

**REGIONAL DISTRICT OF NANAIMO**

**COMMITTEE OF THE WHOLE  
TUESDAY, MAY 8, 2007**

**CIRCULATED REPORT  
FOR AGENDA**

**PAGES**

***CORPORATE SERVICES***

- |       |   |
|-------|---|
| 2-16  | Duke Point Sewer Local Service Area Development Cost Charges Bylaws.<br>(Bylaw No.'s 1498 & 1528) |
| 17-24 | Duke Point Sewer Local Service Area Amendment Bylaw No. 1004.02.                                  |



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MAY - 4 2007	
SMCA	BOARD
CHAIR	
<i>Abstracted</i>	

MEMORANDUM

TO: C. Mason  
Chief Administrative Officer

DATE: April 14, 2007

FROM: N. Avery  
General Manager, Finance & Information Services

FILE:

SUBJECT: Duke Point Sewer Service Development Cost Charge and Capital Charge Bylaws

PURPOSE:

To introduce for first three readings "Duke Point Sewer Local Service Area Development Cost Charges Bylaw No. 1498, 2007" and "Duke Point Sewer Local Service Area Capital Charge Bylaw No. 1528, 2007".

BACKGROUND:

In 2005 staff introduced bylaws associated with the expansion of the boundaries of the Duke Point Sewer Local Service to include certain properties in the Cedar village core in Electoral Area 'A'. The bylaws established charges to be collected from new properties in order to finance the future expansion of the Duke Point wastewater treatment plant. In April of this year staff introduced a series of bylaws which will add additional properties in Electoral Area A. Staff have reviewed the development cost charges and capital charge bylaws previously introduced and are recommending changes based on final building units. The two bylaws introduced in late 2005 will be repealed and replaced.

ALTERNATIVES:

1. Introduce the bylaws as presented.
2. Make no changes at this time.

FINANCIAL IMPLICATIONS:

Alternative 1

"Cedar Sewer Service Area Development Cost Charge Bylaw No. 1447" has not been adopted and will be rescinded at third reading. The "Duke Point Sewer Local Service Area Development Cost Charges Bylaw No. 1498" replaces Bylaw No. 1447 for the same purpose, but has been fine tuned following the recommendations in the Province's Best Practices Guide for Development Cost Charges. Bylaw No. 1498 establishes charges for new development in the Cedar village core area, such as new lots created by subdivision or additional dwelling units constructed on existing land. The charges will be collected for the future expansion of the Duke Point treatment plant. Properties within the original boundaries of the Duke Point Sewer Service area are exempt from this bylaw because they have already contributed to a plant which is sufficient to service them even if the industrial park were to be fully developed. The charge is \$2,246.24 per residential unit or lot. Commercial, institutional and industrial rates are expressed as a rate

per square meter. There is one exception to the current rate structure and that is for the Cedar Estates property itself. The original bylaw included a rate of \$1,685 for each residential unit based on construction estimates at that time. A further two years has elapsed as the developer worked to obtain the support of properties in Cedar for this project. Staff recommend that this property be afforded the original rate in recognition of the considerable efforts to complete this project. This bylaw requires Ministry approval.

“Duke Point Sewer Local Service Area Capital Charge Bylaw No. 1528” replaces Bylaw 1523 (capital charge for properties in the Duke Point Industrial Park) to include the same rate structure for properties in Electoral Area A as developed for Bylaw 1498. The reason for this is that these charges are for the same purpose as the development cost charges in Bylaw 1498. However, because most of the properties to be connected within Electoral Area A are already developed, development cost charges do not apply. “Cedar Sewer Service Area Capital Charge Bylaw No. 1446, 2005” will also be repealed. The Board may adopt this bylaw without further approvals.

#### Alternative 2

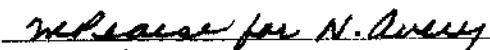
Both of these bylaws follow upon the agreement of the City of Nanaimo, which consented to removing Electoral Area A from the Southern Community Sewer Service Area and to including it as a participant in the Duke Point Sewer Service. Properties in the urban containment boundary of Electoral Area A can proceed to construct and connect to the treatment plant. Staff recommend approving both bylaws as presented.


#### **SUMMARY/CONCLUSIONS:**

Staff are introducing two bylaws which follow from the introduction of bylaws to construct a sewer collector system in Electoral Area A – Cedar, B.C. Bylaw 1498 establishes a development cost charge for new or redeveloping properties and Bylaw 1528 (capital charge) establishes the same rate structure for existing properties in Electoral Area ‘A’. A development cost charge bylaw must be approved by the Ministry of Community Services, a capital charge bylaw can be adopted directly by the Board. Staff recommend introducing both bylaws for three readings and adopting them together when Provincial approval is obtained.

#### **RECOMMENDATIONS:**

1. That “Duke Point Sewer Local Service Area Development Cost Charges Bylaw No. 1498, 2007” be introduced, read three times and forwarded to the Ministry of Community Services for approval.
2. That “Duke Point Sewer Local Service Area Capital Charge Bylaw No. 1528, 2007” be introduced, read three times.

  
Report Writer

  
C.A.O. Concurrence

#### **COMMENTS:**

<sup>1</sup>Report – Duke Point Sewer Development Cost Charges and Capital Charges bylaws.doc

# REGIONAL DISTRICT OF NANAIMO

## BYLAW NO. 1498

### A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES WITHIN THE DUKE POINT SEWER LOCAL SERVICE AREA

WHEREAS the Board of the Regional District of Nanaimo may, pursuant to Section 933 of the *Local Government Act*, impose development cost charges under the terms and conditions of that section;

AND WHEREAS development cost charges may be imposed for the purpose of providing funds to assist a Regional District to pay the capital cost of providing, constructing, altering or expanding wastewater treatment facilities, including treatment plants, trunk lines, pump stations and other associated works in order to serve, directly or indirectly, the development for which the charges are imposed;

AND WHEREAS in establishing the development cost charges under this bylaw, the Board has considered the future land use patterns and development, and the phasing of works and services within the boundaries of the Duke Point Sewer Local Service Area;

AND WHEREAS the Board is of the opinion that the development cost charges imposed under this bylaw:

- (a) are not excessive in relation to the capital costs of prevailing standards of service,
- (b) will not deter development, and
- (c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land, within the Duke Point Sewer Local Service Area.

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

#### 1. INTERPRETATION

In this bylaw:

**"Assisted living"** means a building or buildings used for multiple family residential use where there may be common facilities and a cafeteria or eating area, but where residents are ambulatory and live in private rooms or units which can be locked and which are not automatically accessible to care staff.

**"Building"** means any structure and portion thereof, including mechanical rooms that are used or intended to be used for the purpose of supporting or sheltering any use or occupancy.

**"Commercial Use"** means the use of land or buildings for any retail, tourist accommodation, restaurant, personal or professional services, commercial entertainment or commercial recreational use, and any other business use which is not an industrial or institutional use.

**"DCC"** means a development cost charge.

**"Dwelling Unit"** means one self-contained unit with a separate entrance intended for year-round occupancy, and the principal use of such dwelling unit is residential, with complete living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.

**"Gross Floor Area"** means the total of the horizontal areas of all floors in a building, including the basement, measured to the outside of the exterior walls of the building.

**"Industrial Use"** means the use of land or buildings for any manufacturing, processing, repair, storage, wholesaling or distribution of goods.

**"Institutional Use"** means the use of land or buildings for any school, hospital, correctional facility, care facility, sport field or for the purpose of a public body or publicly regulated utility, but does not include "assisted living" uses.

**"Lot"** means a parcel created by registration of a subdivision under the *Land Title Act* (British Columbia) or the Bare Land Strata regulation under the *Strata Property Act* (British Columbia).

**"Mobile Home Park"** means an unsubdivided parcel of land, not subdivided pursuant to the *Strata Property Act* and amendments thereto, on which are situated three or more mobile homes for the purpose of providing residential accommodation, but specifically excludes a hotel.

**"Multiple Family Residential"** means a building or buildings containing two or more dwelling units on a parcel and includes row housing, cluster housing, townhouses, apartment and "assisted living" uses.

## 2. APPLICATION

- i) This bylaw applies to properties within a sewer service area established within the boundaries of Electoral Area A. The charges are as outlined on Schedules 'A' and 'C' attached to this bylaw.
- ii) Where there is a structure existing on the property at the time a boundary expansion of a sewer service area in Electoral Area A is proposed this bylaw will not apply and in its place a charge under "Duke Point Sewer Local Service Area Capital Charge Bylaw No. 1523" including subsequent amendments or revisions shall apply.

3. **CHARGES**

- i) Every person who obtains:
  - a) approval of the subdivision for any purpose of a parcel of land under the *Land Title Act* the *Strata Property Act* which creates fee simple or bare land strata lots;
  - b) a building permit authorizing the construction, alteration or extension of a building that will, after the construction, alteration or extension, be put to no other use, other than the residential use in those dwelling units,
  - c) a building permit for any new floor area which has a construction value in excess of \$50,000.00

shall pay, at the time of the approval of the subdivision or the issuance of the building permit, the applicable development cost charges as set out in Schedule 'C' attached to and forming part of this bylaw.

- ii) The charges outlined on Schedules 'A' and 'C' will be based on the actual use of the building, not the zoning category of the property; and
  - a) where there is more than one use, each use is subject to the charge based on the actual use and there may be more than one category applied per building.
  - b) mezzanines, storage or similar areas within a building are subject to development cost charges based on the same use that the majority of the building contains.
  - c) where a building is vacant and its future use cannot be determined, development cost charges are payable in accordance with the zoning category for the land upon which the building is situated.

4. **EXCEPTIONS**

- a) Section 3 does not apply to a subdivision or building in respect of which the imposition of a development cost charge is prohibited by statute.
- b) Section 3 does not apply to the first dwelling unit constructed on a lot.

5. **GRACE PERIOD**

The rates contained within this bylaw will be effective the date of adoption.

6. **REMAINDER OF BYLAW TO BE MAINTAINED INTACT**

In the event that any portion of this bylaw is declared ultra vires, such portion shall be severed from this bylaw with the intent that the remainder of this bylaw shall continue in full force and effect.

7. **REPEAL**

The "Cedar Sewer Service Development Cost Charges Bylaw No. 1447, 2005" is hereby repealed at third reading.

8. **TITLE**

This bylaw may be cited for all purposes as "Duke Point Sewer Local Service Area Development Cost Charges Bylaw No. 1498, 2007".

Introduced for first three readings this 22nd day of May, 2007

Approved by the Inspector of Municipalities this \_\_\_\_ day of \_\_\_\_\_, 2007.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
SR. MGR., CORPORATE ADMINISTRATION

Chairperson

Sr. Mgr., Corporate Administration

**Development Cost Charges for Wastewater Treatment/Sanitary Sewer Works and Services**

1. The assist factor for wastewater treatment/sanitary sewerage works and services under this bylaw shall be 1%.
2. All charges shall be paid in full prior to the approval of a subdivision or building permit unless paid by way of installments in accordance with BC Reg 166/84.
3. The Development Cost Charge Schedule is as follows:

For the property legally described as a portion of Remainder Lot A, Plan VIP57874, Section 14, Range 1, Cedar Land District and Lot 6, Plan VIP59634, Section 14, Range 1, Cedar Land District and which is otherwise shown outlined on Schedule 'B' attached hereto, the charges in Table 1 apply until the completion of works and services under Rezoning Application File ZA0510.

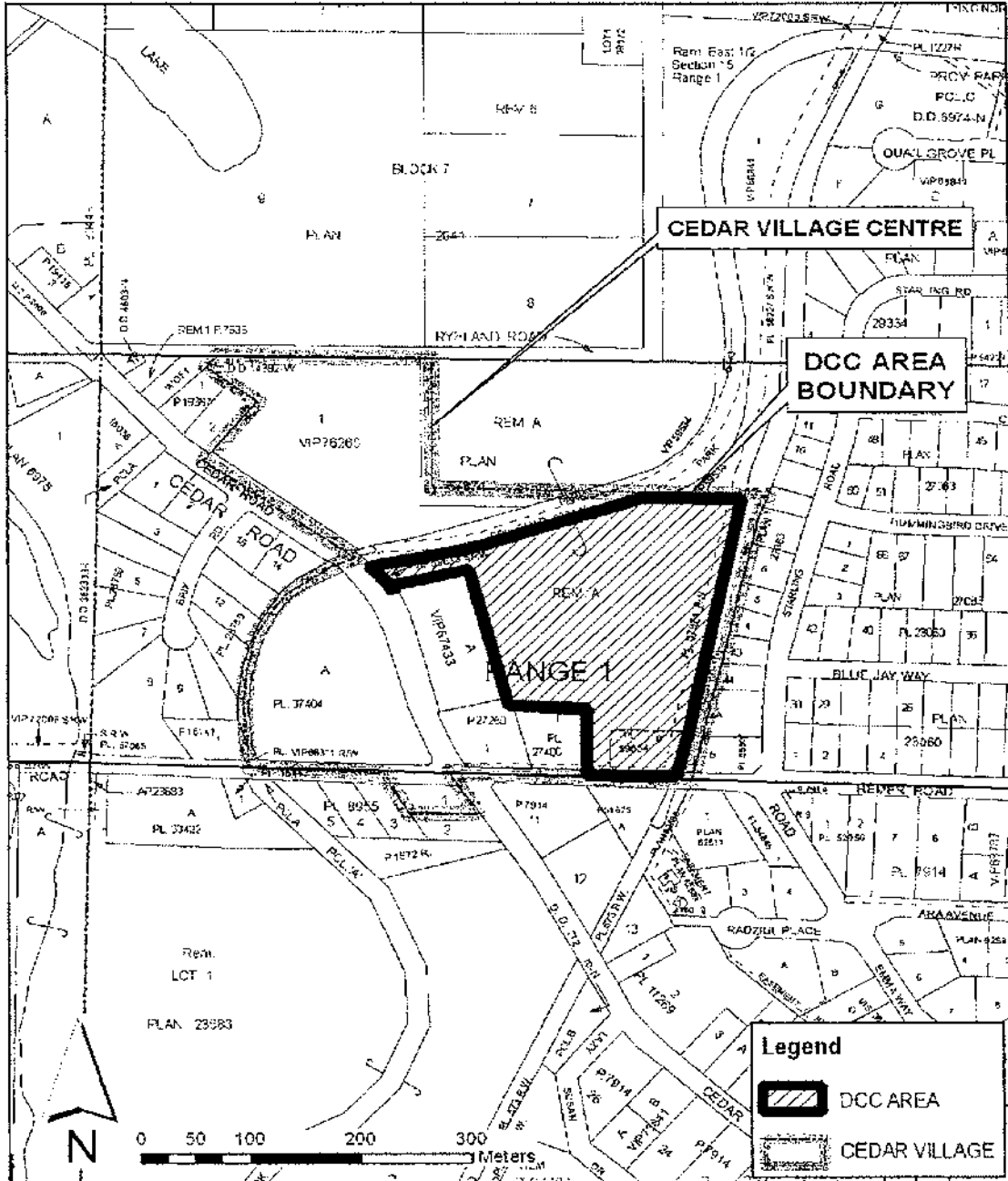
**Table 1**

<b>Category</b>	<b>Subdivision</b>	<b>Building Permit</b>
Single Family	\$1,685 per lot created	\$1,685 per unit constructed
Multi-Family/Assisted Living	\$1,685 per lot created	\$1,685 per unit constructed



Chairperson

Sr. Mgr., Corporate Administration



BCGS Map Sheet No. 92G.001.13

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Chairperson

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Sr. Mgr., Corporate Administration

**Development Cost Charges for Wastewater Treatment/Sanitary Sewer Works and Services**

1. The assist factor for wastewater treatment/sanitary sewerage works and services under this bylaw shall be 1%.
2. All charges shall be paid in full prior to the approval of a subdivision or building permit unless paid by way of installments in accordance with BC Reg 166/84.
3. The Development Cost Charge Schedule is as follows:

For properties within the boundaries of a sewer service area in Electoral Area A except as outlined in Schedule 'B', the charges apply pursuant to Table 2:

**Table 2**

<b>Category</b>	<b>Subdivision</b>	<b>Building Permit</b>
Single Family	\$2,246.24 per lot created	\$2,246.24 per unit constructed
Multi-Family		\$2,246.24 per unit constructed
Assisted Living		\$935.93 per unit constructed
Mobile Home Park		\$2,246.24 per service connection to each mobile home unit
Commercial		\$4.68 per m <sup>2</sup> or part thereof of floor space constructed or altered
Industrial		\$46,796.59 per ha of gross site area
Institutional		\$1.17 per m <sup>2</sup> or part thereof of floor space constructed or altered

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1528

A BYLAW TO ESTABLISH CAPITAL CHARGES  
FOR THE DUKE POINT SEWER LOCAL SERVICE AREA

WHEREAS the Board of the Regional District of Nanaimo has by Bylaw 1523 established a capital charge for certain industrial lands within the City of Nanaimo;

AND WHEREAS the Duke Point Sewer Local Service Area has been expanded to provide wastewater treatment services to properties located within a portion of Electoral Area 'A';

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

AND WHEREAS the Board considers it reasonable to apply a charge against properties within Electoral Area A which shall be used as a contribution to the cost of improvements to the wastewater treatment facilities;

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

1. INTERPRETATION

In this bylaw:

"*Assisted living*" means a building or buildings used for multiple family residential use where there may be common facilities and a cafeteria or eating area, but where residents are ambulatory and live in private rooms or units which can be locked and which are not automatically accessible to care staff.

"*Building*" means any structure and portion thereof, including mechanical rooms that are used or intended to be used for the purpose of supporting or sheltering any use or occupancy.

"*Commercial Use*" means the use of land or buildings for any retail, tourist accommodation, restaurant, personal or professional services, commercial entertainment or commercial recreational use, and any other business use which is not an industrial or institutional use.

"*Capital Charge*" means a charge imposed in accordance with this bylaw.

"*Dwelling Unit*" means one self-contained unit with a separate entrance intended for year-round occupancy, and the principal use of such dwelling unit is residential, with complete living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.

**"Gross Floor Area"** means the total of the horizontal areas of all floors in a building, including the basement, measured to the outside of the exterior walls of the building.

**"Industrial Use"** means the use of land or buildings for any manufacturing, processing, repair, storage, wholesaling or distribution of goods.

**"Institutional Use"** means the use of land or buildings for any school, hospital, correctional facility, care facility, sport field or for the purpose of a public body or publicly regulated utility, but does not include "assisted living" uses.

**"Lot"** means a parcel created by registration of a subdivision under the *Land Title Act* (British Columbia) or the Bare Land Strata regulation under the *Strata Property Act* (British Columbia).

**"Mobile Home Park"** means an unsubdivided parcel of land, not subdivided pursuant to the *Strata Property Act* and amendments thereto, on which are situated three or more mobile homes for the purpose of providing residential accommodation, but specifically excludes a hotel.

**"Multiple Family Residential"** means a building or buildings containing two or more dwelling units on a parcel and includes row housing, cluster housing, townhouses, apartment and "assisted living" uses.

## 2. APPLICATION

- i) The charges listed in Schedule 'A' to this bylaw apply to properties shown outlined on Schedule 'B' to this bylaw.
- ii) The charges listed in Schedule 'C' to this bylaw apply to properties added to a sewer service area established within the boundaries of Electoral Area 'A'.
- iii) Where there is a structure existing on the property at the time a boundary expansion is proposed under Section 2(ii) or 2(iii) this bylaw will apply in place of a charge under "Duke Point Sewer Local Service Area Development Cost Charges Bylaw No. 1498" and any subsequent amendments thereto."

## 3. CHARGES

- i) The charges payable under Schedule 'A' shall be paid prior to the introduction of a bylaw amending the boundaries of the Duke Point Sewer Local Service Area.
- ii) The charges payable under Schedule 'C' shall be paid at the time of a building permit or connection to the sewer system.
- iii) The charges outlined on Schedule 'A' or 'C' will be based on the actual use of a building, not the zoning category of the property; and,
  - a) where there is more than one use, each use is subject to the charge based on the actual use and there may be more than one category applied per building.

- b) mezzanines, storage or similar areas within a building are subject to capital charges based on the same use that the majority area of the building contains.
  - c) where a building is vacant and its future use cannot be determined, capital charges are payable in accordance with the zoning category for the land upon which the building is situated.”
4. A charge imposed under Section 2 shall be increased January 1 of each year by an amount equal to three percent (3%) of the amount of the charge in the immediately preceding year.
  5. “Cedar Sewer Local Service Area Capital Charge Bylaw No. 1446, 2005” and “Duke Point Sewer Local Service Area Capital Charge Bylaw No. 1523, 2007” are repealed effective with the adoption of this bylaw.
  6. This bylaw may be cited for all purposes as “Duke Point Sewer Local Service Area Capital Charge Bylaw No. 1528, 2007”.

Introduced and read three times this 22nd day of May, 2007.

Adopted this 22nd day of May, 2007.

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CHAIRPERSON

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SR. MGR., CORPORATE ADMINISTRATION

Schedule 'A' to accompany "Duke Point  
Sewer Local Service Area Capital Charge  
Bylaw No. 1528, 2007"

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Chairperson

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Sr. Mgr., Corporate Administration

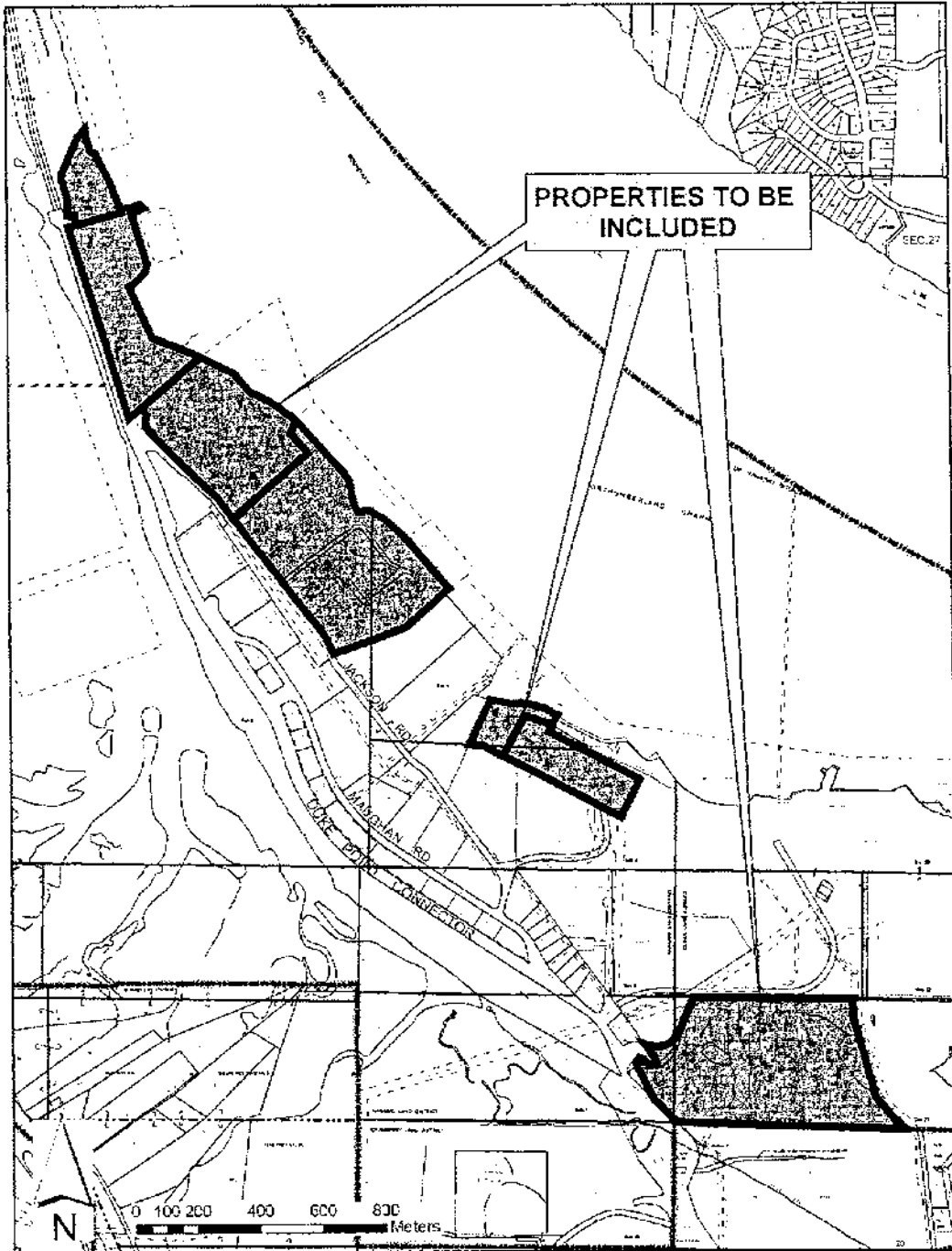
**Capital Charge for Wastewater Treatment/Sanitary Sewer Works and Services**

For properties shown outlined on Schedule 'B' attached hereto the charge shall be \$47,200.

Schedule 'B' to accompany "Duke Point  
Sewer Local Service Area Capital Charge  
Bylaw No. 1528, 2007"

Chairperson

Sr. Mgr., Corporate Administration



Chairperson

Sr. Mgr., Corporate Administration

### Capital Charges for Wastewater Treatment/Sanitary Sewer Works and Services

For properties within the boundaries of a sewer service area in Electoral Area A, the charges apply pursuant to Table 2:

Table 2

Category	Subdivision	Building Permit
Residential	\$2,246.24 per lot created (see below)	\$2,246.24 per unit existing
Residential lots	<p>In the absence of a restrictive covenant granted under Section 219 of the <i>Land Title Act</i> registered in favour of the Regional District of Nanaimo the capital charge shall be the greater of:</p> <p>(a) \$2,246.24 per lot or</p> <p>(b) the number of gross residential units or gross number lots permitted under the zoning for the property without regard for road allowances or other subdivision requirements</p>	
Land with a restrictive covenant	<p>Where a restrictive covenant under Section 219 of the <i>Land Title Act</i> is registered in favour of the Regional District of Nanaimo, the fee shall be:</p> <p>\$2,246.24 times the maximum number of units or lots permitted in the restrictive covenant</p>	
Multi-Family		\$2,246.24 per unit existing
Assisted Living		\$935.93 per unit existing
Mobile Home Park		\$2,246.24 for each existing service connection to a mobile home unit
Commercial		\$4.68 per m <sup>2</sup> or part thereof of existing floor space
Industrial		\$46,796.59 per ha of gross site area
Institutional		\$1.17 per m <sup>2</sup> or part thereof of constructed floor space

- (1) Where a restrictive covenant is requested to be discharged, the owner of the land shall, prior to the discharge of the restrictive covenant pay capital charges calculated in accordance with the Residential rates shown in the table above less the amount paid at the time of the original boundary amendment.





MEMORANDUM

RDN	
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APR 24 2007	
SMCA	low
CHAIR	BOARD

TO: C. Mason  
Chief Administrative Officer

DATE: April 21, 2007 *To be circulated*

FROM: N. Avery  
General Manager, Finance & Information Services

FILE:

SUBJECT: A Bylaw to Amend the Cost Sharing Formula Within the Duke Point Sewer Service Area

PURPOSE:

To introduce for approval "Duke Point Sewer Local Service Area Amendment Bylaw No. 1004.02, 2007".

BACKGROUND:

The Duke Point Sewer Service will provide wastewater treatment for properties within the Duke Point Industrial Park in the City of Nanaimo as well as properties within the urban containment boundary in Electoral Area 'A'. The model currently used for cost sharing the annual costs of wastewater treatment in the Regional District is based on measuring sewage flows from contributing areas. This model is reflected in both the Southern (Greater Nanaimo treatment plant) and Northern (French Creek treatment plant) Sewer Service areas. Staff propose that the cost sharing formula in the Duke Point Sewer Service reflect those same principles with one exception.

Staff estimate that in the early stages of developing the sewer collector system in Electoral Area 'A', there will be insufficient flows to reflect a reasonable measure of the benefit derived from access to the treatment plant. Therefore, staff propose measuring the benefit on the basis of population units attributed to the properties connected to the treatment plant. Once sewage flows from Electoral Area 'A' are considered a better measure by the participants, the sewage measurement formula will apply.

Staff have consulted the City of Nanaimo on these proposed changes and they concur.

ALTERNATIVES:

1. Approve Bylaw 1004.02 as presented.
2. Provide alternative direction regarding a cost sharing formula.

FINANCIAL IMPLICATIONS:


The formula amendment will ensure that all connected service areas cover an equitable share of the operating costs of the Duke Point treatment plant.

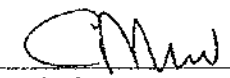
**SUMMARY/CONCLUSIONS:**

The Duke Point Sewer Service Area was recently expanded to include certain properties within Electoral Area 'A'. There is no cost sharing formula in the establishing bylaw at present, because the only participant prior to the boundary expansion was the City of Nanaimo. Staff propose that a cost sharing formula for the Duke Point Service reflect the principles included in the Southern (Greater Nanaimo treatment plant) and Northern (French Creek treatment plant) Sewer Service areas. The cost sharing or apportionment formula will ultimately use the measured sewage flows from each participating area as the basis for cost sharing. However, given the few number of properties connected in Electoral Area 'A' at this time, staff recommend using population equivalents as a more reliable measure of the benefit derived by a connection to the Duke Point plant. Over time as flows become more significant the sewage measurement formula will be applied.

**RECOMMENDATION:**

That "Duke Point Sewer Local Service Area Amendment Bylaw No. 1004.02, 2007" be introduced and read three times and be forwarded to the Ministry of Community Services for approval.

  
Report Writer

  
C.A.O. Concurrence

**COMMENTS:**

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1004.02

A BYLAW TO AMEND THE APPORTIONMENT FORMULA  
IN THE DUKE POINT SEWER LOCAL SERVICE AREA

WHEREAS the boundaries of the Duke Point Sewer Service were amended by Bylaw 1004.01 to include properties within a portion of Electoral Area 'A';

AND WHEREAS the Board wishes to amend the formula for apportioning costs;

AND WHEREAS the Board of the Regional District of Nanaimo has obtained the consent of two thirds of the participants pursuant to Section 802(1)(b) of the *Local Government Act*;

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

1. "Regional District of Nanaimo Duke Point Sewer Local Service Area Bylaw No. 1004, 1996" is amended as follows:

Section 5 of Bylaw 1004 is deleted and the following is substituted therefore:

**"5. Apportionment**

- (a) In this section:

**"Annual Costs"** means the costs of the service established under this bylaw to be requisitioned in any year less Annual Debt Costs.

**"Annual Debt Cost"** means the principal and interest payable in each calendar year for the amortization of debenture and other debt for each participating area as shown on Schedule 'B' attached to this bylaw.

**"Connected Properties"** means a property within Electoral Area 'A' having a sewer connection as at December 31<sup>st</sup> of the previous year.

**"Equivalent Population Units"** means:

- (i) for the Participating Area in the City of Nanaimo the number of 2,426
- (ii) for the Participating Area in Electoral Area 'A' the population equivalents for Connected Properties as outlined on Schedule 'E' attached to this bylaw.

**"Participating Area"** means:

- (i) in respect of the City of Nanaimo, the area shown outlined on Schedule 'C'; and
- (ii) in respect of Electoral Area 'A', the area shown outlined on Schedule 'D'.

- (b) Annual Costs shall be apportioned on the basis of the proportion of sewage flow measured in the prior year for each of the participating areas in relation to the total amount of sewage received at the Duke Point Pollution Control Center; and
- (c) Where costs are apportioned in accordance with 5(b) above, the flows shall be based on a three year moving average.
- (d) Notwithstanding (b) and (c) above, where sewage flows are measured by a flow meter from Electoral Area 'A' are less than or equal to 10% of the total amount of sewage received at the Duke Point Treatment Plant, the Annual Costs shall be apportioned on the basis of the percentage of Equivalent Population Units within each Participating Area as follows:

Electoral Area Participant:

$$\frac{\text{Equivalent Population Units for Connected Properties}}{2,246} = x\% \quad x \quad \text{Annual Costs} = \$xx$$

City of Nanaimo Participant:

City of Nanaimo	Annual Costs
Less: Electoral Area Participant	<u>          (Sxx)</u>
City of Nanaimo participant	Sxx

2. This bylaw may be cited as "Duke Point Sewer Local Service Area Amendment Bylaw No. 1004.02, 2007".

Introduced and read three times this 22nd day of May, 2007.

Received the approval of the Inspector of Municipalities this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
SR. MGR., CORPORATE ADMINISTRATION

Schedule 'B' to accompany "Duke Point Sewer Service  
Amendment Bylaw No. 1004.02, 2007"

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Chairperson

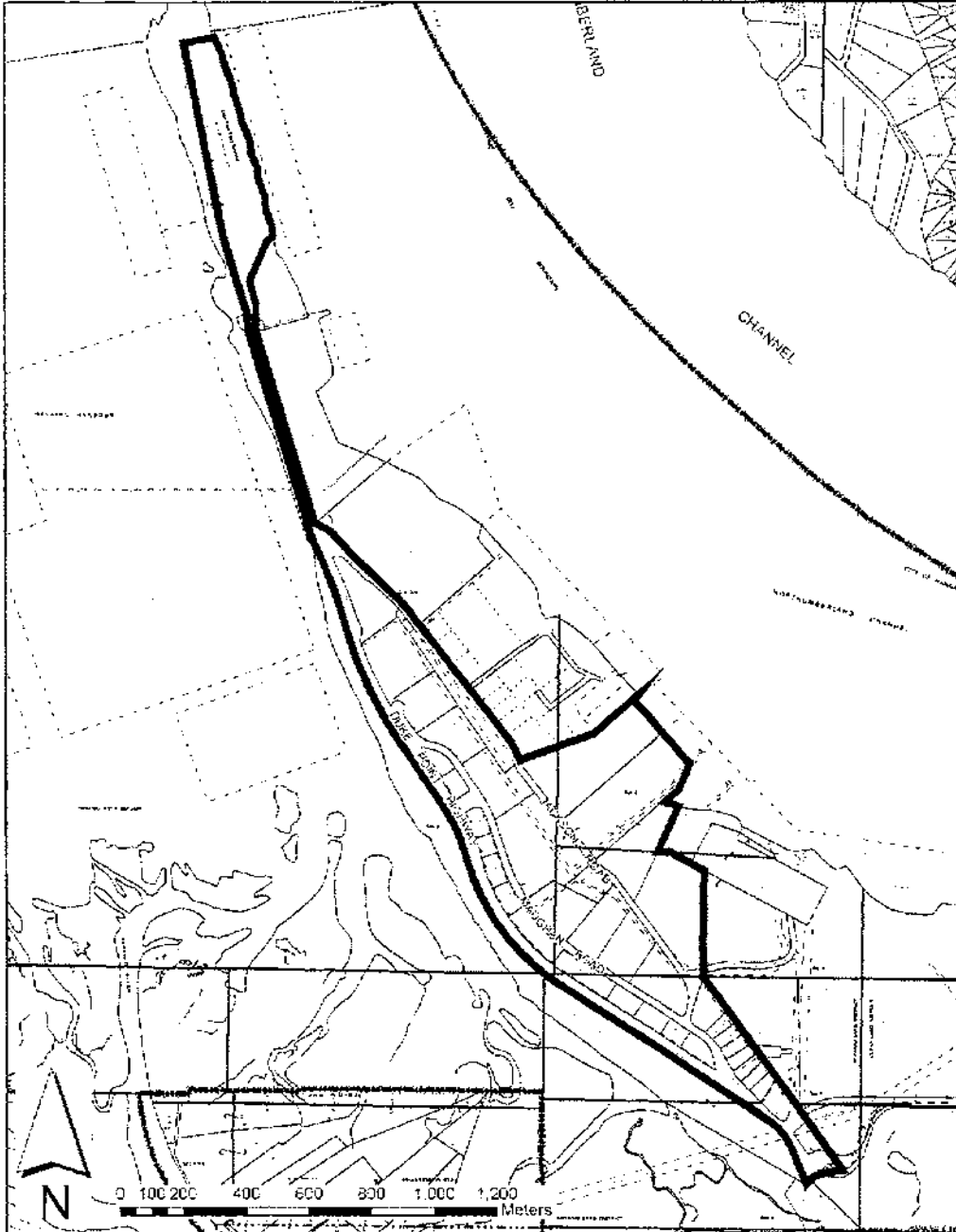
.....  
Sr. Mgr., Corporate Administration

There are no annual debt costs.

Chairperson

Sr. Mgr., Corporate Administration

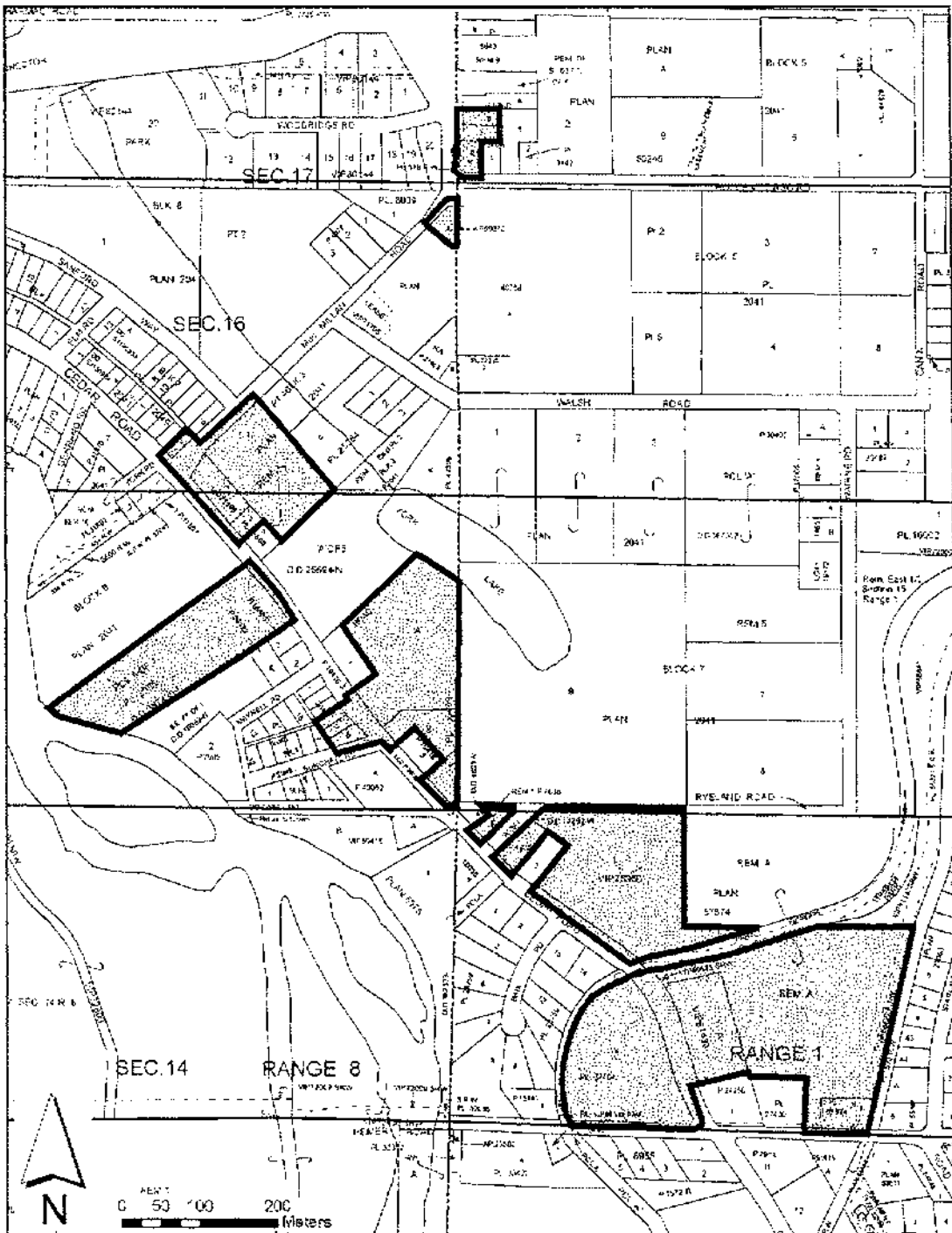
City of Nanaimo Participating Area



Chairperson

Sr. Mgr., Corporate Administration

Electoral Area A Participating Area



Schedule 'E' to accompany "Duke Point Sewer Service  
Amendment; Bylaw No. 1804.02, 2007"

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Chairperson

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Sr. Mgr., Corporate Administration

There are no connected properties within Electoral Area A at this date.