget for this project.

RECOMMENDATION

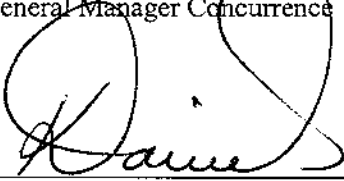
That the Regional District of Nanaimo award supply of a centrifuge for the FCPCC dewatering upgrade for the amount of \$322,070 to Alfa Laval.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO	
JAN 26 2005	
CHAIR	GMDS
	GMDS
CAO	GMDS
	GMDS
COW ✓	
DATE: January 25, 2005	

MEMORANDUM

TO: Carey McIver
Manager of Solid Waste

DATE: January 25, 2005

FROM: Alan Stanley
Solid Waste Program Coordinator

FILE: 5365-70

SUBJECT: Organics Diversion Strategy

PURPOSE

To present to the Board the RDN strategy to divert organics from the landfill.

BACKGROUND

In July 2004 the Board approved the RDN Solid Waste Management Plan (SWMP). The SWMP addresses both waste diversion and residual management and will serve to guide solid waste management related activities and policy development in the RDN. The SWMP has three main components: an update of the 3Rs Plan, evolving it into a Zero Waste Plan; the Stage Three Residual Waste Management Plan; and a Waste Stream Management Licensing Bylaw.

The RDN submitted the SWMP to the provincial Ministry of Water, Land and Air Protection for approval in September 2004. Ministry staff advise that they are in the final stages of reviewing the plan.

The Zero Waste Plan identifies organics diversion as the primary means to reach the goal of 75% diversion by 2010. The attached Organics Diversion Strategy (ODS) has been prepared to provide the Board, the general public and the business community with information on how organic waste will be diverted from disposal. If the ODS is approved, it will be posted to the RDN web site and will comprise the framework for the education and promotion program for organics diversion.

The main initiatives contained in the ODS are a disposal ban on commercial food waste and a study and possible pilot project for residential organics diversion which could lead to curbside collection of organics. The commercial food waste ban is the first phase of the ODS.

ALTERNATIVES

1. Approve the Organics Diversion Strategy for distribution and posting to the RDN web site.
2. Do not approve the Organics Diversion Strategy.

FINANCIAL IMPLICATIONS

The 2005 Annual Budget includes \$24,000 for a legal review of bylaw amendments to ban organics and stewardship materials from disposal and for associated enforcement activities, and to provide educational assistance and organics diversion promotion through site visits to businesses generating organic waste.

In 2006, pending a needs analysis and Budget approval by the RDN Board, funds may be identified for a residential collection organics diversion pilot project. The details and costs of the potential residential pilot program as well as the decision to include organics in the 2006 tender for garbage collection and recycling services will require review and approval by the Board during the 2006 budget deliberations on the Financial Plan. The programs contained in the ODS are in the 2005 Business Plan.

ENVIRONMENTAL IMPLICATIONS

Locally composted organic material provides an environmentally safe product alternative for landscapers, gardeners and farmers. The ODS, fully implemented will save valuable landfill space.

PUBLIC RELATIONS IMPLICATIONS

The RDN public has consistently supported waste reduction and recycling initiatives. During the public consultation process for the SWMP, composting of organics was strongly supported.

SUMMARY/CONCLUSIONS

In July 2004 the Board approved the RDN Solid Waste Management Plan. The SWMP addresses both waste diversion and residual management and will serve to guide solid waste management related activities and policy development in the RDN. The SWMP identifies organics diversion as the primary means to reach the goal of 75% diversion by 2010.

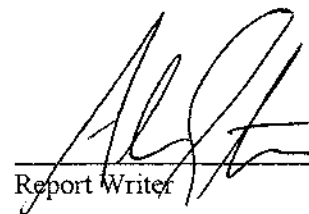
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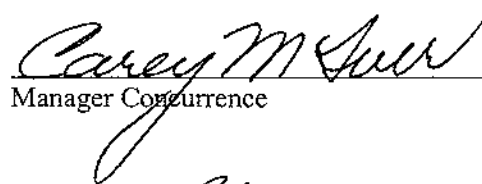
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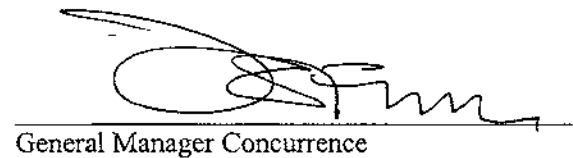
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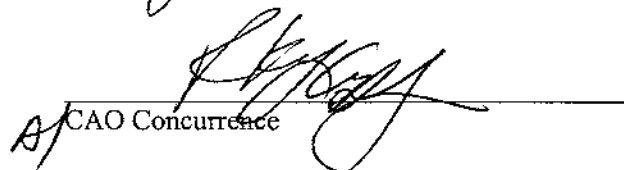
RECOMMENDATION

That the Board approve the Organics Diversion Strategy for general distribution and posting to the RDN web site.


Report Writer


Manager Concurrence


General Manager Concurrence


CAO Concurrence

COMMENTS:

Organics Diversion Strategy

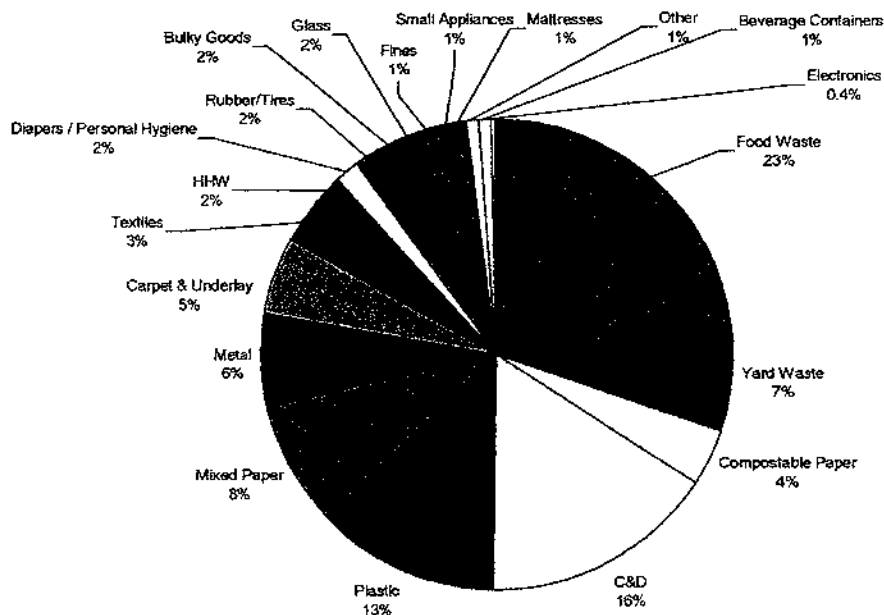
Why Divert Organics?

It's in the Plan

When we reduce the amount of waste that goes into the landfill or other disposal sites, we save resources, reduce costs and minimize our footprint on the environment. That's why the RDN adopted the Zero Waste diversion target in 2002 as its long-term goal. Zero Waste builds on the significant successes of the earlier 3Rs Plan (Reduce, Reuse, Recycle), under which, by 2003, we were diverting 57 percent of our solid waste from the landfill. That was more than the 50 percent target set in 1989 by the provincial environment ministry for all regional districts, but it's still too much. The updated Solid Waste Management Plan (SWMP) approved by the RDN Board in 2004 aims to increase this diversion rate to 75 percent by 2010 by diverting organic materials away from landfill.

Organics Are the Largest Component of Solid Waste

A waste composition study done in the fall of 2004 found that 35 percent total waste sent to landfill is compostable organic material.



This is by far the biggest single component of the waste stream. Broken down by sector, compostable organics make up well over 50 percent of the residential waste stream and 40 percent of the industrial, commercial, institutional (ICI) waste stream. Consequently, diverting compostable organics is the next logical step in waste diversion programs.

Organics Diversion Leads The Way to Zero Waste

Zero Waste is the long-term goal of the SWMP, but the SWMP does not contain a description on how the RDN will achieve Zero Waste. The main reason for this is that we must successfully divert organics before spending significant effort on the final 25 percent of waste that will be left after organics diversion is fully implemented. After organics diversion is a success we will review the remainder of the waste to determine the most promising next steps.

Economic and Infrastructure Development

Composting is an industry that creates a beneficial product. Composting also creates jobs and other economic activity. There are currently two composting operations in the RDN, however, there can be no composting industry if the raw materials required, compostable organics, are sent to the landfill. If we want a strong industry, we must make every effort to divert the feedstock that the industry needs from the landfill to the composting plants.

What Do We Mean By Organics?

In general, compostable organics consist of food waste, compostable paper products such as paper towels and tissues and yard waste. In the RDN over 70 percent of yard waste received at solid waste facilities is already diverted from landfill to local composting plants and yard waste comprises only seven percent of material landfilled. As a result food waste and compostable paper products make up the largest quantity of organic material that is still sent to landfill.

Food Waste

The majority of the organic material going to the landfill is food waste. Food waste includes pre-consumer organic waste from food sales and processing operations such as produce departments of grocery stores, wholesale produce suppliers and kitchen waste from restaurants and institutional facilities (school and hospital cafeterias and food service departments). Food waste also includes post-consumer waste from restaurant bussing stations and institutional facilities. Food waste from the residential sector would also be considered post-consumer food waste.

Soiled paper

There is less volume of waste soiled paper compared to food waste, however soiled paper can be composted and is relatively easy to segregate from the waste stream. Commercial restrooms represent a clean stream of damp paper towels that cannot be recycled as paper fibre, and cumulatively, across the district make up significant amounts of waste.

Other Materials

There are other materials that could be composted such as plastic made from corn or other organic polymers.

Yard Waste

Yard waste is the organic waste that comes from our yards. This includes grass clippings, prunings, vegetable garden waste, brush and branches. Things like dimensional lumber or fencing material are not considered yard waste in the context of the Organics Diversion Strategy.

Who Would Divert Organics?

Like all waste, organic material comes from two broad categories of generators, people in their homes and people in their businesses.

Commercial and Institutional

- Restaurants
- Retail Food Stores
- Wholesale Fresh Food Suppliers
- Hotels
- Schools
- Health Care Facilities including Hospitals

Residential

- Single Family Dwellings
- Multi Family Complexes

How Will We Divert Organics?

Food Waste

The RDN, its businesses and residents have achieved great results in diverting material from disposal, proving that the mechanics of diversion are applicable across a wide range of people, places and materials. The core mechanisms to divert organics are no different from what is already in place for other materials. Organics diversion presents no unsolved technical problems to consider.

Yard Waste

One private waste hauler offers yard waste collection services and another private hauler has plans to introduce a new yard waste service. The RDN solid waste and water departments are working to promote low-water, low-waste landscaping. The Regional Landfill, the composting plant at Duke Point and the Church Road transfer Station all offer drop-off service for residential yard waste. The RDN, through partnership with community gardens, provides backyard composting demonstrations and education.

The numerous options available for yard waste diversion and the effectiveness of these programs in diverting yard waste from disposal indicates that the current yard waste diversion programs should continue.

What is the Priority? First Steps

Commercial Food Waste Diversion

Commercial generators of compostable organic material can achieve early and significant diversion success. In most operations, organic and food waste is mostly separated from other waste already. Examples of this are kitchen waste receptacles in restaurants, waste bins in grocery store produce departments and bags of damp paper towels from commercial restrooms. Little additional effort is required to divert this material to a composting plant.

Some individual businesses generate a lot of organic waste. There is a relatively small number of commercial operations (300-400) that generate organic waste. Fewer sites to work with and larger amounts of organic waste from each site improve the likelihood of success.

Commercial operators are motivated by cost savings. Over time, the cost to compost organic waste should be appreciably lower than the cost to landfill organic waste.

There are already businesses in the RDN that are diverting organics. These early adopters provide case studies that provide valuable information to the rest of the business community in their transition to organics diversion.

Future Steps

Residential Sector

RDN staff is currently studying, and will report on residential organics diversion programs. Other jurisdictions such as the City of Toronto and the Province of Nova Scotia have implemented residential organics diversion programs and the results of these, and other programs will be assessed.

There are a number of different forms that a residential collection program could take. Over the next year, RDN staff, based on the findings of the current study and the results of other programs will decide if a pilot project is needed and where, when and how a pilot project would be carried out.

If a pilot project is undertaken, the results of the project will be analyzed and the findings will help shape the next garbage and recycling contract tender, to be completed in 2006.

Timeline

The implementation of the Organics Diversion Strategy will begin in 2005 and all elements of the strategy will be in place in 2007.

2005

Commercial Food Waste Ban - Activities

- Amend RDN bylaw that governs solid waste management facilities to ban commercial organics.
- Implement communications plan and begin education and promotion of the commercial food waste ban allowing time for businesses to make the transition to organics diversion.
- Present results of residential organics diversion study, with recommendations to Committee of the Whole and Board.
- Implement commercial food waste ban financial penalties.

2006

Based on direction from the RDN Board on residential organics diversion, in 2006 we will either carry out an organics diversion pilot, pending budget approval, or include organics diversion in the garbage and recycling collection tender for the 2007 collection contract.



REGIONAL DISTRICT OF NANAIMO	
FEB 1 2005	
CHAIR	GMCMS
	GMCrS
CAO	GMDS
	GMES
COW ✓	

MEMORANDUM

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

DATE: January 25, 2005

FROM: Carey McIver
Manager of Solid Waste

FILE: 5360-40

SUBJECT: Landfill Gas Collection System Expansion – FCM Grant Agreements

PURPOSE

To obtain Board approval to enter into legal agreements with the Federation of Canadian Municipalities (FCM) for the administration and disbursement of their grant to expand the RDN landfill gas collection system.

BACKGROUND

In October 2002 the Board accepted the offer of a conditional grant of \$505,000 from the FCM Green Municipal Funds to expand the gas collection system at the Regional Landfill. In exchange for the grant the RDN agreed to temporarily transfer the rights to any greenhouse gas (GHG) emission reductions that result from the project to the FCM. In turn, the FCM planned to recover the grant plus interest by trading these emission reduction rights on the emerging Canadian emissions trading market established under the Kyoto Protocol. Once the FCM recovered the cost of the grant plus interest, the emission reduction rights would revert back to the RDN.

The goal of this pilot project is to demonstrate to other local governments how GHG emission reduction rights trading can help finance the cost of green municipal environmental projects. The FCM are also undertaking a similar pilot project with the Fraser-Fort George Regional District (FFGRD) to fund the construction of a gas collection system at their landfill.

The new RDN LFG collection system was commissioned in December 2003 and consists of a collection field with 25 vertical extraction wells and a control plant with a 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.

Due to the innovative nature of this pilot, the agreements required to facilitate the transfer of the emissions reduction rights to the FCM have gone through several major drafts involving considerable discussion between staff and lawyers for the RDN, FFGRD and FCM. Board approval is required to execute the agreements consisting of a Grant Agreement with FCM and a Project and Transfer Agreement with the Green Municipal Corporation (GMC), which was formed by the FCM to trade the emission reduction rights.

Grant Agreement

Under the Grant Agreement with the FCM the RDN is to be paid the sum of \$580,328. This amount represents 50 percent of the actual costs to construct the new gas collection system and prepare the legal agreements as well as 50 percent of the costs associated with developing an Environmental Management

System to the ISO 14001 standard for the site. Under section 5.01(d) of the Grant Agreement, the RDN is to operate the project in accordance with sound engineering, financial and business practices.

Project and Transfer Agreement

The Project and Transfer Agreement (PTA) is the companion to the Grant Agreement. Under the PTA, the RDN agrees with the GMC to:

1. transfer all emission reductions and emission reduction rights to the GMC equivalent in value to the full amount of the grant plus the RDN's share of GMC's operating expenses; and
2. operate the landfill in accordance with all applicable laws, the project description and requirements set out in Schedule "A", due diligence, best practices and the GMC Monitoring and Verification Protocol which is Schedule "B" to the PTA.

The term of the agreement is the shorter of ten years from the date of execution of the agreement or until the sale of the emission reduction rights is equivalent to \$580,328 plus the RDN's share of GMC's operating expenses. Because there are no long-term capital obligations, this ten year agreement does not require the assent of the electors.

For its part, the GMC agrees to make efforts in good faith to sell the emission reduction rights to recover the money to be credited against the amount of the grant plus the RDN's share of GMC's operating expenses. The sale of the emission reduction rights, however, is under the complete control of GMC.

If the project does not generate enough emission reduction rights to allow for the FCM to make up the amount of the grant together with its costs, then the agreement expires at the end of ten years and the RDN is under no further obligation to FCM.

The agreement may be terminated by GMC if any of the following occur:

1. RDN breaches the agreement or a warranty;
2. the project fails because RDN cannot deliver at least 75 percent of the estimated emission reduction rights;
3. a party becomes bankrupt; or
4. RDN fails to comply with applicable laws.

On termination, the RDN's only continuing obligations would be;

1. to indemnify GMC/FCM or the federal government for its negligence or breach;
2. preserve confidentiality as required under the agreement for five years; and
3. take over any emission reduction rights sales contracts that FCM has negotiated.

In summary, under two agreements, the Regional District is being given an amount of money as a grant to construct a gas collection system at the Regional Landfill. In exchange, the RDN is agreeing to transfer emission reduction rights that will arise as a result of this gas collection system to a third party, the GMC. The RDN will be legally obligated to GMC and FCM to operate the Regional Landfill in accordance with best industry practices from the time that it enters into this agreement.

ALTERNATIVES

1. Approve the execution and delivery of the Grant Agreement with FCM including the Project and Transfer Agreement with GMC.
2. Do not approve the execution and delivery of the Grant Agreement with FCM including the Project and Transfer Agreement with GMC.

FINANCIAL IMPLICATIONS

Under Alternative 1, the RDN will be required to pay for the monitoring, reporting and verification requirements contained in the GMC Monitoring and Verification Protocol. This protocol requires that the RDN prepare quarterly and annual emission reduction reports and have these reports verified by an approved third party verifier.

The GMC will pay for the cost to develop the internal reporting framework as well as the first verification and verification report. Our consultants are currently preparing this framework at a cost of \$25,000. The reporting framework is being developed such that landfill staff will only need to enter data and reports will be generated automatically. For subsequent years the RDN will be required to pay for the annual verification report at a cost of roughly \$5,000 yearly.

Under Alternative 2 the RDN would not receive any grant monies from the FCM or GMC.

PUBLIC RELATIONS IMPLICATIONS

Locally, the expansion of the LFG collection system has provided improvements in odour control adjacent to the landfill. Nationally, this project has a high level of innovation, performance improvement and replication potential and consequently FCM expect that there will be considerable interest in this project from across Canada.

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 reducing greenhouse gas emissions from the site by at least 30,000 tonnes of carbon dioxide equivalent (CO₂e) per year. Trading the emission reduction rights associated with this project will promote landfill gas collection projects elsewhere. 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.

STRATEGIC PLAN IMPLICATIONS

In November 2002 the RDN joined the Partners for Climate Protection Program (PCP) to reduce GHG produced locally. In 2003 the RDN included the reduction of GHG in the Board's strategic plan and established the Climate Change Standing Committee to facilitate the implementation of the PCP milestones and build commitment to reducing GHG emissions. This project represents a significant reduction in GHG produced in the RDN and will be included in the region-wide community and corporate GHG inventory to be undertaken in 2005 with assistance from the FCM Green Municipal Fund.

SUMMARY/CONCLUSIONS


In October 2002 the Board accepted the offer of a conditional grant from the Federation of Canadian Municipalities (FCM) Green Municipal Funds to expand the gas collection system at the Regional Landfill. In exchange for the grant the RDN agreed to temporarily transfer the rights to any greenhouse gas (GHG) emission reductions that result from the project to the FCM. In turn, the FCM planned to recover the grant plus interest by trading these emission reduction rights on the emerging Canadian emissions trading market established under the Kyoto Protocol. Once the FCM recovered the cost of the grant plus interest, the emission reduction rights would revert back to the RDN.

Board approval is required to execute the agreements necessary to facilitate the transfer of the emissions reduction rights from the RDN to the FCM. Under two agreements, the Grant Agreement with FCM and the Project and Transfer Agreement with the Green Municipal Corporation (GMC), formed by the FCM to trade the emission reduction rights, the Regional District is being given a grant of \$580,328 to construct a gas collection system at the Regional Landfill. In exchange, the RDN is agreeing to transfer emission reduction rights that will arise as a result of this gas collection system to a third party, the GMC. The RDN will be legally obligated to GMC and FCM to operate the Regional Landfill in accordance with best industry practices from the time that it enters into this agreement.


Copies of the Grant Agreement between FCM and RDN and the Project & Transfer Agreement between GMC and RDN can be obtained from the Environmental Services Department and will also be available at the February 8, 2005 Committee meeting.

RECOMMENDATION

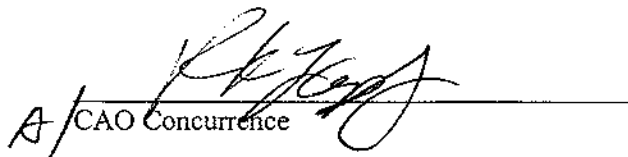
1. That the Board approve the execution and delivery of the Grant Agreement with the Federation of Canadian Municipalities including the Project and Transfer Agreement with the Green Municipal Corporation.

 FOR C. McIVER.

Report Writer



General Manager Concurrence



A/CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO	
FEA - 7 2005	
CHAIR	GMCrs
	GMCrs
CAO	GMDS
	GMES
COW ✓	
DATE:	

MEMORANDUM

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

DATE: February 1, 2005

FROM: Mike Donnelly
Manager of Utilities

FILE: 0230-20-MVIHES

SUBJECT: Mid Vancouver Island Habitat Enhancement Society
Request for Letter of Support

PURPOSE

To present the Mid Vancouver Island Habitat Enhancement Society’s request for an RDN letter of support for their planned Community Watershed Stewardship Pledge project.

BACKGROUND

The Mid Vancouver Island Habitat Enhancement Society (MVIHES) has requested that the RDN Board provide a letter supporting its funding request for the upcoming Community Watershed Stewardship Pledge project. The letter of support would be included in the funding request being forwarded to Environment Canada’s EcoAction program. No funding is being requested from the RDN. (Please see letter attached as Appendix 1).

MVIHES is the local advisory group for the Pacific Salmon Endowment Fund (PSEF) and works closely with the Englishman River Watershed Recovery Plan. They undertake salmonid conservation, habitat restoration and educational activities in the mid-island region. Staff have met with representatives of the organization in the past and have reviewed literature from previous projects that illustrate similar goals to the RDN with respect to water conservation.

Through its work, the MVIHES has identified areas where improvements to the Englishman River watershed can be made. The Community Watershed Stewardship Pledge project (CWSP) is a result of that work. The CWSP would provide information on sources of pollution and toxins that can enter the waterways and on environmentally friendly practices that will not harm fish or habitat. The project targets businesses and residents and provides a mechanism whereby they can actively participate in reducing levels of pollution and toxins in the watershed. This project compliments the RDN’s goals with respect to drinking water protection and the sustainability of those sources.

Stewardship groups such as MVIHES, active in a number of areas with respect to water supply, will be valuable partners in educating the public and in encouraging action on issues related to water quantity and quality in the regional district. Liaison with such groups will be increasingly important as the regional district continues to develop programs and initiatives directed at the protection and sustainability of drinking water.

ALTERNATIVES

1. Provide a letter of support to MVIHES for the Community Watershed Stewardship Pledge project.
2. Do not provide a letter of support.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this request.

CITIZEN IMPLICATIONS

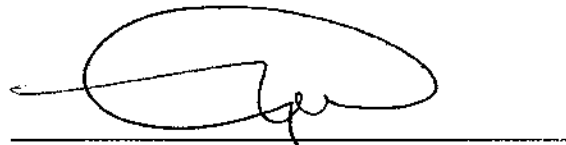
Support for this initiative would compliment the RDN's intentions with respect to Drinking Water Protection in the region.

SUMMARY/CONCLUSIONS

The Mid Vancouver Island Habitat Enhancement Society (MVIHES) has requested that the RDN Board provide a letter supporting its funding request for the upcoming Community Watershed Stewardship Pledge project. The letter of support would be included in the funding request being forwarded to Environment Canada's EcoAction program by the MVIHES.

RECOMMENDATION

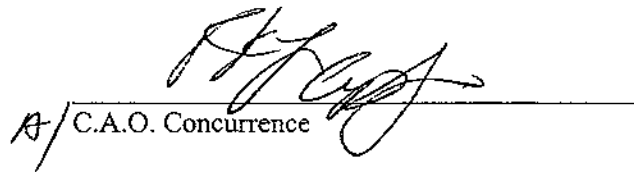
That the Board direct staff to provide a letter of support for the Mid Vancouver Island Habitat Enhancement Society's Community Watershed Stewardship Pledge program.



Report Writer

 A/am

General Manager Concurrence



A/ C.A.O. Concurrence

COMMENTS:



Englishman River Watershed Recovery Plan

January 21, 2005

Mike Donnelly,

The mandate of the Mid Vancouver Island Habitat Enhancement Society is to promote community-based salmon stewardship and conservation from Lantzville to Deep Bay on Vancouver Island as well as on Lasqueti Island.

ERWRP
PO Box 935
Parksville, BC
V9P 2G9
www.mvihes.bc.ca

(250) 752 9297

(250) 248 8402

MVIHES plays a central role in the Englishman River Watershed Recovery Plan, acting as the local advisory group for the Pacific Salmon Endowment Fund (PSEF). It coordinates and disseminates information regarding the Recovery Plan progress and opportunities for participation. The society also raises public awareness of the Recovery Plan through Stewardship and Education projects in the Englishman River watershed.

Because of our involvement with the Plan, we are also becoming more aware of impacts to the Englishman River due to human activity. A main impact is from the storm drain system of the downtown area of Parksville that empties into the Englishman River estuary, along with impacts from development/human activity on Shelly Creek, one of the Englishman River's tributaries.

A good percentage of the target area of the Englishman River watershed is residential single-family dwellings along with commercial businesses. The lifestyles of the residents in the area have a large impact on water quality in the Shelly Creek, the estuary and Parksville Bay. A campaign to encourage the use of best management practices to reduce the impact of storm water pollution and volume is urgently needed to educate the community on why and how to reduce and prevent pollutants and excess run-off from businesses, institutions and households from reaching the lower Englishman River and its tributaries.

MVIHES is proposing a Community Watershed Stewardship Pledge Project for the coming year. Our goals are to educate the businesses and residents to help people become aware of the toxins and pollution that can end up in waterways and help them choose environmentally friendly practices that won't harm fish or fish habitat, and to help the businesses and residents reduce the impact of impervious areas which will help preserve and restore natural flow patterns and volume of run-off. The Pledge Project will focus on businesses, institutions and households in the lower reaches of the Englishman River watershed in the city of Parksville and Area G, Regional District of Nanaimo, including the estuary and Shelly Creek tributary.

The format for reaching the target businesses, institutions and residents will follow the successful template used by other stewardship initiatives - i.e. **informative brochures** will be delivered to each residence, institution and business in the target area, providing an opportunity for the community to pledge their willingness to participate in the program. (Note: we will not include automotive businesses, which were targeted in a 2003 business stewardship project)

Once businesses, institutions or residents sign up to participate, they will receive a Best Management Practices (BMP) Information packages specific to their needs. This package will offer BMP tips and suggestions on what can be done around the home or business to create a healthier environment and waterway. An Environmental Self-Assessment survey and recommendations based on survey results will also be included in the package. Participants will receive an award recognizing them as Community Eco-Partners.

I am writing to you on behalf of the MVIHES to ask for your support for this important project. If our funding application to Environment Canada's EcoAction program is successful, we will be forming a Community Stewardship Pledge Advisory Committee and we would be pleased if a member of your organization could commit to attending two brief meetings over the next year to allow community input into the project. The first meeting will be held in June 2005.

If you are interested in joining this important community stewardship initiative could you please write a letter of support for the Community Watershed Stewardship Pledge Project? This letter will be forwarded with our funding application and it is an important component to a successful application.

Letters of support and Advisory Committee representatives are being solicited from the City of Parksville, the Regional District of Nanaimo, Parksville & District Chamber of Commerce, School District 69, Fisheries & Oceans Canada, the Ministry of Water, Land & Air Protection, Parksville Residents Association, Parksville Streamkeepers Association, Quality Foods in Parksville, and the Arrowsmith Naturalists.

Thank you for your attention to this matter. Please don't hesitate to call me if you would like more information.

Best Regards,

Carol Cornish
Stewardship & Education Coordinator
MVIHES
PO Box 935
Parksville, BC V9P 2G9
Phone/fax 248-8402
crcornish@shaw.ca

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE
REGIONAL GROWTH MONITORING ADVISORY COMMITTEE /
STATE OF SUSTAINABILITY PROJECT MEETING
HELD ON WEDNESDAY, JANUARY 12, 2005
IN THE COMMITTEE ROOM

Present:

Director Bill Holdom	Chair
Director Dave Bartram	Deputy Chair
Brian Anderson	
Douglas Anderson	
Gordon Buckingham	
Betty Collins	
Janet Farooq	
Adele McKillop	
Sylvia Neden	
Ross Peterson	

Also in attendance:

Christina Thomas	Senior Planner, Community Services
Neil Connelly	General Manager, Community Services
Kelly Daniels	Chief Administrative Officer
Director Joe Stanhope	Chair, RDN Board

Absent:

Sharon Thomson

CALL TO ORDER

Director Holdom called the meeting to order at 7:00 PM.

MINUTES

The minutes from the previous meeting (Dec.8/04) were approved as presented.

NEW BUSINESS

a) Advancing Sustainability in the Regional District of Nanaimo at the Corporate Level

Director Holdom introduced Director Joe Stanhope (Chair, RDN Board) and Kelly Daniels (RDN Chief Administrative Officer), indicated that they had been invited to attend the meeting in response to the interest expressed by the RGMAC in July of 2004 in the advancement of sustainability at the corporate level of the Regional District of Nanaimo organization, and invited the two guests to share their perspectives about this topic.

Director Stanhope provided information about the Board's current strategic plan and how it advocates a wide variety of work related to the advancement of sustainability in the region. Director Stanhope indicated that the Board develops a new strategic plan once every three years, and that sustainability could become a more prominent aspect in the next strategic plan scheduled to be developed early in 2006. Director Stanhope identified a wide range of activities the RDN has undertaken that enhance the sustainability of the region. Director Stanhope suggested that the RGMAC continue to keep the Committee of the Whole and Board apprised of its work, and suggested that RGMAC members speak as

delegations to the Committee of the Whole and Board about their work. Director Stanhope emphasized the importance of obtaining public support for the advancement of sustainability.

K. Daniels described the administrative context for the RDN within which sustainability could be advanced. His presentation included a description of the corporate planning model used by the RDN which includes vision documents (e.g. the Board Strategic Plan, the Regional Growth Strategy, official community plans), implementation activities (e.g. zoning bylaws, liquid waste plans, solid waste plans, parks and recreation master plan, regional parks plan, transit business plan, etc.), and support services (e.g. long term capital plan, information technology, human resources plans).

RGMAC members asked the guests questions regarding a wide range of matters related to sustainability advancement within the organization, including: issues faced by the RDN in the management of various types of land uses on rural lands given the existence of legislation that supersedes RDN authority (e.g. forestry and agriculture activities), watershed protection, ways of promoting a sustainability-friendly attitude among residents and government staff, the prominence of sustainability in Greater Vancouver Regional District activities, how to enhance the contribution of forestry activities to the region, institutional leadership, communication with residents about RDN activities related to sustainability, opportunities for the RGMAC to promote sustainability work and communicate with the Committee of the Whole/Board, and the report the RGMAC will be preparing about the sustainability of the region based on the chosen sustainability indicators.

OLD BUSINESS

a.) Sustainability Indicators for the Regional District of Nanaimo

Director Holdom updated the RGMAC regarding the Committee of the Whole consideration of a staff report about the selection of sustainability indicators on January 11, 2005. Director Holdom stated that the Committee of the Whole acknowledged RGMAC work conducted to date, approved the use of the Tier 1 indicators in the report about the sustainability of the region, approved additional work regarding a groundwater indicator and the addition of \$6,000 to the budget to provide for this work, and requested that the RGMAC review the scope of the survey related to institutional leadership and management and provide a recommendation to the Board about it in due course. Director Holdom indicated that the Board is scheduled to consider the Jan.11/05 Committee of the Whole recommendations about sustainability indicators at its January 25, 2004 meeting.

RGMAC members shared their initial perspectives regarding the utility of a public survey related to institutional leadership and management and flagged the topic for further discussion. B. Anderson suggested that consideration be given to soliciting funding from external organizations for the purpose of offsetting the cost of packaging and distributing the sustainability report.

C. Thomas distributed the finalized December 21, 2004 version of the Westland Resource Group report, "State of Sustainability Project – Sustainability Indicator Selection", the Westland Resource Group December 20, 2004 memorandum regarding Westland's further consideration of the four sustainability indicators requested by the RGMAC on December 8, 2004, and the January 4, 2005 staff report titled "State of Sustainability Project – Selection of Sustainability Indicators" considered by the Committee of the Whole on January 11, 2005. C. Thomas indicated that the Westland Resource Group report includes adjustments suggested by the RGMAC, and that the memorandum indicates that Westland recommends no changes in regard to the four sustainability indicators reconsidered because they do not meet the criteria approved by the RGMAC.

Director Bartram provided information about drinking water protection work that he made a Notice of Motion about at the January 11, 2005 Committee of the Whole meeting. Director Bartram indicated that he intends to make a motion at the February 8th Committee of the Whole meeting to request that the RDN consider providing additional services related to water conservation, drinking water education and

awareness, water quality and quantity information, and drinking water/watershed protection planning to all electoral areas, not just the portions of electoral areas within RDN water service areas.

NEXT MEETINGS

The next meetings were set for February 9, 2005 at 7:00 PM, and March 10, 2005 at 5:00 PM. C. Thomas stated that it is anticipated that the topic of discussion at the February meeting will be the work program to prepare the sustainability report, and that arrangements are being made for selected staff from the provincial and federal government to attend the March meeting to provide information about what these orders of government are doing in regard to sustainability. The RGMAC asked if information about the federal and provincial government participants and information about their presentations could be provided to the RGMAC in advance of the meeting, and staff indicated that it would request this information from the speakers.

C. Thomas requested RGMAC feedback regarding a potential opportunity to meet with a Malaspina College geography class to obtain a youth perspective about sustainability. The RGMAC enthusiastically supported the idea. C. Thomas indicated that a second RGMAC meeting would likely be scheduled in March 2005, at a date to be determined, for this purpose.

C. Thomas distributed information to the RGMAC about two upcoming free lectures at Malaspina College regarding sustainability.

ADJOURNMENT

Director Holdom adjourned the meeting at 9:00 PM.

Chair, Director Bill Holdom

Minutes for the Meeting held:
Thursday, January 13, 2005 @ 9:00 AM
Regional District of Nanaimo – Conference Room
6300 Hammond Bay Road, Nanaimo, BC

Present:

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

1. **Call to order.**

N. Connelly called the meeting to order at 9:00 AM.

2. **Minutes from Previous Meeting**

The minutes from the previous meeting (Dec.14/04) were approved as presented.

3. **Old Business**

a) ***Urban Containment & Fringe Area Management Implementation Agreement Review***

B. Mueller facilitated discussion related to the Urban Containment and Fringe Area Management Implementation Agreement Review.

B. Mueller summarized project progress made at the December 14, 2004 IAC meeting. It was noted that at this meeting participants had reviewed draft criteria for UCB changes prepared by RDN staff based on IAC November 25, 2004 meeting direction, discussed a variety of options for fine-tuning the criteria, requested staff to provide some additional alternatives for discussion at the next meeting, discussed whether the Urban Containment and Fringe Area Management Implementation Agreement should include direction regarding the definition of the level/type of development that should be inside the Urban Containment Boundary and decided that the Agreement does not need to include this type of direction because there is sufficient direction in the Regional Growth Strategy, and discussed the process for making changes to the UCB, and decided that there are no issues related to the process.

B. Mueller requested confirmation regarding the record of the December 14, 2004 meeting. Participants agreed that the record was accurate.

Participants reviewed the amended draft criteria for UCB changes prepared by RDN staff based on IAC November 25, 2004 and December 14, 2004 discussions. As a part of this discussion participants also discussed the relationship between Regional Growth Strategy Policy 3C and the criteria that land not be in the Agriculture Land Reserve (ALR) and decision making roles regarding the ALR. Participants concurred with the presented wording of the criteria.

Participants discussed issues related to *land use inside the UCB*, as follows:

- The utilization of land inside the UCB: Participants acknowledged that the criteria for UCB changes enables a discussion about this matter as a part of UCB changes to the extent deemed appropriate by the parties. Participants concurred that the most appropriate place to

consider providing more direction about this topic is through the next scheduled review of the Regional Growth Strategy and not the present review of the Urban Containment and Fringe Area Management Implementation Agreement.

- Regional Growth Strategy land use designation of land inside the UCB: Participants briefly discussed the different types of land uses that comprise open spaces as well as the appropriateness of golfcourses and other types of open spaces being designated as “Resource Lands and Open Space” inside the UCB given the Regional Growth Strategy policy context which focuses on resource activities. Participants concurred that the most appropriate place to address this topic is through the next scheduled review of the Regional Growth Strategy and not the present review of the Urban Containment and Fringe Area Management Implementation Agreement.
- The relationship between Regional Growth Strategy Policy 3A and UCB changes: C. Thomas explained that the RDN acknowledges that any request to change the UCB would be accompanied with a request to change the land use designation of the property thereby negating the applicability of Policy 3A. Participants concurred that this could be examined in the next scheduled review of the Regional Growth Strategy, with the view to providing more clarification about the matter in the Strategy if deemed appropriate.

Participants discussed issues related to *land use outside the UCB*, as follows:

- Referral requirements / input into decisions made by other local governments: Participants identified and discussed a variety of mechanisms presently in place that provide for dialogue between local governments about decisions under the jurisdiction of other local governments. There was discussion regarding the extent of land within which a jurisdiction might be interested in having input into decisions about (i.e. the watershed, within a specified distance of a municipal boundary, on the border of a municipal boundary, etc.) Participants also discussed the direction contained in the Regional Growth Strategy and how it would provide certainty about land use. Participants requested that a document be developed to describe the mechanisms in place for local governments to have input into other local government’s land use decisions, for review at the next meeting.
- Definition of level & type of development appropriate for land outside UCB: Participants concurred that the Regional Growth Strategy provides sufficient direction regarding the level and type of development appropriate for land outside the UCB. Participants agreed that consideration could be given in the next Regional Growth Strategy Review to amendments concerning the designation and uses supported on open spaces as opposed to resource lands, and to clarify the difference between UCBs and municipal boundaries.

Participants discussed issues related to *municipal boundary extension*, as follows:

- Municipal boundary extensions: Participants briefly discussed the use of the Urban Containment and Fringe Area Management Implementation Agreement in previous municipal boundary incorporation decisions and agreed that the agreements developed as a part of the review of the Urban Containment and Fringe Area Management Implementation Agreement should not include any direction regarding municipal boundary extensions.
- Definition of urban fringe municipal boundary extension candidate areas: Given that participants agreed that the agreements developed as a part of the review of the Urban Containment and Fringe Area Management Implementation Agreement should not include any direction regarding municipal boundary extensions participants agreed that this would no longer be an issue.

4. **New Business**


None

5. **Next Meetings**

The next meetings are January 27th, February 8th, and March 10th. It is anticipated that the possible requests from the City of Nanaimo to change the UCB will be considered at the March 10th meeting, that the City of Parksville Regional Context Statement will be considered for continued acceptance at one of these meetings, and that the review of the Urban Containment and Fringe Area Management Implementation Agreement will be a priority topic of discussion at all of the meetings.

6. **Adjournment.**

The meeting was adjourned at approximately 11:15 AM



Chair, N. Connelly

**Minutes for the Meeting held:
Thursday, January 27, 2005 @ 1:30 PM
Regional District of Nanaimo – Committee Room
6300 Hammond Bay Road, Nanaimo, BC**

Present:

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

1. **Call to order.**

C. Thomas, Acting Chair, called the meeting to order at 1:40 PM.

2. **Minutes from Previous Meeting**

I. Howat requested that the minutes be amended to reflect that there is concern that the Regional Growth Strategy does not provide sufficient direction regarding the level and type of development appropriate for land inside the UCB versus outside the UCB. The minutes from the previous meeting (Jan.13/05) were approved as amended.

3. **Old Business**

a) ***Urban Containment & Fringe Area Management Implementation Agreement Review***

B. Mueller facilitated discussion related to the Urban Containment and Fringe Area Management Implementation Agreement (UCFAMIA) Review.

B. Mueller summarized project progress made at the January 13, 2005 IAC meeting. B. Mueller indicated that the participants discussed all of the issues identified thus far as a part of the UCFAMIA Review, and requested RDN Regional Growth Management Services staff to:

- develop a first draft of a revised Urban Containment Implementation Agreement based on IAC direction to date;
- develop a list of issues identified as a part of the UCFAMIA Review that would be better addressed in the next review of the Regional Growth Strategy than in the subject implementation agreement; and
- provide descriptive information about the mechanisms currently in place to enable local governments in the Regional District of Nanaimo to have input into other local government decisions in the region.

C. Thomas provided an overview of the mechanisms currently in place to enable local governments in the Regional District of Nanaimo to have input into other local government decisions in the region. The overview included information about the high degree of certainty that the existing Regional Growth Strategy provides regarding the level and type of development permitted in the region, the numerous opportunities for municipalities and the electoral areas to provide input into all proposed changes to the Regional Growth Strategy, and the opportunities for input for proposed developments that are consistent with the Regional Growth Strategy but require an official community plan or zoning bylaw amendment, a development permit, a development variance permit, or approval of a subdivision. The overview also indicated arrangements can be made for any RDN

municipality to participate in the RDN electoral area planning function so that the municipality has an opportunity to directly participate in votes about land use matters in one or more electoral areas.

The IAC members discussed their perspectives about the mechanisms currently in place to enable local governments in the RDN to have input into other local government decisions in the region. B. Lapham stated that from the electoral area perspective the Regional Growth Strategy provides a high degree of certainty regarding land use in the rural areas, that for developments that are at variance to the Regional Growth Strategy there are numerous opportunities in the RGS amendment process for RDN local governments to directly influence decision making about the development, and that where a proposed land use is consistent with the Regional Growth Strategy but requires a development application of some sort the RDN's and other local government's standard operating practices provide suitable opportunities for input. P. Butler expressed concern about the opportunities for member municipality input into RDN electoral area land use decisions and, in particular, the use of parcel averaging to achieve smaller parcel sizes on land outside the Urban Containment Boundary. I. Howat referred to discussion about the topic that took place as a part of the recent Regional Services Review, and indicated that municipalities that want direct influence in electoral land use decisions can negotiate custom arrangements to participate in the various aspects of the electoral area planning function, thereby entitling them to a vote on land use decisions of interest.

C. Thomas provided an overview of the draft revised Urban Containment Implementation Agreement based on IAC discussion and direction to date. It was noted that the key differences between the existing UCFAMIA and the new draft revised one are as follows:

- The addition of the District of Lantzville as a signatory to the Agreement;
- The deletion of all material related to decisions about municipal boundary extensions;
- New replacement criteria for decisions about Urban Containment Boundary changes;
- An alternative method of communicating the process for Urban Containment Boundary decisions in Appendix 2; and
- Replacement of the term, "Regional Growth Management Plan" with "Regional Growth Strategy."

The IAC members discussed their perspectives regarding the draft revised agreement, and requested that specific sections of the agreement concerning growth management harmonization within urban fringe municipal boundary extension candidate areas, growth management in boundary extension areas outside the Urban Containment Boundary, and coordinating planning in urban containment areas be deleted since they do not specifically concern the location of the urban containment boundary and the supply of land for urban development. P. Butler requested that consideration be given to incorporating the deleted material into a rural fringe implementation agreement or addressing the topic through some other avenue.

C. Thomas provided an overview of the issues the IAC identified as a part of the UCFAMIA Review that would be more appropriately addressed as a part of the next Regional Growth Strategy Review. The IAC concurred with the list, and requested that the following issue be added to it: the Industrial land use designation (i.e. should Industrial designated land be inside or outside the UCB? what types of land uses should be permitted in the designation?).

The IAC requested the following work to be undertaken so that it may be discussed at the next meeting:

- RDN Regional Growth Management Services staff to:
 - update the first draft of the Urban Containment Implementation Agreement by deleting specific identified sections;
 - develop a proposal regarding the procedure for advancing the Urban Containment Implementation Agreement to the RDN Board and member municipality councils;
 - provide recommendations regarding the fulfillment of public consultation requirements regarding the new Agreement;

- P. Butler to discuss and develop with the Town of Qualicum Beach administration and council a proposal regarding how it would like to provide input into electoral area land use decisions.

4. **New Business**

C. Thomas requested an update on the status of the Regional Context Statement for the Town of Qualicum Beach Official Community Plan. P. Butler indicated that the Town is in the process of working on the document.

5. **Next Meetings**

The next meeting date was changed from February 8th to February 7th to accommodate a member's schedule. It is anticipated that the City of Parksville Regional Context Statement will be considered for continued acceptance at this meeting, and that discussion related to the UCFAMIA Review will continue.

It is anticipated that the possible requests from the City of Nanaimo to change the UCB will be considered at a March 10th meeting.

6. **Adjournment.**

C. Thomas adjourned the meeting at 4:10 PM.


Acting Chair, C. Thomas

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE TRANSIT BUSINESS PLAN UPDATE SELECT COMMITTEE
MEETING HELD ON THURSDAY, JANUARY 27, 2005, AT 12:00 PM
IN THE RDN COMMITTEE ROOM**

Present:

Director T. Krall	Chairperson
Director R. Cantelon	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director T. Westbroek	Town of Qualicum Beach
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, Community Services
C. Mason	General Manager, Corporate Services
R. Henry	Manager, Transportation Services
N. Avery	Manager, Financial Services
R. Reimer	City of Nanaimo

Regrets: Director D. Haime Electoral Area D

CALL TO ORDER

The meeting was called to order at 12:05 pm.

MOVED by Director Cantelon, SECONDED by Director Stanhope, that the Minutes of the Transit Business Plan Update Select Committee meeting held December 16, 2004 be received. CARRIED

CORRESPONDENCE

MOVED by Director Westbroek, SECONDED by Director Stanhope, that the letter from R. Davies, re: a bus transit terminal / recreation vehicle parking facility at 109 Front Street and Number 7 Portway, dated December 29, 2004, be received for information and that staff include this proposal as part of the long-term transit study. CARRIED

MOVED by Director Westbroek, SECONDED by Director Cantelon, that the letter from H. Davis re: transit schedules, dated January 10, 2005, and the response letter from staff dated January 25, 2005, be received for information. CARRIED

MOVED by Director Krall, SECONDED by Director Stanhope, that the letter from R. Stanley, re: the request for HandyDART service for the Wednesday night Special Olympics Program, dated November 14, 2004, and the response from staff dated December 10, 2004, be received for information. CARRIED

MOVED by Director Kreiberg, SECONDED by Director Westbroek, that the brochure on solar-powered LED lighting from Carmanah Technologies Inc., dated 2004, be received for information and that staff consider such technologies for future requirements, subject to budget requirements. CARRIED

ADMINISTRATION

Area "H" HandyDART Service

N. Connelly briefed the Committee on budget impacts associated with the current level of HandyDART service for Area H. He advised that prior to the June 2004 introduction of Community Bus, Area H was included within the District 69 HandyDART service area. The governing Bylaw provided cost sharing between the five participant areas, based on the number of trips to each area. Accordingly, Area H covered a very small portion of costs (1%). When the bylaw for Community Bus for Areas E, G, Parksville and Qualicum Beach was implemented in 2004, a separate bylaw and service was implemented for Area H. It provided for the use of taxis for HandyDART clients for Area H, and if necessary, the use of a HandyDART van, which has resulted in the need for a higher tax requisition to support the service in 2005.

MOVED by Director Stanhope, SECONDED by Director Westbroek, that staff review and report on the feasibility of the following options:

1. increase HandyDART fares (e.g. multi-zone HandyDART fare)
2. provide for service transfers from Qualicum Civic Centre south, and return service from points south to Qualicum Civic Centre
3. investigate reduced taxi rate arrangements
4. review possible service arrangements in conjunction with the Comox-Strathcona Regional District transit service. CARRIED

Director Bartram further requested staff to investigate the potential for HandyDART clients to take advantage of veteran benefits for transportation service.

Area "A" HandyDART Service Expansion Proposal

N. Connelly outlined the proposal to extend limited HandyDART service to the balance of Cedar and advised that the expansion would require both Bylaw amendment and budget adjustment. The cost allocation formula in the Bylaw provides for the four participants (Nanaimo, Lantzville, Areas A and D) to share all costs based on the number of trips from each Area. Given Nanaimo's percentage of service under the current framework, the proposed expansion would result in the burden of expansion costs to be borne by the City of Nanaimo.

MOVED by Director Kreiberg, SECONDED by Director Westbroek, that the Area "A" HandyDART Service Expansion Proposal report be received for information and that staff prepare a report on the cost allocation formula in the bylaw. CARRIED

Transit Budgets – 2004 Year End and 2005

N. Connelly provided a financial overview (2004 Year End and 2005) for the Southern Community Transit (Conventional and HandyDART) and the Parksville / Qualicum Community Bus systems. He

advised that the final 2005 budget for the southern system did not include costs to relocate the downtown Nanaimo transit exchange (\$18,000) as well as costs to study the long-term approach to downtown transit (\$30,000).

MOVED by Director Westbrook, SECONDED by Director Cantelon, that the Southern Community Transit budget provide for the transit exchange relocation and the study for downtown Nanaimo transit.
CARRIED

It was noted that the Downtown Nanaimo partnership may be able to provide some student assistance to collect background information for the transit study.

NEW BUSINESS

Director Westbrook asked staff to review the possibility of service route alterations in the area of EagleCrest and Village Way.

Director Stanhope asked staff to contact the Nanoose Bay First Nation to review the possibility of funding support for RDN Transit service along the Island Highway corridor bordering the Reserve (north of Lantzville).

Transit Services Review

Staff advised that the proposed bid by Myers Norris Penny to conduct the Transit Services Review has been received. Based on the statement of work requirements, costs would be \$16,600 plus expenses and applicable taxes. C. Mason recommended approval of the bid, with costs above the \$10,000 allocation approved by the Committee in December 2004 to be borne by Corporate Services through the interdepartmental fee.

MOVED by Director Westbrook, SECONDED by Director Kreiberg, that the verbal report on the Transit Service Review be received.
CARRIED

ADJOURNMENT

The meeting was adjourned at 1:15pm.

T. Krall
Chair