

**REGIONAL DISTRICT OF NANAIMO**

**COMMITTEE OF THE WHOLE**

**TUESDAY, APRIL 8, 2008**

**7:00 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

- 4-5                    **Neil Malbon, McLean Mill National Historic Site, & Doug Backhouse, Island Corridor Foundation**, re Arrowsmith Explorer Project.
- 6                      **Cheryl Gill**, re Bylaw Enforcement at 2020 Saddle Drive – Area ‘E’.
- Andrew Tucker, City of Nanaimo**, re City of Nanaimo OCP Process.

**MINUTES**

- 7-13                    Minutes of the regular Committee of the Whole meeting held March 11, 2008.

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

***DEVELOPMENT SERVICES***

**BUILDING & BYLAW**

- 14-15                    Notice of Bylaw Contravention – 3130 Northwood Road – Area ‘C’.
- Delegations wishing to speak to Notice of Bylaw Contravention at 3130 Northwood Road – Area ‘C’.*

**PLANNING**

- 16-26                    City of Nanaimo OCP Amendment Application (OCP 00037) and Municipal Boundary Extension, Cable Bay Lands – Electoral Area ‘A’ Referrals.
- City of Nanaimo’s Draft OCP Referral. (to be circulated)

## **ENVIRONMENTAL SERVICES**

### **LIQUID WASTE**

- 27-35 Trucked Liquid Waste Disposal Bylaw Amendment No. 988.08.
- 36-43 Greater Nanaimo Pollution Control Centre Expansion and Upgrading Strategy – Southern Community Sewer Service Area Development Cost Charges Bylaw No. 1547.
- 44-49 French Creek Pollution Control Centre Expansion and Upgrading Strategy – Northern Community Sewer Service Area Development Cost Charges Bylaw No. 1442.02.

### **SOLID WASTE**

- 50-54 Residential Food Waste Collection Field Test – Progress Report.
- 55-63 BC Product Stewardship Council.

### **UTILITIES**

- 64-69 French Creek Sewer Local Service Area Amendment Bylaw No. 813.42 & Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.48 – Inclusion of 622 Johnstone Road – Area ‘G’.

## **RECREATION AND PARKS SERVICES**

### **PARKS**

- 70-88 UBCM Community Tourism Program Phase II.

## **TRANSPORTATION SERVICES**

### **COMMISSION, ADVISORY & SELECT COMMITTEE**

#### **East Wellington/Pleasant Valley Parks and Open Space Advisory Committee.**

- 89-93 Minutes of the East Wellington/Pleasant Valley Parks and Open Space Advisory Committee meeting held January 21, 2008 (no quorum) and March 3, 2008. (for information)
- 94-116 Lease of Meadow Drive Community Park -- Area ‘C’ – Updated Report.

*That the RDN enter into a Land Use Lease as detailed in Attachment 1, Option 5, for a section of Meadow Drive Community Park, legally described as Lot 11, Section 14, Range 4, Mountain Land District, Plan VIP800079, for a twenty year term commencing April 1, 2008 and ending February 29, 2028, to be used as a training area for the Mountain Fire Protection Improvement District (50 metres/0.805 acres).*

**District 69 Recreation Commission.**

117-139 Minutes of the District 69 Recreation Commission meeting held March 20, 2008.  
(for information)

*That the Regional District of Nanaimo approve the Sublease with the Parksville Curling Club Society for the use of the District 69 Arena for the term of April 1, 2008 to March 31, 2013.*

**Electoral Area 'A' Recreation and Culture Commission.**

140-142 Minutes of the Electoral Area 'A' Recreation and Culture Commission meeting held March 12, 2008. (for information)

**Transit Select Committee.**

143-152 Minutes of the Transit Select Committee meeting held March 27, 2008. (for information)

- 1. That the 2008/2009 Annual Operating Agreement (AOA) with BC Transit be approved.*
- 2. That the Nanaimo Regional Transit Business Plan be approved as a guide for transit service planning and delivery in the Nanaimo region.*
- 3. That the Key Performance Indicators and the Service Design Guidelines developed by BC Transit and the RDN be approved as the basis for monitoring and evaluating the transit service.*
- 4. That the Short and Medium Range Service Proposals and the Supporting Strategies are approved in principle and that staff be directed to proceed with more detailed planning work for the proposals scheduled for implementation in March and September, 2009 as part of the annual budget cycle.*

**District 69 Community Justice and Safety Support Services Select Committee.  
(Resolution from the meeting held March 13, 2008):**

**Additional Funding (2008) for Victim Services/Restorative Justice**

*That the Committee consider reviewing an adjustment to the requisition for the D69 Community Justice service in conjunction with the 2009 budget development.*

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**BOARD INFORMATION (Separate enclosure on blue paper)**

**ADJOURNMENT**

Lee, Clair

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**From:** davina\_sparrow@portalberni.ca  
**Sent:** February 29, 2008 9:26 AM  
**To:** Lee, Clair  
**Cc:** jnmalbon@shaw.ca; pat\_deakin@portalberni.ca; backhouse@lanarc.ca; klhunter1994@shaw.ca; hughgrist@hotmail.com  
**Subject:** RE: FW: Request for Meeting - RDN Board of Directors

Hi Lee

Can we confirm the April 8th date for the presentation regarding the Arrowsmith Explorer Project to the RDN Committee of the Whole?

I understand the meeting will be at 7:00 p.m. in Board Chambers at 6300 Hammond Bay Road. The presenters will be Neil Malbon, Manager, McLean Mill National Historic Site and Doug Backhouse, Executive Director, Island Corridor Foundation.

We are aware that delegates are permitted approximately 10 minutes for presentations. There may be others in attendance at the meeting as noted in my email of February 27th.

Many thanks.  
Davina

Davina Sparrow  
Admin. Asst./Deputy City Clerk  
City of Port Alberni  
Tel. (250) 720-2822  
Fax (250) 723-1003

## Lee, Clair

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**From:** Burgoyne, Linda  
**Sent:** February 27, 2008 11:46 AM  
**To:** Lee, Clair  
**Cc:** Pearse, Maureen; Mason, Carol; Osborne, Tom; jstanhope@shaw.ca  
**Subject:** FW: Request for Meeting - RDN Board of Directors

Clair, I'll pass this on to you for follow-up regarding a presentation at an upcoming Committee or Board meeting.

Thanks.  
Linda

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

**From:** davina\_sparrow@portalberni.ca [mailto:davina\_sparrow@portalberni.ca]  
**Sent:** Wednesday, February 27, 2008 9:37 AM  
**To:** jstanhope@shaw.ca; Burgoyne, Linda  
**Subject:** Request for Meeting - RDN Board of Directors

Hi Joe  
Greetings from Port Alberni!

On behalf of the Western Vancouver Island Industrial Heritage Society (WVIIHS), Mayor Ken McRae would like to request a meeting with the RDN Board to provide a presentation on the Arrowsmith Explorer project, the goal of which, as you are aware, is to operate an excursion steam train between Port Alberni and Parksville/Qualicum.

The rail line between Port Alberni and the east Vancouver Island rail corridor ceased operations in 2002 and requires rail infrastructure capital improvements. The Alberni Pacific Railway (APR) and the Western Vancouver Island Industrial Heritage Society (WVIIHS) have received a \$1.4 million commitment from ICET towards the total project cost of \$2.8 million and are currently working with the Community Futures Development Corporation of Alberni-Clayoquot on a WED application.

The presentation to the Board will be primarily to create awareness of the Arrowsmith Explorer project and discuss the tourism economic benefits and opportunities for the area. The group is also seeking additional funding opportunities to secure the success of the project.

Likely attendees at the meeting will be:

Mayor Ken McRae  
Patrick Deakin, City of Port Alberni Economic Development Manager  
Neil Malbon, Manager, McLean Mill National Historic Site  
Hugh Grist, WVIIHS  
Doug Backhouse, Executive Director, Island Corridor Foundation

A couple of members of the group are away until the week of March 10th, therefore I would appreciate if you could advise of potential dates to meet after that time.

Look forward to hearing from you.

Regards  
Davina Sparrow  
Admin. Asst./Deputy City Clerk  
City of Port Alberni  
Tel. (250) 720-2822  
Fax (250) 723-1003

**Lee, Clair**

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**From:** Lee, Clair  
**Sent:** March 31, 2008 9:08 AM  
**To:**  
**Cc:** Pearse, Maureen  
**Subject:** FW: 2020b Saddle Drive

Good morning Ms. Gill,

Please accept this email as confirmation of your request to appear as a delegation at the April 8th Committee of the Whole meeting. You will have 10 minutes to make your presentation. The meeting takes place at 7:00 pm in the RDN Board Chambers, 6300 Hammond Bay Road.

If you require any audio/visual equipment please let me know as soon as possible. As well could you please confirm the subject/topic of your delegation.

Regards,  
Clair Lee  
Legislative Coordinator

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**From:** C.GILL  
**Sent:** March 30, 2008 12:11 PM  
**To:** Pearse, Maureen  
**Subject:** 2020b Saddle Drive

Hi Maureen,

As per our telephone conversation last week, could you please put us on the Agenda for your April 8, 2008 meeting. Could you also let us know where & when the meeting is held,

Thanks, Cheryl Gill

01/04/2008

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE COMMITTEE OF THE WHOLE  
MEETING HELD ON TUESDAY, MARCH 11, 2008 AT 7:00 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

Director J. Stanhope	Chairperson
Director J. Burnett	Electoral Area A
Director B. Sperling	Electoral Area B
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director S. Herle	City of Parksville
Alternate	
Director M. Wansink	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Alternate	
Director L. Sherry	City of Nanaimo
Director D. Brennan	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director M. Unger	City of Nanaimo

**Also in Attendance:**

C. Mason	Chief Administrative Officer
M. Pearse	Senior Manager, Corporate Administration
N. Avery	Gen. Manager of Finance & Information Services
D. Trudeau	General Manager of Transportation Services
J. Finnie	General Manager of Environmental Services
P. Thorkelsson	General Manager of Development Services
T. Osborne	General Manager of Recreation & Parks
N. Tonn	Recording Secretary

**CALL TO ORDER**

The Chairperson welcomed Alternate Directors Wansink and Sherry to the meeting.

**DELEGATIONS**

**David Shaver, Oceanside Hospice Society, re Oceanside Hospice Society Funding.**

Mr. Shaver was not in attendance.

**MINUTES**

MOVED Director Holme, SECONDED Director McNabb, that the minutes of the Committee of the Whole meeting held February 12, 2008 be adopted.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**Petition re Hamilton Marsh.**

The Chairperson noted that 97 petitions had been received by the Board to his attention regarding the protection of Hamilton Marsh, and that the petitions had been sent to Provincial MLAs, Federal MPs and residents of the Regional District.

MOVED Director Holme, SECONDED Director Bartram, that the Hamilton Marsh petitions be received.

CARRIED

***CORPORATE ADMINISTRATION SERVICES***

**2008 Meeting Schedule.**

MOVED Director Bartram, SECONDED Director McNabb, that the 2008 meeting schedule be received for information and, as has been the practice since 2006, the August Committee meetings be cancelled.

CARRIED

**Legal Services Contract Extension.**

MOVED Director Brennan, SECONDED Director Wansink, that the Board extend its legal services agreements with Staples McDannold Stewart in the area of municipal law and Harris & Co. in the area of labour law for an additional two year term expiring February 2010.

CARRIED

***FINANCE & INFORMATION SERVICES***

**FINANCE**

**Nanaimo Regional Hospital District Annual Budget Bylaw No. 143.**

MOVED Director McNabb, SECONDED Director Herle, that a 2008 Regional Hospital District annual budget which raises \$5,848,410 in property taxes be approved including 2008 capital project and equipment allowances in the following amounts:

Capital grants (from current property taxes)	\$	2,400,000
Capital grants (borrow up to)	\$	400,000

CARRIED

MOVED Director McNabb, SECONDED Director Herle, that "Nanaimo Regional Hospital District Annual Budget Bylaw No. 143, 2008" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Herle, that "Nanaimo Regional Hospital District Annual Budget Bylaw No. 143, 2008" having received three readings be adopted.

CARRIED

**Regional District of Nanaimo 2008 to 2013 Financial Plan Bylaw No. 1542.**

The General Manager of Finance & Information Services presented a visual and verbal overview of the 2008 to 2013 Financial Plan.

MOVED Director Holme, SECONDED Director Brennan, that the verbal report be received.

CARRIED



MOVED Director Bartram, SECONDED Director Brennan, that "2008 to 2013 Financial Plan Bylaw No. 1542, 2008" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Brennan, that "2008 to 2013 Financial Plan Bylaw No. 1542, 2008" having received three readings be adopted.

CARRIED

**2008 Parcel Tax Rate Bylaws -- Water Services Bylaw No. 1544; Sewer Services Bylaw No. 1545; Driftwood Water Supply Service Area Amendment Bylaw No. 1336.05; Barclay Crescent Sewer Service Area Amendment Bylaw No. 1483.02.**

*Bylaw No. 1544.*

MOVED Director Bartram, SECONDED Director Burnett, that "Water Services Parcel Tax Rates Bylaw No. 1544, 2008" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Burnett, that "Water Services Parcel Tax Rates Bylaw No. 1544, 2008" having received three readings be adopted.

CARRIED

*Bylaw No. 1545.*

MOVED Director Bartram, SECONDED Director Burnett, that "Sewer Services Parcel Tax Rates Bylaw No. 1545, 2008" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Burnett, that "Sewer Services Parcel Tax Rates Bylaw No. 1545, 2008" having received three readings be adopted.

CARRIED

*Bylaw No. 1336.05.*

MOVED Director Bartram, SECONDED Director Burnett, that "Driftwood Water Supply Service Area Parcel Tax Rate Amendment Bylaw No. 1336.05, 2008" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Burnett, that "Driftwood Water Supply Service Area Parcel Tax Rate Amendment Bylaw No. 1336.05, 2008" having received three readings be adopted.

CARRIED

*Bylaw No. 1483.02.*

MOVED Director Bartram, SECONDED Director Burnett, that "Barclay Crescent Sewer Service Area Parcel Tax Rate Amendment Bylaw No. 1483.02, 2008" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Burnett, that "Barclay Crescent Sewer Service Area Parcel Tax Rate Amendment Bylaw No. 1483.02, 2008" having received three readings be adopted.

CARRIED

**Barclay Crescent Sewer Rates and Regulations Amendment Bylaw No. 1472.03.**

MOVED Director Holme, SECONDED Director McNabb, that "Barclay Crescent Sewer Rates and Regulations Amendment Bylaw No. 1472.03, 2008" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director McNabb, that "Barclay Crescent Sewer Rates and Regulations Amendment Bylaw No. 1472.03, 2008" having received three readings be adopted.

CARRIED

### ***DEVELOPMENT SERVICES***

#### **BUILDING & BYLAW**

**Building Inspection Service Bylaw Amendment Bylaw No. 787.08 – Area 'H'.**

MOVED Director Bartram, SECONDED Director McNabb, that "Regional District of Nanaimo Building Inspection Service Bylaw Amendment Bylaw No. 787.08, 2008" be introduced and read three times.

CARRIED

**Notice of Bylaw Contravention – 2419 Yellow Point Road – Area 'A'.**

MOVED Director Burnett, SECONDED Director Bartram, that staff be directed to register a Notice on title pursuant to Section 57 of the *Community Charter* and should the outstanding bylaw contraventions not be resolved within ninety (90) days, that legal action be pursued to ensure Lot B, Section 8, Range 3, Cedar District, Plan VIP66503, is in compliance with the "Regional District of Nanaimo Building Regulation and Fees Bylaw No. 1250, 2001".

CARRIED

#### **PLANNING**

**Regional Growth Strategy Review 2007-2008.**

MOVED Director Holdom, SECONDED Director Bartram, that the Board receive the attached background paper entitled *Regional Growth Strategy Review 2007 – 2008: An Assessment of Regional Growth Management Related Challenges and Opportunities*.

CARRIED

### ***ENVIRONMENTAL SERVICES***

#### **LIQUID WASTE**

**Funding Agreement for Greater Nanaimo Pollution Control Centre – Gravity Thickeners Project & French Creek Pollution Control Centre – Solids Contact Tank Expansion Project.**

MOVED Director Holdom, SECONDED Director McNabb, that the Board approve the execution of the funding agreement between the Regional District of Nanaimo and the Union of British Columbia Municipalities for the Greater Nanaimo Pollution Control Centre – Gravity Thickeners project and the French Creek Pollution Control Centre - Solids Contact Tank Expansion project.

CARRIED

**Regional Liquid Waste Advisory Committee – Proposed Amended Terms of Reference and Public Consultation Plan.**

MOVED Director Holme, SECONDED Director Herle, that the Board approve the Terms of Reference dated March 2008 for the Regional Liquid Waste Advisory Committee.

CARRIED

MOVED Director Holme, SECONDED Director Herle, that the Board approve the Public Consultation Plan dated March 2008 for the Liquid Waste Management Plan Review.

CARRIED

**Liquid Waste Management Planning Bylaw No. 1543.**

MOVED Director Unger, SECONDED Director Holme, that \$38,000 from the Electoral Areas Community Works funds be used to support the 2008 Liquid Waste Management Plan review.

CARRIED

MOVED Director Unger, SECONDED Director Holme, that Regional District of Nanaimo "Liquid Waste Management Planning Service Establishment Bylaw No. 1543, 2008" be introduced, read three times and forwarded to the Ministry of Community Services for approval.

CARRIED

**UTILITIES**

**Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.16 – Area 'II'.**

MOVED Director Bartram, SECONDED Director McNabb, that "Rural Streetlighting Local Service Area Amendment Bylaw No. 791.16, 2008" be introduced and read three times.

CARRIED

**City of Parksville/Regional District of Nanaimo Water Supply Agreement.**

MOVED Director Herle, SECONDED Director Holme, that the Board direct staff to execute the City of Parksville/Regional District of Nanaimo Water Supply Agreement with the City of Parksville for a 5 year period commencing May 1, 2008.

CARRIED

**Fairwinds Water Service Area – Release of Reserve Funds.**

MOVED Director Holme, SECONDED Director Bartram, that the Board approve the release of up to \$70,000 from the Fairwinds Water Service Area reserve fund for the engineering design and construction of a new water main connecting Redden Road and Sherbrooke Road.

CARRIED

**TRANSPORTATION SERVICES**

**TRANSIT**

**Transit Special Event Application.**

MOVED Director McNabb, SECONDED Director Brennan, that the Transit Special Events request by the Artist Response Team Society for transit service to be provided to the Nanoose Bay School to transport students and teachers to the *Voices of Nature* concert on April 10, 2008 be approved.

CARRIED

**COMMISSION, ADVISORY & SELECT COMMITTEE**

**Intergovernmental Advisory Committee.**

MOVED Director Holdom, SECONDED Director Herle, that the minutes of the Intergovernmental Advisory Committee meeting held February 14, 2008 be received for information.

CARRIED

**Electoral Area 'F' Parks and Open Space Advisory Committee.**

MOVED Director Biggemann, SECONDED Director Young, that the minutes of the Electoral Area 'F' Parks and Open Space Advisory Committee meeting held February 18, 2008 be received for information.

CARRIED

**District 69 Recreation Commission.**

MOVED Director Bartram, SECONDED Director Herle, that the minutes of the District 69 Recreation Commission meeting held February 21, 2008 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Herle, that the Regional District of Nanaimo enter into a five year lease agreement with the City of Parksville for the lands on which the District 69 Arena is located for a term from May 1, 2008 to April 30, 2013.

CARRIED

MOVED Director Bartram, SECONDED Director Herle, that the following District 69 Recreation Community and Youth Recreation Grants be approved:

*Youth Recreation Grants:*

<i>Community Group</i>	<i>Recommended</i>
Ballenas Secondary School Dry Grad Committee (Entertainment and rental costs)	\$ 1,250
Ballenas Whalers Football (equipment)	\$ 2,500
District 69 Family Resource Association (Youth mentorship recreation activities)	\$ 1,250
Oceanside Baseball (batting cage lighting)	\$ 2,500
Oceanside Community Arts Council (Youth art program costs)	\$ 1,000
Oceanside Youth Football Association (goal posts)	\$ 2,500

*Community Recreation Grants:*

<i>Community Group</i>	<i>Recommended</i>
District 69 Family Resource Association (Preschool play area)	\$ 2,000
Errington Therapeutic Riding Association (Program expenses and equipment)	\$ 1,000
Lighthouse Country Trail Group (Equipment for trail workers)	\$ 656
Lighthouse Recreation Commission (program costs)	\$ 2,260
Nanoose Bay Parent's Advisory Council (Camp at Hornby Island for at risk youth)	\$ 1,370
Nanoose Bay Parent's Advisory Council (Accessible playground project)	\$ 2,500
Oceanside Eagles Senior Ball Team (uniforms and equipment)	\$ 1,800
Oceanside Floor Curlers (vests)	\$ 1,000
Vancouver Island Opera (production costs)	\$ 1,000

CARRIED

**ADDENDUM**

**ENGINEERING**

**Chartwell Projects Legal Settlement – Area G.**

MOVED Director McNabb, SECONDED Director Brennan, that the Board accept the staff report on the Chartwell Projects legal settlement for information.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 8:15 PM

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CHAIRPERSON



EAP		CAO APPROVAL
COW	<input checked="" type="checkbox"/>	April 8th
MAR 28 2008		
RHD		
BOARD		

# MEMORANDUM

**TO:** Tom Armet  
Manager, Building and Bylaw Services

**DATE:** March 28, 2008

**FROM:** Alexandra Boekenkruger  
Building Inspector

**FILE:**

**SUBJECT:** 3130 Northwood Road – Building Bylaw Contravention

## PURPOSE

To obtain Board approval to file a Notice of Bylaw Contravention on the title of the above-noted property.

## BACKGROUND

Property: 3130 Northwood Road, Nanaimo, BC, Electoral Area 'C'  
Legal: Lot 6, Section 13, Range 2, Mountain Land District, Plan 30985  
Owners: Robert MacKay  
Zoning: RU 1

On March 5, 2004, the Regional District of Nanaimo (RDN) issued a building permit to locate a mobile home on the subject property. Staff conducted inspections including a final inspection on June 30, 2004, that failed as the owner refused requests to expose the waterline for the required inspection. Since that time, work has continued on the project; and the mobile home is now occupied without an Occupancy Permit in contravention of Building Bylaw regulations. Staff has made numerous attempts to resolve the issue, as follows:

- On November 1, 2007, a Building Inspector posted a report at the subject property outlining the requirements for completing the Building Permit.
- Letter sent to owner on January 16, 2008, informing the owner of the requirements to have the outstanding inspection completed. There was no response from the owner.
- A follow-up letter was sent on February 13, 2008, with no response.
- The owner failed to respond to a telephone message from staff on February 25, 2008.
- The owner again failed to respond to a telephone message from staff on March 25, 2008.

## ALTERNATIVES

1. That a Notice of Bylaw Contravention be registered on the title of the subject property and staff be directed to take the necessary legal action should this contravention remain unresolved after a ninety (90) day period.
2. That a Notice of Bylaw Contravention not be registered on title at this time and staff be directed to continue to seek voluntary compliance with "Regional District of Nanaimo Building Regulation & Fees Bylaw 1250, 2001."

**FINANCIAL IMPLICATIONS**


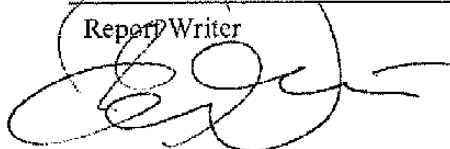
The financial implications are minimal.

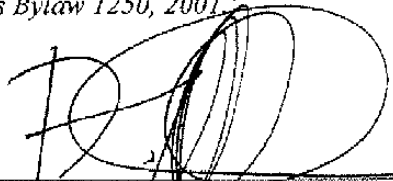

**SUMMARY**

A Building Permit was issued in March 2004 to locate a mobile home on the subject property. Inspections were completed; however, the owner did not comply with staff requests to expose the waterline for the required final inspection. An Occupancy Permit could not be issued; however, owner continued work on the project, and the mobile home is now occupied in contravention of Regional District of Nanaimo Building Bylaw regulations. Despite numerous staff requests, the owner has not responded to direction; therefore, staff is recommending that a Contravention Notice be placed on the title and the necessary legal action be taken to resolve this matter.

**RECOMMENDATION**

That staff be directed to register a Notice on title pursuant to Section 57 of the *Community Charter* and should the outstanding bylaw contraventions not be resolved within ninety (90) days, that legal action be taken to ensure Lot 6, Section 13, Range 2, Mountain Land District, Plan 30985, is in compliance with the "*Regional District of Nanaimo Building Regulation & Fees Bylaw 1250, 2001.*"

  
\_\_\_\_\_  
Report Writer  
  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
General Manager Concurrence  
  
\_\_\_\_\_  
CAO Concurrence

COMMENTS:



GAO APPROVAL	
EAP	
COW	✓ April 8th
APR 02 2008	
RHD	
BOARD	

## MEMORANDUM

**TO:** Carol Mason  
Chief Administrative Officer

**DATE:** March 25, 2008

**FROM:** Paul Thorkelsson  
General Manager, Development Services

**FILE:** 6500 20 Nanaimo

**SUBJECT:** City of Nanaimo OCP Amendment Application (OCP 00037)  
Referral City of Nanaimo Boundary Amendment Application Referral

### PURPOSE

The intent of this report is to provide information to the Board with respect to the implications of the proposed municipal boundary extension by the City of Nanaimo to facilitate the Cable Bay Development (CBD) and the proposed amendment to the City's current OCP for the CBD.

### BACKGROUND

The City of Nanaimo is currently undertaking a review of the City's Official Community Plan (OCP). In conjunction with this review, a number of significant development proposals are also under consideration. One such proposal, to develop the Cable Bay Lands, includes a significant portion of lands lying within the Regional District in Electoral Area 'A'. On January 7, 2008 the RDN received a referral request from the City of Nanaimo regarding the OCP amendment application (No. OCP 00037) for the Cable Bay Lands (see attached letter of January 7, 2008). This proposal has raised a number of questions and concerns in the community related to the scope of the proposed development and the implications of inclusion of electoral area land within the City of Nanaimo. On January 31, 2008 the RDN received correspondence from the City of Nanaimo requesting RDN input on the proposed municipal boundary extension (see attached letter of January 31, 2008). Staff were subsequently directed by the Board to prepare a report detailing the implications of the proposed boundary extension based on the Ministry of Community Services "Municipal Boundary Extension Criteria".

This report is concerned with the implications of this inclusion on the Regional District of Nanaimo and the remainder of Electoral Area 'A'. The comments arising from this report are intended to form the input forwarded to the City of Nanaimo and copied to the Ministry of Community Services on behalf of the RDN as part of the Ministry's evaluation process of the boundary amendment and the City's OCP amendment referral. This report will address the referral in two stages:

1. OCP Amendment Application (OCP 00037) Referral
2. Municipal Boundary Extension Application Referral

### 1. OCP AMENDMENT APPLICATION REFERRAL

The proposed project consists of development of approximately 210 ha of land for a mixed-use resort development. The development lands, commonly referred to as the Cable Bay lands, are located in the south eastern corner of the City of Nanaimo adjacent to Electoral Area 'A'. of the 210 ha included in the proposal, approximately 41 ha is devoted to large lot residential development (currently subdivided and



being marketed), a remaining 130 ha within the City of Nanaimo and approximately 40 ha lying outside of the municipal boundary within Electoral Area 'A'. The overall proposal is planned to include a golf course resort centre with limited resort focused commercial development and a broad range of residential housing from single family to low and medium density multiple family.

The Electoral Area 'A' land under consideration for boundary extension was previously designated Forest Land Reserve (FLR) and protected for forestry use through Provincial legislation. With the demise of the FLR, zoning and land designations were introduced by the RDN to continue this protection. At the present time the lands are zoned RU-4Z allowing for the permitted uses of residential (2 dwellings/parcel), agriculture, aquaculture, produce stand and silviculture. The 'Z' subdivision district designation restricts the parcel size for subdivision of the land to a 50 ha minimum. The current zoning does not envision development on the lands of the scale and scope contemplated.

Under the community's Official Community Plan (OCP) the parcel is designated as 'Rural Resource'. This designation reflects the community's desire to protect the rural surroundings of the area and maintain the identity of the area as a rural community. Similarly in the Regional Growth Strategy (RGS) the parcel is designated 'Resource Lands and Open Space'. Policies included in both the Area 'A' OCP and the RGS with respect to these designations are aimed at maintaining both large parcel sizes and significant limits on development. Removal of these lands from Area 'A' would impact the community interest in maintaining the lands for rural (limited) development and resource uses as envisioned by the community through the OCP and RGS.

In addition to impacts on the current land use pattern specific to Area 'A' it is important to note the implication of the boundary extension on the broader vision of the RDN established by the RGS. To provide some analysis of the broader implications of the inclusion of the Area 'A' parcel in the development it is useful to review the proposed development against the goals of the RGS:

**Goal 1 – Strong Urban Containment.** Goal 1 of the RGS is intended to limit sprawl and fringe development by focusing development within the well defined UCB. The 40 ha parcel is outside the UCB and is located some distance from the Cedar Village Centre where development in this part of Area 'A' is to be focused. Inclusion of the lands within the City of Nanaimo and development of the parcel in the manner proposed is not consistent with Goal 1 of the RGS agreement.

**Goal 2 – Nodal Structure.** This goal of the RGS is intended to encourage mixed-use community development that includes places to live, work, learn, play, shop and access services. The bulk of the comprehensive development's 'Town Centre' is proposed to be located on the lands currently in Electoral Area 'A'. The proposal outlines a range of uses and intended services within this Town Centre area. Primarily, these uses are focused on the recreational aspects of the resort (golf course) and the variety of options for housing – places to live and play. Commercial uses are focused on support for the resort (clubhouse, hotel, restaurants, spa, specialty shops) and the residential (convenience store/gas bar, professional offices) uses. The development creates a new 'Resort Node' not previously envisioned nor fully described by the Goal 2 of the RGS. Inclusion of the lands within the City does, therefore, not fully support the current Goal 2 or the community vision that the goal represents. It is worth noting that the new 'Resort Node' is desirable from the City (and to an extent therefore the RDN) perspective in support of broader community and economic development goals and initiatives.

**Goal 3 – Rural Integrity.** This RGS goal is to promote and encourage the retention of large rural holdings on lands designated as Resource Lands and Open Space. The 40 ha parcel falls into this category. Under the RGS agreement the RDN and member municipalities have established that the minimum parcel size for this land designation will not be reduced below the minimum parcel sizes established in the OCP in place at the date of adoption of the RGS. This parcel under the Rural Integrity goal of the RGS would not be considered appropriate for development at this time.

**Goal 4 – Environmental Protection.** Goal 4 is intended to provide protection for the environment and minimize the ecological damage related to growth and development. The 40 ha parcel does not include significant environmentally sensitive features beyond the general importance placed on aquifer protection throughout Area 'A'. With respect to broader goals of sustainability there is a significant opportunity for this development to be a showcase of a sustainable and 'green' development that could incorporate the most current ideas in sustainable development including leading edge concepts of district energy systems, on site power generation, water re-use and recycling and waste water treatment. It remains unclear at this time if this development will take advantage of this opportunity.

**Goal 5 – Improved Mobility.** This RGS goal is intent on improving the diversity of mobility options within the region particularly with respect to reducing dependency on the automobile. The 40 ha parcel is located at some distance from the commercial core of the Cedar Village Centre and the City of Nanaimo. In this sense the development of these lands is not supportive of reducing automobile use and dependence. Residents of the Town Centre would be dependant on automobile based commuting to their place of work and for significant retail and commercial service requirements (beyond the convenience level proposed in the Town Centre). It is important to note that at build-out the comprehensive development does represent significant residential density and population that could potentially support transit service to the area. Additional transit linkages to the broader community and perhaps to the Duke Point Ferry Terminal and Nanaimo Airport are in keeping and supportive of improved mobility. This potential is not currently identified in the Cable Bay proposal documents.

**Goal 6 – Vibrant and Sustainable Economy.** Goal 6 supports strategic economic development and linking commercial and industrial strategies to land use and rural and environmental protection. On a broad evaluation, and based on the proponent's market impact study, the comprehensive development does represent significant potential for economic development in the area. Under the policies of Goal 6 the RDN and member municipalities have agreed that tourism is an important part of the regional economy and should be enhanced over time by providing more tourism related facilities. The comprehensive proposal has this potential.

**Goal 7 – Efficient Services.** Goal 7 is intended to provide cost efficient services and infrastructure where urban development is intended, and to provide services elsewhere for environmental or public health purposes only where it will not result in additional development. The 40 ha parcel is outside of the UCB in Area 'A' and is not intended for urban development and, therefore, under the RGS would not be identified to receive community servicing. The potential financial impact of the development on servicing has not as of yet been fully investigated.

## **2. MUNICIPAL BOUNDARY EXTENSION REFERRAL**

### **Current Services and Taxation**

The inclusion of this parcel within the City of Nanaimo removes the contribution through taxes of this property to the support of services within Electoral Area 'A'. Although this is a significant parcel in terms of size the tax contribution of the property is not particularly significant in terms of amount collected on its behalf. In 2007 taxes paid for Regional District Services amounted to \$753 on an assessed value of

\$523,000. For the purposes of comparison the total taxes collected in Area 'A' were \$819,884 for 2007. For 2008, based on an estimated assessment value of \$753,000 the property would pay approximately \$911. For comparison purposes the total tax revenue from Area 'A' for RDN services in 2008 will be \$867,675.

The property is also included within the North Cedar Fire Protection Area but is not included within the North Cedar Water Improvement District boundaries. For fire protection purposes they pay the North Cedar Fire Protection District a \$70 dollar parcel tax per year.

The net result is that financial implications to the Regional District and Electoral Area 'A' of the proposed boundary amendment, as far as the funding for service provision is concerned, is not significant. As discussed in following sections of this report, it is important to note that the financial impacts of new services to the area as development proceeds as proposed could potentially be more significant in terms of both capital infrastructure and ongoing operating costs.

### **Water and Sewer Servicing**

As indicated above the parcel in question is not included within the Improvement District water service area and does not currently receive water supply service. It is expected that water service would be provided from the City system once the parcel was incorporated within the municipal boundary. There are no direct implications for water servicing for the RDN as a result.

Similarly, the property is not currently serviced by RDN sewer servicing, however the potential impact on RDN services is more direct. The area proposed to be included within the City of Nanaimo by boundary extension, given its location outside of the UCB, has not previously been considered for sewer servicing by the Regional District of Nanaimo. Based on the proposal documents the number of dwelling units within the parcel if developed is approximately 800. In the City of Nanaimo, the average sewer discharge per residential connection is 0.9 m<sup>3</sup> per day as a result the additional load from the proposed boundary extension area on the Duke Point Pollution Control Centre is estimated to be 720 m<sup>3</sup> per day. The current average flow at the Duke Point Pollution Control Centre is 20 m<sup>3</sup> per day. This is a significant increase that exposes the need to evaluate the capacity of the Duke Point Pollution Control Centre to handle the sewage flows from the proposed additional area.

It is important to note that the sewer servicing for the rest of the comprehensive development is also intended to be treated at the Duke Point plant. Based on estimates of dwelling units the total flow to the plant could increase by as much as 1,700 m<sup>3</sup> per day with full development build-out. At the present time staff is unable to confirm that adequate expansion to the Duke Point facility to accommodate the servicing of the proposed new development is possible given the existing site area and other constraints. A study is underway by the RDN's Environmental Services Department to determine the upgrade requirements, the potential for expansion and capital costs of these works. Further information will be presented to the City of Nanaimo as it becomes available.

The impacts from sewer servicing for the proposed boundary extension are significant and a full evaluation will be necessary to ensure that the Regional District of Nanaimo's facilities can accommodate the additional capacity.

### Transit Servicing

Currently there is no transit service provided in this area. Previously, there was service to the Duke Point Ferry Terminal but low ridership eventually resulted in the service being cancelled. For the purposes of supplying transit service within the Regional District of Nanaimo, service design guidelines form a critical planning tool for identifying and prioritizing service expansion proposals. The RDN has recently updated the Transit Business Plan and developed revised transit service design guidelines. The following guideline refers to service coverage:

- *Ensure that at least 90% of residents and employees within the RDN's urban containment boundary are within 400 m walking distance of a transit route.*

These guidelines are used to help establish service level and service quality goals for the transit system and ensure that an appropriate level of service is provided during each time period and in each area of the region. To meet this design guideline, transit service would have to be provided to this new neighbourhood. The provision of new service to this area would bring with it additional requirements for financial support from the Region that are undetermined at the present time. It is important to note that servicing this new neighbourhood may also help facilitate the reintroduction of transit service to the Duke Point Ferry facility and possibly the Nanaimo Airport which are goals of the RDN Transit Business Plan and in keeping with the broader mobility and sustainability goals of the RDN Board.

### Road Network

RDN staff have met with representatives of the City of Nanaimo, the Cable Bay proponents and staff from the Ministry of Transportation to review the road network implications of the boundary extension. The direct implications of the inclusion of the Electoral Area 'A' parcel within the City are relatively limited as the current development potential of the lands is limited by the existing 50 ha minimum parcel area subdivision district. That is, it is only when the comprehensive development, including the electoral lands, is considered that road network impacts are apparent.

The proponents of the development have provided the City of Nanaimo a traffic study that proposes access to the development via a new extension of Lindsey Road from the south west corner of the development lands though to Maughan Road (see attached map of improvement recommendations.). In addition, the report recommends an improved secondary access via Nicola Road. This scheme of primary and secondary access combined with an emergency access route (extension of Phoenix Way) form the road network strategy for the comprehensive development. To date, the Ministry of Highways have not had an opportunity to fully review the proposed access and or improvements required. In addition, it is expected that the comprehensive development could have implications for the broader road network from both the perspective of increased use of existing roads by residents of the new development as well as providing new route selection opportunities for existing residents. An evaluation of these broader impacts has not yet been undertaken by the development proponents or the Ministry of Transportation.

In summary, there is limited potential impact on the road network in the proximal area as a result of the boundary extension when viewed in isolation from the comprehensive development. Full development of the lands has the potential to impact the local road network more broadly. Evaluation of these impacts and any mitigative measures required will be undertaken by Ministry of Transportation, the City of Nanaimo and the developer after the boundary amendment application process has been concluded.

## **ALTERNATIVES**

1. To receive this report for information and provide the report as the RDN's comments on the City of Nanaimo's referrals on the Municipal Boundary Extension, Cable Bay Lands - Electoral Area 'A' and the OCP Amendment Application No. OCP 00037.
2. To receive this report for information and provide further direction to staff.

## **GOVERNANCE IMPLICATIONS**

Alternative 1 proposes that the Board receive the report for information and submit this information to the City of Nanaimo. The City has submitted to the RDN two referrals, the first pertaining to the OCP Amendment Application No. 00037 and the second regarding their intent to submit a boundary extension request to the Province. Both referrals request comments from the Board with respect to the potential impact on the RDN, and in particular Electoral Area 'A', and any suggested mitigative measures. The boundary extension referral has been examined with respect to the technical aspects of the application and outlined some concerns and/or possible areas to be examined further. The Province will obtain a copy of the RDN comments in conjunction with the information it collects through its evaluation of the City's application.

## **SUMMARY**

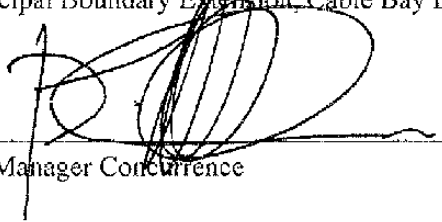
The City of Nanaimo has received an OCP amendment application for a comprehensive resort community on the Cable Bay Lands. All of the lands, both within and outside the City, are designated Resource Lands and Open Spaces in the Regional Growth Strategy. A significant portion of the lands intended for development lie within the Regional District in Electoral Area 'A' and need to be included within the municipal boundary for the development to proceed as proposed.

The inclusion of Electoral Area lands within the City's municipal boundary to facilitate the Cable Bay development proposal does raise a number of issues and inconsistencies with the Goals of the RGS as well as significant positive contributions to some of the Region's broader goals. Notwithstanding their import, because they are issues of land use and development, under the Ministry's criteria for assessing boundary amendment applications they do not play a role in the process. As they are significant at the community level, staff recommends that the electoral area issues identified be considered by the City of Nanaimo, to the extent possible, through their OCP amendment process.

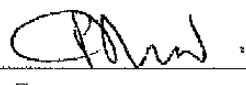
For the purposes of comments directly applicable to the Ministry's evaluation, the proposed boundary extension does not pose significant financial impact with respect to the ability for the RDN to provide existing services in Electoral Area 'A'. It is important to note that new servicing related to sewer and transit services do potentially pose financial implications that are not fully determinable at this point in time. In the case of sewer servicing, the scale and costs of these system improvements are unknown and yet to be fully appreciated though the developer would be required to pay 100% of the capital costs of any required expansion works. Similarly, the financial impact for new transit services required as a result of development cannot be fully determined either, except to recognize that they do also present an opportunity to further the long term goals for transit and mobility in the area.

**RECOMMENDATION**

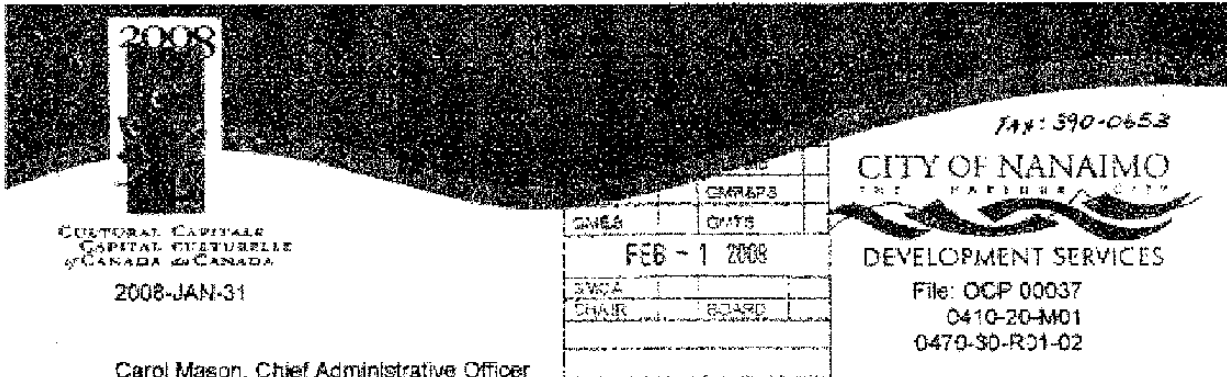
That the Regional District Board receive this report for information and provide this report as the RDN's comments on the City of Nanaimo's referrals on the OCP Amendment Application No. OCP 00037 and the Municipal Boundary Extension, Cable Bay Lands - Electoral Area 'A'.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end.

General Manager Concurrence

A smaller, more compact handwritten signature in black ink, appearing to be initials followed by a few letters.

CAO Concurrence



CULTURAL CAPITALE  
CAPITAL CULTURELLE  
DU CANADA & CANADA

2008-JAN-31

Carol Mason, Chief Administrative Officer  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V8T 6N2

COUNCIL	COMMENTS
DATE	
FEB - 1 2008	
BY	
CHAIR	BOARD

RECEIVED

CITY OF NANAIMO  
THE HARBOUR CITY

DEVELOPMENT SERVICES

File: OCP 00037  
0410-20-M01  
0470-30-R01-02

Dear Ms. Mason:

Re: Municipal Boundary Extension, Cable Bay Lands – Electoral Area 'A'

The City of Nanaimo is preparing a submission to the Province (Ministry of Community Services) for a municipal boundary extension to include lands currently within Electoral Area 'A' of the Regional District of Nanaimo (map attached). As per provincial legislation, we are forwarding our intent to expand the City boundary to the Regional District of Nanaimo for its comment.

Council at its 2008-JAN-28 meeting, passed the following resolution:

That council support an application to the Province for a municipal boundary extension under Section 20 of the *Local Government Act* to include within the City of Nanaimo boundary the subject property legally described as Section 19, Range 3, Cedar District, Except that Part in Plan V1F59194; which is the portion of the Cable Bay Lands property that is currently within Electoral Area 'A' of the Regional District of Nanaimo.

The inclusion of the 39 hectare (97 acre) property within the City limits would provide for a proposed destination resort development, comprising a golf course, residential and supporting commercial uses.

Please advise the City of any issues the RDN may have respecting the proposed municipal boundary extension. City staff would be pleased to meet with you to discuss boundary expansion or the Cable Bay application in its entirety at any time. It is our intent, once the boundary extension is completed, to advance the associated OCP and UCB amendments for the entire Cable Bay development to the same public hearing. We look forward to hearing from you at your earliest convenience.

Sincerely,

Ted Swabey  
General Manager, Development Services

cc: Andrew Tucker, Director, Planning and Development  
Bruce Anderson, Manager, Community Planning

EAffg/hp  
g:\work\mpt\2007\Apr\RDN\_referral\_boundary\_extn



2008-JAN-07

File: OCP00037

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

Attention: Carol Mason, Chief Administrative Officer

Dear Ms Mason:

Re: OCP Amendment Application No. OCP00037  
PID Nos. 023 922 907; 004 674 502; 008 991 529; 008 747 741; 008 991 570  
950, 960, 1170, 1260 and 1270 Phoenix Way

The City of Nanaimo has received a revised OCP amendment application from Cable Bay Lands to amend the OCP to allow for a mixed-use resort development at the above-noted civic addresses.

The proposed development is intended to include single- and multiple-family residential development, golf course and other open space, commercial uses, etc., with a proposed road connection running from Maughan Road and connecting through to Lindsay Road. Servicing is proposed to include an upgrade, at the applicant's expense, to the Duke Point sewage treatment plant. The applicant is also requesting a UCB adjustment and boundary extension to bring approximately 97 acres of the land within the City (currently located in Electoral Area A of the Regional District of Nanaimo).

Please consider this letter and the attached copy of the aforementioned application as a formal referral of this application to the RDN for your review and comment.

It would be greatly appreciated if you could review this application and provide comments to the undersigned by 2008-JAN-23. Additionally, if you require further information, please do not hesitate to contact me at (250) 755-4473.

Sincerely,

  
Deborah Jensen  
Community Development Planner  
Community Planning Division  
Development Services Department

Telephone: 755-4473  
Facsimile: 755-4479  
E-mail: [deborah.jensen@nanaimo.ca](mailto:deborah.jensen@nanaimo.ca)

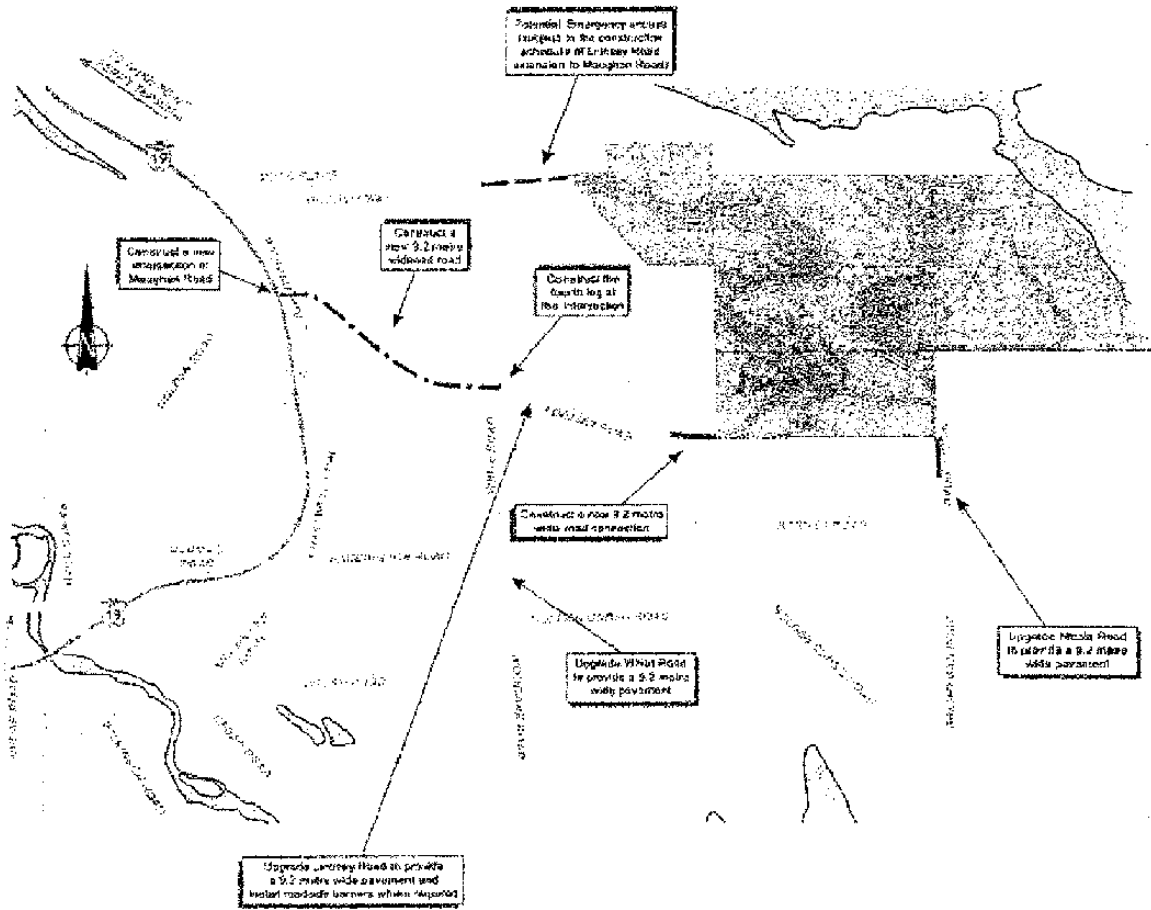
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EXHIBIT 5.1

SUMMARY OF RECOMMENDED IMPROVEMENTS



V31261024



6300 Hammond Bay Road, Nanaimo, BC V9T 6N2  
 Telephone (250) 390-6510 - Nanaimo or (250) 954-3809 - Parksville/Qualicum  
 Toll Free 1-877-607-4111 Fax (250) 390-7511

## HOME-BASED BUSINESS REGISTRATION

BUSINESS REGISTRY NO. **HBB-0717**

File No.: 3220-20-HBB  
 Date of Registry: 14-Dec-08  
 Map Reference: 92F.047.2.3 EA: H  
 Licence Expiry: Not Applicable  
 Building Inspection

The following business is hereby registered in accordance with the Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500, 1987 and Amendments Thereto

Name of Business:	Aysana Canada	Telephone:	(250) 757-9256
Name of Business Owner:	Marion Blake	Fax:	
Street Address:	4615 Mapleguard Bowser BC	Cell Phone:	
Mailing Address:	Ste 138 C161 RR#1	Email:	marion.blake@shaw.ca
Legal Description:	Lot: 34 Plan: 16121 District Lot: 40 Section: Range: Block: LD: Newcastle	Website:	
	LOT 34 PL 16121 DL 40 LD Newcastle		

### Description of Business

Importer of Peruvian Foods - Small boxes of Olive Oil picked up at Airport and delivered to Health Food Stores on Vancouver Island

This registration is void if the information supplied on your application is knowingly incorrect or untrue.

This registration is non-transferable and is void on change of location. A new home based business registry application must be completed.

Please notify Development Services upon discontinuation of home based business.

The issuance of home based business registration shall not be deemed to be a representation by the Regional District of Nanaimo to the registree that the business or proposed business complies with any or all applicable bylaws or enactments. The Regional District does not, by the issuance of this registration, represent to any person that the home based business to which this registration applies was in compliance with any or all regional land use regulations or that the Regional District, in any way, endorses the product or business. The business owner remains responsible to ensure compliance with all bylaws and enactments.

THIS IS YOUR REGIONAL DISTRICT OF NANAIMO BUSINESS REGISTRATION  
NO PAYMENT REQUIRED

- I acknowledge that I have attended the offices of Development Services, Regional District of Nanaimo, and have received a Home Based Business Information Package
- |  |  |
|--|--|
| <input type="checkbox"/> Home Based Business Bylaw No. 500.270 | <input type="checkbox"/> Zoning                                  |
| <input type="checkbox"/> Home Based Business Pamphlet          | <input type="checkbox"/> ALR (if applicable)                     |
| <input type="checkbox"/> Home Based Business Brochure          | <input type="checkbox"/> FLR (if applicable)                     |
| <input type="checkbox"/> Home Based Business Regulations       | <input type="checkbox"/> Development Permit Area (if applicable) |
| <input type="checkbox"/> Official Community Plan Information   | <input type="checkbox"/> Watercourses in the RDN                 |
| <input type="checkbox"/> Other _____                           |  |

Applicant \_\_\_\_\_

Regional District of Nanaimo Representative \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

cc: Ministry of Health  
 Ministry of Transportation  
 Building Inspection



**REGIONAL  
DISTRICT  
OF NANAIMO**

CAO APPROVAL		
EAP		
CCW	<input checked="" type="checkbox"/>	April 8th
MAR 26 2008		
RHD		
BOARD		

**MEMORANDUM**

**TO:** Sean De Pol  
Manager of Liquid Waste

**DATE:** March 26, 2008

**FROM:** Nadine Schwager  
Liquid Waste Coordinator

**FILE:** 5340-01-SEPT

**SUBJECT:** Amendment to Trucked Liquid Waste Disposal Bylaw

**PURPOSE**

To obtain Board approval to amend "Regional District of Nanaimo Trucked Liquid Waste Disposal Bylaw No. 988, 1995" to provide for cost reductions in specific circumstances related to disposal of holding tank sewage at Regional District of Nanaimo treatment facilities.

**BACKGROUND**

The Regional District of Nanaimo (RDN) Trucked Liquid Waste Disposal Bylaw No. 988 specifies fees to be charged for the disposal of septage and holding tank waste at RDN septage receiving facilities. As the bylaw is currently written, only those properties within the Pump and Haul Local Service Area, established by Bylaw No. 975, are eligible for a reduced holding tank waste rate of \$0.01/gallon. Any properties outside of the service area pay the septage disposal rate of \$0.18/gallon for the disposal of holding tank waste. The intent of this limitation is to ensure that properties included in the service area meet certain criteria specified in the Pump and Haul Local Service Area Bylaw.

The Trucked Liquid Waste Disposal Bylaw rates reflect the costs to treat septage and holding tank waste. Septage is much more concentrated than holding tank waste and, therefore, costs more to treat.

Two separate requests, as outlined below, have recently been received that do not meet the requirements or intent of the Pump and Haul Local Service Area Bylaw. Staff are recommending amending the Trucked Liquid Waste Disposal Bylaw to include reduced rates for similar requests in the future.

The Nanaimo Port Authority has requested a reduction in rates. The Nanaimo Port Authority provides a sewage reception facility for boaters within Port limits. This reception facility, known as the Eco-Barge, provides a valuable service free of charge to encourage all boaters to use the facility, rather than pump out untreated waste into the marine waters. Staff recommend providing a reduced rate of \$0.01/gallon for holding tank waste from marine sewage reception facilities to discourage marine dumping. This rate will be available through an application/approval process.

In February 2008, a report was presented to the Board regarding a reduction in disposal rates associated with a failed septic system. The mobile home park at 2465 Apollo Drive (Red Gap) requested a retroactive reduced rate in sewage disposal fees until they were able to complete repairs to their failed septic system. Due to zoning implications, the property did not qualify for inclusion into the Pump and Haul Service Area. The Board granted a sewage disposal rate of \$0.01/gallon for a period of 10 weeks. Staff recommend that the bylaw be amended to include provisions for making application to reduce the disposal rate from \$0.18/gallon to \$0.01 gallon for sewage from a failed system. The reduced rate would be temporary to encourage property owners to repair the system expediently. Applications for this temporary rate reduction would be considered only if supported by a commitment to an approved strategy to repair or replace the failed disposal system within a specified time frame, typically not exceeding 90 days, or if an application has been made to be included in the Pump and Haul Local Service Area.

To facilitate this bylaw amendment, staff are recommending the addition of a new definition for marine sewage reception facilities, the addition of specifications for a reduction in fees in the Rates and Fees Section of the bylaw, revisions to Schedule C (Fees), an application form (Schedule E) for marine sewage reception facilities and an application form (Schedule F) for failed septic systems. In addition, Schedule B will be revised to show the existing septage disposal locations.

**ALTERNATIVES**

1. Approve a bylaw amendment to allow a rate of \$0.01/gallon to marine sewage reception facilities and a temporary rate of \$0.01/gallon, not to exceed 90 days, for sewage associated with failed septic systems.
2. Provide alternate direction to staff.

**FINANCIAL IMPLICATIONS**

As the material being pumped from marine sewage reception facilities and failed septic systems is equivalent to holding tank waste, there is no financial implication to the RDN to reduce the rates. The cost to the RDN to treat holding tank waste is \$0.01/gallon.

The cost savings to the holding tank owner can be significant. For the Nanaimo Port Authority, the savings is expected to be \$1,000 to \$2,000 per year. For the property at 2465 Apollo Drive, the reduction in rates represented an approximate savings of \$12,000.

**SUMMARY/CONCLUSIONS**

The Regional District of Nanaimo Trucked Liquid Waste Disposal Bylaw No. 988 specifies fees to be charged for the disposal of septage and holding tank waste at RDN septage receiving facilities. Any properties outside of the Pump and Haul Local Service Area pay the septage disposal rate of \$0.18/gallon for the disposal of holding tank waste as opposed to the \$0.01/gallon Pump and Haul disposal rate.

Staff are suggesting two additional categories be added to the Trucked Liquid Waste Disposal Bylaw with a disposal rate of \$0.01/gallon. The first is to include holding tank wastes from marine sewage reception facilities. The second is for sewage associated with failed septic systems for a period of time not to exceed 90 days.

**RECOMMENDATIONS**

1. That "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.08, 2008" be introduced for three readings.
2. That "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.08, 2008" having received three readings be adopted.

*for* B. Jankas  
Report Writer  
*for* [Signature]  
General Manager Concurrence

*for* B. Jankas  
Manager Concurrence  
*for* [Signature]  
CAO Concurrence

COMMENTS:

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 988.08**

**A BYLAW TO AMEND REGIONAL  
DISTRICT OF NANAIMO TRUCKED  
LIQUID WASTE DISPOSAL  
BYLAW NO. 988**

WHEREAS the “Regional District of Nanaimo Trucked Liquid Waste Disposal Bylaw No. 988, 1995”, provided for the discharge of trucked liquid waste into septage disposal facilities operated by the Regional District of Nanaimo;

AND WHEREAS the Board wishes to amend Bylaw No. 988;

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

“Regional District of Nanaimo Trucked Liquid Waste Disposal Bylaw No. 988, 1995” is hereby amended as follows:

1. In Section 1 (Definitions), the following definition is inserted between “Local Service Area” and “Municipality”:  
  
**“Marine Sewage Reception Facilities”** means moorage and launching facilities located within the Regional District of Nanaimo boundaries that provide sewage disposal facilities for vessels.
2. In Section 7 (Rates and Fees), the following is added:
  - (9) The application for a reduction in holding tank sewage disposal rates for marine sewage reception facilities shall be submitted to the Regional District by the owner of a parcel or his agent, in prescribed form as shown in Schedule ‘E’ attached hereto.
  - (10) The application for a reduction in sewage disposal rates for a failed septic system shall be submitted to the Regional District by the owner of a parcel or his agent, in prescribed form as shown in Schedule ‘F’ attached hereto.
3. Schedule ‘B’ of Bylaw No. 988 is hereby repealed and Schedule ‘B’ attached hereto and forming part of this bylaw, is substituted therefor.
4. Schedule ‘C’ of Bylaw No. 988 is hereby repealed and Schedule ‘C’ attached hereto and forming part of this bylaw, is substituted therefor.

5. This bylaw may be cited as "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.08, 2008".

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

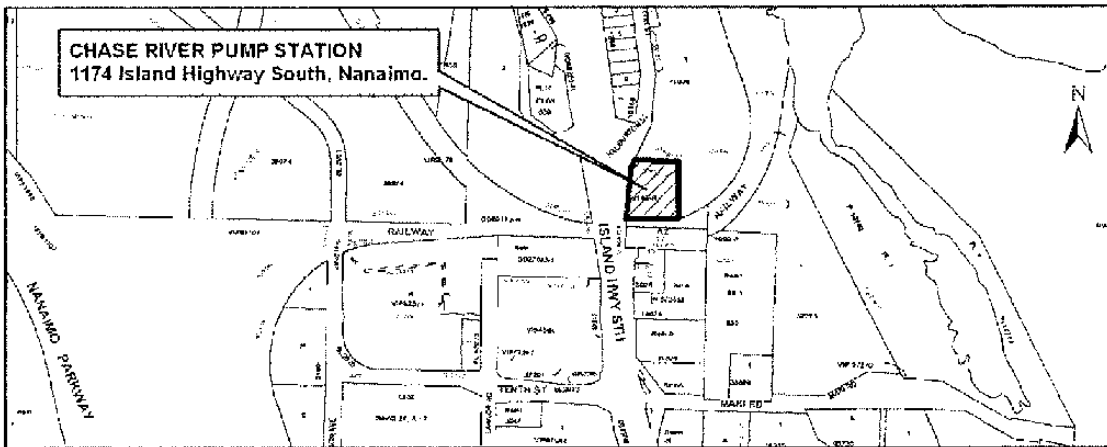
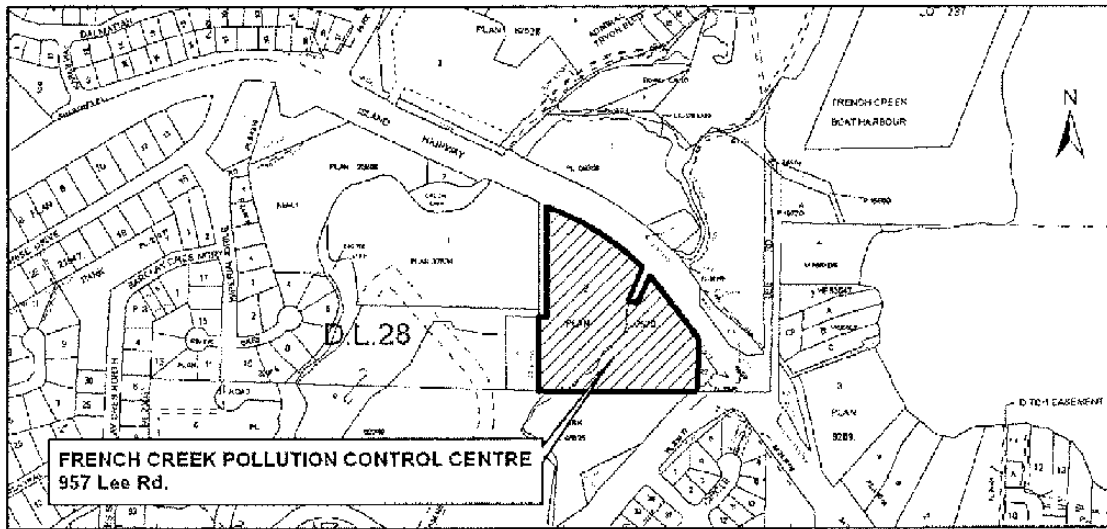
\_\_\_\_\_  
CHAIRPERSON

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

Chairperson

Sr.Mgr., Corporate Administration

### REGIONAL DISTRICT OF NANAIMO



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Chairperson

---

Sr. Mgr., Corporate Administration

**BYLAW NO. 988.08**

**SCHEDULE 'C'**

**FEES**

1.	Annual Administration Fee	\$ 50.00
2.	Application Fee	\$ 300.00
6.	User Fee:	
	For each gallon of septage in 2007	\$ 0.16
	Beginning in 2008 each gallon of septage	\$ 0.18
	For each gallon of holding tank waste from properties included within the Local Service Area (more specifically the Pump and Haul Local Service Area established by Bylaw No. 975)	\$ 0.01
	For each gallon of holding tank waste from properties included within the Horne Lake Pump and Haul Service after December 31 <sup>st</sup> , 2004	the rates established above for the Local Service Area will apply
	For each gallon of holding tank waste from marine sewage reception facilities, with approved application	\$ 0.01
	For each gallon of sewage from properties with approved application, and for a maximum period of 90 days	\$ 0.01
	For each gallon of septage from properties on Protection Island	\$ 0.00



For each gallon of septage from those properties  
within the City of Nanaimo listed as follows: \$ 0.00

- 1323/1325 Fielding Road
- 1335 Fielding Road
- 1341 Fielding Road
- 1343 Fielding Road
- 1350 Fielding Road
- 1357 Fielding Road
- 1373 Fielding Road
- 1390 Fielding Road
- 1400 Fielding Road
- 1403 Fielding Road
- 1416/1420 Fielding Road
- 1417 Fielding Road
- 1421 Fielding Road

For each gallon of septage from properties  
on Lasqueti Island: \$ 0.23

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Sr.Mgr., Corporate Administration

**REGIONAL DISTRICT OF NANAIMO**

**APPLICATION FORM**

**REDUCTION IN HOLDING TANK WASTE DISPOSAL RATES**

**FOR MARINE SEWAGE RECEPTION FACILITIES**

1. Name of Property Owner: \_\_\_\_\_
2. Address of Property Owner: \_\_\_\_\_
3. Name of Facility: \_\_\_\_\_
4. Name of Contact Person: \_\_\_\_\_
5. Title of Contact Person: \_\_\_\_\_
6. Legal Description of Property for which application is made:  
Lot: \_\_\_\_\_ Plan: \_\_\_\_\_ DL: \_\_\_\_\_ LD: \_\_\_\_\_
7. Civic address of property referred to in No. 6: \_\_\_\_\_
8. Nature of Business: \_\_\_\_\_  
\_\_\_\_\_
9. Sewage Disposal Facilities Provided for Vessels: \_\_\_\_\_  
\_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by Liquid Waste Department: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Sr.Mgr., Corporate Administration

**REGIONAL DISTRICT OF NANAIMO**

**APPLICATION FORM**

**TEMPORARY REDUCTION IN SEWAGE DISPOSAL RATES**

- 1. Name of Property Owner: \_\_\_\_\_
- 2. Address of Property Owner: \_\_\_\_\_
- 3. Name of Consulting Company: \_\_\_\_\_
- 4. Name of Authorized Person\*: \_\_\_\_\_

\*An "authorized person" is a registered practitioner or professional as designated in the Sewerage System Regulation

- 5. Legal Description of Property for which application is made:  
 Lot: \_\_\_\_\_ Plan: \_\_\_\_\_ DL: \_\_\_\_\_ LD: \_\_\_\_\_

- 6. Civic address of property referred to in No. 5: \_\_\_\_\_

- 7. Nature of Septic System Failure: \_\_\_\_\_  
 \_\_\_\_\_

- 8. Check off one of the following
  - System will be repaired (estimated date of repair \_\_\_\_\_)
  - System is not repairable, application to be included in the Pump and Haul Service Area attached or has been submitted

In signing this I do hereby confirm that the system indicated above has failed and that, if a repair is planned for the system, the RDN will be notified as soon as the repair has been completed.

Property Owner(s)' Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Authorized Person's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by Liquid Waste Department: \_\_\_\_\_ Date: \_\_\_\_\_



**REGIONAL  
DISTRICT  
OF NANAIMO**

CAO APPROVAL		<i>[Signature]</i>
EAP		
COW	<input checked="" type="checkbox"/>	April 8th
APR 02 2008		
RHD		
BOARD		

**MEMORANDUM**

**TO:** John Finnie  
General Manager of Environmental Services

**DATE:** March 14, 2008

**FROM:** Sean De Pol  
Manager of Liquid Waste

**FILE:** 3150-01-NC

**SUBJECT:** Greater Nanaimo Pollution Control Centre Expansion and Upgrading Strategy

**PURPOSE**

To present to the Board expansion and upgrading plans for the Greater Nanaimo Pollution Control Centre (GNPCC) and to introduce for first and second reading, "Southern Community Sewer Service Area Development Cost Charges Bylaw No. 1547, 2008".

**BACKGROUND**

*Upgrading and Expansion Requirements*

The GNPCC was last expanded in 1988 and is approaching design capacity; the plant currently serves a population of approximately 88,000 people which is the population design capacity for several components of the treatment facility. In addition the RDN is required by the Ministry of Environment to upgrade the GNPCC to a secondary level of treatment by 2015.

The projects that must be carried out in the next few years to increase the capacity of the existing treatment plant are as follows; these projects will provide the required interim capacity and are also necessary components of the secondary plant expansion:

Add Third Digester	\$7,800,000
New Operations Building (total project cost \$1.65M with 50% of cost allocated to existing users.)	\$822,500
Outfall Expansion - Land Section	\$1,500,000
Primary Sedimentation Tank Expansion	<u>\$2,000,000</u>
<b>Total</b>	<b><u>\$12,122,500</u></b>

Once the above works have been completed, the remaining capital projects related to growth are as follows:

DBPS Upgrade Pumping Capacity Stage 1	\$2,700,000
DBPS Upgrade Pumping Capacity Stage 2	\$2,100,000
Secondary Treatment Plant expansion (total cost \$61M with 50% of costs allocated to existing users)	\$30,500,000
Interest charges (\$22.7M will need to be borrowed to complete above projects)	<u>\$15,000,000</u>
<b>Total</b>	<b><u>\$50,300,000</u></b>

*Development Cost Charges*

The Regional District's Southern Community Sewer Service Area DCC bylaw was first adopted in 1996 and has been the subject of a detailed staff review over the last year. The Ministry of Community Services Best Practices Guide has been used by staff to develop DCCs for this next phase of growth. The DCCs reflect the capital requirements, an apportionment of benefit between existing and new users and a municipal assist factor of 1%, the minimum allowable. Staff from the RDN, City of Nanaimo and District of Lantzville have met and are in agreement with the contents of the bylaw introduced with this report.

Local governments are required to carry out a public consultation process to inform the development industry and other interested parties. As part of the process a meeting will be held at the RDN on May 7, 2008 to present this information. Feedback will be gathered and if necessary the DCC bylaw will be amended and returned to the Board for third reading, as amended, in July 2008.

**ALTERNATIVES**

1. Give the DCC bylaw as appended to this report first and second reading and forward it to the public consultation meeting scheduled for May 7, 2008.
2. Amend the DCC bylaw as appended to this report and give first and second reading to the amended bylaw and forward it to the public consultation meeting scheduled for May 7, 2008.

**FINANCIAL IMPLICATIONS**

*Alternative 1*

Proposed Development Cost Charge rates for the Southern Community Sewer Service Area:

<b>Development Type</b>	<b>Current</b>	<b>Proposed</b>
Single family lots or buildings	\$2,660.00 per lot or unit	\$3,631.76 per lot or unit
Multi family	\$ 5.08 m <sup>2</sup>	\$ 27.80 m <sup>2</sup>
Commercial	\$ 5.32 m <sup>2</sup>	\$ 21.03 m <sup>2</sup>
Industrial	\$ 2.13 m <sup>2</sup>	\$ 5.35 m <sup>2</sup>

The increase to the per unit rates is primarily attributed to the rising construction costs on Vancouver Island. The rising construction costs are driven by increased construction volumes, a limited contractor and labour pool and rising material costs over the last several years and this is reflected in the most recent capital estimates. Over the last four years construction costs in British Columbia have risen between 10 and 11% per year and are predicted to continue rising at a similar rate until 2010.

As a result of the recent and rapid increase in construction costs, the current DCC reserves will not have adequate funds in advance of the upcoming expansion and upgrades at the GNPCC. Staff estimate that approximately \$22.7 million will need to be borrowed to complete the works. DCC revenues generated in the years following the expansion are estimated to be sufficient to cover the cost of borrowing. This means that growth related developments will cover the costs of the expansion although borrowing will take place to meet a shortfall at the date the plant is physically expanded.

In addition to increasing capacity, the GNPCC secondary treatment plant upgrade will provide a higher level of wastewater treatment, benefiting all users. Consequently the existing users will be required to pay for 50% of the secondary treatment plant upgrade. Capital reserve funds will help to pay for this upgrade; however existing users will have to borrow about \$15 million to fully fund this project. The ten year financial projection below shows the required tax requisition increases.

Year	Tax Requisition Increase	Percent Change
2008	\$ 4,376,470	3%
2009	\$ 4,551,529	4%
2010	\$ 4,779,105	5%
2011	\$ 5,018,061	5%
2012	\$ 5,268,964	5%
2013	\$ 5,532,412	5%
2014	\$ 5,864,356	6%
2015	\$ 6,216,218	6%
2016	\$ 6,589,191	6%
2017	\$ 6,984,542	6%
2018	\$ 7,403,615	6%

The annual change of approximately \$230,000 for upgrading and operations will result in taxpayers in the City of Nanaimo and District of Lantzville paying an additional \$1.70 per \$100,000 per year.

*Alternative 2*

Given the pace of development at this time it is important that this revised bylaw move forward as the value of future DCC collections is dependent on the rates in effect at this time.

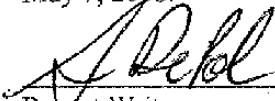
**SUMMARY/CONCLUSIONS**

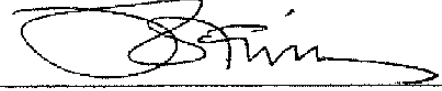
Staff are recommending that the Southern Community Sewer Service Area DCC rates be increased to accommodate the increase in construction and material costs which are predicted to continue to rise for several more years. A shortfall of available funds is expected at the time the plant construction needs to occur. Funds will need to be borrowed at that time with the cost of borrowing offset by continued DCC collections in the following years. Under the Province’s Best Practices Guide the interest costs associated with this borrowing form the portion of the costs recoverable through the DCC program.


The DCC update process included consultation with senior staff from the City of Nanaimo and District of Lantzville. A meeting with the local construction industry and other interested parties will be held on May 7, 2008 at the RDN to present information on the proposed DCC rate to a broader public audience. Once the consultation process has been completed a further staff report will summarize the results and make final recommendations for this bylaw.

**RECOMMENDATION**

That "Southern Community Sewer Service Area Development Cost Charges Bylaw No. 1547, 2008" be introduced for first and second readings and be forwarded for a public consultation meeting scheduled for May 7, 2008.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

COMMENTS:

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1547**

**A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES  
WITHIN THE SOUTHERN COMMUNITY SEWER SERVICE AREA**

WHEREAS the Board 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 the 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 Southern Community Sewer 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 Regional District of Nanaimo.

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

**I. CHARGES**

- a) Except as outlined under Section 2, for properties within the City of Nanaimo, as shown outlined on Schedule 'B' attached to this bylaw, the amount to be paid under this bylaw will be based on the City of Nanaimo's definitions for building types and the City of Nanaimo's methodology for calculating Development Cost Charges for other purposes within the City of Nanaimo as amended from time to time.



- b) Except as outlined under Section 2, for properties within the District of Lantzville, as shown outlined on Schedule 'C' to this bylaw, the amount to be paid under this bylaw will be based on the District of Lantzville's definitions for building types and the District of Lantzville's methodology for calculating Development Cost Charges for other purposes within the District of Lantzville as amended from time to time.
- c) Every person who obtains:
- i) approval of the subdivision for any purpose of a parcel of land under the *Land Title Act* or the *Strata Property Act* which creates fee simple or bare land strata lots which are zoned to permit no more than two dwelling units, or
  - ii) a building permit authorizing the construction, alteration or extension of a building, including a building containing less than four self-contained dwelling units and that will, after the construction, alteration or extension, be put to no other use other than the residential use in those dwelling units, or
  - iii) a building permit for any new floor area which has a construction value in excess of \$50,000.00 or where the total of the building permits issued for the same parcel of land within the preceding 2 years exceeds \$50,000;

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 'A' attached to and forming part of this bylaw.

## 2. EXCEPTIONS

- a) Section 2 does not apply to the first self-contained residential unit constructed on a lot but applies to all subsequent residential units constructed.
- b) Section 2 does not apply to the remainder of a parcel of land which is the subject of a subdivision for any purpose under the *Land Title Act* or the *Strata Property Act* and which creates fee simple or bare land strata lots.
- c) If by statute or by operation of law, this bylaw does not apply to an application to subdivide or an application for a building permit made prior to the adoption of this bylaw, any bylaw repealed by this bylaw shall remain unrepealed and in force and effect in relation to such applications, so far as is necessary to impose development cost charges under that bylaw at the time of subdivision approval or issuance of the building permit.

## 3. GRACE PERIOD

The effective date of the rates contained within this bylaw will be 60 calendar days after the date of adoption.

4. **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.

5. **REPEAL OF PREVIOUS BYLAW**

"Regional District of Nanaimo Southern Community Sewer Local Service Area Development Cost Charge Bylaw No. 1020, 1996" and all amendments are hereby repealed, effective on the date that this bylaw is adopted.

6. **TITLE**

This bylaw may be cited for all purposes as "Southern Community Sewer Service Area Development Cost Charges Bylaw No. 1547, 2008".

Introduced for first and second readings this 22nd day of April, 2008.

Read a third time this \_\_\_\_ day of \_\_\_\_\_, 2008.

Approved by the Inspector of Municipalities this \_\_\_\_ day of \_\_\_\_\_, 2008.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CHAIRPERSON

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

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Sr. Mgr., Corporate Administration

**SCHEDULE 'A'**

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

- 1. Pursuant to Section 2 of this bylaw, development cost charges shall be levied in those areas that will be serviced by wastewater treatment/sanitary sewerage works and services as outlined on the map attached hereto as Schedule 'B' and Schedule 'C'.
- 2. The assist factor for wastewater treatment/sanitary sewerage works and services shall be 1%.
- 3. 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.

The Development Cost Charge Schedule is as follows:

<b>Category</b>	<b>Subdivision</b>	<b>Building Permit</b>
Single Family	\$3,631.76 per lot	\$3,631.76 per residential unit constructed
Multi-Family		\$27.80 per square meter
Commercial		\$21.03 per square meter
Industrial		\$5.35 per square meter



**REGIONAL  
DISTRICT  
OF NANAIMO**

CAC APPROVAL		<i>[Signature]</i>
EAP		
COV	<input checked="" type="checkbox"/>	April 8th
APR 02 2008		
RHD		
BOARD		

**MEMORANDUM**

**TO:** John Finnie  
General Manager of Environmental Services

**DATE:** March 28, 2008

**FROM:** Sean De Pol  
Manager of Liquid Waste

**FILE:** 3150-01-NC

**SUBJECT:** French Creek Pollution Control Centre Expansion and Upgrading Strategy

**PURPOSE**

To present to the Board expansion and upgrading plans for the French Creek Pollution Control Centre (FCPCC) and to introduce for first and second reading, "Northern Community Sewer Service Area Development Cost Charges Bylaw No. 1442.02, 2008".

**BACKGROUND**

*Expansion requirements*

The FCPCC was last expanded in 1996. The new plant has been successful in achieving high levels of effluent quality. The debt for the expansion will be retired in 2012.

The plant currently serves a population of approximately 24,000 people which is the population design capacity. In anticipation of the expansion pressures and as part of the Liquid Waste Department's (LWD) overall infrastructure management plan, FCPCC has been the subject of stress tests and audits to assist in determining when the plant will require upgrading and expansion. The LWD strategy is to maximize the usefulness of the existing works before embarking on a full expansion. The stress tests and audits indicate that there are some optimizations and capital projects that will provide the existing facility with the capacity to accept flows from an additional 8,000 persons thereby increasing the design capacity to 32,000 people. Depending upon actual growth rates in the near future, the major secondary expansion project can be deferred until 2012/13 to coincide with the repayment of existing debt.

The projects that must be carried out to increase the capacity of the existing treatment plant are as follows. These projects will provide interim capacity and are also necessary components of the next full plant expansion:

Add effluent pumping capacity	\$ 360,000
Add Returned Biological Sludge (RBS) pumping capacity	\$ 65,000
Chemical storage and dosing system for Chemically Enhanced Primary Treatment (CEPT)	\$ 730,000
Install second WBS Drum Thickener	\$ 230,000
Expand sludge dewatering system	\$ 672,000
Additional Secondary clarifier	\$ 1,585,000
Solids Contact Expansion	\$ 894,000
Commission Fifth Auto Thermal Aerobic Digester (ATAD)	\$ 310,000
<b>Total</b>	<b><u>\$ 4,846,000</u></b>

Once the above works have been completed, the remaining capital projects related to growth are as follows:

New Secondary Treatment Plant and Outfall (total cost \$34M with \$5M allocated to existing users and \$33M from DCC's)	\$33,000,000
Interest charges (\$24M will need to be borrowed to complete above projects)	\$16,500,000
FCPCC Interceptor and Pump Station Upgrade	<u>\$ 6,070,000</u>
<b>Total</b>	<b><u>\$55,570,000</u></b>

*Development Cost Charges*

The Regional District's Northern Community Sewer Service Area DCC bylaw was first adopted in 1995 and more recently amended in 2005. This bylaw has been the subject of a detailed staff review over the last year. The Ministry of Community Services Best Practices Guide has been used by staff to develop DCCs for this next phase of growth. The DCCs reflect the capital requirements, an apportionment of benefit between existing and new users and a municipal assist factor of 1%, the minimum allowable. Staff from the Regional District, City of Parksville and Town of Qualicum Beach have met and are in agreement with the contents of the bylaw introduced with this report.

Local governments are required to carry out public consultation process to inform the development industry and other interested parties. A meeting will be held on May 14, in the Council Chambers of the Parksville City Hall to present this information. Feedback will be gathered and if deemed necessary or desirable, the DCC bylaw will be amended and returned to the Board for third reading as amended, in July, 2008.

**ALTERNATIVES**

1. Give the DCC bylaw as appended to this report first and second reading and forward it to the public consultation meeting scheduled for May 14.
2. Amend the DCC bylaw as appended to this report and give first and second reading to the amended bylaw and forward it to the public consultation meeting scheduled for May 14.

**FINANCIAL IMPLICATIONS**

*Alternative 1*

Proposed Development Cost Charge rates for the Northern Community Sewer Service Area:

Development Type	Current	Proposed
Single family lots or buildings	\$4,744.54 per lot or unit	\$10,858.01 per lot or unit
Multi family	\$ 28.75 m <sup>2</sup>	\$ 103.41 m <sup>2</sup>
Commercial	\$ 17.79 m <sup>2</sup>	\$ 46.53 m <sup>2</sup>
Industrial	\$ 10.68 m <sup>2</sup>	\$ 46.53 m <sup>2</sup>
Airport Industrial	\$ 1.98 m <sup>2</sup>	\$ 5.17 m <sup>2</sup>
Institutional	\$ 21.75 m <sup>2</sup>	\$ 56.88 m <sup>2</sup>

There is a significant change to the per unit rates; this is primarily attributed to the rising construction costs on Vancouver Island. The rising construction costs are driven by increased construction volumes, a limited contractor and labour pool and rising material costs over the last several years and this is reflected in the most recent capital estimates. Over the last 4 years construction costs in British Columbia have risen between 10 and 11% per year and are predicted to continue rising at a similar rate until 2010.

As a result of the recent and rapid increase in construction costs the current DCC reserves will not have adequate funds in advance of the upcoming expansion and upgrading at FCPCC. Staff estimate that approximately \$24 million will need to be borrowed to complete the works. DCC revenues generated in the years following the expansion are estimated to be sufficient to cover the cost of borrowing. This means that growth related developments will cover the costs of the expansion although borrowing will take place to meet a shortfall at the date the plant is physically expanded.

The proposed DCC rates were compared to other regional districts in British Columbia. The only comparable regional district that has recently completed a major update of their treatment plant DCC bylaw was the Comox Strathcona Regional District (CSRD). CSRD updated their DCC rate October 30, 2006 from \$998 to \$2,470 for single family lots or buildings, a 150% increase comparable to the RDN's proposed 129% increase. Although the percentage increase is similar between the two regional districts, the RDN is proposing a significantly higher DCC rate than the CSRD. This difference is related to the RDN's \$45 million DCC capital plan compared to the CSRD reported \$10 million DCC capital plan.

#### *Alternative 2*

Given the pace of development at this time it is important that this revised bylaw move forward as the value of future DCC collections is dependent on the rates in effect at this time.

#### **SUMMARY/CONCLUSIONS**

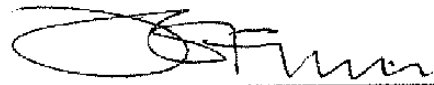
Staff are recommending that the Northern Community Sewer Service Area DCC rates be significantly increased to accommodate the increase in construction and material costs which are predicted to continue to rise for several more years. A shortfall of available funds is expected at the time the plant construction needs to occur. Funds will need to be borrowed at that time with the cost of borrowing offset by continued DCC collections in the following years. Under the Province's Best Practices Guide the interest costs associated with this borrowing form the part of the costs recoverable through the DCC program.


The DCC update process included consultation with senior staff from the City of Parksville and Town of Qualicum Beach. A meeting with the local construction industry and other interested parties will be held on May 14 in Parksville City Hall to present information on the proposed DCC rate to a broader public audience. Once the consultation process has been completed a further staff report will summarize the results and make final recommendations for this bylaw.

**RECOMMENDATION**

That "Northern Community Sewer Service Area Development Cost Charges Bylaw No. 1442.02, 2008" be introduced for first and second readings and be forwarded for a public consultation meeting scheduled for May 14, 2008.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
C.A.O. Concurrence

COMMENTS:

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1442.02**

**A BYLAW TO AMEND THE DEVELOPMENT COST CHARGES WITHIN  
THE NORTHERN COMMUNITY SEWER SERVICE AREA**

WHEREAS the Regional District of Nanaimo has adopted "Northern Community Sewer Service Area Development Cost Charges Bylaw No. 1442, 2005;

AND WHEREAS the Board wishes to amend the development cost charges for wastewater treatment/sanitary sewer works and services;

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

Northern Community Sewer Service Area Development Cost Charges Amendment Bylaw No. 1442 as amended to date is further amended by:

1. Adding to Paragraph 4 the following:  

"d) where a building permit is issued for the construction, alteration or extension of a multi-family residential building the rates in Schedule 'A' will apply as required in this bylaw, provided that the total amount payable shall not be greater than the amount obtained by multiplying the number of dwelling units subject to development cost charges by the single family unit rate in Schedule 'A'".
2. Schedule 'A' to Bylaw No. 1442 is hereby repealed and Schedule 'A' attached to and forming part of the this bylaw is substituted therefore.
3. This bylaw may be cited as the "Northern Community Sewer Service Area Development Cost Charges Amendment Bylaw No. 1442.02, 2008".

Introduced for first and second readings this 22nd day of April, 2008.

Read a third time this \_\_\_\_ day of \_\_\_\_\_, 2008.

Approved by the Inspector of Municipalities this \_\_\_\_ day of \_\_\_\_\_, 2008.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CHAIRPERSON

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



\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Sr. Mgr., Corporate Administration

### SCHEDULE 'A'

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

1. Pursuant to Section 2 of Bylaw No. 1442 and subsequent amendments, development cost charges shall be levied in those areas that will be serviced by wastewater treatment/sanitary sewerage works and services as outlined on the map in Schedule 'B'.
2. The assist factor for wastewater treatment/sanitary sewerage works and services shall be 1%.
3. 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.
4. The Development Cost Charge Schedule is as follows:

Development Type	Rate
Single family lots or buildings	\$10,858.01 per lot or unit
Multi family	\$ 103.41 m <sup>2</sup>
Commercial	\$ 46.53 m <sup>2</sup>
Industrial	\$ 46.53 m <sup>2</sup>
Airport Industrial	\$ 5.17 m <sup>2</sup>
Institutional	\$ 56.88 m <sup>2</sup>



RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	
COW	<i>✓ April 8th</i>
MAR 27 2008	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Carey McIver  
Manager of Solid Waste

**DATE:** March 18, 2008

**FROM:** Jeff Ainge  
Zero Waste Coordinator

**FILE:** 5365-72

**SUBJECT:** Residential Food Waste Collection Field Test – Progress Report

**PURPOSE**

To update the Board on the Residential Food Waste Collection Field Test.

**BACKGROUND**

In February 2005, the Board approved the Organics Diversion Strategy (ODS), a plan to provide the Board, the general public, and the business community with information on how organic waste will be diverted from disposal. This Strategy was developed in accordance with the RDN Solid Waste Management Plan which identifies organics diversion as an important measure to reach the goal of 75% diversion from landfill by 2010. The Strategy has two main components; commercial and residential food waste diversion.

In April 2005, the Board approved a ban on the disposal of commercial food waste at solid waste facilities. Since the inception of the disposal ban in 2005, the diversion of commercial food waste has climbed steadily to an average 300 tonnes per month in 2007.

The second phase of the ODS is a residential food waste diversion program. A 12 month residential field test has been implemented using three collection routes – an urban route in the City of Nanaimo, a suburban route in Qualicum Beach (Chartwell) and a rural route in the Regional District (Cedar). The total cost is \$170,000 for this project. However, \$85,000 of this budget expenditure will be offset by the FCM grant which is for 50% of the program costs, excluding staff time.

The 2006-2009 Strategic Plan identifies the need to reduce the amount of solid waste disposed as well as the need to reduce greenhouse gas emissions. This field test meets these Strategic Plan goals by diverting household generated compostable organic material from the landfill to be processed into compost, which saves valuable landfill space as well as reducing greenhouse gas emissions.

The following provides an update on the implementation and startup of the project.

**Pilot Project Start up**

*Collection Containers*

Collection containers were delivered to each of the homes on the three routes. This was a labour intensive component of the project. The Cedar route (765 homes) in particular covers an extensive area which made timing and coordination of the delivery challenging. Container delivery on the more urban routes was accomplished more smoothly (485 homes in Chartwell and 720 homes in the City of Nanaimo). This is useful information to consider for a full roll-out.

### *Promotion and Education Material*

Each home on the project routes received a newsletter (containing answers to frequently asked questions, and a reference chart for acceptable materials), information decals to be affixed to the containers, a limited supply of compostable liner bags, and for the RDN route a revised collection schedule.

### *Drop In Sessions*

Drop in open houses were hosted for each route. Attendance varied with approximately 50 people attending the Cedar sessions, 60 attending the Chartwell sessions and over 100 attending at the City of Nanaimo sessions. Staff and representatives from the municipalities also attended, along with a composting facility representative and the RDN's collection contractor.

### *Website*

A dedicated website was set up and is averaging 67 visits per week. A password protection system was put in place to limit access to participants only. The password was provided to participants as part of the start up information. Judging from the webmaster's weekly analysis of online visitors to the site, many people who visit it are unable to move beyond the main page because they do not have the password. For those with the password, information on compostable bags, collection schedules, and acceptable materials are the most popular pages viewed. Staff are considering removing the password after the online survey has been completed.

### *Update Newsletter*

A newsletter has been sent to each of the participant addresses (mid-March 2008). The information includes an update on weights collected, a reminder on acceptable materials, and includes a survey seeking input on the project's start up.

### *Collection Truck*

A vertical split packer truck has been leased for the twelve month project. Split packer trucks are capable of collecting two separated waste streams concurrently and provide efficiencies of collection. While this should provide savings of emissions, costs and time, the truck used has brought to light a number of issues. These include:

- The tight cul-de-sacs on the Chartwell (Town of Qualicum Beach) route have posed challenges for the driver who must reverse the large truck out of some streets.
- The set up of the hopper is such that the collection drivers have an added twist and lift motion to get the material to the far side of the split. Minor modifications have been made for the duration of the project to ease this motion; however it is of concern from a worker safety perspective.
- Despite the baffle between the two waste compartments, when the waste is compacted there have been instances of contamination with garbage crossing into the compostable material.

Further modifications, a better design, automated lifting system, or a smaller truck should be considered if this type of split truck is to be used for collecting garbage and food waste in this region.

Also, it takes the collection staff longer to complete their routes on days when both garbage and food waste are collected. The time required at each stop is increased because there are two containers to pick up and dump into the hopper. On occasion, the City's collection foreman has sent an additional truck to pick up garbage on the E-3 route to ensure the route is completed in a timely manner.

In terms of utilization and scheduling, the truck is being used by all three collection partners with the City of Nanaimo coordinating servicing. This has worked well.

### *Container Liners*

A supply of compostable liner bags was provided free of charge to each participating home. The use of a liner in the kitchen catcher reduces the “yuck factor” and makes transfer of material from kitchen to green bin a no-mess process. Although liner bags are not mandatory, if a bag is used it must be compostable or be a paper bag. As the supplied bags are used up, residents are faced with purchasing replacements if they choose to continue using a liner. A range of stores are stocking compostable bags of various brands. Prices range from \$3.87 to \$6.99 for the small kitchen catcher sized liner. The majority of calls received in recent weeks have been from residents expressing displeasure at the cost. Staff have encouraged stores to stock bags and to charge a reasonable price. Staff will be investigating options for sourcing and supplying compostable liners should food waste collection be implemented across the region.

### *Processing the Food Waste*

The food waste is being received at the International Composting Corporation (ICC) facility at Duke Point. There have been no issues or concerns expressed by ICC or collection staff regarding the material being received at ICC, although as the free supply of compostable bags ran out some residents have chosen to use regular plastic bags for their food waste. If collected in the green bins, this leads to contamination of the compost and requires extra work of the ICC staff to remove it.

### *Infrastructure Requirements*

A factor limiting the expansion to a region-wide residential food waste collection program is the need for transfer facilities at Church Road Transfer Station, and at the Regional Landfill. The field test is affording staff the ability to identify and review infrastructure requirements and opportunities, and to plan for upgrades.

### **Diversion Statistics**

According to the 2005 Gartner Lee Ltd. consultants’ report, an estimated 53% of the residential waste stream is food waste and non-recyclable paper. In planning for this project staff assumed a reasonable diversion rate of 50% of that material; approximately 6.8 kg of acceptable material per household per month diverted from the landfill.

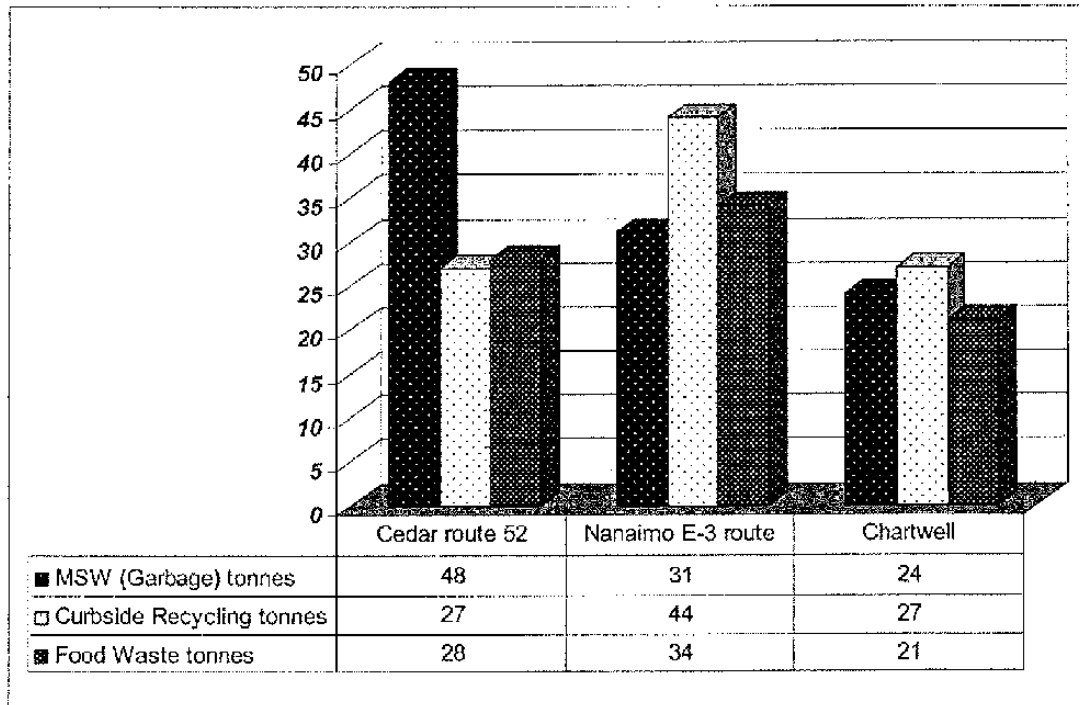
Based on the current performance of homes participating in the pilot project, food waste collected at the curb is ranging between 11.6 to 14.2 kg per household per month. This is a 60% capture rate; considerably better than the 50% staff had anticipated.

On average, food waste is making up 44% of what would previously be considered to be “garbage”, (this figure is derived by taking food waste as a percentage of garbage and food waste weights combined).

In terms of diversion rates, the actual total diversion statistics do show a difference when urban routes are compared to the rural route. Diversion can be defined as recycling materials and food waste collected at the curb but not sent to the landfill. Chartwell and the City of Nanaimo routes are achieving a total diversion rate of approximately 70%. The Cedar route is achieving 54% diversion. Part of this lower rate can be attributed to fewer free community newspapers being delivered to the door, hence a lighter recycling weight, as well as a higher number of home composters in use reducing the food waste collection weights.

When all three material streams are broken out (garbage, recycling, and compostable food waste), garbage makes up only 36% of material collected at the curb. This equates to an overall 64% residential diversion figure -- indicating that a residential food waste collection program can play a significant part of achieving the Board approved Solid Waste Management Plan target of 75% diversion by 2010.

Figure 1 - Tonnes of the three waste streams collected on each field test route (Oct 23 2007-Feb 28, 2008)



**Monitoring and Evaluation**

Monitoring and evaluation is vital to provide the information that staff require to design and implement a region-wide program to serve roughly 50,000 households.

*Set out counts*

Staff undertook set-out counts for each of the routes over a four week period in November-December. This showed that of those households with a container at the curb (garbage can, recyclables, or green bin), 75% of households were using the green bin.

*Participant calls*

A number of householders have contacted the municipalities or RDN offices with questions and concerns or to express satisfaction regarding the project. Phone calls and emails received at the RDN are logged and responses noted. The dedicated email address was put to good use at the start of the project; it has been used less as time has passed.

*Survey*

A survey was included with the update newsletter (sent in March). The survey could be completed online, or filled in and returned to a number of locations. At the time of preparing this report responses are coming in at a steady rate. Staff will use the responses to gauge the effectiveness of the initial start up information. In addition, follow up focus groups are planned for the spring.

From the 150 initial online responses, the program has been well received with over 90% of respondents putting their food waste out every one to two weeks. Almost 80% of those responding said they can tell there is a difference in how much garbage they are setting out at the curb. A full analysis of the survey responses should be available for the Board in June.

**INTERGOVERNMENTAL IMPLICATIONS**

The collaboration between Regional District, City of Nanaimo and Town of Qualicum Beach staff in the planning and implementation of the field test has been excellent. Issues have been addressed promptly, and information sharing has enabled each of the partners to respond to complaints and participant concerns in a unified way.

**CONCLUSIONS**

The Residential Food Waste Collection Field Test has been operating on three routes for four months. Over 80 tonnes of compostable waste has been collected and sent to the International Composting Corporation facility at Duke Point. When combined with the curbside recycling program, the participating households are achieving a total diversion rate of 64%.

A survey was included in a newsletter which was recently sent to each participating household. The questions focused on how participants viewed the start-up of the project, and offered respondents an opportunity to voice their opinions on the project overall. At the time of preparing this report staff have yet to analyze the responses in any detail, however the majority of responses offer supportive comments and 94% of the early respondents indicated they are participating by collecting their food waste and taking it to the curb. A follow up focus group is planned to gather additional participant input.

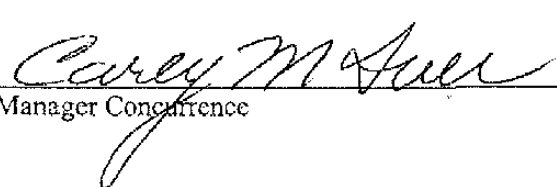
The Food Waste Collection pilot is slated to continue through to the end of October, at which time the participating partner municipalities, Council and Board members and staff will evaluate the project's results.

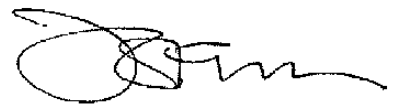
The residents of the three participating routes are to be congratulated for their involvement in the program. Their participation and feedback are providing meaningful results which ensures the field test produces useful information upon which to base decisions for future food waste collection programs.


**RECOMMENDATION**

That the Board receive the Residential Food Waste Collection Field Test progress report for information.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
General Manager Concurrence

  
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CAO Concurrence

**COMMENTS:**



RDN REPORT		CAO APPROVAL
EAP		
COW	✓	April 18th
MAR 27 2008		
RHD		
BOARD		

## MEMORANDUM

**TO:** Carey McIver  
Manager of Solid Waste

**DATE:** March 19, 2008

**FROM:** Jeff Ainge  
Zero Waste Coordinator

**FILE:** 5380-20-STEW

**SUBJECT:** BC Product Stewardship Council

### PURPOSE

To advise the Board of proposed changes to the Terms of Reference (attached) for the BC Product Stewardship Council, and to seek approval for the Regional District of Nanaimo to join other regional districts in making a financial commitment to support the operations of the Council.

### BACKGROUND

In July of 2006, the Board endorsed RDN membership in the Local Government Product Stewardship Council.

In recent meetings, the Local Government Product Stewardship Council adopted a name change to the British Columbia Product Stewardship Council (BCPSC) to better reflect its role.

The British Columbia Product Stewardship Council (BCPSC) is a coalition of 26 regional districts and provincial agencies and associations associated with solid waste management and waste reduction. The Council works to shift BC's product waste management system from one focused on government funded and taxpayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability.

Product stewardship programs are a proven and reliable mechanism to remove material from the disposal stream and to ensure that the diverted materials are recycled. Current BC product stewardship programs include industry-operated deposit systems on almost all beverage containers, automotive tires and batteries, and industry-funded collection of waste paint, used oil, oil containers and used oil filters, solvents, fuels, pesticides and pharmaceuticals. In 2007, the electronics recycling program was launched to remove a range of computer, television and related consumer electronic devices from entering the province's landfills.

A revised Terms of Reference is proposed for the Council, which is also seeking financial support from the membership to retain administrative support.

The proposed administrative support will enable facilitation of meetings and conference calls, preparation of meeting minutes and agenda packages, research and preparation of policy papers, policies, advocacy and lobbying literature in consultation with the Council membership. The suggested annual cost for this assistance is \$1,000 per regional district. The Council is requesting all regional boards review and endorse the revised Terms of Reference and commit to financially supporting the Council.

## **ALTERNATIVES**

1. Approve the revised Terms of Reference for the BC Product Stewardship Council, and sign on to provide financial support.
2. Approve the revised Terms of Reference for the BC Product Stewardship Council and decline providing financial support.
3. Do not approve the revised Terms of Reference for the BC Product Stewardship Council and decline providing financial support.

## **FINANCIAL IMPLICATIONS**

Upon receipt of approval from all Regional Districts, a Request for Proposals will be issued to procure administration services from a consultant or another agency. The administrative person would organize meetings, record minutes, do research, prepare correspondence, and assist in any other capacity to further the work of the Council.

The Solid Waste 2008 budget is able to cover this \$1,000 expense from within the Zero Waste program budget.

## **INTERGOVERNMENTAL IMPLICATIONS**

The BCPSC strives to represent all local governments in advocating for Extended Producer Responsibility programs in BC, and by working with the Province of BC in the development, review and approval of stewardship plans.

## **CITIZENS/PUBLIC RELATIONS IMPLICATIONS**

The public has generally responded favourably to stewardship programs. Stewardship programs serve as a public education tool, helping to make consumers more aware of their responsibilities and impacts in terms of the waste that they generate. Personal responsibility for managing and financing waste generated by the individual consumer creates powerful incentives for a consumer to reduce waste.

## **ENVIRONMENTAL IMPLICATIONS**

Product stewardship programs are a proven and reliable mechanism to remove material from the disposal stream and to ensure that the diverted materials are recycled.

## **CONCLUSIONS**

In July of 2006, the Regional Board endorsed RDN membership in the Local Government Product Stewardship Council. The British Columbia Product Stewardship Council (BCPSC) is comprised of 26 regional districts and provincial agencies and associations associated with solid waste management and waste reduction. The BCPSC provides the RDN an opportunity to review and comment on proposed plans to ensure that they are consistent with RDN Zero Waste and climate change objectives. Staff supports the Council's waste management efforts and continued RDN membership in the Council. The public has generally responded favourably to stewardship programs.

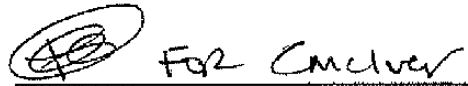
A revised Terms of Reference for the Council is proposed, along with a funding request to enable a more efficient administrative support.




**RECOMMENDATIONS**

1. That the Board approve the revised Terms of Reference for the BC Product Stewardship Council.
2. That the Board approve the RDN providing annual financial support in the amount of \$1,000 to the BC Product Stewardship Council.

  
\_\_\_\_\_  
Report Writer

  
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Manager Concurrence

  
\_\_\_\_\_  
General Manager Concurrence

  
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CAO Concurrence

COMMENTS:

# **BC Product Stewardship Council Terms of Reference**

(Final for approval - February 2008)

The British Columbia Product Stewardship Council (BCPSC) is a coalition of 26 regional districts and provincial agencies and associations associated with solid waste management and waste reduction.

## **PURPOSE**

- a) To shift BC's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability
- b) To provide a forum for the exchange of information regarding existing and proposed Extended Producer Responsibility (EPR) Programs in British Columbia
- c) To provide information to the Ministry of Environment regarding the effectiveness of operations of existing EPR programs within Regional Districts
- d) To assist with developing a time line for the implementation of EPR programs for all product waste
- e) To liaise with product stewardship councils within British Columbia and in other jurisdictions

## **OBJECTIVES**

- a) To be granted formal consultative status by the Province of British Columbia in the review and approval of stewardship plans
- b) To ensure all British Columbia Local Governments are represented and have a voice on the Council.
- c) To liaise with other waste reduction and recycling agencies and societies to present a cooperative voice to regulators.
- d) To develop practical local and educational tools such as template by-laws, newsletters, articles, policy briefings, PowerPoint presentations, etc.

## **LEVEL OF AUTHORITY**

All correspondence and media releases containing opinions, statements, and decisions concerning the business of individual member's jurisdictions sent from the Council, require endorsement in writing from the entire supporting member's Board of Directors or a Committee delegated by a Board of Directors before it is sent or released to the public or an agency.

## **STRUCTURE OF THE COUNCIL**

### **a) Membership:**

- a) One representative from each Regional District (or alternate)
- b) UBCM
- c) Ministry of Environment
- d) Recycling Council of British Columbia

The membership as of November 15<sup>th</sup>, 2007 is attached as Appendix A. All Council members will be asked to sign a Pledge of Support (Appendix B).

## **MEETINGS OF THE COUNCIL**

### **1. Regular Meetings**

- a. Regular meetings of the BCPSC will be once every four months via conference call or as required.
- b. Special meetings may be convened as issues emerge at the discretion of the co-chairs.
- c. Meetings and regular Council business will be administered by co-chairs on a rotational basis (participant from a different Regional District each year).
- d. One co-chair will be elected by the members annually for a two year term to ensure overlap of experience.
- e. Roberts Rules of order will be followed as close as practical and possible.

### **2. Minutes**

Records of meetings (e.g. minutes) will be kept on a volunteer basis. The volunteer will be chosen at each meeting. Standard minute formats will be maintained as much as possible.

## **COUNCIL DECISION MAKING**

Ideally, decisions of the Council will be made by consensus. If necessary, a vote will be taken with 2/3 majority to pass. A quorum will be defined as 50% membership in attendance. Minority reports or information reflecting a different perspective may also be submitted if any member wishes to do so.

## **COUNCIL PROTOCOL**

- a) All Council members are equal and have equal opportunity to contribute at meetings and responsibility to respect the opinions of others. Council members are encouraged to actively participate in the discussions and use their experience, education, and insight to speak freely about any issues or opportunities to be considered.
- b) Members are encouraged to work collaboratively and be committed to reaching consensus where possible, by using an interest based approach rather than a position based approach. Consensus will be formally recorded in the Minutes of Record of the meeting. In certain circumstances, issues raised during the course of a meeting may require a formal motion and vote. Any members unable to agree with the consensus decision may have their objections noted in the Minutes of Record.
- c) Council members may choose to express their personal views about the process to others outside the Council but may not speak on behalf of or in any way create the impression that they are speaking for the Council as a whole. In order to ensure open and honest dialogue, Council members should not discuss comments or opinions expressed by other Council members without their knowledge and consent.

## RESOURCES

Council should seek out methods to relieve members of the financial and time burden of administering the work of the BCPSC if and when possible.

### 1. Web Site

A web site will be administered by Bill Sheehan of the Product Policy Institute (US) for an indefinite period of time [contact: [bill@productpolicy.org](mailto:bill@productpolicy.org) or by phone at 706.613.0710]. This service will be at no charge. The current link is: <http://www.bcproductstewardship.org>.

### 2. Staff Support

If needed, the BCPSC will seek administrative support either from another non-profit organization that has capacity or from a contractor/consultant that is hired by the BCPSC. The administrator would provide:

- a) facilitation of conference calls
- b) facilitation of face to face meetings at conferences or at the contractors' offices
- c) preparation of meeting minutes and agendas
- d) preparation of policy papers, policies, letters, advocacy and lobbying literature, etc., all in consultation with the Council.

The administrative position would be funded through a funding scheme pre-approved by each Council member's Board of Directors or other specified authority. For example, each member would pay the administrator \$1,000 annually by a specified date. The Council should also seek grant money for administrative work.

### 3. Budget

An account should be established and funded through a formula that is fair to all members to cover the expenses of the Council, including but not limited to conference attendance where members are asked to speak about the Council, conference calls, and other administrative expenses approved by the Council from time to time. The account should be administered by one of the co-chairs, or the administrative support person/organization when applicable.

**APPENDIX A**  
**MEMBERSHIP**  
 November 15, 2007

Regional District/Agency	PRIMARY CONTACT	TITLE
Alberni Clayoquot	Drew Hadfield	Manager, Environmental Services
Bulkley-Nechako	Janine Dougall	Director, Environmental Services
Capital	Anke Bergner	Solid Waste Planner
Cariboo	Jeff Rahn	Supervisor, Solid Waste Management
Central Coast	Joy Mackay	Administrator
Central Kootenay	Reinhard Trautmann	Supervisor, Services & Waste Management
Central Okanagan	Carol Suhan	Coordinator, Waste Reduction
Columbia Shuswap	Darcy Mooney	Coordinator, Waste Management
Comox Strathcona	Graeme Faris	General Manager, Operational Services
Cowichan Valley	Bob McDonald	Manager, Solid Waste Reduction Program
East Kootenay	Eric Sharpe	Manager, Engineering & Environmental Services
Fraser Valley	Mike Hofer	Manager, Environmental Services & Operations
Fraser-Fort George	Petra Wildauer	General Manager, Environmental Services
Kitimat Stikine	Roger Tooms	Manager, Works and Services
Kitimat Stikine	Laurie Gallant	Consultant: Footprint Environmental
Kootenay-Boundary	Alan Stanley	Director, Environmental Services
Metro Vancouver	To Be Determined	Environmental Planner

Ministry of Environment	David Lawes	Envtl Management Analyst
Mount Waddington	Greg Fletcher	Administrator
Nanaimo	Jeff Ainge	Zero Waste Coordinator
North Okanagan	Nicole Kohnert	Manager, Solid Waste
Northern Rockies	Jack Bowers	Director, Public Works
Okanagan-Similkameen	Don Hamilton	Superintendent, Solid Waste Management
Peace River	Shannon Anderson	Director, Field Services
Powell River	Frances Ladret	Secretary/Treasurer
RSCB	Brock McDonald	Executive Director
Skeena Queen Charlotte	Tim Des Champ	Supervisor, Waste Management
Squamish-Lillooet	Jerry Cheshuk	Manager, Utilities & Community Services
Sunshine Coast	Cathy Kenny	Coordinator, Solid Waste Management
Thompson-Nicola	Peter Hughes	Director Environmental Services
UBCM	Jarred Wright	Senior Policy Analyst

## **APPENDIX B**

### **PLEDGE FORM**

The British Columbia Product Stewardship Council (BCPSC) is a coalition of 26 regional districts and provincial agencies and associations associated with solid waste management and waste reduction.

#### **PURPOSE**

- a) To shift BC's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability.
- b) To provide a forum for the exchange of information regarding existing and proposed Extended Producer Responsibility (EPR) Programs in British Columbia.
- c) To provide information to the Ministry of Environment regarding the effectiveness of operations of existing EPR programs within Regional Districts.
- d) To assist with developing a time line for the implementation of EPR programs for all product waste
- e) To liaise with Product Stewardship Councils within British Columbia and in other jurisdictions.

We the undersigned support the Terms of Reference, including the Purpose and Objectives of the British Columbia Product Stewardship Council.

**Signed:**

<b>Signature</b>	<b>Date</b>
<b>Name</b>	<b>Title</b>
<b>Organization / Department</b>	<b>Jurisdiction</b>
<b>Mailing Address</b>	
<b>Telephone</b>	<b>Email</b>

Please mail this form to \_\_\_\_\_



CAO APPROVAL <i>CVN</i>	
EAP	
COV	<i>✓ April 8th</i>
MAR 19 2008	
RHD	
BOARD	

## MEMORANDUM

**TO:** Mike Donnelly, AScT  
Manager of Utilities

**DATE:** March 14, 2008

**FROM:** Deb Churko, AScT  
Engineering Technologist

**FILE:** 5500-20-FC-01

**SUBJECT:** Inclusion of Property into the French Creek and Northern Community Sewer Local Service Areas (622 Johnstone Road), Electoral Area G

### PURPOSE

To consider a request to include Lot 7, DL 49, Nanoose Land District, Plan 24289 (622 Johnstone Road), into the French Creek Sewer and Northern Community Sewer Local Service Areas (see attached plan).

### BACKGROUND

The owners of 622 Johnstone Road (James and Patricia Brackett) have petitioned the RDN to be included in the French Creek and Northern Community Sewer Local Service Areas (LSAs). The owners wish to discontinue use of their septic disposal system in favour of a connection to community sewer. The subject property is located adjacent to the sewer service area boundary. A sewer main and sewer stub are present on Johnstone Road in front of the subject property thereby making a connection to the local service area possible.

The Northern Community Sewer Service Area Bylaw No. 889, 1993 and the French Creek Sewer Local Service Area Bylaw No. 813, 1990 need to be amended in order to expand the sewer service area to include this property. Both bylaw amendments are addressed in this report.

### ALTERNATIVES

1. Accept the application from 622 Johnstone Road, and include the property in the French Creek and Northern Community Sewer Local Service Areas.
2. Do not accept the application from 622 Johnstone Road. The owner will continue with existing on-site septic field disposal.

### FINANCIAL IMPLICATIONS

If the application for 622 Johnstone Road is accepted for inclusion into the French Creek Sewer LSA, all costs associated with the connection to community sewers would be at the expense of the applicant. The applicant will pay two Capital Charges when being brought into the sewer local service area. A Capital Charge of \$626 is payable pursuant to Bylaw No. 1330 for the French Creek Sewer Local Service Area (sewage collection), and a Capital Charge of \$1,795 is payable pursuant to Bylaw No. 1331 for the Northern Community Sewer Local Service Area (sewage treatment).

If the application is not approved, there are no financial implications to the RDN.



**DEVELOPMENT IMPLICATIONS**

The subject property is located within the Urban Containment Boundary of the Regional Growth Strategy (RGS), and is located within the engineered sewer catchment area for the French Creek Pollution Control Centre. The property is zoned Residential RS1-Q pursuant to *Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987*. The "Q" subdivision district provides a minimum parcel size of 700 m<sup>2</sup> when the property is serviced with community sewer. The subject property is 1,132 m<sup>2</sup> in size, therefore subdivision of the property into 2 lots is not possible under the current zoning.

**INTERDEPARTMENTAL IMPLICATIONS**


The subject property is located within the "Neighbourhood Residential" land use designation pursuant to the *French Creek Official Community Plan (OCP) Bylaw No. 1115, 1998*. The long-term strategy for the French Creek Plan Area is to have all urban areas fully serviced by community sewer. The French Creek OCP recognizes that sewer system expansions may be required in order to avoid potential future problem areas from on-site sewage disposal systems. The Development Services Department has no objections to this application for sewer system expansion.

**SUMMARY/CONCLUSIONS**

Petitions have been received from the owners of 622 Johnstone Road to amend the boundaries of the French Creek and Northern Community Sewer LSAs. The subject property is located within the Urban Containment Boundary, and within the engineered sewer catchment area for the French Creek Pollution Control Centre. The French Creek OCP supports the connection of urban properties to community sewer. Subdivision of the subject property is not possible under the current zoning. All costs associated with the connection of 622 Johnstone Road would be at the expense of the applicant.


**RECOMMENDATIONS**

1. That "French Creek Sewer Local Service Area Amendment Bylaw No. 813.42, 2008" be introduced and read three times.
2. That "Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.48, 2008" be introduced and read three times.

  
\_\_\_\_\_  
Report Writer

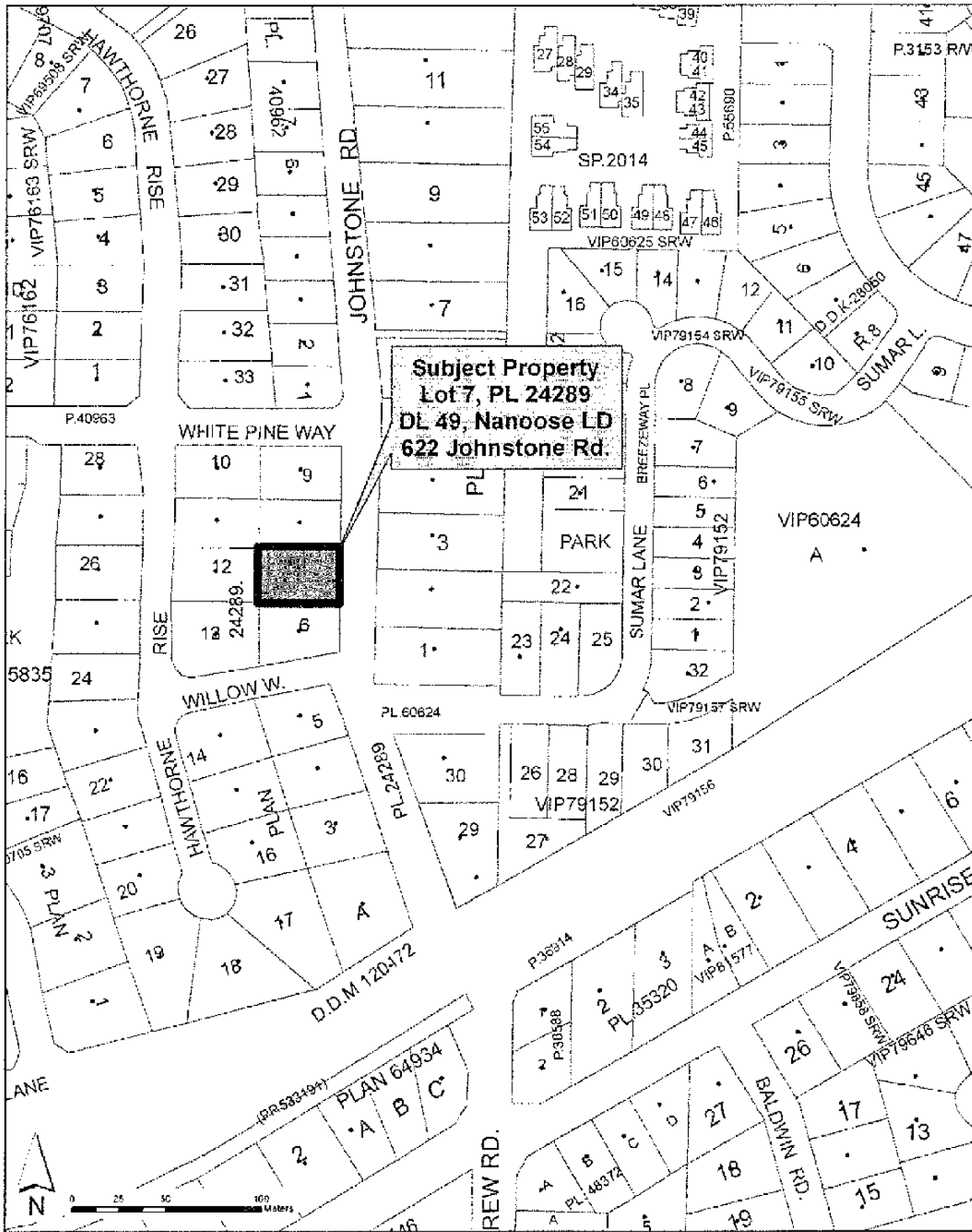
  
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Manager Concurrence

  
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General Manager Concurrence

  
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CAO Concurrence

COMMENTS:

Figure 1 - Site Location Plan



**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 813.42**

**A BYLAW TO AMEND THE FRENCH CREEK  
SEWERAGE FACILITIES LOCAL SERVICE AREA  
ESTABLISHMENT BYLAW NO. 813**

WHEREAS "French Creek Sewerage Facilities Local Service Establishment Bylaw No. 813, 1990"; as amended, establishes the French Creek Sewerage Facilities Local Service Area;

AND WHEREAS the Board has been petitioned to expand the local service area to include the property legally described as:

- Lot 7, District Lot 49, Nanoose Land District, Plan 24289

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

1. The boundaries of the French Creek Sewerage Facilities Local Service Area, established by Bylaw No. 813, as amended, are hereby further amended to include the properties shown outlined on Schedule 'B-1' attached hereto and forming part of this bylaw.
2. The amended boundary of the French Creek Sewerage Facilities Local Service Area shall be as shown outlined on Schedule 'A' attached hereto and forming part of this bylaw.
3. Schedule 'A' attached to and forming a part of "French Creek Sewerage Facilities Local Service Area Establishment Bylaw No. 813, 1990" is hereby deleted and replaced with Schedule 'A' attached to and forming part of this bylaw.
4. This bylaw may be cited as "French Creek Sewerage Facilities Local Service Area Amendment Bylaw No. 813.42, 2008".

Introduced and read three times this \_\_\_\_ day of \_\_\_\_\_, 2008.

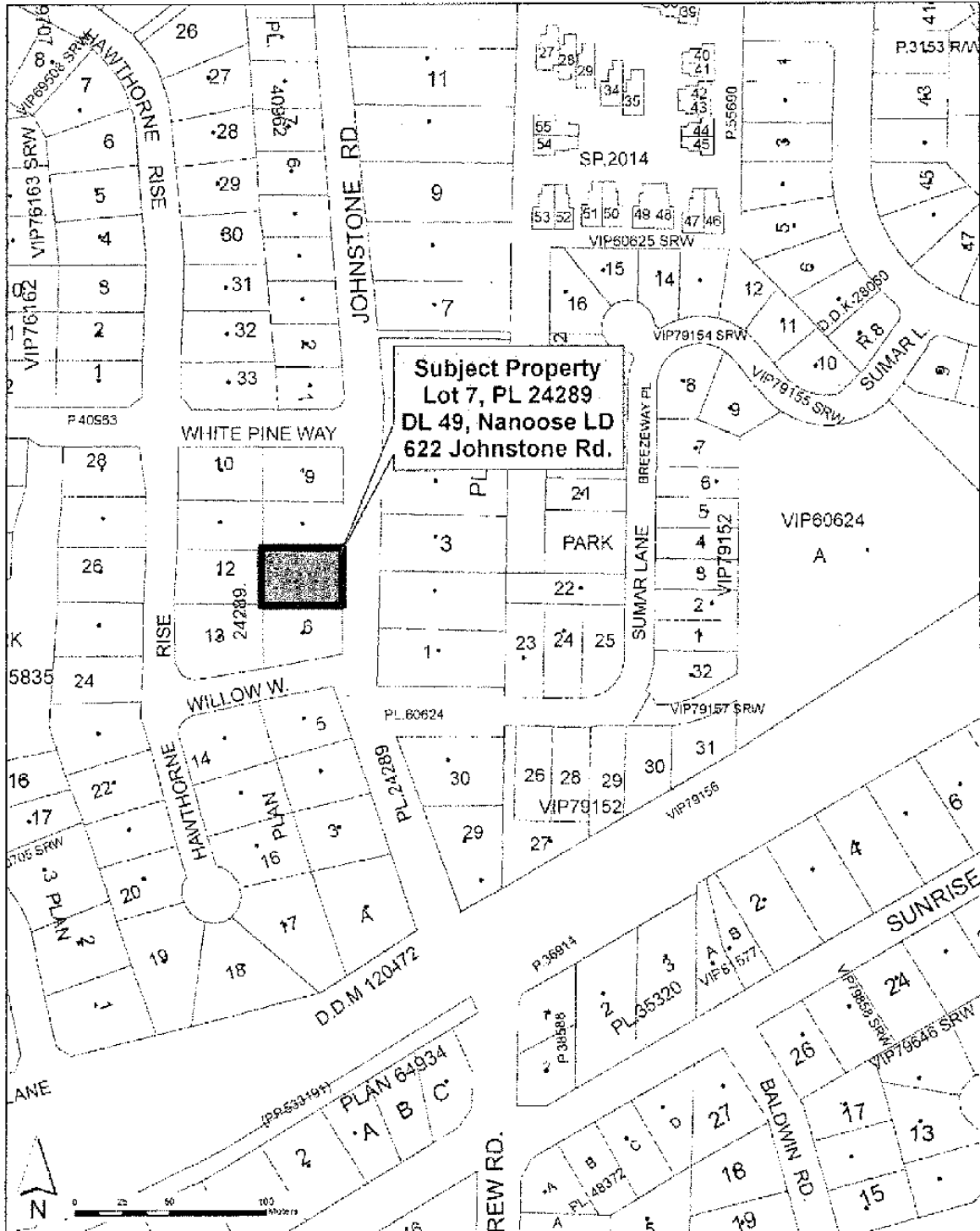
Adopted this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CHAIRPERSON

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

Chairperson

Sr. Mgr., Corporate Administration



**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 889.48**

**A BYLAW TO AMEND THE BOUNDARIES  
OF THE NORTHERN COMMUNITY  
SEWER LOCAL SERVICE AREA**

WHEREAS the Board has enacted the "Regional District of Nanaimo Northern Community Sewer Local Service Conversion Bylaw No. 889, 1993", as amended, which establishes the Northern Community Sewer Local Service Area;

AND WHEREAS the Board wishes to amend Schedule 'C' to include the property legally described as follows:

Lot 7, District Lot 49, Nanoose Land District, Plan 24289;

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

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

1. This bylaw may be cited as "Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.48, 2008".
2. Schedules 'C' and 'E' attached to and forming a part of Bylaw No. 889 are hereby deleted and replaced with Schedules 'C' and 'E' attached to and forming part of this bylaw.

Introduced and read three times this \_\_\_\_ day of \_\_\_\_\_, 2008.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CHAIRPERSON

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



RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	
COW	<input checked="" type="checkbox"/> April 8th
APR 02 2008	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Carol Mason  
Chief Administrative Officer

**DATE:** March 31, 2008

**FROM:** Tom Osborne  
General Manager of Recreation and Parks

**FILE:**

**SUBJECT:** UBCM Community Tourism Program Phase II

**PURPOSE**

To approve and endorse the application for funding from the UBCM Community Tourism Program Phase II in order to develop, promote and increase tourism related activities in the Electoral Areas.

**BACKGROUND**

In 2005 the Province of British Columbia provided a grant of \$25 million to the Union of British Columbia Municipalities (UBCM) for the Community Tourism Program. The goal of the program is to assist local governments to increase tourism leading to an increase in the local economy. The program will work towards the Province's goal to double tourism in the next ten years and to support the Spirit of 2010 Tourism Strategy.

The program allows for 50% of the funds to be available to all local governments based on a per-capita funding formula of which the Regional District of Nanaimo was allocated \$221,936.98 for Phase I and the same amount for Phase II funding.

The Regional District's Phase I funding is currently being applied to the Regional Parks and Trails System as follows:

- Installation of road signage to regional parks.
- Installation of Kiosks at regional parks that provide information about local trail networks and tourism amenities. Information includes maps highlighting local trail networks; information and directions to other regional parks and tourist amenities; and facts about local natural, cultural and historical features.
- Installation of entrance signs for Regional Parks and Trails.
- Production of a brochure that highlights Regional Parks and Trails in the electoral areas.
- Enhancement of the RDN's website that also provides information on tourism opportunities in the electoral areas including regional and local parks, trails, and historic sites.

The above projects are scheduled to be completed in the fall of 2008.

The UBCM program does not require cost sharing and funds can be used for all types of tourism-related projects. As regional district funding reflects electoral area populations, the funds are required to be allocated solely to those areas. The four member municipalities each have separate grant funding

available through the same program as follows for Phase II: City of Nanaimo \$334,238 District of Lantzville \$26,880, City of Parksville \$67,011, Town of Qualicum Beach \$40,570.

In applying for the Community Tourism Program grant administered by the UBCM, the following terms and conditions must be agreed to by the local government and will form part of the funding agreement.

1. That, as the applicant, local government is responsible for receipt of funds, application and reporting functions, even when other agencies have been delegated responsibility for undertaking the project.
2. That all projects funded under this program must support the program goals of enhanced tourism development in British Columbia.
3. That funding will not be used to duplicate or subsidize existing programs.
4. That, where a funded project is not completed within a 12-month time frame, a progress report including funds expended to date will be provided to the Program Manager.
5. That a final report detailing what was achieved will be prepared and submitted to the Program Manager on project completion.
6. That any unused funds will be returned to the UBCM on expiry of the program.

In reviewing the criteria for the funding, staff are recommending that Tourism Program Phase II funding would be very applicable to conduct a feasibility study for the development of the E & N Trail in the applicable electoral areas.

The Regional Parks & Trails Plan 2005-2015 identifies the E&N right of way as a priority for developing a trail through the Region as a commuter, recreational and tourism route. There are two parts of the right-of-way within the Region: a portion of the Victoria subdivision from Cassidy to Cook Creek; and a portion of the Alberni subdivision from Parksville to Cathedral Grove. In total, there is about 118 km of rail corridor through the Region, of which 40.3 km lies within the four municipalities and 77.7 km lies in the electoral areas

Preliminary meetings have been held with the Island Corridor Foundation, Southern Railway and Capital Regional District, Cowichan Valley Regional District and Comox Valley Regional District to discuss a multi-regional approach on the development on a the Trail by Rail initiative. To date the Capital R.D. has conducted a feasibility study for that area and is now developing the E & N Trail from Victoria through to Goldstream Provincial Park. Cowichan Valley R.D. has conducted a feasibility study for their area. Comox Valley R.D. has yet to begin an in-depth study for their region but hope to do so in the near future.

This winter staff approached Lanarc Consultants for the firm to prepare a proposal for a feasibility study which is attached as Appendix I. The study would take into consideration the following:

- Physical parameters – e.g., sufficient useable corridor width, alternative routes where width is insufficient.
- Operational considerations – e.g., number and location of crossings.
- Environmental considerations – any obvious environmental features that may be affected.
- Land use and jurisdictional considerations – e.g., First Nations lands to be crossed, possible conflicts with community development next to the corridor.
- Cost implications – order of magnitude costs associated with building the trail.

Upon completion of the study and based on its finding, implementation on a Trail by Rail agreement could commence, similar to the agreement signed between ICF and the Capital R.D. Time permitting, a portion of Phase II funds could then be applied to the development of project plans for the construction of the trail.

Six of the seven electoral areas are in close proximity or are located in proposed trail corridor, the exception being Electoral Area B (Gabriola Island). Staff are proposing that a proportion of funds be allocated to the development of a park management plan for the 707 acre community park. This substantial community park is the largest park in the Regional District (community, regional and provincial) and requires a management plan. The Park's relation to destination tourism activities including hiking and biking on the Island can be taken into consideration through the Tourism Program. The 707 acre community park is also an integral pedestrian and cycling link between Descanso Bay Regional Parks located on the northern tip of the Island to Drumbeg Provisional Park which is on the southern tip of the Island. A Request for Proposal process for this management plan would be undertaken upon confirmation of grant funding.

All approved projects must be completed by December 2009 which will put some time pressure on the above projects if approved. Time extensions have been granted in the past, as was the case with Phase I funds of which the RDN received a nine month extension to complete and report back on the approved projects.

#### Consulting Services

Staff are recommending that Lanarc Consultants be retained upon confirmation of grant funding to conduct the trail by rail feasibility study based on their intimate knowledge gained in developing the Regional Parks and Trails Plan for the Regional District of Nanaimo. The firm also recently developed the Regional Parks Plan for the Cowichan Valley Regional District which incorporates the use of the rail corridor. Lanarc has a close working relationship with the Island Corridor Foundation that will assist in expediting the study which has some tight timelines that are required to be met under the grant's terms. Lanarc was the successful firm in a recent Request for Proposal call for the Englishman River Regional Park Management Plan of which their rates and deliverables were rated the highest in that proposal call.

As noted above, a Request for Proposal process for consulting services for the 707 acre Community Park Management Plan would be undertaken upon confirmation of grant funding.



**ALTERNATIVES**

1. That the application for the UBCM Community Tourism Program, Phase II, be approved to conduct a feasibility study for the E & N Rail by Trail Initiative and related outcomes from the study, and for the development of a park management plan for the 707 acre community park on Gabriola Island
2. That the application for the Community Tourism Grant not be approved as presented and alternative direction be given.

**FINANCIAL IMPLICATIONS**

1. The UBCM Community Tourism Program will provide 100% funding for the proposed program in the amount of \$221,936.98 upon approval of the Regional District application. Cost sharing is not required. Funds must be allocated solely to electoral areas, however joint initiatives are encouraged with other funding partners.

**General Program Implementation Cost Estimates:**

<b>E&amp;N Rail by Trail Feasibility Study</b>	<b>\$23,500</b>
<b>Development of Trail by Rail Agreement with ICF – Legal / Professional</b>	<b>\$10,000</b>
<b>Development of E &amp; N Trail Project Construction Plans based on plan recommendations</b>	<b>\$70,000</b>
<b>E &amp; N Trail - Site Development based on plan recommendations</b>	<b>\$87,000</b>
<b>707 Community Park Management Plan – Professional fees</b>	<b>\$31,500</b>
<b>Total Costs</b>	<b>\$222,000</b>

2. As this funding is specifically allocated to electoral area tourism initiatives, projects have been identified which will encourage visitors to individual areas, but the approach will also benefit the Regional District as a whole. Electoral Area Directors may wish to identify alternative priorities for the use of this funding.

**CONCLUSION**

In 2005 the Province of British Columbia provided a grant of \$25 million to the Union of British Columbia Municipalities (UBCM) for the Community Tourism Program. The goal of the program is to assist local governments to increase tourism leading to an increase in the local economy.

The program allows for 50% of the funds to be available to all local governments based on a per-capita funding formula of which the Regional District of Nanaimo was allocated \$221,936.98 for Phase I and the same amount for Phase II funding. As regional district funding reflects electoral area populations, the funds are required to be allocated solely to those areas. The four member municipalities each have separate grant funding available through the same program.


Phase 1 funding is currently be applied to the Regional Parks and Trails System with installation of road signage to regional parks, installation of entrance signs, directional signage & kiosks at regional parks, production of a regional parks and trails brochure and enhancement of the RDN's website park and trails pages.


In reviewing the criteria for the funding, staff are recommending that Tourism Program Phase II funding would be very applicable to conduct a feasibility study and related outcomes for the development of the E & N Trail in the applicable electoral areas. This winter staff approached Lanarc Consultants for the firm to prepare a proposal for a feasibility study which is attached as Appendix I.

As six of the seven electoral areas are in close proximity or are located in proposed trail corridor, the exception being Electoral Area B (Gabriola Island) staff are proposing that a proportion of funds be allocated to the development of a park management plan for the 707 acre community park located on the Island.

### RECOMMENDATIONS

1. That the application for the UBCM Community Tourism Program, Phase II, be approved to conduct a feasibility study for the E & N Rail by Trail Initiative and related outcomes from the study, and for the development of a park management plan for the 707 acre community park on Gabriola Island; and the Terms and Conditions of the program be accepted.
2. That Lanarc Consultants be retained as per the proposal outlined in Appendix I to conduct the E & N Trail by Rail feasibility study upon confirmation of receiving UBCM Tourism Program Phase II funding.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
CAO Concurrence

## Appendix 1 – E & N Trail by Rail Feasibility Study



VIA E-MAIL

February 26, 2008

Regional District of Nanaimo Recreation and Parks Services  
Oceanside Place  
830 West Island Highway  
Nanaimo, BC

For the Attention of Mr. Tom Osborne, General Manager

Dear Tom:

Re: E&N Rail Corridor – Trail Feasibility Study

Thank you for the opportunity to submit this proposal to assist you with determining the feasibility of developing a trail along the E&N Rail Corridor within the Regional District of Nanaimo.

### Scope of Service

The Regional Parks & Trails Plan 2005-2015 identifies the E&N right of way as a priority for developing a trail through the Region as a commuter, recreational and tourism route. There are two parts of the right-of-way within the Region; a portion of the Victoria subdivision from Cassidy to Cook Creek; and a portion of the Alberni subdivision from Parksville to Cathedral Grove. In total, there is about 118 km of rail corridor through the Region, of which 40.3 km lies within the four municipalities and 77.7 km lies in the electoral areas (Table 1).

It is our understanding that the objective for this project is to assess the feasibility of developing a trail along the E&N corridor within the electoral areas, a total length of about 77.7 km. The assessment should take into account:

1. Physical parameters – e.g., sufficient useable corridor width, alternative routes where width is insufficient.
2. Operational considerations – e.g., number and location of crossings.
3. Environmental considerations – any obvious environmental features that may be affected.
4. Land use and jurisdictional considerations – e.g., First Nations lands to be crossed, possible conflicts with community development next to the corridor.
5. Cost implications – order of magnitude costs associated with building a trail.

(Note that according to our Engineering consultant from Newcastle Engineering Ltd. (see below), \$400-500 per meter is a realistic starting point for a 3-m wide gravel trail with appropriate bedding and drainage treatment.)

320 – 256 Wallace Street, Nanaimo, British Columbia, V9R 5B3  
T 250.754.9851 F. 250.754.1590  
Toll Free 1.888.754.5651

96 Timbercrest Drive, Port Moody, BC, V3H 4T1  
T. 604.461.1700 F. 604.461.1703  
[www.lanarc.ca](http://www.lanarc.ca)

Table 1: Length of rail corridor in the RDN

Victoria Subdivision	Mile Start	Mile End	Total Miles	Total Kms
Cassidy to Nanaimo	62.66	68.1	5.44	8.76
Lantzville to Parksville	84.18	91.89	7.71	12.41
Parksville to Qualicum Beach	96.48	99.13	2.65	4.27
Qualicum Beach to Rosewall Creek	103.53	120	16.47	26.52
Nanaimo	68.1	80.16	12.06	19.42
Lantzville	80.16	84.18	*3.13	*5.04
Nanosee First Nation	82.67	83.56	0.89	1.43
Parksville	91.89	96.48	4.59	7.39
Qualicum Beach	99.13	103.53	4.4	7.08
Total RDN only				51.95
Total RDN+municipalities				92.32
Alberni Subdivision				
Parksville to Cathedral Grove	0	16.0	16.0	25.76
Grand Total RDN Electoral Areas				77.71
Grand Total Municipalities				40.36
Grand Total All				118.08

\*0.89 miles (1.43 km) lies within the Nanosee Indian Reserve.

### Tasks and Timeframe

Based on the above objectives, following is a preliminary identification of main tasks and a tentative timeframe:

Task	Timing*
1. <u>Start-up meeting</u> with Staff from Parks Dept. and Mapping Division; would aim to confirm objectives, clarify expectations, and gather relevant map files.	March 14
2. <u>Map and data compilation</u> for use in preliminary desktop analysis as well as in the field. Maps and data to be compiled, and their sources, include: <ul style="list-style-type: none"> <li>a. Orthophotos of the entire line (RDN mapping division).</li> <li>b. Cadastral/property line mapping (RDN mapping division).</li> <li>c. Parks, trails and environmental features (RDN mapping division).</li> <li>d. Rail line features – e.g., nature of crossings, overpasses, etc. (ICF, SVI).</li> </ul>	By April 7
3. <u>Desktop analysis and preliminary assessment</u> of orthophoto coverage and existing data on the rail line to: <ul style="list-style-type: none"> <li>a. become familiar with the route.</li> <li>b. identify corridor 'segments' for assessment purposes; identify areas where</li> </ul>	By April 16



- it is clear that a trail within the corridor is not possible, note possible alternate routes.
- c. identify potential 'hot spots' on a preliminary basis for closer examination in the field, including: road crossings, topographical features that narrow the useable corridor, significant environmental features, proximity of residential or community development, etc.
  4. **\*\*Refine a field 'checklist'** of parameters to be determined. By April 23
  5. High-rail **field reconnaissance**, including GPS coordinate recording, or logged video and still photos. (Due to vegetation overgrowth, some of the Alberni subdivision may need to be walked with vehicle shuttles as appropriate.) April 30-May 16
  6. **\*\*From the field checklist and reconnaissance notes, draft a segment-by-segment assessment** noting physical and environmental limitations, operational considerations, and order of magnitude costs for completing each segment. May 20-30
  7. **Review** the preliminary assessment and video with RDN staff to identify any gaps or questions. June 4
  8. Compile the segment-based assessment into a **draft feasibility report** and review with RDN staff June 5-20
  9. **Finalize report** June 27

\*Timing is very approximate and subject to such factors as availability of RDN staff and team members for meetings and unexpected circumstances with respect to field conditions.

\*\* FJM Services & Management completed a "Rail Trail Feasibility Assessment" for the Duncan to Ladysmith section of the E&N Corridor for the Cowichan Valley Regional District in 2006. This report provides a useful prototype for collecting and presenting information needed to assess trail feasibility. Of particular note is the use of schematic rail grade profiles and "difficulty codes" to characterize and generate rough costs estimates for segments of the corridor. We have attached excerpts from this report to illustrate the format used to summarize the information and to generate a final spreadsheet. We foresee adapting this approach, in consultation with your staff, to fit the needs of the RDN feasibility study.

### Consulting Team

The following people would comprise the project team:

**Leigh Sifton – Land Use Planner, Lanarc Consultants Ltd.**

Leigh is the planning and administrative assistant for the Island Corridor Foundation and is thoroughly acquainted with the rail corridor. Her primary responsibilities in this project will be to compile background information, prepare background maps and draft the feasibility report.

**Scott Lewis- Professional Engineer, Newcastle Engineering Ltd.**

Scott was involved in the detailed design, tendering and construction of the E&N Trail project for the City of Nanaimo from 1999 to 2004. As project/design engineer, he defined the route along the railway and Island Highway, designed highway intersection and railway crossings, managed drainage and developed design standards. In 2007, in collaboration with FJM Project Management, he also provided an assessment of trail feasibility and preliminary cost along the E&N rail corridor for the Cowichan Valley Regional District. Scott's primary responsibility will be to conduct the detailed assessment of physical requirements for a trail along the rail corridor.



**Al Kutaj – Roadmaster, Southern Railway of Vancouver Island Limited**

Al has worked with various rail companies operating on the E&N rail line for the past 20 years, and knows the corridor 'like the back of his hand'. Al provided his insight and assistance with the City of Nanaimo E&N Trail and with trail project assessments for the Capital Regional District and the Cowichan Valley Regional District. Al will provide high-rail transportation and his considerable background knowledge to the project.

**Harriet Rueggeberg – Environmental/Land Use Planner, Lanarc Consultants Ltd.**

Harriet has coordinated and managed several projects for the RDN, and will provide project oversight, report editing and commentary.

**Products**

- Report containing:
  - Overview of the corridor within the RDN;
  - Methods used;
  - 1-2 page summary of assessment parameters for each segment;
  - Summary spreadsheet with cost estimate for each segment;
  - Photo record.
- Annotated map series indicating segment boundaries, very rough trail alignment.
- Video of corridor line.

**Staffing and Fees**

Table 2 (attached) estimates the time requirements and disbursements for the tasks outlined. Fees are directly related to the proposed scope of service. Suggested fees for this project are \$21,440 and disbursements, mostly for map production, are estimated at \$1800, for a total of \$23,240 (plus GST). Hourly rates are:

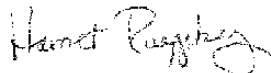
Leigh Sifton	\$75/hr
Scott Lewis	\$110/hr
Al Kutaj	\$90/hr; \$105/hr including operation of high-rail truck
Harriet Rueggeberg	\$105/hr

**Experience**

As you know, Lanarc Consultants is an established firm with an excellent working relationship with the RDN. Newcastle Engineering has been providing reliable civil engineering services to central Vancouver Island for over 13 years. Additional information and references can be supplied for both companies on request.

We look forward to your favourable review of this proposal. Please call if you have questions or comment.

Sincerely,  
LANARC CONSULTANTS LTD.,



Harriet Rueggeberg, Land use/Environmental Planner  
Cc: Doug Backhouse






**EXCERPT FROM CVRD RAIL TRAIL PROJECT – FEASIBILITY ASSESSMENT  
CONSTRUCTION DIFFICULTY DESIGNATION**

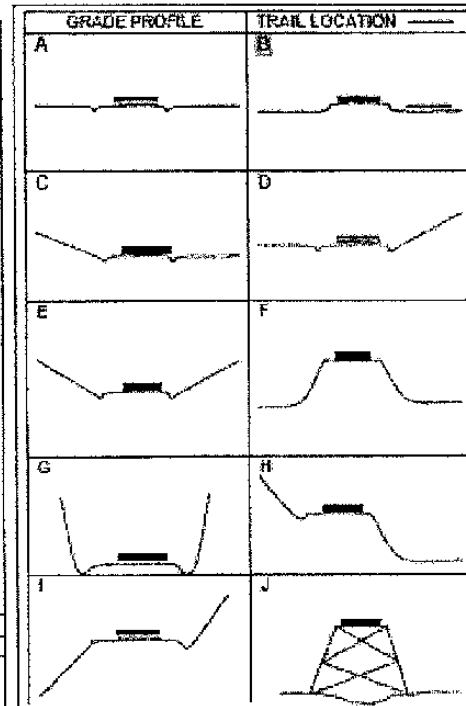
DESIGNATION	INCLUDED DIFFICULTY CODES		ESTIMATED COST PER METER	DIFFICULTY CODE KEY - (see also, field notes)	
DIFFICULT	A1a2ab3a5	B1a2a3c6	\$400	A to J = Rail grade profiles. 1. Brushing: a = heavy, b = moderate, c = light. 2. Trail drainage required: a = ditch one side, b = cross culvert needed, c = trail bridging required. 3. Trail sub-grade preparation: a = difficult, b = moderate, c = light. 4. Rail bridge or trestle: a = Bypass possible, b = append walkway 5. Not Practical. Seek alternate route 6. Existing road crossing 7. New trail crossing needed.  <u>Also:</u> - Bypasses include applicable crossings - Bridge category includes bridge length only. - Estimated costs per meter of trail do not include crossing costs.	
	B1a2ab3a	B1a2ab3a6			
	C1a2ab3a	E1a2ab3a			
	E1a2ab3a5	F1a2ab3a			
	F1a2ab3a6	F1a2abc3a			
	F1a2c3a6	F1b2a3aJ4b			
	G1a2ab3a	G1a2ab3a6			
	H1a2ab3a6				
MODERATE	A1c2a3b	B1b2ab3c6	\$300		
	C1b2a3b	D1a2abc3b			
	F1a2ab3c6	F1b2ab3b6			
	F1b2ab3c6	H1b2ab3b6			
LIGHT	B1c2a3c6	B1c2a3c67	\$200		
	B1c2ab3c6	B3c6			
	F1c2ab3c6	H1c2a3c6			
BYPASS	5	56	Nil		
BRIDGE	J4b	F1b2a3aJ4b	No estimate		



**EXCERPT FROM: CVRD RAIL TRAIL PROJECT – FEASIBILITY ASSESSMENT & ROUGH COST ESTIMATE**

**SECTION: MILLER ROAD, DUNCAN TO OVERPASS N. END OF LADYSMITH**

FROM (km)	TO (km)	TOTAL km	TRAIL E or W	DIFFICULTY CODE	GPS COORDINATES (at km 0.0)	PHOTO NUMBERS								
0	0.492	0.492	E	B1C2S3C6	48° 45' 31.93 N 123° 41' 45.44 W	PC280001								
<p><b>1. TRAIL BRUSHING REQUIRED:</b></p> <p>a. Heavy <input type="checkbox"/></p> <p>b. Moderate <input type="checkbox"/></p> <p>c. Light <input checked="" type="checkbox"/></p> <p><b>2. TRAIL DRAINAGE REQUIRED:</b></p> <p>a. Ditching on one side <input checked="" type="checkbox"/></p> <p>b. Cross Culvert <input type="checkbox"/></p> <p>c. Trail Bridging <input type="checkbox"/></p> <p><b>3. TRAIL SUB-GRADE PREPARATION:</b></p> <p>a. Difficult <input type="checkbox"/></p> <p>b. Moderate <input type="checkbox"/></p> <p>c. Light <input checked="" type="checkbox"/></p> <p><b>4. TRESTLE or BRIDGE:</b></p> <p>1. Bypass possible <input type="checkbox"/></p> <p>2. Append walkway <input type="checkbox"/></p> <p><b>5. NOT PRACTICAL. Seek alternate route</b> <input type="checkbox"/></p>														
<p><b>GENERAL COMMENTS:</b></p> <p>START OF SURVEY.</p> <p>MILLER ROAD, DUNCAN (Mile 38.0)</p> <ul style="list-style-type: none"> <li>- Make provision for access to trail.</li> <li>- Potential location for parking lot.</li> <li>- Crossing will require no-posts and bollards. Approximately 146 meters of no-post barrier. Estimated cost for crossing \$15,000.</li> </ul>														
														
				<p><b>6. EXISTING ROAD CROSSING</b></p> <table border="1"> <thead> <tr> <th>Km</th> <th>GPS</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>As above</td> </tr> </tbody> </table>		Km	GPS	0	As above	<p><b>7. TRAIL CROSSING NEEDED</b></p> <table border="1"> <thead> <tr> <th>Km</th> <th>GPS</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table>	Km	GPS		
Km	GPS													
0	As above													
Km	GPS													



EXCERPT

DVRD RAIL TRAIL PROJECT - FEASIBILITY & ROUGH COST ESTIMATES											
SECTION: MILLER ROAD, DUNCAN TO OVERPASS, N. END OF LADYSMITH											
ACROSSING	FO (FEET)	TOTAL WIDE	TRAIL W. OF	CONCRETELY COVERED	CONTRIBUTION OF FACILITY DEVELOPER/OWNER	EST. CONCR. COST PER METER	EST. CROSSING COST	PROYO REFERENCE NUMBER	FIELD NUMBER PAGE	COMMENTS	TOTAL ESTIMATED COST
1	0.42	0.42	East	Flashed	Light	400.00	115,600.00	PC10001	1	Overpass on tracks at Miller Road, Duncan. (Mile 30.4)	115,600.00
2	1.04	0.86	East	Flashed	Medium	100.00	115,600.00	PC10002	2	Miller Road, Duncan. (Mile 30.4)	115,600.00
3	1.76	0.78	West	Flashed	Medium	100.00	115,600.00	PC10003	3	Miller Road, Duncan. (Mile 30.4)	115,600.00
4	1.76	1.76	East	Flashed	Medium	100.00	115,600.00	PC10004	4	Miller Road, Duncan. (Mile 30.4)	115,600.00
5	1.76	1.50	East	Flashed	Light	400.00	115,600.00	PC10005	5	Overpass on tracks at Miller Road, Duncan. (Mile 30.4)	115,600.00
6	2.73	2.67	East	Flashed	Medium	100.00	115,600.00	PC10006	6	Miller Road, Duncan. (Mile 30.4)	115,600.00
7	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10007	7	Miller Road, Duncan. (Mile 30.4)	115,600.00
8	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10008	8	Miller Road, Duncan. (Mile 30.4)	115,600.00
9	2.73	2.67	West	Flashed	Light	400.00	115,600.00	PC10009	9	Miller Road, Duncan. (Mile 30.4)	115,600.00
10	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10010	10	Miller Road, Duncan. (Mile 30.4)	115,600.00
11	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10011	11	Miller Road, Duncan. (Mile 30.4)	115,600.00
12	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10012	12	Miller Road, Duncan. (Mile 30.4)	115,600.00
13	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10013	13	Miller Road, Duncan. (Mile 30.4)	115,600.00
14	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10014	14	Miller Road, Duncan. (Mile 30.4)	115,600.00
15	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10015	15	Miller Road, Duncan. (Mile 30.4)	115,600.00
16	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10016	16	Miller Road, Duncan. (Mile 30.4)	115,600.00
17	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10017	17	Miller Road, Duncan. (Mile 30.4)	115,600.00
18	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10018	18	Miller Road, Duncan. (Mile 30.4)	115,600.00
19	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10019	19	Miller Road, Duncan. (Mile 30.4)	115,600.00
20	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10020	20	Miller Road, Duncan. (Mile 30.4)	115,600.00
21	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10021	21	Miller Road, Duncan. (Mile 30.4)	115,600.00
22	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10022	22	Miller Road, Duncan. (Mile 30.4)	115,600.00
23	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10023	23	Miller Road, Duncan. (Mile 30.4)	115,600.00
24	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10024	24	Miller Road, Duncan. (Mile 30.4)	115,600.00
25	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10025	25	Miller Road, Duncan. (Mile 30.4)	115,600.00
26	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10026	26	Miller Road, Duncan. (Mile 30.4)	115,600.00
27	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10027	27	Miller Road, Duncan. (Mile 30.4)	115,600.00
28	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10028	28	Miller Road, Duncan. (Mile 30.4)	115,600.00
29	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10029	29	Miller Road, Duncan. (Mile 30.4)	115,600.00
30	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10030	30	Miller Road, Duncan. (Mile 30.4)	115,600.00
31	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10031	31	Miller Road, Duncan. (Mile 30.4)	115,600.00
32	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10032	32	Miller Road, Duncan. (Mile 30.4)	115,600.00
33	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10033	33	Miller Road, Duncan. (Mile 30.4)	115,600.00
34	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10034	34	Miller Road, Duncan. (Mile 30.4)	115,600.00
35	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10035	35	Miller Road, Duncan. (Mile 30.4)	115,600.00
36	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10036	36	Miller Road, Duncan. (Mile 30.4)	115,600.00
37	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10037	37	Miller Road, Duncan. (Mile 30.4)	115,600.00
38	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10038	38	Miller Road, Duncan. (Mile 30.4)	115,600.00
39	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10039	39	Miller Road, Duncan. (Mile 30.4)	115,600.00
40	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10040	40	Miller Road, Duncan. (Mile 30.4)	115,600.00
41	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10041	41	Miller Road, Duncan. (Mile 30.4)	115,600.00
42	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10042	42	Miller Road, Duncan. (Mile 30.4)	115,600.00
43	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10043	43	Miller Road, Duncan. (Mile 30.4)	115,600.00
44	2.73	2.67	East	Flashed	Light	400.00	115,600.00	PC10044	44	Miller Road, Duncan. (Mile 30.4)	115,600.00

B2

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## UBCM Community Tourism Phase 2

Fax: (250) 356-5119

Mail: 545 Superior Street, Victoria, BC, V8V 1T7

E-mail: lgps@civicnet.bc.ca

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## PROGRAM & ACCESS GUIDE

### Contents

1. Introduction
2. Eligible Applicants
3. Eligible Projects
4. Eligible Costs
5. Selection Process
6. Payments
7. Application Process

### 1. Introduction

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The Program and Access Guide describes the purpose of the Community Tourism Program and how to make an application.

#### **Purpose and Objective**

The Community Tourism Program was initiated by the Premier when program funding was originally announced at the 2004 UBCM Convention:

*I want you to be able to tell your stories. I want you to be able to show off your communities wherever you live in the province. The province will make a one-time grant of \$25 million to the UBCM to allow you to tell your stories of tourism across B.C. I want you to understand this is going to be your money. You can use it how you see fit, whether it's for marketing or building products or connecting with other people.*

Since then, the application process for Phase 1 of the program has been completed and a variety of tourism projects are being completed across the province. Local governments were given the opportunity to provide feedback on Phase 1 and the design of Phase 2. Given the overwhelming support for the program to remain consistent with Phase 1, we are pleased to launch Phase 2 as a repeat of the Phase 1 program.

#### **Program Goals:**

The primary goal is to assist local governments in increasing tourism activity that will build stronger economies.

Indirect goals include:

- Help ensure that the Province achieves its goal of doubling tourism in the next ten years and support the Province's Spirit of 2010 Tourism Strategy;
- Enhance the program management capacity of UBCM; and
- Increase industry's awareness of the role of local government.

### **Guiding Principles:**

The guiding principles remain consistent with the first phase of the program.

1. Fair and equitable access to program activities by local governments.
2. Recognize and accommodate the relative capacity of smaller communities.
3. Avoid duplication of existing tourism initiatives (particularly in marketing); should encourage innovative partnerships; and where appropriate, complement initiatives of other agencies.
4. Recognize the diversity of readiness and tourism development needs of different communities.
5. An open and transparent participation process.
6. Fill the gaps in sectors not being marketed or areas that have yet to identify their potential.
7. Communities should have wide latitude to determine which activities would be of greatest assistance to increasing tourism activities; the program should not be overly prescriptive in terms of eligible activities.
8. Recognize the variety of roles played by local government.
9. Funding is not to be used to replace existing local programs or activities and should result in new, increased activities.

## **2. Eligible Applicants**

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All local governments are eligible for funding under this program. Other agencies can be delegated responsibility to undertake projects, but receipt of funds and all application and reporting functions must be undertaken by the local government.

## **3. Eligible Projects**

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Eligible projects are those that support the program goals and enhance tourism development. Eligible activities include but are not restricted to:

- Development or upgrading of tourism plans;
- Implementation of initiatives identified by tourism planning activities;

- Development or enhancement of tourism marketing promotional tools such as signage, brochures, and websites;
- Visitor information centre improvements;
- Development or enhancement of festivals and events;
- Capital projects directly related to tourism promotion.

Joint initiatives with other funding partners are encouraged. By combining funding at regional or other scales for joint initiatives it is possible to facilitate larger scale projects which benefit a larger geographic area. However, regional district funding formulas are based on electoral area populations, and are intended to serve those areas.

### **Conditions of application**

Applications must demonstrate a business case or other planning process has been undertaken, or will be undertaken, to support the intended use of the funds. Evidence may include:

- A current tourism plan;
- Minutes/summary of a community forum or stakeholders meeting;
- Proven review of other informational resources;
- Other market research.

Those without existing or updated tourism plans for their community or region are encouraged to undertake this planning with part of the funds and to indicate this in the application.

## **4. Eligible Project Costs**

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Eligible costs means direct costs properly and reasonably incurred and paid by the local government in the development or implementation of an eligible program. A local government is eligible to be funded at 100% of the total program costs, to a maximum contribution as determined by the per-capita funding formula (see Schedule 1, *Funding Breakdown with Maximum Entitlements*). Applicants may apply for a portion or all of the funding allocated. Any unused portion will remain available for application in support of another project at a later date.

Cost sharing is not a requirement, but local governments are strongly encouraged to identify other potential funding sources to better leverage the funds.

### **Ineligible Project Costs**

- Any project that directly duplicates an existing tourism initiative.
- Subsidies to existing programs.
- Any activity that does not support the provincial objectives and is NOT directly related to:
  - tourism planning and/or promotion.

- implementation of tourism initiatives.
- development or enhancement of tourism promotional tools including visitor information centres.
- development or enhancement of festivals and events.
- tourism related capital projects.

## **5. Selection Process**

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### **Screening Criteria**

All applications must meet the following criteria.

- Application must be submitted by an "eligible applicant" and for an "eligible program"
- The Application Form provided with this guide must be completed and form a part of the application package.
- Application must be complete and include the information outlined in section 7.
- Application should demonstrate clear and measurable outcomes.

## **6. Payments, Records and Accounts for Approved Projects**

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The Program Officer will inform successful applicants by letter.

### **Payments & Reporting Requirements**

Seventy-five percent (75%) of the approved grant amount will be forwarded on approval. The balance will be paid on satisfactory completion of the project and the receipt of a satisfactory final report and financial summary.

A final report must be completed before final payment is issued and demonstrate that the funding was used to improve tourism activity in the community. This report may contain but not be limited to the following:

- Statistical data around number of visits
- Anticipated visitor traffic based on enhanced services or available activities
- Projected revenues
- Quantity of products produced
- Anecdotal information/media clippings

A progress report is due 12 months after funding is received if project is not complete.

### **Accounting Records**

A statement from the Chief Financial Officer verifying the total cost of the project is also required as part of the final report. Where applicable, this statement should also identify other contributions such as "in-kind", matching funding, and other revenue sources required to complete the project.

Chief Financial Officers must maintain acceptable accounting records that clearly disclose the nature and amounts of the different items of cost pertaining to the program activities. It will also attest that funding was for new activities and was not used to fund an existing program. The Program Officer may require applicants to provide details of the types and amounts of expenses incurred

### **Changes or Variations to an Approved Project**

Local governments need to advise, in writing, of any variation from the approved project (e.g. changes to milestones and deliverables). Program Officer's approval may be required for such changes.

### **Terms and Conditions.**

In applying for the Community Tourism Program grant administered by the UBCM, the following terms and conditions must be agreed to by the local government and will form part of the funding agreement.

1. That, as the applicant, local government is responsible for receipt of funds, application and reporting functions, even when other agencies have been delegated responsibility for undertaking the project.
2. That all projects funded under this program must support the program goals of enhanced tourism development in British Columbia.
3. That funding will not be used to duplicate or subsidize existing programs.
4. That, where a funded project is not completed within a 12-month time frame, a progress report including funds expended to date will be provided to the Program Manager.
5. That a final report detailing what was achieved will be prepared and submitted to the Program Manager on project completion.
6. That any unused funds will be returned to the UBCM on expiry of the program.

## **7. Application Process**

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### **Where to Apply**

Local Government Program Services  
UBCM/Municipal House  
545 Superior Street  
Victoria, BC V8V 1X4  
Phone: 250-356-5134

Fax: 250-356-5119

**NOTE: New e-mail address for application submission is: [lgps@civicnet.bc.ca](mailto:lgps@civicnet.bc.ca)**

**Further information:**

Sue Clark, Program Officer Phone: 250-356-0876  
E-mail: [sclark@civicnet.bc.ca](mailto:sclark@civicnet.bc.ca)

**Application Contents**

The attached Application Form must be completed. Additional information must be attached to the form. Please ensure you attach a council or board resolution in support of the application and accepting the terms and conditions. Application must contain:

1. A description of the project to be undertaken
2. Evidence that a business plan or other planning process has been undertaken or will be undertaken to support the intended use of the funds and that the project will increase tourism in your community or region.
3. In the case of regional district programs, a description of how the project will increase tourism potential in the electoral areas or add value region wide.
4. Performance measures that will be used to determine the success of the undertaking.
5. General cost estimates of the activities to be undertaken.
6. The date when a final report with accompanying financial statements will be submitted.
7. A resolution from board or council approving the application and accepting the terms and conditions of the program as set out in section 6.4.
8. Contact information for the staff member responsible for the application.

**When to Apply**

The first intake for applications is open now and will close on November 30, 2008. Final reports must be received by December 1, 2009.

**Attachments:**

- Schedule 1. Community Tourism Program Funding Breakdown with Maximum Funding Entitlements  
Information on the funding formula is available at [www.civicnet.bc.ca](http://www.civicnet.bc.ca). Go to "Programs and Services" then "Local Government Program Services", then "Community Tourism."
- Application form
- Informational document: "Determining a Community Tourism Project"



**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE EAST WELLINGTON AND PLEASANT VALLEY  
PARKS AND OPEN SPACE ADVISORY REGULAR COMMITTEE MEETING  
THURSDAY, JANUARY 21, 2008**

**Attendance:** Maureen Young, Director RDN Board  
Judith Wilson  
Bruce Erickson

**Staff:** Joan Michel, Parks and Trails Coordinator  
Elaine McCulloch, Parks Planner

**Regrets:** Rick Heikkila  
Jennifer Merner

**Also In Attendance:** Charles Pinker, Alternate Director – Electoral Area C

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**CALL TO ORDER**

- 1 Ms. Young called the meeting to order at 7:00pm. Ms. Young assumed the role of Chair until elections were completed.

The Chairperson noted a quorum was not attained and the Committee would meet as a Committee of the Whole. The minutes and recommendations from the meeting shall be referred to the next regular meeting for endorsement prior to proceeding to the Board.

**ELECTION OF CHAIR AND SECRETARY**

- 2.1 Ms. Young called for nominations for the position of Chair.

MOVED B. Erickson, SECONDED M. Young, that Mr. Heikkila be nominated as Chair.

CARRIED

As Mr. Heikkila was not in attendance, the election of the Chair will be held at the next regular meeting.

- 2.2 The position of Secretary to be rotated among the Committee Members.

**DELEGATIONS**

- 3.1 **Mountain Fire Protection Improvement**

Mr. Steve Ellis, Fire Chief and Mr. Wayne Morgan, Deputy Fire Chief, speaking on behalf of the Mountain Fire Protection Improvement District (East Wellington) requested an increase in the portion of the Meadow Drive Community Park used to carry out their practices and drills. The Regional District currently recommends .34 acres. A written proposal will be prepared and forwarded to the Regional District.

## MINUTES

- 4.1 MOVED J. Wilson, SECONDED M. Young, that the Minutes of the East Wellington and Pleasant Valley Parks and Open Space Advisory Committee meeting held November 5, 2007, be approved.

CARRIED

## BUSINESS ARISING FROM DELEGATIONS

- 5.1 After discussion of the Mountain Fire Protection Improvement District's presentation, the Committee recommended the issue be referred to the Regional District for further negotiation.

## REPORTS

### 9.1 Director's Report

Ms. Young reported the Regional District has submitted a Nominal Rent Tenure Application to the Province with regard to the initiative to designate Mt. Arrowsmith as a Regional Park.

MOVED J. Wilson, SECONDED B. Erickson, that the Report be received.

CARRIED

## COMMITTEE INFORMATION

### 12.1 NEXT MEETING

Thursday, March 3, 2008  
7:00pm, East Wellington Fire Hall

## ADJOURNMENT

- 13 MOVED M. Young, SECONDED J. Wilson, that Pursuant to Section (90) (1) E of the Community Charter to consider land issue, the Committee proceed to an In Camera meeting to consider items related to land.

CARRIED

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Chair

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE EAST WELLINGTON AND PLEASANT VALLEY  
PARKS AND OPEN SPACE ADVISORY REGULAR COMMITTEE MEETING  
MONDAY, MARCH 3, 2008**

**Attendance:** Rick Heikkila, Chairman  
Bruce Erickson  
Judith Wilson  
Maureen Young, Director Electoral Area 'C'

**Staff:** Elaine McCulloch, Parks Planner

**Absent:** Jennifer Merner

**Also In Attendance:** Charles Pinker, Alternate Director Electoral Area 'C'

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**CALL TO ORDER**

1 Ms. McCulloch called the meeting to order at 7:00pm.

**ELECTION OF CHAIR AND SECRETARY**

2.1 Ms. McCulloch called for nominations for the position of Chair.

MOVED J. Wilson, SECONDED B. Erickson, that Rick Heikkila be nominated as Chair.

CARRIED

As no other nominations were received, Ms. McCulloch declared Mr. Heikkila as Chair.

Ms. McCullough passed the Chair to Mr. Heikkila.

2.2 Mr. Heikkila called for nominations for the position of Secretary.

MOVED J. Wilson, SECONDED M. Young, that Bruce Erickson be nominated as Secretary.

CARRIED

As no other nominations were received, Chair Heikkila declared Mr. Erickson as Secretary.

**MINUTES**

4.1 MOVED J. Wilson, SECONDED M. Young, that the Minutes of the East Wellington and Pleasant Valley Parks and Open Spaces Advisory Regular Committee Meeting Held November 5, 2007, be approved.

CARRIED

4.2 MOVED J. Wilson, SECONDED B. Erickson, that the Minutes of the East Wellington and Pleasant Valley Parks and Open Spaces Advisory Regular Committee Meeting Held January 21, 2008, be approved.

CARRIED

## REPORTS

### 9.1 Director's Update

Director Young reported Mr. Dale Fulton and Mr. Steve Ellis have been accepted as new members of the East Wellington and Pleasant Valley Parks and Open Space Advisory Committee.

Director Young also noted the final payment for Mt. Benson Regional Park was received from NALT.

Director Young reported that Area C is planning a memorial celebration and the installation of a plaque in memory of the Extension mine disaster that happened in October 1909.

### 9.2 Regional and Community Parks Function Report January 2008

Ms. McCulloch reviewed the highlights from the Regional and Community Parks Function Report, January 2008.

### 9.3 Lease of Meadow Drive Community Parks – Area C

Ms. McCulloch reviewed the Lease of Meadow Drive Community Parks – Area C Report for the Committee.

MOVED J. Wilson, SECONDED R. Heikkila, that the RDN enter into a Land Use Lease as detailed in Attachment 1, Option 5, for a section of Meadow Drive Community Park, legally described as Lot 11, Section 14, Range 4, Mountain Land District, Plan VIP800079, for a twenty year term commencing April 1, 2008, and ending February 29, 2028, to be used as a training area for the Mountain Fire Protection Improvement District.

CARRIED

MOVED J. Wilson, SECONDED M. Young, that the Reports be received.

CARRIED

## COMMITTEE ROUND TABLE

Mr. Heikkila reported a questionnaire will be distributed in the community for input and ideas regarding the use of Meadow Drive Community Park.

Mr. Heikkila noted a Meadow Drive Park Open House will be held at the park on May 4, 2008, from 11:00am to 2:00pm, to introduce the Community to the Park.

## ADJOURNMENT

- 13 MOVED J. Wilson, SECONDED M. Young, that pursuant to Section (90) (1) E of the Community Charter to consider land issue, the Committee proceed to an In Camera meeting to consider items related to land.

CARRIED

**NEXT MEETING**

Monday, May 5, 2008  
7:00pm, East Wellington Fire Hall

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Chair



RDN REPORT	
CAO APPROVAL <input checked="" type="checkbox"/>	
EAP	
COW	<input checked="" type="checkbox"/> APR 11 8th
APR 02 2008	
RHD	
BOARD	

## MEMORANDUM

**TO:** Carol Mason  
Chief Administrative Officer

**DATE:** March 31, 2008

**FROM:** Tom Osborne  
General Manager, Recreation & Parks Services

**FILE:**

**SUBJECT:** Lease of Meadow Drive Community Park - Area C  
Lot 11, Section 14, Range 4, Mountain Land District, Plan VIP 80079

### PURPOSE

To consider providing a Land Use Lease to the Mountain Fire Protection Improvement District for approximately up to 0.805 acres of Meadow Drive Community Park to be used by the Improvement District for a training ground.

### BACKGROUND

In 2005, during the creation of the Benson Meadows subdivision, a 0.41 hectare property located at the corner of Meadow Drive and Jingle Pot Road (Lot 12) was donated by the property owner/developer to the Mountain Fire Protection Improvement District for the purpose of building a fire hall. The property was re-zoned from Rural 1 to Public 4 in 2006 to permit the use of the site for a fire hall. This parcel has since been cleared and is intended to be developed in the near future.

Neighboring Lot 11, fronting on Meadow Drive and located to the west of Lot 12, was donated by the property owner/developer to the Regional District of Nanaimo for community parkland dedication in 2005 (see subject property map, Appendix 1). The parcel is 2.02 hectares in size and has an unnamed creek in the southern portion.

In a letter to the Board, dated March 5<sup>th</sup>, 2007 from the Mountain Fire Protection Improvement District, a request was made for the use of a portion of Regional District's Lot 11 for the purpose of on-site training, special community events, and the option for future site expansion, at a future date. The Improvement District is responsible for fire protection and street lighting within the district's boundaries.

RDN staff met on-site with the Mountain Fire Protection Improvement District in August 31, 2007, to review the park site and to obtain their input on parallel request from Nanaimo Search and Rescue to also use the parkland for an operations building and parking lot.

At the October 2, 2007 Regional Board meeting, the following two resolutions were approved:

1. That staff be directed to negotiate with the Mountain Fire Protection Improvement District for the long-term lease of a portion of Lot 11, Section 14, Range 4, Mountain Land District, Plan VIP80079 to accommodate fire department use.
2. That the request from Nanaimo Search and Rescue Society for the long-term lease of a portion of Lot 11, Section 14, Range 4, Mountain Land District, Plan VIP80079, to accommodate an operations building and parking lot be denied.

When considering the first motion, the Board directed staff that the proposed lease area is to be used by the Improvement District for their training needs only with no permanent structure or amenities. At the meeting it was noted that the community park was already in place to host community special events and other park uses.

On September 17, 2007, Recreation and Parks Department staff met on site with representatives from the Improvement District to discuss the intended use of the community parkland, clarify the purpose of the parkland and paced out a 25 metre area (approximately 0.336 acres) from the Improvement District adjoining property line. The intent of the proposed lease area was for it to be suitable to lease to the Improvement District for their training needs and for it not to significantly limit the development of the remaining portion of land for community park uses.

Following the meeting, the RDN Park Planner completed preliminary park development site concept plans. The plans detail how the remaining parkland could be developed with a 25 metre area that would form the area to be leased to the Improvement District.

Staff have noted that although the community park area is relatively large, the development of the site is limited by the remaining forest on the site, the unnamed creek and associated riparian area, a large rocky outcrop, and the need for off street parking to service the park.

On December 4, 2007, Regional District Park staff met with Improvement District representatives to review the proposed lease of which both parties agreed to move the proposed lease agreement forward to the East Wellington Parks and Open Space Advisory Committee in January.

Three park concept plans along with the proposed lease were reviewed by the East Wellington Parks and Open Space Advisory Committee on January 21, 2008. At this meeting the Improvement District requested the POSAC consider increasing the lease area size from 25 metres to 50 metres (0.805 acres) to better accommodate their training equipment and hoses. As there was no quorum at this meeting, no resolutions were passed. Staff however, agreed to obtain additional information from the Improvement District regarding their training requirements and then report back to the POSAC at their March 3<sup>rd</sup> meeting as to the park development implications of their request.

The Park Planner then developed additional concepts plans for the park that detailed park development options with a 40 metre area (0.601 acres), and a 50 metres area (0.805 acres). Those plans are attached as Appendix 3, Option 4 and Option 5.

The Committee reviewed the concept drawings and the information provided by the Improvement District and then approved the following resolution:

*"That the Regional District enter into a Land Use Lease as detailed in Appendix 3, Option 5 for a section of Meadow Drive Community Park, legally described as Lot 11, Section 14, Range 4, Mountain Land District, Plan VIP800079, for a twenty year term commencing April 1, 2008 and ending February 29, 2028 to be used as a training area for the Mountain Fire Protection Improvement District." (50 metres / 0.805 acres).*

## ALTERNATIVES

1. That the Regional District enter into a Land Use Lease as provided detailed in Appendix 2 for a section of Meadow Drive Community Park, legally described as Lot 11, Section 14, Range 4, Mountain Land District, Plan VIP800079, for a twenty year term commencing March 1, 2008 and ending February 29, 2028 to be used as a training area for the Mountain Fire Protection Improvement District. (25 metres / 0.336 acres).
2. That the Regional District enter into a Land Use Lease as provided detailed in Appendix 3, Option 4 for a section of Meadow Drive Community Park, legally described as Lot 11, Section 14, Range 4, Mountain Land District, Plan VIP800079, for a twenty year term commencing March 1, 2008 and ending February 29, 2028 to be used as a training area for the Mountain Fire Protection Improvement District. (40 metres / 0.601 acres).
3. That the Regional District enter into a Land Use Lease as provided detailed in Appendix 3, Option 5 for a section of Meadow Drive Community Park, legally described as Lot 11, Section 14, Range 4, Mountain Land District, Plan VIP800079, for a twenty year term commencing March 1, 2008 and ending February 29, 2028 to be used as a training area for the Mountain Fire Protection Improvement District. (50 metres / 0.805 acres).
4. That a Land Use Lease not be approved for a section of Meadow Drive Community Park, legally described as Lot 11, Section 14, Range 4, Mountain Land District, Plan VIP800079, to be used as a training area for the Mountain Fire Protection Improvement District, and alternative direction be provided.

## FINANCIAL IMPLICATIONS

There are no direct financial implications should the Regional District enter into a lease agreement with the Improvement District other than the cost for the legal survey which required to define the lease area to include in the final lease agreement document.

Meadow Drive Community Park is however just one of two community parks in the East Wellington / Pleasant Valley portion of Area C. The other park is the 5.2 hectare Creekside Community Park. Area C-EW / PV currently only has \$11,489 in acquisitions reserves and it is not anticipated that future parkland dedications via subdivision will take place in the foreseeable future based on current zoning conditions.

The RDN Park Planner has completed concept plans for the development of the community park illustrating the varying lease area sizes and the related pros and cons in relation to the development of the park.

With a lease in place for a training area, it does limit park site planning opportunities depending on what park amenities the community desires in the future. The main physical limitations to developing the remainder of the park site include the forested area which should be maintained as important riparian habitat and a large rock outcrop located in the north-west corner of the park. In addition, should the Regional Board consider the 50 metres / 0.805 acres lease option, the development of a youth soccer field will not be possible without removal of a portion of the trees in the forested area which is not recommended, therefore it is likely that an open field concept will be considered in the development of the site.



## CONCLUSION

The Mountain Fire Protection Improvement District requested that a section of Meadow Dive Community Park in Electoral Area C be provided to them for the creation of a training ground. At the October 2, 2007 Regional Board Meeting, staff were directed to negotiate a long-term lease with the Improvement District.

Subsequent meetings were held with the Improvement District and the East Wellington / Pleasant Valley POSAC and concept drawings have been completed to detail how the lease area of varying sizes could work with the development of the remaining portion of the park for community use.

At the March 3, 2008 East Wellington / Pleasant Valley POSAC they approved the following resolution:

*"That the Regional District enter into a Land Use Lease as detailed in Appendix 3, Option 5 for a section of Meadow Drive Community Park, legally described as Lot 11, Section 14, Range 4, Mountain Land District, Plan VIP800079, for a twenty year term commencing April 1, 2008 and ending February 29, 2028 to be used as a training area for the Mountain Fire Protection Improvement District." (50 metres / 0.805 acres).*

The main physical limitations to developing the remainder of the park site once a lease is in place with the Improvement District include the forested area which should be maintained as important riparian habitat and a large rock outcrop located in the north-west corner of the park. In addition, should the Board consider the 50 metres / 0.805 acres lease option as recommended by the EW/PV POSAC, the development of a youth soccer field will not be possible without removal of a portion of the trees in the forested area.

## RECOMMENDATION

That the staff report on the Lease of Meadow Drive Community Park (Area C) Lot 11, Section 14, Range 4, Mountain Land District, Plan VIP 80079 be received as information.

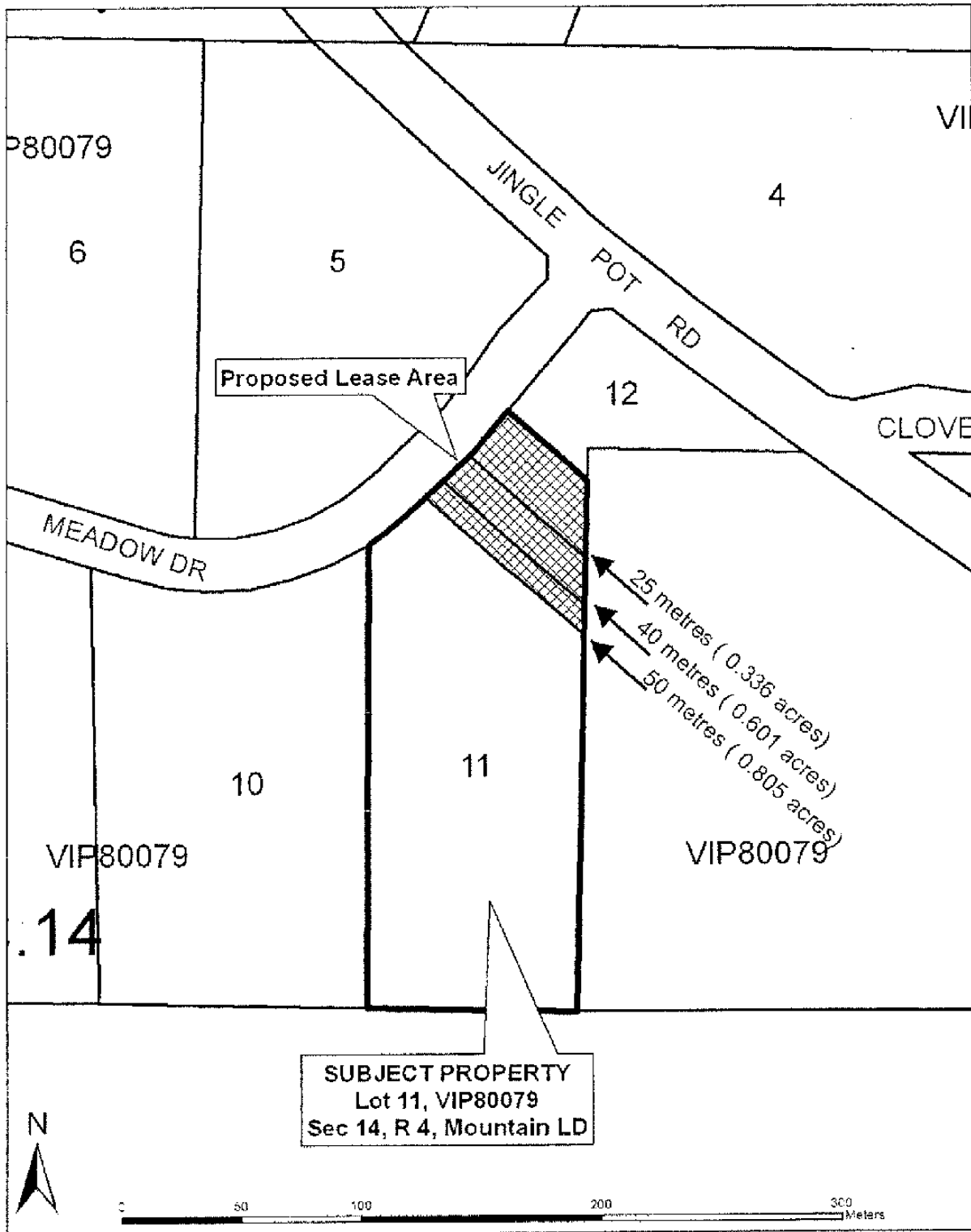


Report Writer



CAO Concurrence

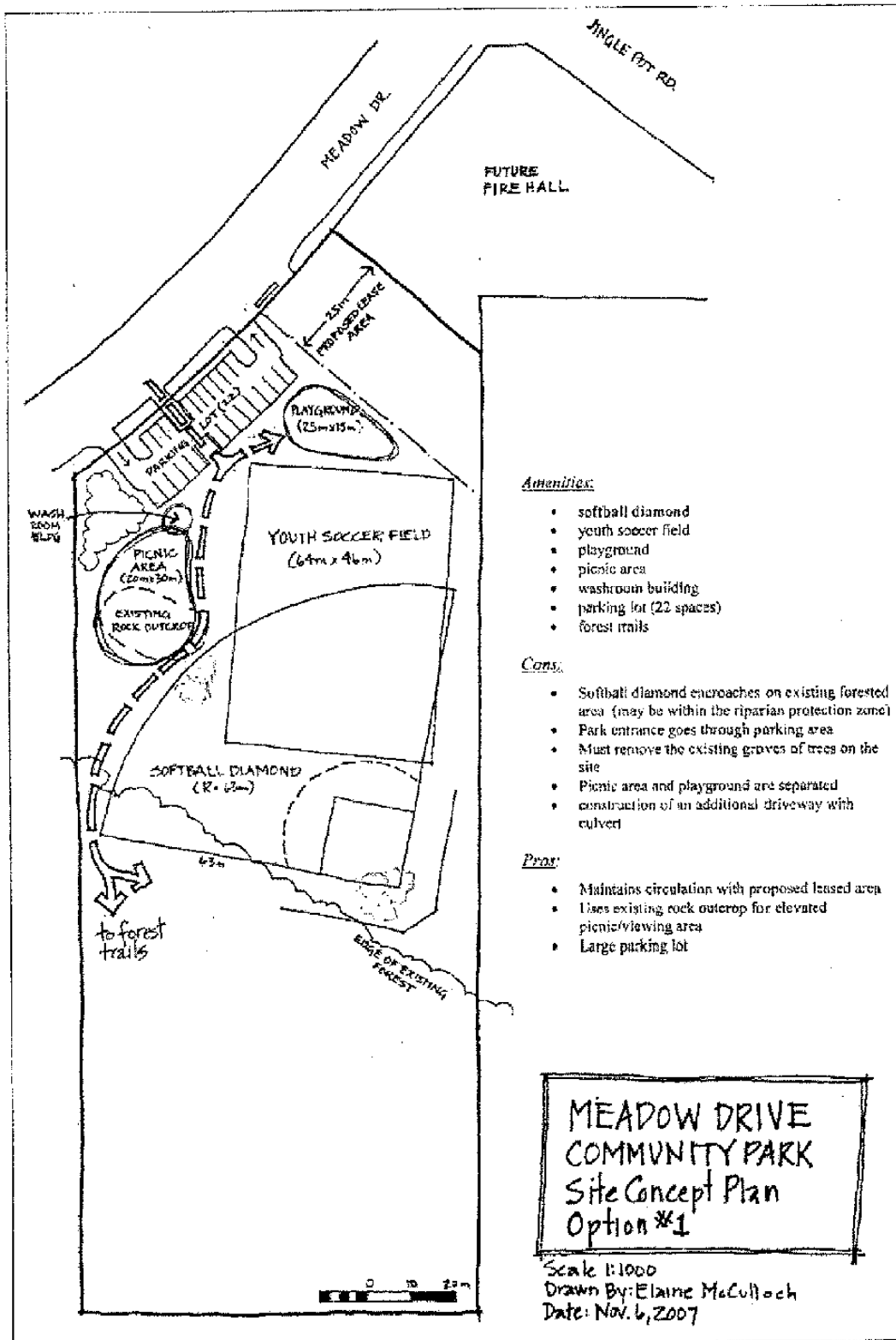
Appendix I  
Location of Subject Property – Lot 11, Meadow Drive  
Lot 11, Section 14, Range 4, Mountain Land District, Plan VIP 80079



Mapsheet 92F.020.4.4

Appendix 2  
 Park Development Concept on Lot 11, Meadow Drive

Park Development Concept Plan, Option #1:



Amenities:

- softball diamond
- youth soccer field
- playground
- picnic area
- washroom building
- parking lot (22 spaces)
- forest trails

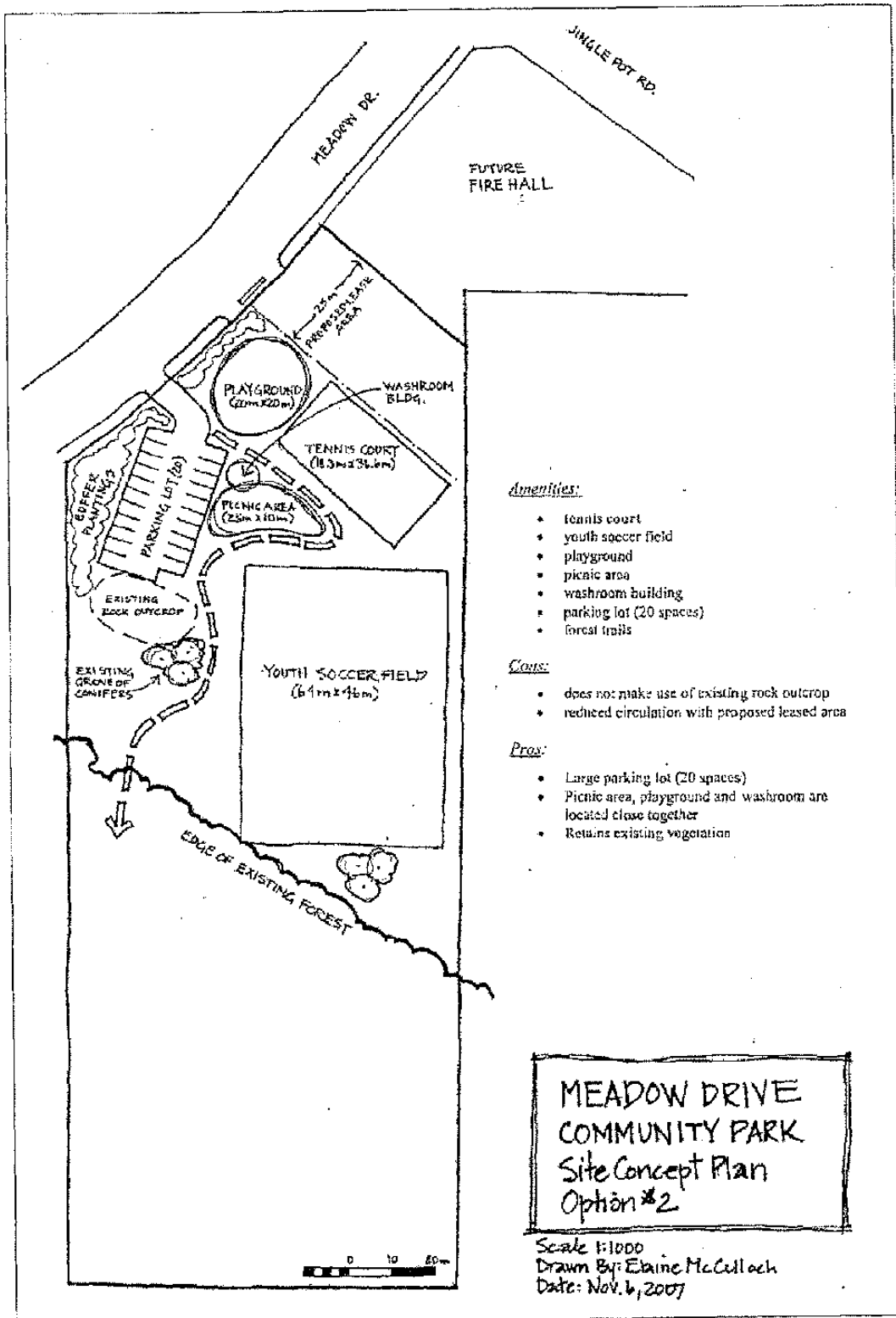
Cons:

- Softball diamond encroaches on existing forested area (may be within the riparian protection zone)
- Park entrance goes through parking area
- Must remove the existing groves of trees on the site
- Picnic area and playground are separated
- construction of an additional driveway with culvert

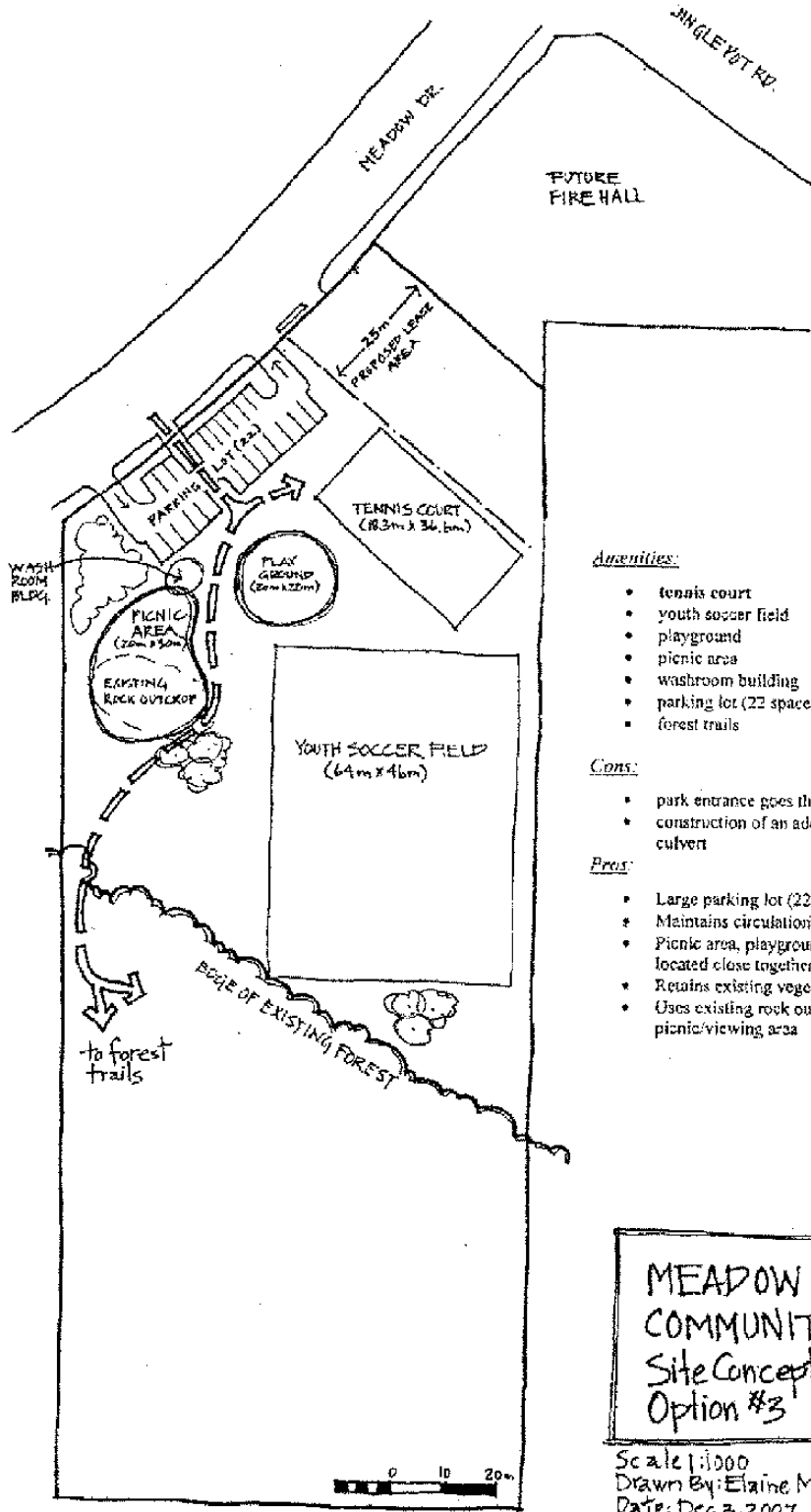
Pros:

- Maintains circulation with proposed leased area
- Uses existing rock outcrop for elevated picnic/viewing area
- Large parking lot

**Park Development Concept Plan, Option #2:**



Park Development Concept Plan, Option #3:



Amenities:

- tennis court
- youth soccer field
- playground
- picnic area
- washroom building
- parking lot (22 spaces)
- forest trails

Cons:

- park entrance goes through parking area
- construction of an additional driveway with culvert

Pros:

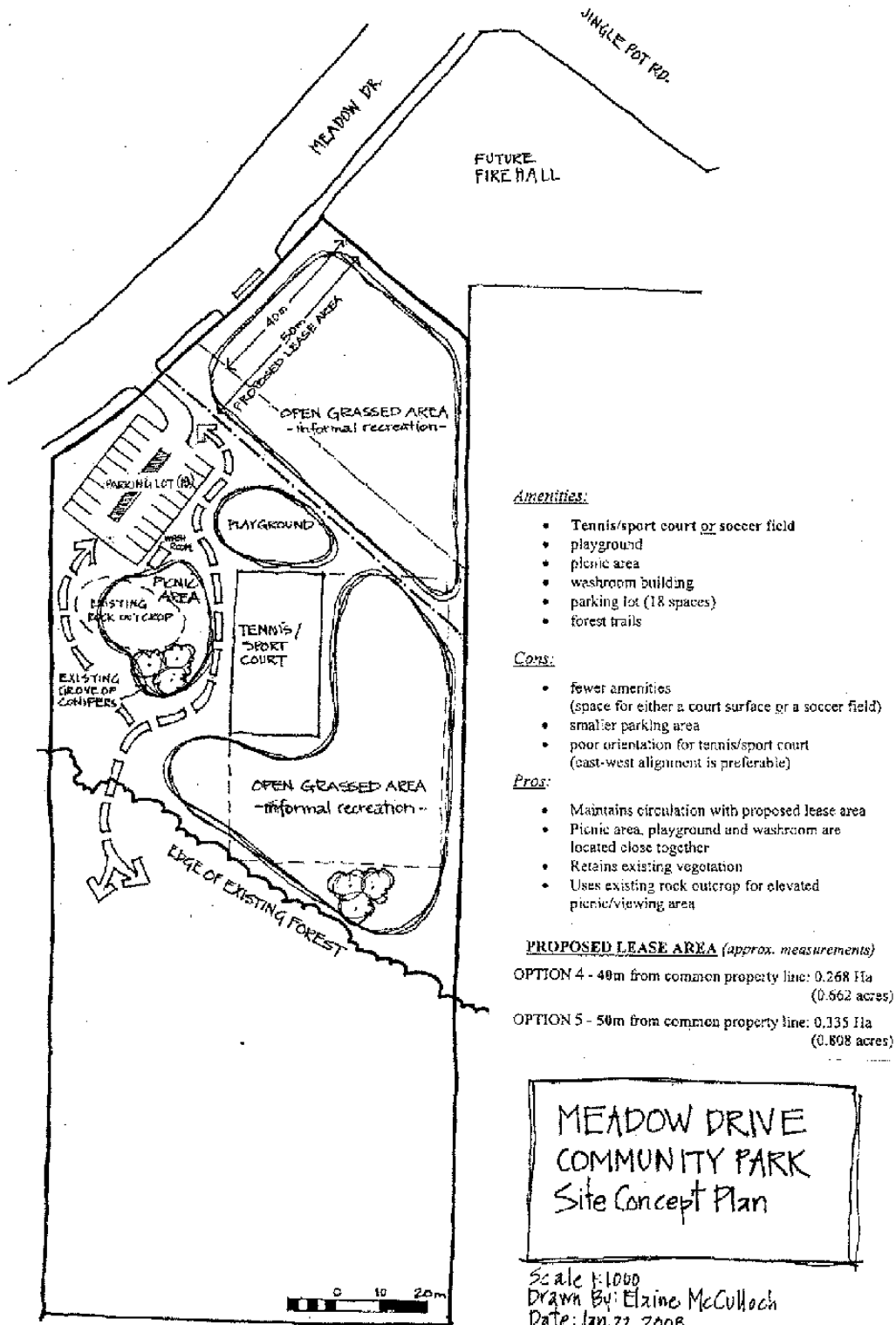
- Large parking lot (22 spaces)
- Maintains circulation with proposed lease area
- Picnic area, playground and washroom are located close together
- Retains existing vegetation
- Uses existing rock outcrop for elevated picnic/viewing area

MEADOW DRIVE  
 COMMUNITY PARK  
 Site Concept Plan  
 Option #3

Scale 1:1000  
 Drawn By: Elaine McCulloch  
 Date: Dec 3, 2007

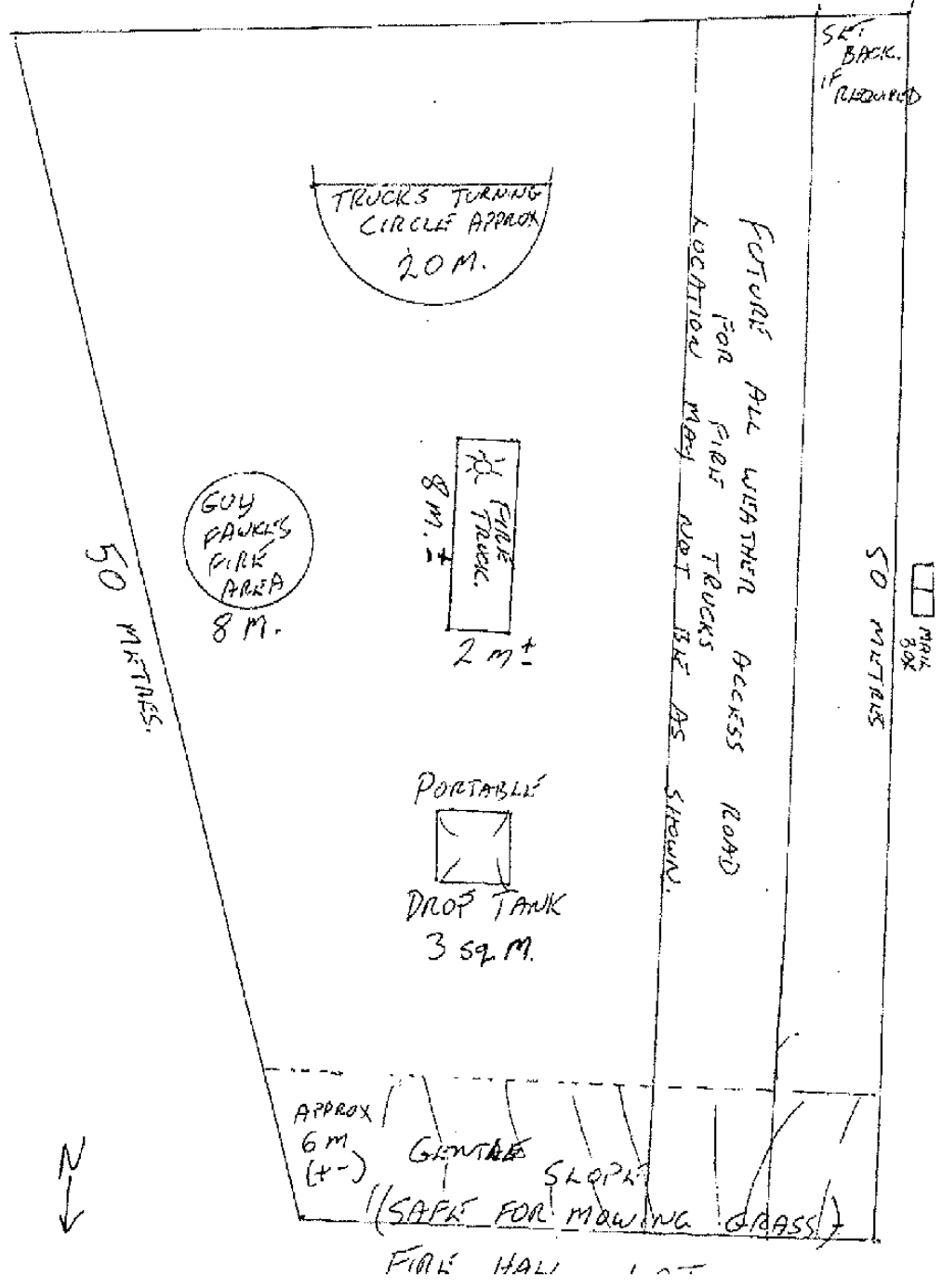
Appendix 3  
 Park Development Concept on Lot 11, Meadow Drive

Park Development Concept Plan, Option #4 and #5



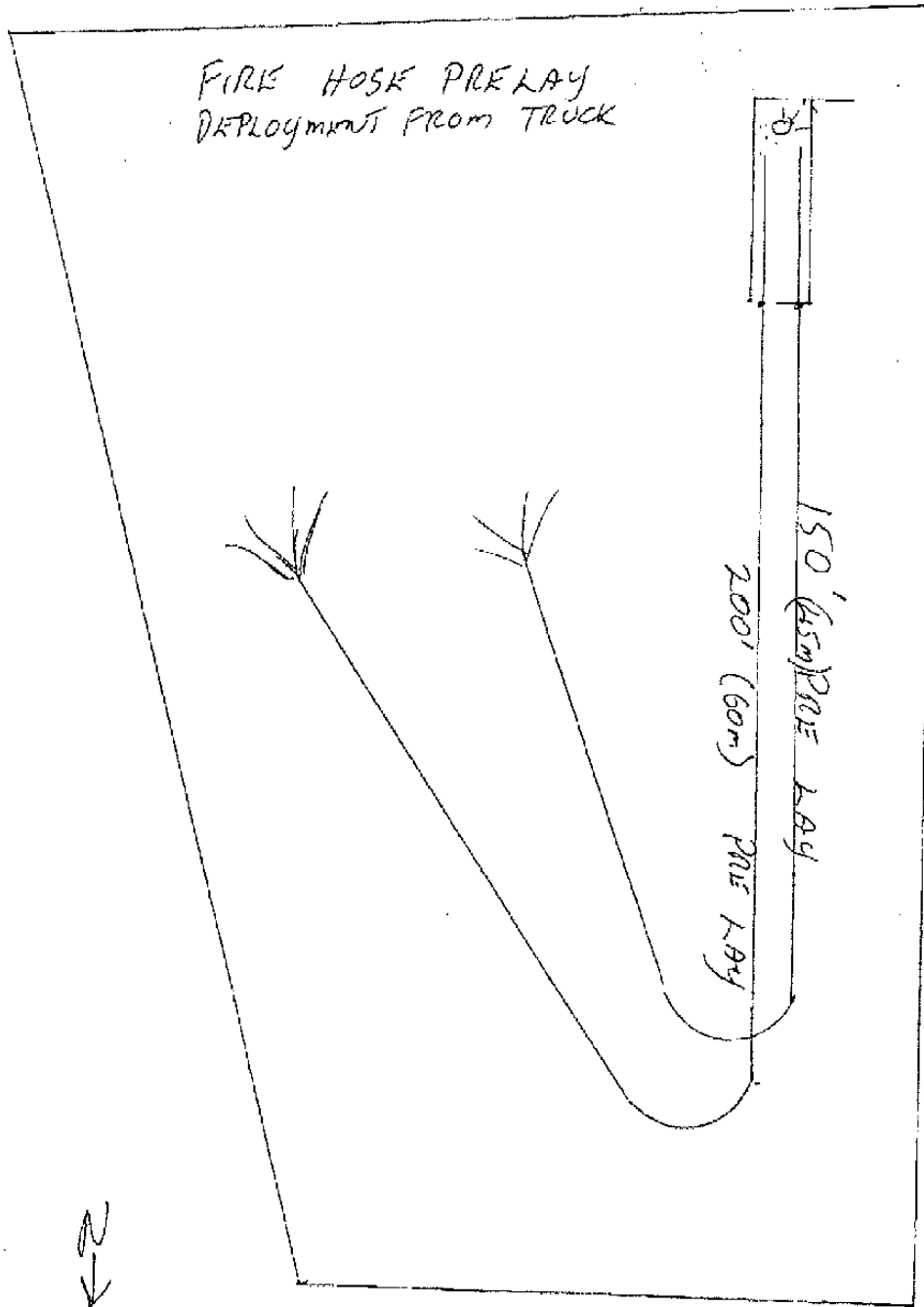
### Appendix 4 Fire Department Training Area - Training Exercise Layout Plans for Proposed Lease Area, Lot 11, Meadow Drive

**Training Exercise Layout Plan, Typical Design Dimensions**  
*Submitted by Steve Ellis, Fire Chief, Mountain Fire Protection Improvement District*



### Training Exercise Layout Plan, Scenario #1

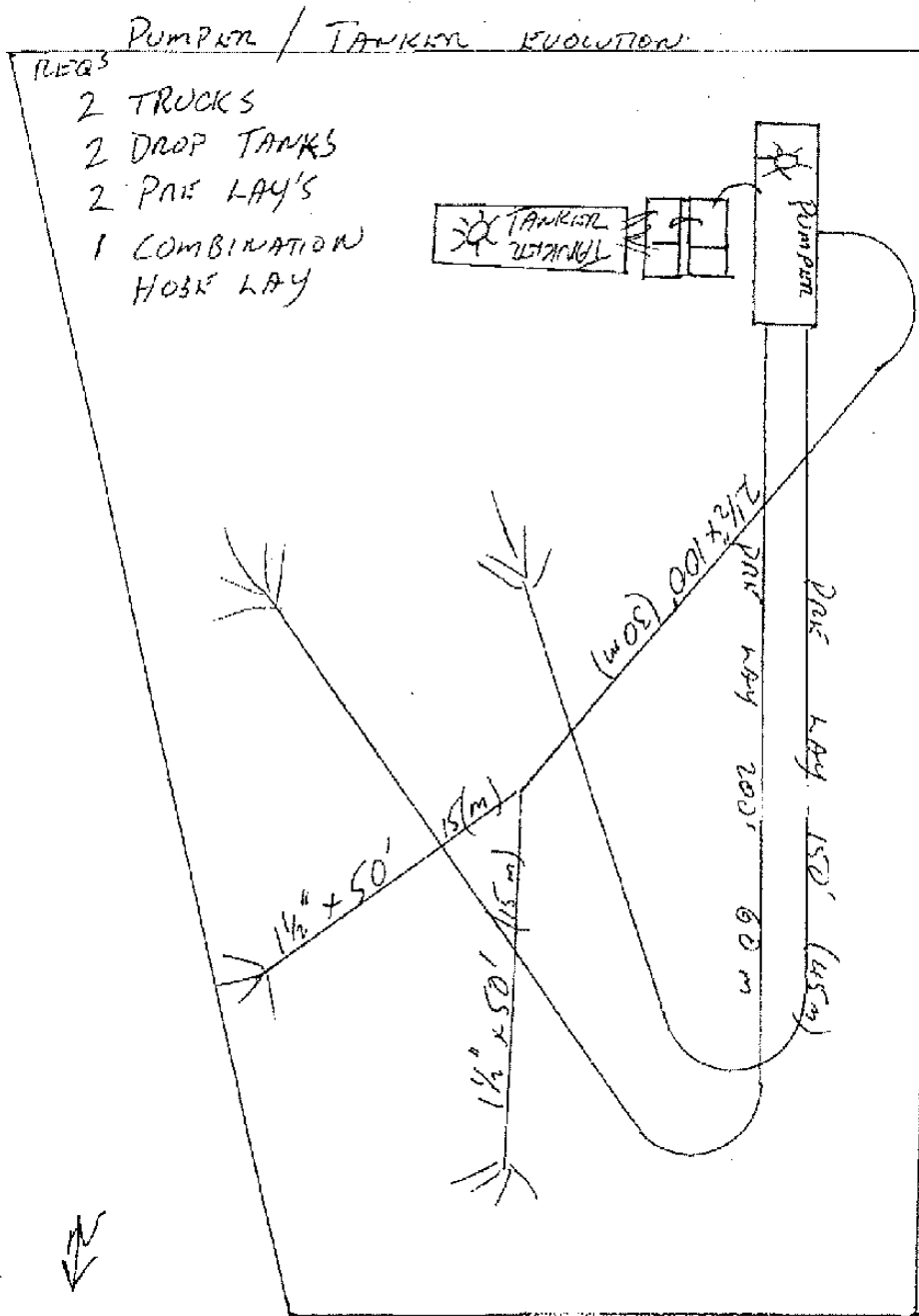
Submitted by Steve Ellis, Fire Chief, Mountain Fire Protection Improvement District





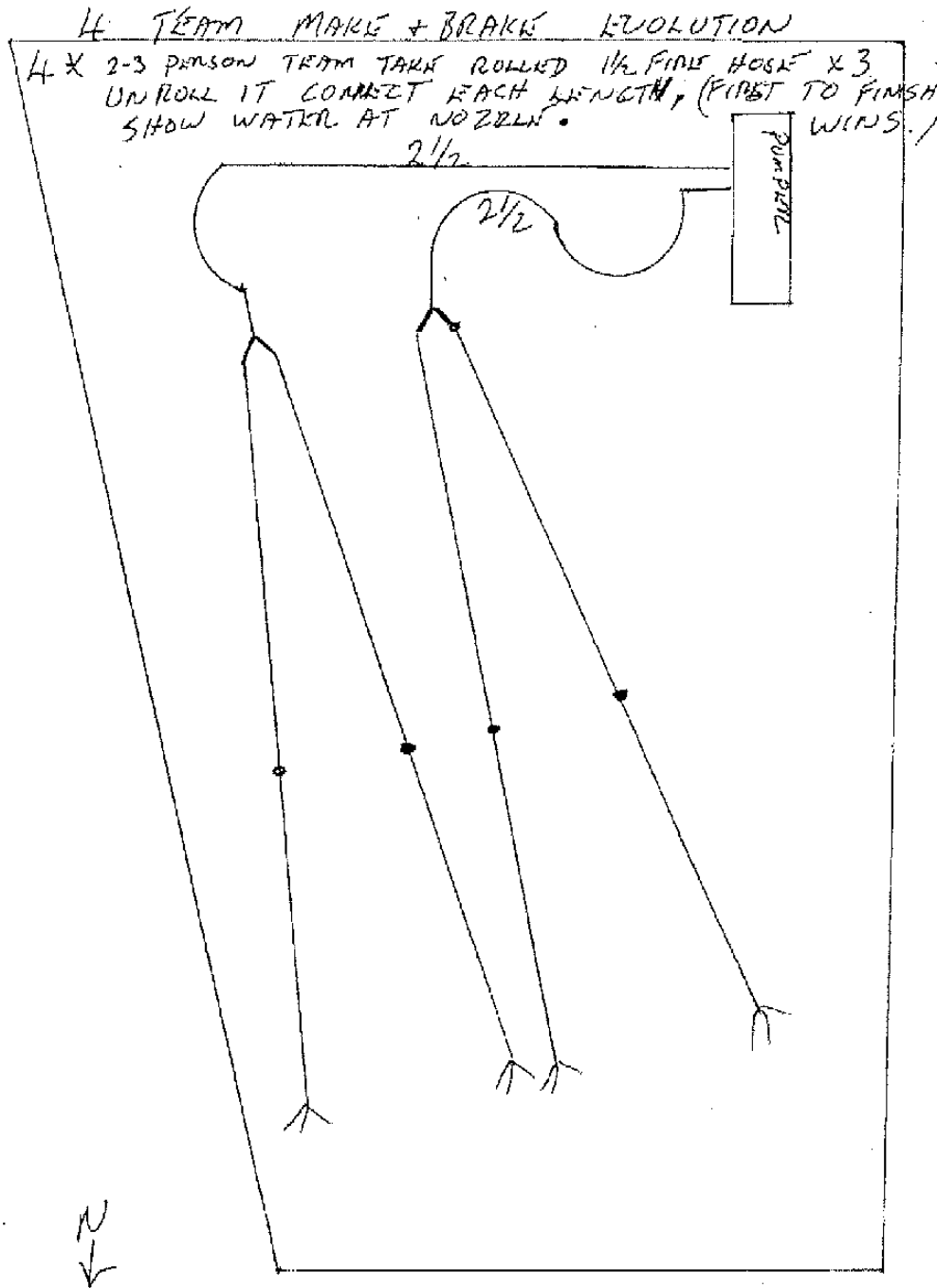
### Training Exercise Layout Plan, Scenario #2

Submitted by Steve Ellis, Fire Chief Mountain Fire Protection Improvement District



### Training Exercise Layout Plan, Scenario #3

Submitted by Steve Ellis, Fire Chief Mountain Fire Protection Improvement District



**MEADOW DRIVE COMMUNITY PARK  
LAND USE LEASE**

THIS LEASE ISSUED the \_\_\_\_\_ day of, \_\_\_\_\_, 2008

**BETWEEN:**

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

(the "Regional District")

**OF THE FIRST PART**

**AND:**

**Mountain Fire Protection  
Improvement District**  
2331 East Wellington Road  
Nanaimo, B.C.  
V9R 6V6

(the "Improvement District")

**OF THE SECOND PART**

**WHEREAS:**

The Regional District is the registered owner in fee simple of community park land located in East Wellington / Pleasant Valley on Meadow Drive, Electoral Area C, legally described as:

Legal Description: Lot 11, Section 14, Range 4, Mountain Land District,  
Plan VIP80079

(the "Park Land");

**AND WHEREAS** the Improvement District wishes to use and occupy a portion of the Park Land for Fire Department Training Use (the "Training Ground").

**NOW THEREFORE** in consideration of the rents, covenants, agreements and conditions to be performed and observed by the Improvement District:

#### **A. GRANT OF LEASE**

The Regional District hereby grants the Improvement District a Lease to occupy and use that portion of the community park outlined on Schedule 'A' attached to this agreement for the purposes of a Training Ground, which shall mean for the sole purpose of training of Improvement District fire fighters.

#### **B. TERM**

The Regional District grants this Lease for a period of twenty (20) years from and including April 1, 2008 to and including February 29, 2028 (the "Term"), subject to the terms and conditions herein set forth.

#### **C. RENT AND RESPONSIBILITY FOR EXPENSES**

1. Yielding and paying therefor unto the Regional District upon the execution of this Lease, the rent of Ten Dollars (\$10.00) for the Term herein granted, the receipt of which is hereby acknowledged.
2. It is intended by the parties that the Training Ground be of no cost or expense to the Regional District during the Term and accordingly the Improvement District agrees to pay, whether on its own behalf or on behalf of the Regional District, all costs of every nature and kind relating to the Training Ground including any improvements made to or placed upon the land and the Improvement District agrees to indemnify the Regional District from and against any costs or expenses incurred by the Regional District relating to the use of the Training Ground by the Improvement District.

#### **D. INDEMNITY AND INSURANCE**

1. The Improvement District agrees to indemnify and save harmless the Regional District, its elected and appointed officers and employees, from any and all claims, suits, actions, costs, fees and expenses of any kind whatsoever brought against or incurred by the Regional District or its elected and appointed officers and employees in any way relating to the Improvement District's use or occupation of the Training Ground during the Term of this Lease. Such indemnity shall extend to legal expenses incurred by the Regional District in defending against such liability or alleged liability or in enforcing this right of indemnity.
2. The Improvement District agrees to, at its sole cost and expense, take out and keep in full force and effect throughout the Term and during such other time as the Improvement District occupies or uses the Training Ground or any part thereof comprehensive general liability insurance, including without limitation non-owned automobile liability insurance, against claims for personal injury, death or property damage or any other loss upon, in or about the Training Ground or otherwise howsoever arising out of the operations of the Improvement District in or around the Training Ground. The policy of insurance shall be in an amount as may be required by the Regional District from time to time but, in any case, shall be not less than Five Million (\$5,000,000.00) Dollars per occurrence.
3. The Regional District shall be added as an additional named insured under such liability policy or policies of insurance.

4. The policy of insurance in Section D(1) shall contain a clause providing that the insurer will give the Regional District thirty (30) days written notice in the event of cancellation or material change.
5. The Improvement District shall report all instances of injury to or damage to the Manager of Park Services. Where the Improvement District does not promptly report all instances of injury or damage to the Manager of Parks Services, the Regional District in its sole discretion may terminate this agreement in accordance with Section N (1).

#### **E. MAINTENANCE**

1. The Improvement District agrees to maintain the Training Ground and any improvements thereon in good repair and in a neat and tidy condition, and to not do or permit any act or neglect which may in any manner directly or indirectly be or become a nuisance or interfere with the comfort of any person occupying land in the vicinity of the Training Ground.
2. The Improvement District shall not alter the Training Grounds without first obtaining the prior written consent of the Manager of Parks Services and shall not place any equipment, machinery or improvements on, in or about the Training Ground without first obtaining the written permission of the Manager of Parks Services.
3. Any equipment, machinery or improvements placed on, in or about the Training Ground by the Improvement District shall be entirely at the risk of the Improvement District.

#### **F. IMPROVEMENTS**

1. Any improvements made to the Training Ground must be approved by the Manager of Park Services or designate. Any Improvements to the Training Ground are limited to fence construction and land improvements only as generally shown on Schedule B and C. No other structures or permanent equipment or fixtures of any kind will be permitted. All land improvements constructed, owned or installed by the Improvement District at the expense of the Improvement District on the Training Ground, shall remain the property of the Improvement District and may be removed by the Improvement District at any time until the end of the Term or earlier termination of this Lease.
2. The Improvement District agrees that it will, at its expense, repair any damage to the Training Ground caused by the construction, installation, existence, use or removal of any land improvements permitted under this section (the "Restoration"). Before removing such property the Improvement District shall notify the Regional District of its intention to do so and shall, if required by the Regional District, post a bond in an amount and form satisfactory to the Regional District as security for performance of the Improvement District's obligations for the Restoration.
3. If the Improvement District does not remove the property which is removable by the Improvement District pursuant to Paragraph F(1) prior to the end of the Term or the sooner termination of this Lease, such property shall, if the Regional District elects, become the property of the Regional District and the Regional District may remove the same at the expense of the Improvement District, and the cost of such removal will be paid by the Improvement District forthwith to the Regional District on demand.

#### **G. QUIET ENJOYMENT**

1. The Regional District covenants with the Improvement District for quiet enjoyment, for so long as the Improvement District is not in default hereunder.
2. The Improvement District shall permit the Regional District and its employees, servants and agents, at all times, during the Term of this Lease, to enter the Training Ground and every part thereof to examine the condition thereof, and if any want or repair shall be found on such examination, and notice thereof is given, the Improvement District will, within ninety (90) days of the giving of that notice, well and truly repair in accordance with that notice.

#### **H. USE, ASSIGNMENT AND SUBLETTING**

1. The Improvement District agrees to not use the Training Ground for any purpose other than as a training area for the Improvement District.
2. The Improvement District agrees that it is the sole responsibility of the Improvement District to determine the suitability of the Training Ground for its intended use and occupation.
3. The Improvement District shall not permit any other person, group or organization not named in this Lease to make improvements to or occupy the said Training Ground for other than training purposes for the benefit of the Improvement District without prior written authorization from the Manager of Park Services or designate.

#### **I. COMPLIANCE WITH LAWS**

The Improvement District agrees to comply promptly at its expense with all laws, bylaws, regulations, requirements and recommendations, which may be applicable to the manner of use or occupation of the Training Ground, made by any and all federal, provincial, local government and other authorities and all notices in pursuance of same, provided however that the Improvement District shall have no liability to make any improvements, alterations or additions to the Training Ground which may be required by authorities or associations unless due to the use or occupation of the Training Ground by the Improvement District.

#### **J. HOLDING OVER**

1. If the Improvement District continues to occupy the Training Ground with the consent of the Regional District after the expiration or other termination of this Agreement without any further written agreement, the tenancy shall be a monthly lease subject at all times to all of the provisions of this Lease insofar as the same are applicable to a month-to-month tenancy, and a tenancy from year to year shall not be created by implication of law.
2. Nothing herein contained shall preclude the Regional District from taking action for recovery of possession of the Training Ground.

#### **K. APPROVALS AND WAIVERS**

1. No provision in this Lease requiring the Regional Districts or the Improvement Districts consent or approval shall be deemed to have been fulfilled or waived unless the written consent or approval of the Regional District or the Improvement District relating to the

particular matter or instance has first been obtained and, without limiting the generality of the foregoing, no prior consent or approval and no condoning, excusing or overlooking by the Regional District approvals on previous occasions when such a consent or approval was required shall be taken to operate as a waiver of the necessity of such consent or approval whenever required under this Lease.

2. The failure of either party to insist upon strict performance of any covenant or condition contained in this Lease or to exercise any right or option hereunder shall not be construed as a waiver or relinquishment for the future of any such covenant, condition, right or option.

#### **L. RELATIONSHIP OF PARTIES**

Nothing contained herein shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent or of partnership or of joint venture between the parties hereto, it being understood and agreed that neither the method of commutation of rent nor any other provision contained herein, nor any acts of the parties herein, shall be deemed to create any relationship between the parties other than the relationship of Lessor and Lessee.

#### **M. SOLE AGREEMENT**

This Lease sets forth all of the warranties, representations, covenants, promises, agreements, conditions and understandings between parties concerning the Lands and there are no warranties, representations, covenants, promises, agreements, conditions or understanding, either oral or written, express or implied, between them other than as set forth in this Lease.

#### **N. DEFAULT AND EARLY TERMINATION**

1. The Improvement District further covenants with the Regional District that if the Improvement District shall violate or neglect any covenant, agreement or stipulation herein contained on its part to be kept, performed or observed, and any such default on the part of the Improvement District shall continue for sixty (60) days after written notice thereof to the Improvement District by the Regional District, then by law the Regional District may at its option forthwith re-enter and take possession of the Training Ground immediately and may remove any property therefrom and may use such force and assistance in making such removal as the Regional District may deem advisable to recover at once full and exclusive possession of the Training Ground.
2. Either party to this Agreement may terminate the Agreement at any time upon sixty (60) days notice in writing to the other party. If the Regional District exercises this right of termination then it may recover possession of the Training Ground in accordance with Paragraph K (1).

**O. APPLICABLE LAW, COURT LANGUAGE**

1. This Lease shall be governed and construed by the laws of the Province of British Columbia.
2. The venue of any proceedings taken in respect of this Lease shall be at Nanaimo, British Columbia, so long as such venue is permitted by law, and the Improvement District shall consent to any applications by the Regional District to change the venue of any proceedings taken elsewhere to Nanaimo, British Columbia.

**P. CONSTRUED COVENANT, SEVERABILITY**

All of the provisions of this Lease are to be construed as covenants and agreements. Should any provision of this Lease be or become illegal, invalid or not enforceable, it shall be considered separate and severable from this Lease and the remaining provisions shall remain in force and be binding upon the parties hereto and be enforceable to the fullest extent of the law.

**Q. TIME**

Time shall be of the essence hereof.

**R. NOTICE**

1. All notices or payment from the Improvement District to the Regional District shall be sent to the Regional District at the following address:

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

Attention: Manager of Park Services

2. All notices from the Regional District to the Improvement District shall be sent to the Improvement District at the following address:

Mountain Fire Protection Improvement District  
2331 East Wellington Road  
Nanaimo, BC  
V9R 6V6

Attention: Chairman

or such other places as the Regional District and the Improvement District may designate from time to time in writing to each other.

3. Any notice to be given hereunder shall be in writing and may be either delivered personally or be sent by prepaid, registered or certified mail and, if so mailed, shall be deemed to have been given three (3) days following the date upon which it was mailed.



4. Any notice or service required to be given or effected under any statutory provision or rules of court from time to time in effect in the Province of British Columbia shall be sufficiently given or served if mailed or delivered at the addresses as aforesaid.
5. Any party hereto may at any time give notice in writing to any other of any change of address of the party giving such notice and from and after the second day after the giving of such notice, the address herein specified shall be deemed to be the address of such party for the giving of notices hereunder.

**IN WITNESS WHEREOF** the parties hereto have executed this Lease on the day and year first above written.

**REGIONAL DISTRICT OF NANAIMO** by its authorized signatories:

\_\_\_\_\_ )  
Chairperson )  
\_\_\_\_\_ )  
Senior Manager of Corporate Administration )

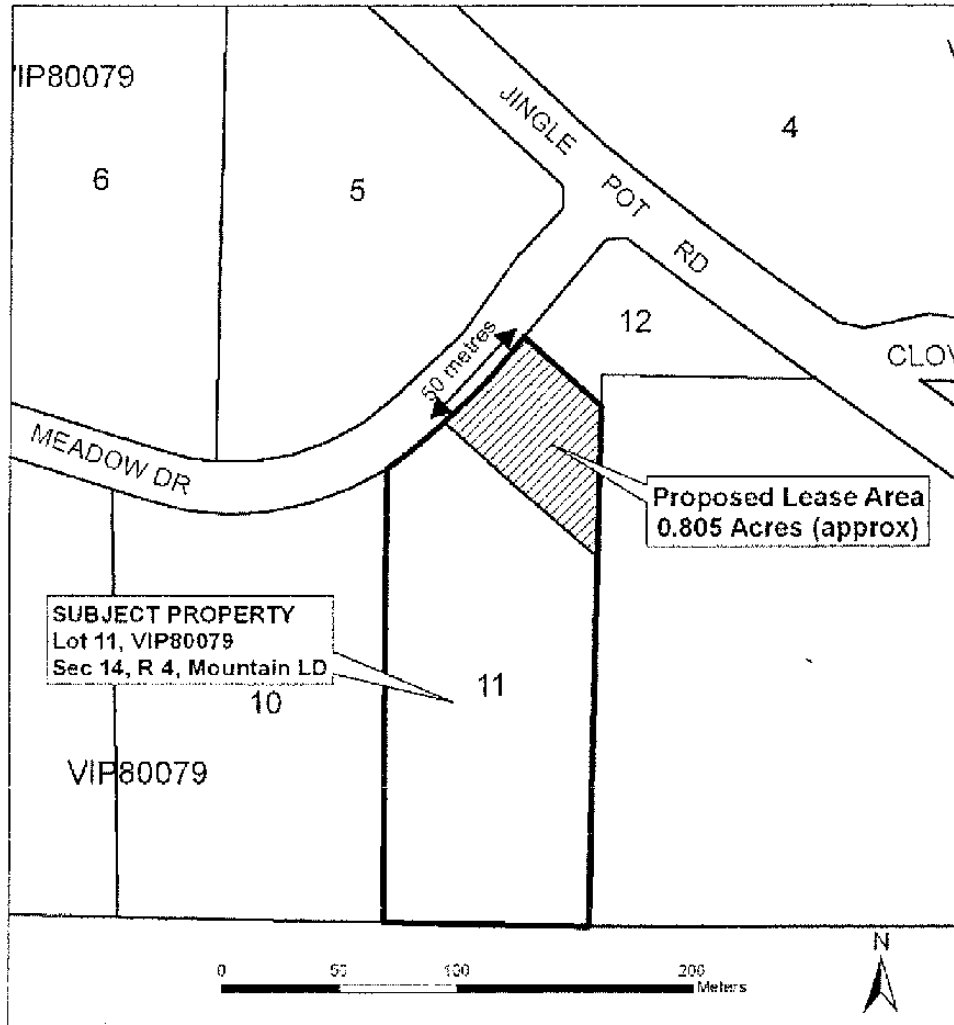
**MOUNTIAN FIRE PROTECTION  
IMPROVEMENT DISTRICT** by its authorized signatories:

\_\_\_\_\_ )  
Position: )  
\_\_\_\_\_ )  
Position: )

**Schedule A:**

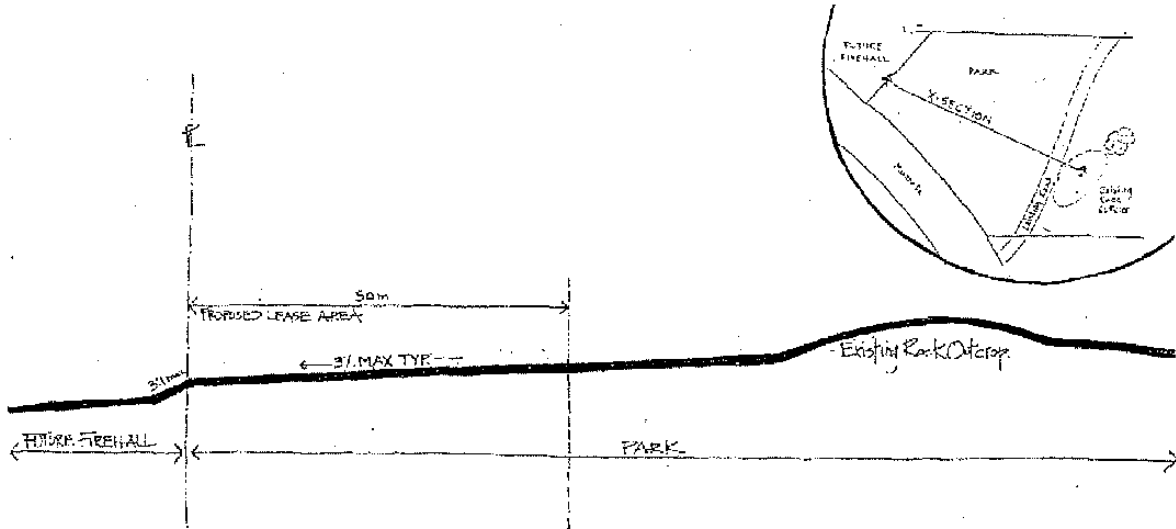
Improvement District Training Ground – Survey Map of 0.805 Acre Area

(Legal Survey to be done pending RDN Board approval)



Schedule B:

Improvements – Grading Plan

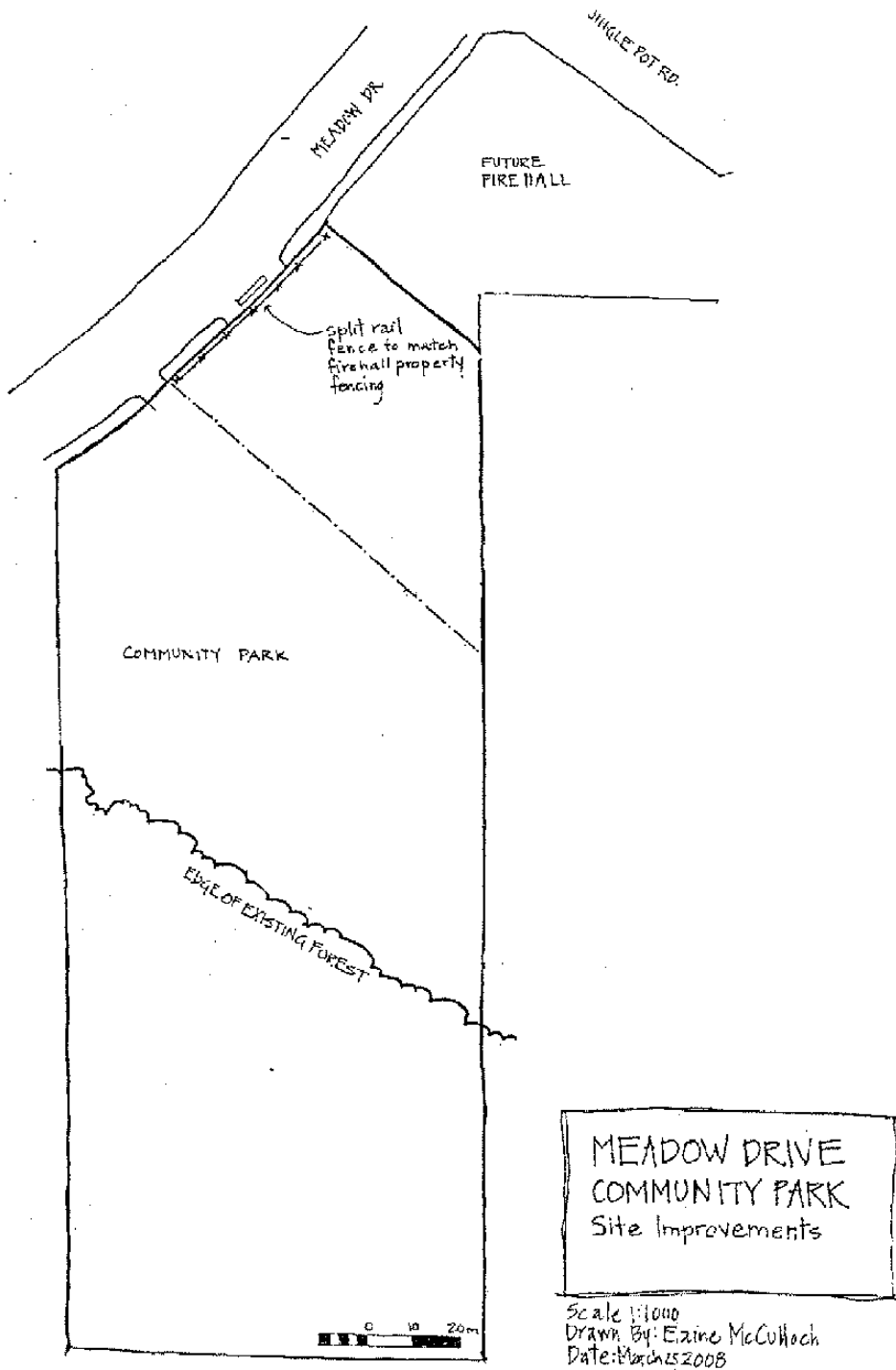


MEADOW DRIVE  
COMMUNITY PARK  
Typical Grading X-Section  
Transition between Firehall Property & Park

Scale 1:600  
Drawn By: Elaine McCulloch  
Date: Nov. 16, 2007  
Revised March 23, 2008

Schedule C:

Improvements – Fence



## REGIONAL DISTRICT OF NANAIMO

### MINUTES OF THE DISTRICT 69 RECREATION COMMISSION REGULAR MEETING HELD ON THURSDAY, MARCH 20, 2008 AT OCEANSIDE PLACE

**Attendance:** Frank Van Eynde, Electoral Area E, Chair  
Dave Bartram, Director, RDN Board  
Patty Biro, Electoral Area H  
Reg Nosworthy, Electoral Area F  
Jennifer O'Farrell, Electoral Area G  
Jack Wilson, Councilor, Town of Qualicum Beach

**Staff:** Dan Porteous, Manager of Recreation Services  
Wendy Marshall, Manager Parks Services  
Marilynn Newsted, Recording Secretary

**Regrets:** Charles Robinson, City of Parksville  
Eve Flynn, Trustee, School District 69

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#### CALL TO ORDER

1 Chair Van Eynde called the meeting to order at 2:00pm.

#### MINUTES

3 Commissioner Bartram noted the Community Grant to the Lighthouse Country Trail Group in the amount of \$1,256 was reviewed by the Board and the amount of the grant was reduced to \$656.

MOVED Commissioner Bartram, SECONDED Commissioner Biro, that the Minutes of the District 69 Recreation Commission Meeting held February 21, 2008, be approved.

CARRIED

#### COMMUNICATION/CORRESPONDENCE

4 MOVED Commissioner Wilson, SECONDED Commissioner Bartram, that the following correspondence be received:

- M. Pearse to J. O'Farrell Re: Appointment District 69 Recreation Commission
- M. Procter, Rotary Club of Qualicum Beach Re: Refund Portion of Grant
- G. Gauvin, Arrowsmith Mountain Bike Club Re: Thank You

CARRIED

#### FUNCTION REPORTS

##### 5.1 Recreation Services

Mr. Porteous reviewed the Recreation Services Report highlighting the following items:

- Spirit of BC Swim and Skate events organized by staff were well received by the Community.

- Ravensong Aquatic Centre staff have started the process to repair and replace the air handling units at the pool. The software for the pool control system will be upgraded as well this year.
- Funding for the Track and Field project has been received through the School Community Connections program to complete a feasibility study. A consultant will be retained by mid April to begin work on the study.
- U17 World Hockey Challenge merchandize is now on sale. Tickets will be on sale as of April 1, 2008.
- Staff are working with the new Program Coordinator and monitoring recreation services in Area F including the coordination of the summer camps.
- Kim Longmuir, Recreation Programmer for Electoral Area H, has moved into the EyesonBC Office. Having Ms. Longmuir situated in the EyesonBC Office has benefitted both parties in terms of networking and promotions.
- Policy and procedures for the Parksville Sign in the Parksville Community Park are now in place, which will assist staff greatly when dealing with requests for the sign.
- The process of hiring eight summer staff through the summer grant has begun. Jennifer Browett, Recreation Programmer, has attended Malaspina College Recreation Tourism/Recreation and Education Departments and also forwarded advertising to other universities and colleges in an effort to recruit staff, along with newspaper advertising.
- The 2007 Financial Access Program Summary Report is complete. The results show a slight increase from 2006 of approximately \$350, with aquatic programs at \$6,432, arena programs at \$623 and recreation programs at \$2,301, for a total of \$9,356 for 2007.

## 5.2 Regional Parks and Trails and Community Parks (EA 'E' – 'H')

Ms. Marshall reviewed the Regional Parks and Trails and Community Parks (EA 'E' – 'H') Report highlighting the following items:

- Staff investigated potential access trail location for the Malcolm Property in Whiskey Creek.
- Trail improvement work continues at Top Bridge Community Park.
- ATV use is a continuing problem in our parks including Horne Lake and Top Bridge. Signs have been posted in both parks and rip rap has been installed in certain sites to help alleviate the problem. Staff are also working with BC Parks and the Ministry of Transportation on an information campaign and continue to push the Province for licensing of ATV's.
- Work has been completed on the trail and the small bridge in the Deep Bay Community Park.
- The staff report on the possible development of a Parks Warden Program for Regional Parks and Trails has gone to the Board.
- Staff are in the process of reviewing the Englishman River Regional Park Management Plan Draft.
- Meetings are underway with Ducks Unlimited Canada to discuss the term of a lease and the development of a management plan for Little Qualicum River Estuary Regional Conservation Area.
- Eight properties are currently under review for acquisition as parkland this year compared to two reviews in 2007.

MOVED R. Nosworthy, SECONDED P. Biro, that the Reports be received.

CARRIED

## **BUSINESS ARISING FROM COMMUNICATIONS/CORRESPONDENCE**

- 7 Commissioner Biro pointed out the thank you letter from the Arrowsmith Mountain Bike Club gave the impression grant monies designated to the Club were forwarded to the Qualicum Beach Middle School Bike Club. Commissioner Brio requested staff review the original grant request and report back to the Commission at the next meeting to clarify this issue.

## **NEW BUSINESS**

- 8 **Parksville Curling Club Society Sublease of District 69 Arena**

Mr. Porteous reviewed the Parksville Curling Club Society Sublease of District 69 Arena. He noted the financial statements have been received from the Club; they continue to provide a valuable service to the community providing some excellent programs and events, are operating in good standing with respect to the Agreement, and the Club's membership is increasing.

MOVED Commissioner Bartram, SECONDED Commissioner Wilson, that the Regional District of Nanaimo approve the Sublease with the Parksville Curling Club Society for the use of the District 69 Arena for the term of April 1, 2008 to March 31, 2013.

CARRIED

## **COMMISSIONER ROUNDTABLE**

- 9 Commissioner Biro reported she is still working with two Malaspina College/University students. The students, however, were unable to complete the Easter Extravaganza project so the Community Club, Lighthouse Recreation Commission and Kim Longmuir, RDN Recreation Programmer, coordinated an event for 45 children and their families. The program included crafts, singing and dancing and was so successful it will now become an annual event.

Commissioner Biro reported she will continue to work with the Malaspina College/University students in the completion of their original project to create a "How To Booklet" on event planning.

Commissioner Nosworthy reported the new Activities Coordinator, Jamie Black, hired by ACES in Area F is working out of the Errington Elementary School. A three person ACES management team, with one team leader, has been formed to set direction and to provide guidance for the Coordinator. A Startup Strategy Plan has been formulated and will be presented at the March 20 ACES meeting.

Commissioner Nosworthy reported Ms. Black is currently touring the community to familiarize herself with the five distinct neighbourhoods which make up Area F. An inventory of current functions is also being done to help coordinate events and to see where new project/events would be appropriate.

Commissioner Wilson reported the Town of Qualicum Beach is currently looking for another location for an off leash dog park.

Commissioner Wilson noted the Community Park fields have been well used since the field lighting was installed. Town staff are currently working through the issue of one light standard being situated on the playing field.

Commissioner Bartram reported he has been approached by a local citizen with regard to the development of a gym/fitness facility in Area H. Possible options for a facility could be through the Lighthouse Recreation Commission or local service clubs.

Commissioner Van Eynde reported the three resident associations in Area E have begun a study regarding the incorporation of the Nanoose Bay area, similar to the process done in Lantzville.

#### **ADJOURNMENT**

11 MOVED Commissioner Bartram that the meeting be adjourned at 3:00pm.

CARRIED

#### **NEXT MEETING**

Thursday, April 17, 2008  
2:00pm, Oceanside Place, Multipurpose Room

---

Frank Van Eynde, Chair





RDN REPORT	
CAO APPROVAL <i>CM</i>	
EAP	
COW	
FEB 18 2008	
RHD	
BOARD	
<i>D69 Rec Com - March 20th</i>	

**MEMORANDUM**

**TO:** Carol Mason  
Chief Administrative Officer

**DATE:** February 18, 2008

**FROM:** Tom Osborne  
General Manager, Recreation and Parks Services

**FILE:**

**SUBJECT:** Parksville Curling Club Society Sublease of District 69 Arena

**PURPOSE**

To renew the Sublease with the Parksville Curling Club Society for use of the District 69 Arena as a curling facility.

**BACKGROUND**

In 2003 when the construction of Oceanside Place was completed, the Regional District entered into a Sublease for a period of five years with the Parksville Curling Club Society for the non profit society to manage and operate the District 69 Arena as a curling facility. The Sublease ends on of March 31, 2008 and requires renewal.

The term of the renewed agreement will commence April 1, 2008 and will end March 31, 2013, just prior to the expiration of the existing Head Lease between the Regional District and the City of Parksville for the leased municipal land on which D69 Arena is located.

The Society will continue manage and operate the Regional District facility to use primarily as a curling facility. Under Section 3.0 the Sublease also allows use of the building for rental to community groups and sport associations for sport and recreation programs and non-profit community special events.

Through the Sublease Agreement, the Society is responsible for all operational and capital costs associated with the operation of the facility. During the Term, the Society must also maintain a policy of general liability insurance in the amount of three million dollars (\$3,000,000) with the RDN as additional named insured.

The Club's current membership is 823 members of which 346 members are actively curling at least one day per week. Many of members participate in more than one of the twelve leagues that the Club runs each week with approximately 432 curlers participating. In addition, there are 11 Special Olympic athletes who curl once a week throughout the season and 40 Parksville Golden Oldies Sports Association members.

In the Club's fiscal year 2006-07 membership increased by 56. For the 2007 – 2008 period to date, the Club has increased their membership by another 72.

To date the Curling Club has made \$157,700 in leasehold improvement to the facility including replacement of the facility's condenser, installation of a Low E ceiling, an addition of a lounge, repairs to the roof, and upgrades to the ladies washroom.

With the expiry of the most recent sublease agreement occurring on March 31, 2008, it is necessary for the Regional District to sign a new lease with the City of Parksville for another five year term.

#### **ALTERNATIVES**

1. That the Regional District of Nanaimo approve the Sublease with the Parksville Curling Club Society for the operation and use of the District 69 Arena for the term of April 1, 2008 to March 31, 2013.
2. That the Regional District of Nanaimo not approve the Sublease with the Parksville Curling Club Society for the use of the District 69 Arena and provide for alternative terms to be pursued with the Society.

#### **FINANCIAL IMPLICATIONS**

Costs associated with finalization of the Sublease are provided for in the District 69 Arena budget.

The Society has provided annually to the Regional District the financial statements that are required in the Sublease and has managed and made capital improvements to the facility during the past term without financial subsidy from the Regional District.

#### **INTERGOVERNMENTAL IMPLICATIONS**

The length of the lease with the Parksville Curling Club Society is restricted by the term of the Regional District lease for the Arena Lands with the City of Parksville. The maximum term for a lease into which the Regional District can enter is five years less a day.

In order for the Parksville Curling Club Society to receive a tax exemption for their intended use of the District 69 Arena, Parksville City Council will need to pass a tax exemption bylaw on an annual basis, as has been done since 2004.

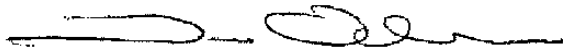
#### **SUMMARY**

In 2003 when the construction of Oceanside Place was completed, the Regional District entered into a Sublease for a period of five years with the Parksville Curling Club Society for the organization to manage and operate the District 69 Arena as a curling facility. The Sublease ends on of March 31, 2008 and requires renewal.

The term of the renewed agreement will commence April 1, 2008 and will end March 31, 2013, just prior to the expiration of the existing Head Lease between the Regional District and the City of Parksville for the leased municipal land on which D69 Arena is located.

**RECOMMENDATION**

That the Regional District of Nanaimo approve the Sublease with the Parksville Curling Club Society for the use of the District 69 Arena for the term of April 1, 2008 to March 31, 2013.



Report Writer



C.A.O. Concurrence

**SUBLEASE**

THIS LEASE dated the \_\_\_ day of \_\_\_\_\_, 2008.

BETWEEN:

**REGIONAL DISTRICT OF NANAIMO**

6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

(the "Landlord")

OF THE FIRST PART

AND:

**THE PARKSVILLE CURLING CLUB SOCIETY**

(#28480)  
193 East Island Highway  
Box 1624  
Parksville, BC V9P 2H5

(the "Tenant")

OF THE SECOND PART

**WHEREAS:**

- A. The Landlord is the lessee of the land described in Schedule 'A' annexed to this Sublease (the "**Lands**") under the terms of a Lease between the Landlord and the City of Parksville (the "**Head Lease**") made the \_\_\_ day of \_\_\_\_\_, 2008, a copy of which is attached as Schedule 'E';
- B. The Landlord is the owner of an arena facility situated upon the Lands known as the "**District 69 Arena**";
- C. On the 1st day of October, 2003, a Sublease was entered into between the Tenant and the Landlord to manage and operate the District 69 Ice Arena as a curling facility for a period of five years ending on the 31<sup>st</sup> day of March, 2008;
- D. The Parties wish to enter into an agreement for a Sublease of the same lands and premises for a further term of five years to permit the Tenant to continue to operate the District 69 Ice Arena as a curling facility;
- E. The Tenant has requested and the Landlord has agreed to grant a Sublease of the Lands and the District 69 Arena on the following terms.

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

**1.0 Premises**

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

**2.0 Term**

2.1 For a term commencing on the 1<sup>st</sup> day of April, 2008 and ending on the 31<sup>st</sup> day of March, 2013 (the "Term").

**3.0 Use**

3.1 The Tenant may use the Premises for the purpose of curling and related activities of the Tenant, for operating a facility for the use of sports under the control of local organizations, for the rental of facility use time to community groups for community activities, community special events, or for recreational programs or activities generated by and under the authority of the Landlord's Recreation and Parks Department.

3.2 Should the Tenant receive a request to use the Premises for concerts, sports contests, performances, circuses, displays, exhibits, conventions, trade shows, meetings or social gatherings of a commercial nature, the admission to which requires the purchase of a ticket, the payment of an admission fee or a usage fee, ("**Commercial Events**"), the Tenant will refer the request to the Landlord, and the Landlord will determine whether the Commercial Event may be accommodated at the Premises. The Tenant will not proceed with accommodating the request unless it has received written consent from the Landlord's Manager of Recreation Services, which may be withheld by the Landlord in its sole discretion. The Landlord's Manager of Recreation Services will respond to any such request from the Tenant within fifteen (15) business days. In exercising its discretion, and without limitation, the Landlord may refuse the Tenant's request if the Landlord determines that the proposed Commercial Event should be held at the Landlord's Oceanside Place multipurpose facility.

3.3 The Landlord agrees that it will make reasonable efforts to refer to the Tenant other Commercial Events, which the Landlord decides not to accommodate at the Landlord's Oceanside Place multipurpose facility.

3.4 The Tenant and the Landlord's Recreation and Parks Department will meet on an annual basis to review the use of the Premises.

**4.0 Rent**

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

**5.0 Tenant's Covenants**

The Tenant covenants with the Landlord:

**Rent**

- 5.1 to pay all rents reserved under this Sublease;

**Taxes**

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

**Utilities**

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

**Construction**

- 5.4 that it will not construct any buildings or structures on the Premises, and will not make any alterations, additions or improvements on or to the Premises including, without limitation, to the District 69 Arena mechanical and ice-making equipment, unless it has obtained:

- (a) the consent of the Landlord;
- (b) if required by law, a development permit from the City of Parksville;
- (c) if required by law, a building permit authorizing the construction or renovations of the buildings and structures set out in the permit and the plans and specifications attached to it;

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

**Assign or Sublet**

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

**Nuisance**

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

- (d) invalidates any policy of insurance for the Premises; or
- (e) directly or indirectly causes damage to the Premises;

### **Regulations**

5.7 that it will

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

### **Insurance**

5.8 that it will take out and maintain during the Term, a policy of general public liability insurance, including a Tenant Legal Liability endorsement, 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 Three Million (\$3,000,000.00) Dollars per single occurrence or such greater amount as the Landlord may from time to time designate, naming the Landlord as an additional insured party thereto and shall provide the Landlord with a Certificate of Insurance;

5.9 that

- (a) it will take out and maintain during the Term a policy of insurance insuring the Premises to the full insurable replacement value thereof against risk of loss or damage caused by or resulting from fire, lightning, tempest, or earthquake or any additional peril against which the Landlord normally insures, and
- (b) this policy of insurance shall name the Landlord as an additional insured party to it and shall be in a form satisfactory to the Landlord, and
- (c) the Tenant shall provide the Landlord with a Certificate of Insurance;

5.10 that all policies of insurance shall contain a waiver of subrogation clause in favour of the Landlord and shall also contain a clause requiring the insurer not to cancel or change the insurance without first giving the Landlord 30 days prior written notice;

5.11 that if the Tenant does not provide or maintain in force the insurance required by this Sublease, the Landlord may take out the necessary insurance and pay the premium for periods of one year at a time, and the Tenant shall pay to the Landlord as additional rent the amount of the premium immediately on demand;

5.12 that if both the Landlord and the Tenant have claims to be indemnified under any insurance required by this Sublease, 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;

- 5.13 that it shall be the sole responsibility of the Tenant to determine what additional insurance coverage, if any, including but not limited to Workers' Compensation and Participants Insurance, are necessary and advisable for its own protection and/or to fulfill its obligations under this Lease. Any such additional insurance shall be maintained and provided at the sole expense of the Tenant;

#### **Indemnification**

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

#### **Builders Liens and Other Charges**

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

#### **Maintenance**

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

#### **Repairs**

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



### **Continuous Operation**

- 5.18 to operate the District 69 Arena for the purposes contemplated hereunder continuously throughout the Term, so that the District 69 Arena is operated as a curling facility for the use of the Society, and third parties to whom the Society may licence the use of the District 69 Arena as provided for under sections 3.1, 3.2 and 3.3 of this Agreement;

### **Staffing**

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

### **Booking of Dry Floor Events**

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

### **Annual Report and Financial Statement**

- 5.21 to provide an annual report to the Board of the Landlord within 30 days of the end of each year of the Term, such report to include information on the Tenant's membership and programming;

- 5.22 on or before July 31<sup>st</sup> during each year of the Term, except in the final year as outlined in 5.23, the Tenant shall submit to the General Manager of Recreation and Parks a statement of results for the prior fiscal year comprised of a balance sheet and income statement and a copy of the final bank statement for the year showing a reconciliation of the Tenant's bank account to the balance sheet. The balance sheet and income statement shall each contain the following certification and be signed by the Tenant's Treasurer and President:

"The undersigned certify that these statements have been prepared in accordance with sound accounting principals and represent in all material respects the financial results and activities of the Parksville Curling Club Society for the fiscal year ended on Month, Year";

- 5.23 on or before July 31<sup>st</sup> in the final year of each Term the Tenant shall submit to the General Manager of Recreation and Parks a financial statement prepared by an independent accountant or accounting firm qualified to prepare statements in the Province of BC as a Certified General Accountant, Certified Management Accountant or a Chartered Accountant.

### **Head Lease**

- 5.24 to perform all of the obligations of the Tenant (Regional District of Nanaimo) under the Head Lease, except for those contained in sections 4.0, 5.1, 5.8 and 5.9 to the intent and for the purpose that no default under the Head Lease will arise from the tenancy created by this Agreement.

### **6.0 Landlord's Covenants**

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

**7.0 Miscellaneous Covenants**

And it is hereby mutually agreed:

**Re-entry**

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

**Forfeiture**

- 7.2 that the Landlord, by waiving or neglecting to enforce the right to forfeiture of this Sublease 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 Sublease;

**Revenue**

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

**Destruction**

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

**Fixtures**

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

**Insolvency**

- 7.6 that if

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

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

#### **Removal of Goods**

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

#### **Renewal**

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

#### **Time**

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

#### **Termination**

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

### Notices

7.12 that any notice required to be given under this Sublease shall be deemed to be sufficiently given:

- (a) if delivered, at the time of delivery, and
- (b) if mailed from any government post office in the Province of British Columbia by prepaid, registered mail addressed as follows:

If to the Landlord:

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

Attention: General Manager of Recreation and Parks

If to the Tenant:

Parksville Curling Club  
Box 1624  
Parksville, BC V9P 2H3

Attention: President

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

### Net Sublease

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

### Landlord's Insurance

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

### Fitness of Premises

- 7.15 (a) that the Landlord has made no representation or warranties as to the condition, fitness or nature of the Premises and by executing this Sublease, the Tenant releases the Landlord from any and all claims, which the Tenant now has or may in future have in that respect;
- (b) that the Tenant admits that it has inspected the Premises in their present state, that they are suitable for the Tenant's purposes, and that the Tenant shall at its sole cost be responsible for any and all repairs, improvements and upgrades necessary for the operation of the District 69 Arena by the Tenant;
- (c) that without limiting subparagraph 7.15(b), the Tenant acknowledges that the operations equipment and fixtures listed in Schedule 'C' to this Sublease will be removed from the Premises by the Landlord prior to the commencement of the Term and that the Tenant will be solely responsible for the provision of any necessary replacements;
- (d) that without limiting section 7.15(b) or section 5.15, the Tenant shall be solely responsible for the maintenance, repair and replacement of the equipment and fixtures listed in Schedule 'D' to this Sublease, and that all of the said equipment and fixtures, including any replacements thereof, shall be and remain the sole property of the Landlord.

**Inspection**

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

**Paramountcy of Head Lease**

- 7.17 that to the extent any right or benefit conferred by this Sublease contravenes or is incompatible with the Head Lease, such right or benefit will be amended or modified so as not to contravene or be incompatible with the Head Lease.

**Binding Effect**

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

**Amendment**

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

**Law Applicable**

- 7.20 that this Sublease shall be construed in accordance with and governed by the laws applicable in the Province of British Columbia;

- 7.21 **Relationship of the Parties**

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

**Interpretation**

- 7.22 that when the singular or neuter are used in this Sublease they include the plural or the feminine or the masculine or the body politic or corporate where the context or the parties require;
- 7.23 all provisions of this Sublease are to be construed as covenants and agreements as though the words importing covenants and agreements were used in each separate paragraph;
- 7.24 that the headings to the clauses in this Sublease 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 Sublease or provision of it.

IN WITNESS the parties have signed and sealed this revised Sublease on the \_\_\_ day of \_\_\_\_\_, 2008.

**Regional District of Nanaimo** by its authorized )  
signatories )  
 )  
 )  
\_\_\_\_\_)  
Chairperson )  
 )  
\_\_\_\_\_)  
Senior Manager, Corporate Administration )  
 )

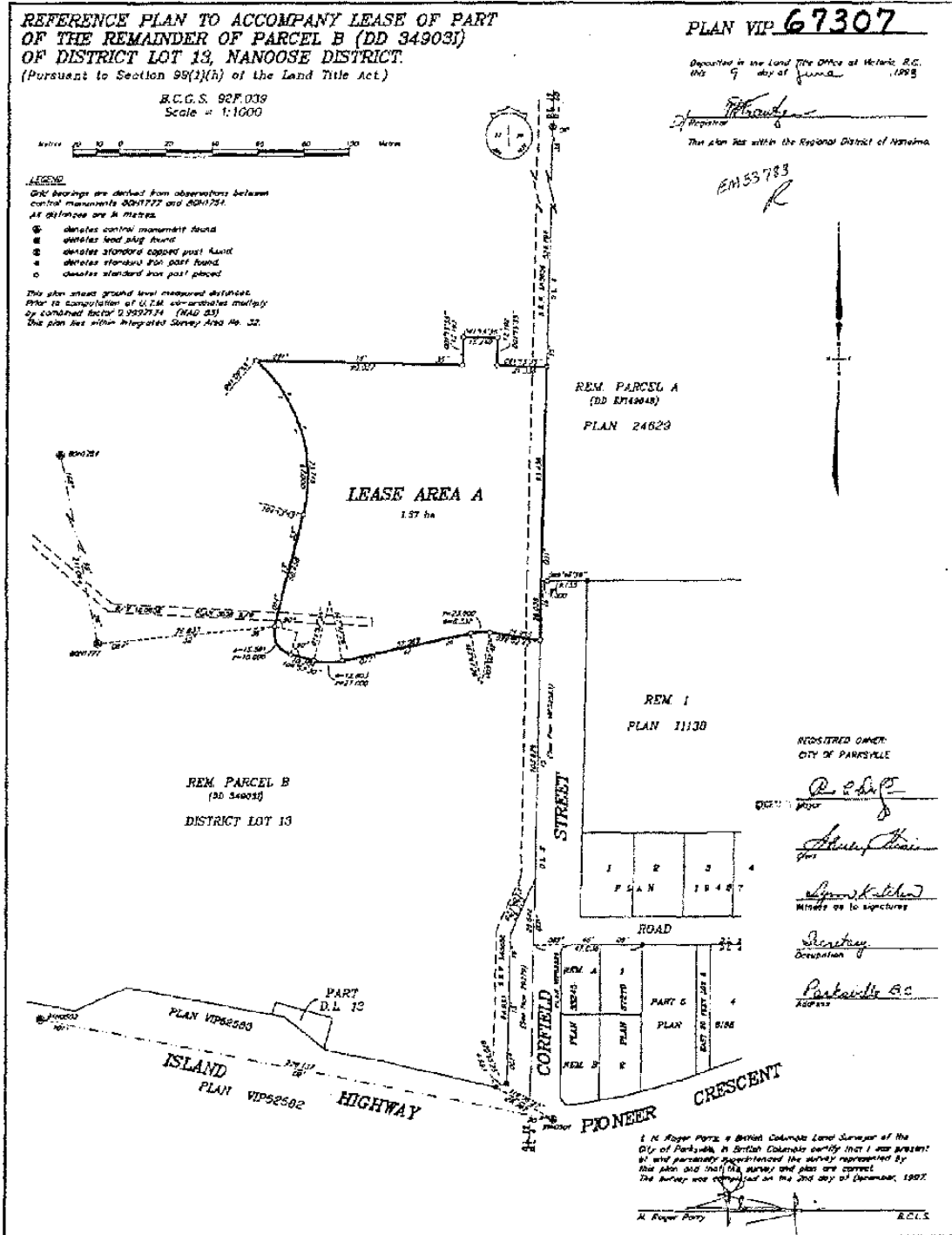
**The Parksville Curling Club Society** by its )  
authorized signatories )  
 )  
\_\_\_\_\_)  
Name: )  
 )  
\_\_\_\_\_)  
Name: )  
 )

**SCHEDULE 'A'**

PID

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

SCHEDULE 'B'





## SCHEDULE 'C'

### Key operations and office equipment to be removed by Landlord:

1. All ice maintenance equipment including paint apparatus, hoses and hand tools
2. All power and hand shop tools
3. Man-lift and ladders
4. All grounds maintenance equipment
5. All first aid equipment and supplies including Scott Air Packs
6. All janitorial equipment and supplies
7. All phones, data and cable lines
8. All office equipment and non-affixed desks
9. Meeting room table and chairs
10. All spare motors and drives
11. Score clock and wall clocks
12. Sound System and components

## **SCHEDULE 'D'**

**District 69 Arena  
193 East Island Highway  
Parksville, B.C**

**Equipment to remain at the facility and be included for use under the terms and conditions of the facility lease arrangement with the Parksville Curling Club Society:**

### **Refrigeration**

1. Compressors and system components
2. Chiller
3. Condenser
4. Dehumidifiers
5. Operational control systems (does not include personal safety equipment)

### **Building Equipment**

1. Domestic and operational water system
2. Roof top furnaces and controls
3. All air handling systems and controls
4. Fire control systems
5. Fire suppression equipment
6. Electrical control panels
7. Washroom sink and toilets (paper dispensers are on loan from supplier, Acme Supplies and may be removed at the supplier's discretion)

### **Lighting fixtures**

1. All fixed lighting throughout the building.
2. All fixed exterior lighting

### **Alarm System**

1. Key pads and motion detectors (decommissioned)

### **Concession**

1. Hand Sink and grease trap
2. Exhaust fan
3. Food preparation and storage equipment
  - a. Popcorn Maker
  - b. Self Contained Fryer

- c. Nacho Warmer
- d. Hot Dog Machine
- e. Freezer
- f. Fridge

**Mill Work**

1. All affixed millwork will remain in the washrooms, staff room and front office

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA 'A'  
RECREATION AND CULTURE COMMISSION  
REGULAR MEETING HELD ON WEDNESDAY, MARCH 12, 2008**

**Attendance:** Joe Burnett, Director Electoral Area 'A', Chair  
Dawn Burnett  
Shannon Wilson  
Grant Fong  
Shelagh Gourlay  
Dee Hutt-Randen

**Staff:** Dan Porteous, Manager of Recreation Services  
Marilynn Newsted, Recording Secretary

**Regrets:** Wendy Herrington

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**CALL TO ORDER**

1 Chair J. Burnett called the meeting to order at 7:00pm.

**DELEGATIONS**

2 MOVED Commissioner Hutt-Randen, SECONDED Commissioner Fong, that the late delegation from the Cedar Community Secondary School Travel Club be received.

CARRIED

Ms. Jessica Porter and Ms. Denise Thompson, of the Cedar Community Secondary School Travel Club, reviewed the planned Club trip to London and Paris during spring break of this year. Although they both have participated with fund raising events to cover the cost of their trip to Europe, they both require additional funding. Ms. Porter and Ms. Thompson requested the Commission consider their request for a grant in the amount of \$2,000 each, to help cover their trip costs.

**MINUTES**

3 Commissioner D. Burnett noted item 8.1, under the heading New Business, the third paragraph should read Cedar School and Community Enhancement Society (CSCFS) not Cedar Heritage Centre Society.

MOVED Commissioner Seggie, SECONDED Commissioner Wilson, that the Minutes of the Electoral Area 'A' Recreation and Culture Commission Meeting held January 9, 2008, be approved as amended.

CARRIED

## COMMUNICATION/CORRESPONDENCE

- 4 MOVED Commissioner Gourlay, SECONDED Commissioner Hutt-Randen, that the correspondence Sharon Thomson, Cedar School and Community Enhancement Society, Re: Administration of RDN Area 'A' Recreation and Culture Function and the correspondence F. Garnish, CSCES, Re: Clarification Correspondence be received.

CARRIED

## BUSINESS ARISING FROM DELEGATIONS

- 6 As a point of record, Commissioner D. Burnett requested it be noted that a letter had been sent to the group noting their grant would be considered once the EA 'A' Recreation and Culture Commission Grant Committee was in place.

Commissioner D. Burnett also requested, once the Grant Committee is in place, the new Grant In Aid forms be forwarded to Ms. Porter and Ms. Thompson.

## BUSINESS ARISING FROM COMMUNICATIONS/CORRESPONDENCE

- 7 MOVED Commissioner Gourlay, SECONDED Commissioner Wilson, that staff send a letter to Cedar School and Community Enhancement Society (CSCES) thanking them for their offer to administer the EA 'A' Recreation and Culture Grants In Aid Program and further advise CSCES, the Grant In Aid Program will be administered by representatives of the Recreation and Culture Commission and RDN staff.

CARRIED

## NEW BUSINESS

### 8.1 Service Delivery Options – Update

Mr. Porteous reported, as directed by the Commission and the Board, that he contacted senior staff of School District 68, including Mr. Pete Sabo, Facilities Superintendent and Mr. David Green, Secretary Treasurer, to explore the potential of working with the School District through a service agreement to provide enhanced recreation and cultural services in Electoral Area 'A' through the Community School Coordinators. Both gentlemen were very interested in the proposal. Mr. Green explained that he would consult with the senior management team, union representatives and others key staff and contact Mr. Porteous to set up a follow up meeting.

Mr. Porteous noted should the School District responded as quickly as stated, it could be possible to have a service delivery option with School District 68 implemented in the fall of 2008.

Some Commission members expressed concerns regarding timelines, union issues with respect to the School District, the quality and quantity of service beyond what is already being provided through the School District, and funding concerns in partnering with the School District through a service agreement. Staff will consider these issues when meeting with the School District and a report will be presented at the next Commission meeting.

## 8.2 Grant in Aid Program – Review

Mr. Porteous reviewed the Draft Electoral Area 'A' Recreation and Culture Grant In Aid Program, guidelines and application form for the Committee. The Commission provided input that will be included in a revised document that will be circulated to the Commission for final comments. A report with the attached final document will be presented at the next Commission meeting.

The Commission requested that a special meeting of the Commission be called to approve the final Grant in Aid Program, guidelines and application form if completed prior to the beginning of April; otherwise, Mr. Porteous will notify the Commission that the report will be presented at the May 14 meeting.

Commissioners requested a system be put in place as part of the Grant in Aid program to track Grant In Aid Reports, which are required within sixty days of project completion.

As the Grant In Aid Program will not be implemented prior to the summer/fall of 2008 due to the timelines involved, the Commission requested that staff investigate the possibility for the disbursement of some EA 'A' Recreation and Culture function funding to a few established organizations in the community through a special arrangement as has been done in the past. These funds would be used to assist the key organizations in hosting enhanced summer and fall programs, events or projects prior to the implementation of the EA 'A' Recreation and Culture Grant In Aid Program.

## COMMISSIONER ROUNDTABLE

- 9 Commissioner Seggie reported a community sign was purchased with funds raised in the community and installed on the side of the South Wellington Community Hall.

## COMMISSIONER INFORMATION

- 10 A group photograph of the inaugural Electoral Area 'A' Recreation and Culture Commission members will be taken prior to the May 14, 2008, meeting.

## ADJOURNMENT

- 11 MOVED Commissioner Seggie, SECONDED Commissioner Wilson, that the meeting be adjourned at 9:45pm.

CARRIED

## NEXT MEETING

Wednesday, May 14, 2008  
7:00pm, Cedar Heritage Centre

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Chair

## REGIONAL DISTRICT OF NANAIMO

### MINUTES OF THE TRANSIT SELECT COMMITTEE MEETING HELD ON THURSDAY, MARCH 27, 2008 AT 12:00 NOON IN THE COMMITTEE ROOM

#### Present:

Director L. McNabb	Chairperson
Director J. Burnett	Electoral Area 'A'
Director M. Young	Electoral Area 'C'
Director G. Holme	Electoral Area 'E'
Director D. Brennan	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director J. Manhas	City of Nanaimo
Alternate	
Director J. Wilson	Town of Qualicum Beach
Alternate	
Director B. Dempsey	District of Lantzville

#### Also in Attendance:

D. Trudeau	General Manager, Transportation Services
L. Kiteley	Manager, Transportation Services
M. Hill	BC Transit
D. Holmes	City of Nanaimo
F. McFarlane	Recording Secretary

#### CALL TO ORDER

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

D. Trudeau introduced and welcomed Megan Hill, Manager of Planning, BC Transit, to the meeting. Director McNabb also introduced Director Jack Wilson, Alternate for the Town of Qualicum Beach, and Director Brian Dempsey, Alternate for the District of Lantzville.

#### MINUTES

MOVED Director Holdom, SECONDED Director Young, that the minutes of the Transit Select Committee meeting held on January 17, 2008 be adopted. CARRIED

#### CORRESPONDENCE

February 11, 2008 email from Director D. Brennan referencing correspondence from Vern Yoshida regarding Route 9 drop offs/pick ups within the Nanaimo North Town Centre (Rutherford Mall) parking lot

D. Trudeau provided a brief update to explain the decision behind this change of bus stop. The difficulty is due to the left turn onto Uplands Drive, which affects the #9 North bus. The #1 Woodgrove, #8 South and #12 Dover Connector stops remain within the mall property.

A general discussion occurred regarding whether other complaints had been received, whether moving the stop was a hardship for those with visibility or mobility impairments and whether the relocated stop had a pedestrian light associated with it and whether there was enough time allotted for disabled individuals to safely cross the road. Director Burnett noted that some crosswalks have sound sensors that provide audible alerts for the disabled and questioned whether there is one at this particular crosswalk. D. Trudeau advised that he will check into this.

February 18, 2008 correspondence from Peter Murray, Transportation Planner, BC Transit, regarding BC Transit cost sharing for the RDN transit facility

D. Trudeau noted that BC Transit has agreed to contribute to the cost of the planned upgrade to the RDN's transit facility. They will fund the transit facility upgrade at 46.69% of actual costs up to a maximum of \$933,800.

February 28, 2008 letter from Bob Hall, Fleet Support Supervisor, BC Transit, regarding BC Transit Fleet Inspection Report – January 2008

March 18, 2008 email from Alison McDonald, BC Transit, regarding Service Audit: Bus stops and transit exchanges

March 11, 2008 email from Alison McDonald, BC Transit, regarding Nanaimo Service Audit (March 4-5, 2008)

D. Trudeau spoke to the above three items of correspondence from BC Transit. Inspections have been done with regard to the above-noted items and all three received excellent ratings from BC Transit.

MOVED Director Holdom, SECONDED Director Holme, that the correspondence be received for information. CARRIED

## **BC TRANSIT UPDATE**

M. Hill noted she has spent over seven years in a contract and project administration position with BC Transit but is relatively new to her new position as Manager of Planning. She noted that she is pleased to see the Transit Business Plan in place. The recent announcements from the government regarding increased funding will help everyone to plan for expansions. M. Hill noted that as yet BC Transit does not have any further information from the Province but will pass along any information as it is received.

## **ADMINISTRATION**

### Annual Operating Agreement

D. Trudeau informed the Committee about the 2008 Annual Operating Agreement (AOA). The AOA sets out the terms of cost-sharing and is similar to previous agreements except for the issue of flex funding. As noted in the report from L. Kiteley, the new AOA more accurately reflects the commitment the RDN has made towards maintaining the regional transit system.

MOVED Director Brennan, SECONDED Director Burnett, that the 2008/2009 Annual Operating Agreement (AOA) with BC Transit be approved. CARRIED



### Transit Business Plan

D. Trudeau presented an overview of the Transit Business Plan (TBP) via PowerPoint presentation. The TBP is a guiding document created by BC Transit and the RDN that outlines a proposed plan for changes to the Conventional Transit and Custom Transit systems for the next ten years.

L. Kiteley reviewed the areas of proposed service expansion and the timelines involved. Implementation of these options will allow the Nanaimo Regional Transit System to nearly double service throughout the area by 2018 and is in line with the Provincial Transit Plan, which looks to double transit ridership by 2020. L. Kiteley outlined a number of proposed changes to specific routes and their frequencies, including the number of hours each would take and the projected additional ridership.

MOVED Director Holme, SECONDED Director Holdom, that:

1. The Nanaimo Regional Transit Business Plan be approved as a guide for transit service planning and delivery in the Nanaimo region.
2. The Key Performance Indicators and the Service Design Guidelines developed by BC Transit and the RDN be approved as the basis for monitoring and evaluating the transit service.
3. The Short and Medium Range Service Proposals and the Supporting Strategies are approved in principle and that staff be directed to proceed with more detailed planning work for the proposals scheduled for implementation in March and September, 2009 as apart of the annual budget cycle.

CARRIED

### **NEW BUSINESS**

#### Transit Select Committee

D. Trudeau noted that the meeting scheduled for September 25<sup>th</sup> falls during the UBCM and requested it be changed to one week earlier, September 18<sup>th</sup>. He also has received a request from Director Herle to change the May meeting date to May 15<sup>th</sup>.

### **ADJOURNMENT**

MOVED Director Holme, SECONDED Director Holdom, that this meeting adjourn.

CARRIED

### **NEXT MEETING**

The next meeting of the Transit Select Committee will be held Thursday, May 15, 2008.

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L. McNabb, Chair

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**TO:** Carol Mason  
Chief Administrative Officer

**DATE:** March 19, 2008

**FROM:** Dennis Trudeau  
General Manager of Transportation Services

**FILE:** 8620-30

**SUBJECT:** Transit Business Plan -  
Final Report

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#### PURPOSE

To bring forward the Transit Business Plan for consideration and approval.

#### BACKGROUND

The initial Transit Business Plan for the Nanaimo Regional District (RDN) was developed in 1998 to provide for the development of the Conventional and Custom transit services within the region. Based on extensive stakeholder input the document detailed service plans, developed performance indicators, outlined fee structures and provided concepts for future service provision.

In 2001, and then again in 2003, the plan was updated to respond to changes that occurred within the region and to outline proposed service changes for both Districts 68 and 69. While the 2003 Transit Business Plan had been approved by the Board, the Province was in a funding freeze, which meant that all projects and expansions outlined within the Plan were put on hold.

In 2007/08 The Transit Business Plan was reviewed and updated. The Plan focuses on expanding core services, implementing new routes, updates key performance indicators and it outlines a multi-year expansion plan. Public consultations were extensive, and included meetings in the Town of Qualicum Beach, City of Parksville, the City of Nanaimo and Electoral Areas 'A', 'E' and 'G'. This work has been overseen by the Transit Select Committee.

The outcomes associated with this process have been compiled in a final report, of which the Executive Summary is attached (*Appendix A*).

#### ALTERNATIVES

1. That the Nanaimo Regional Transit Business Plan be approved and implemented as a guide for transit service planning and delivery in the Nanaimo region.
2. To not approve the report and provide staff direction for changes and or additions to the report.

## FINANCIAL IMPLICATIONS

There are no direct financial implications with respect to this report. It will serve as a guiding document for annual budget processes and transit service activities.

While the Transit Business Plan is to be used as a guiding document, staff has recognized the future impacts of expanding transit and has included the budget impacts of future expansions in the financial plan for transportation services.

## CITIZEN IMPLICATIONS

The public was invited to attend the Transit Business Plan Open House sessions held in Nanaimo, Qualicum Beach, Parksville and Electoral Areas 'A', 'E' and 'G'. These sessions outlined key Transit Business Plan concepts including service provision, key performance indicators, future development and challenges for the transit system. All sessions were reasonably well attended. Other public feedback was obtained through the RDN web site, e-mail, surveys and through telephone conversations.

## SUMMARY/CONCLUSIONS

The Transit Business Plan review and update has been completed. The update and review process focused on key topics related to past service improvements, planned future service changes and the development of key performance indicators. This work was carried out under the context of cost-share funding from the Province and BC Transit that will be in place up to 2018.

## RECOMMENDATION

1. That the Nanaimo Regional Transit Business Plan be approved as a guide for transit service planning and delivery in the Nanaimo region.
2. That the Key Performance Indicators and the Service Design Guidelines developed by BC Transit and the RDN be approved as the basis for monitoring and evaluating the transit service.
3. That the Short and Medium Range Service Proposals and the Supporting Strategies be approved in principle and direct staff to proceed with more detailed planning work for the proposals scheduled for implementation in future years as a part of the annual budget cycle.



General Manager



C.A.O. Concurrence

COMMENTS:

## APPENDIX A

### EXECUTIVE SUMMARY

#### Introduction and Objectives

The Nanaimo Regional Transit Business Plan is a comprehensive, long-range plan that provides a strategic vision for transit in the Nanaimo region. The plan was prepared by BC Transit in cooperation with the Regional District of Nanaimo. IBI Group consultants were also contracted to develop supporting material. The plan links with other planning processes in the region and constituent municipalities, and it will act as a guide for transit service planning and delivery in the Nanaimo region over the next ten years.

The primary goal of the Nanaimo Regional Transit Business Plan is to encourage greater transit ridership in the Nanaimo region by providing transit and other sustainable transportation options that improve mobility for people who have few other transportation options and also offer an attractive alternative for automobile drivers. The objectives for the Nanaimo Regional Transit Business Plan can be grouped into three broad categories: community objectives, passenger service objectives, and financial and performance objectives.

#### Market Analysis

The plan identifies a number of key market characteristics affecting future needs for transit in the Nanaimo region.

- The region has experienced moderate population growth, with a 9% increase over the last five years. This moderate growth is forecast to continue over the next ten years.
- The Nanaimo region has relatively low density, with 43% of the population living in areas that support only limited or no transit service.
- The RDN's population is older than the provincial average, especially in Oceanside. Older seniors – a key transit market – are the fastest growing group.

#### Review of Existing Transit Service

The plan examines the existing transit service in the Nanaimo region.

- The Nanaimo Regional Transit System has slightly below average service levels and performance when compared with its peers across B.C. and Canada.
- The Nanaimo Regional Custom Transit System has below average service levels but close to average performance when compared with its peers in B.C.
- There is a strong school and work commuter transit market in the Nanaimo region, resulting in strong peaks in demand.

#### Proposed Service Improvements

The plan includes 24,500 annual hours of expanded conventional transit service in the short range period (2009-10) and a further 65,900 annual hours of expanded service in the medium range period (2011-18). The projected addition of more than 90,000 annual service hours would result in nearly doubling the conventional transit service level in the Nanaimo region over the next decade. This increase falls in line with the Provincial Transit Plan, which looks to double transit ridership by 2020.

Summary of Proposed Short Range Service Options (2009 & 2010)

	Service Description	Service hours	Additional vehicles	Additional rides	Total cost	Net RDN cost
<b>2009 - March</b>		<b>5,000</b>	<b>2</b>	<b>117,000</b>	<b>\$452,000</b>	<b>\$135,000</b>
S1	5-Fairview/6-Harewood 30-minute peak period service	4,200	2	105,000	\$388,000	\$112,000
S2	90-Intercity Connector & 10-Lantzville additional peak period trips (includes review of connections to Departure Bay and Nanoose)	800	0	12,000	\$64,000	\$23,000
<b>2009 - September</b>		<b>9,400</b>	<b>3</b>	<b>215,000</b>	<b>\$828,000</b>	<b>\$241,000</b>
S3	8-South/9-North 30 minute peak period service	1,600	1	40,000	\$154,000	\$49,000
S4	Earlier Morning Start	2,300	0	57,500	\$183,000	\$34,000
S5	2-Hammond Bay route restructuring, including improved service to the Departure Bay ferry terminal	3,300	1	66,000	\$289,000	\$97,000
S6	New route Hammond Bay to Hospital and Malaspina	1,500	1	37,500	\$146,000	\$46,000
S7	7-Cinnabar/Cedar 3 additional trips per day	700	0	14,000	\$56,000	\$15,000
<b>2010 - September</b>		<b>10,100</b>	<b>5</b>	<b>222,100</b>	<b>\$937,000</b>	<b>\$316,000</b>
S8	15-Mal U Connector - extend to South Parkway Plaza (60-minute service)	2,500	1	62,500	\$225,000	\$61,000
S9	Extend 3-Hospital to Woodgrove	3,800	2	83,600	\$356,000	\$122,000
S10	90-Intercity Connector 60-minute daytime service & increased evening service	3,800	2	76,000	\$356,000	\$133,000
<b>Total Short Range Service Options*</b>		<b>24,500</b>	<b>10</b>	<b>554,100</b>	<b>\$2,217,000</b>	<b>\$692,000</b>

Summary of Proposed Medium Range Service Options (2011-18)

	Service Description	Service hours	Additional vehicles	Additional rides	Total cost	Net RDN cost
M1	Bus Rapid Transit Phase 1 15-minute peak/30-minute midday, evening, & weekend service	13,800	5	414,000	\$1,233,000	\$233,000
M2	Extend BRT to Malaspina UC	2,000	2	60,000	\$213,000	\$66,000
M3	Parksville Qualicum Beach 60-minute local service	3,500	1	70,000	\$305,000	\$101,000
M4	Downtown-Departure Bay-Country Club Shuttle	4,600	1	92,000	\$393,000	\$125,000
M5	5-Fairview/6-Harewood 30-minute midday & Saturday service	3,800	0	95,000	\$303,000	\$57,000
M6	1-Woodgrove, 2-Hammond Bay, & 3-Hospital 15-minute peak period service	7,500	6	187,500	\$757,000	\$260,000
M7	10-Lantzville 60-minute service	1,100	1	22,000	\$114,000	\$48,000
M8	7-Cinnabar/Cedar increased service frequency	2,600	1	52,000	\$233,000	\$81,000
M9	Increased Evening Service	7,900	0	158,000	\$630,000	\$174,000
M10	15-Mal U Connector increased service frequency	4,700	2	117,500	\$428,000	\$119,000
M11	90-Intercity Connector 30-minute peak period & 60-minute evening service	3,800	2	76,000	\$356,000	\$133,000
M12	44-Malaspina UC 10-minute peak period frequency	2,800	2	70,000	\$277,000	\$92,000
M13	Bus Rapid Transit Phase 2 15-minute weekday service	5,500	0	165,000	\$439,000	\$45,000
M14	7-Cinnabar/Cedar 30-minute peak period service	2,300	1	46,000	\$210,000	\$75,000
<b>Total Medium Range Service Options</b>		<b>65,900</b>	<b>24</b>	<b>1,625,000</b>	<b>\$5,891,000</b>	<b>\$1,609,000</b>

The plan includes 14,400 annual hours of expanded custom transit service, \$75,000 annually in additional taxi supplement funding, and \$70,000 annually in additional taxi saver funding.

**Summary of Proposed Custom Transit Service Proposals**

	Vehicles	Hours	Taxi Supp.	Taxi Saver	Description
<b>Short range period</b>					
2009	1	2,400	\$35,000		Increased handyDART in Nanaimo & increased Taxi Supplement.
2010	2	4,800		\$20,000	Increased handyDART in Nanaimo & Occanside. Increased Taxi Saver.
<b>Medium range period</b>					
2011			\$20,000	\$30,000	Increased Taxi Supplement & Taxi Saver.
2012	1	2,400			Increased handyDART in Nanaimo.
2013			\$20,000	\$20,000	Increased Taxi Supplement & Taxi Saver.
2014	1	2,400			Increased handyDART in Nanaimo.
2015	1	2,400			Increased handyDART in Occanside.

**Fleet and Facility Requirements**

The plan identifies the fleet and facility requirements to support the service plan. The replacement and expansion vehicle requirements for the next ten years are outlined in the table below.

	Replacement vehicles	Expansion vehicles	Total new vehicles
Conventional Transit	24	40	64
Custom Transit	24	7	31

- Double decker buses will be considered for longer, limited-stop routes serving Malaspina and other key commuter destinations.
- Electronic fare payment technology will be introduced in the short range period, to provide a more flexible and secure fare payment system.
- The RDN's plan to upgrade the existing transit facility will accommodate the planned fleet expansion.
- Introduction of transit signal priority and AVL technology is planned.

**Supporting Strategies**

Supporting strategies are used to encourage greater ridership and improve transit system performance.

- Fare strategies involve setting transit fares in order to encourage greater ridership and target key transit market groups. U-PASS, Youth Pass, Employer Pass and other long-term transit passes will be key.
- On-street facilities, including bus stops, shelters, and transit exchanges, form a critical interface with passengers and the public that can help improve the overall experience of using transit. The RDN has a three year plan to replace and upgrade on-street facilities.
- Transportation demand management (TDM) strategies are used to encourage people to make more efficient use of the transportation system by reducing the amount of travel, shifting the time of travel, and shifting demand from single occupant vehicles to other modes. Transit can play a key role in this.

- Marketing strategies can be used to identify and target key transit markets, and raise the profile of transit in the region through enhanced public information and promotion.

### **Plan Implementation and Monitoring**

The Transit Business Plan is not a static document. Transit performance will be monitored and the plan will be updated based on current performance, market information and local priorities. Implementation plans will then be developed each year based on the updated plan.

As part of the ongoing monitoring of the transit business plan, BC Transit will provide annual monitoring reports to the RDN, which will also include benchmarking against other comparable transit systems, using Key Performance Indicators (KPIs). These KPIs can be used to prioritize the service proposals and to monitor the performance of these new services once they have been implemented. Transit service design guidelines will also be used to evaluate service proposals.

The Transit Business Plan includes a well-defined process to evaluate service requests received by the RDN. If the request can be accommodated with little or no impact on the existing service and passengers, it may be considered for implementation immediately. Other requests would be evaluated as part of the annual service plan updating process, using the KPIs and service design guidelines. Service requests involving expanded coverage to new areas would require a further assessment of size and density of the proposed new service area and the efficiency with which it can be served.

### **Recommendations**

It is recommended that the Regional District of Nanaimo and BC Transit:

1. **Approve the Nanaimo Regional Transit Business Plan as a guide for transit service planning and delivery in the Nanaimo region.**
2. **Approve the Key Performance Indicators and the Service Design Guidelines, developed by BC Transit and the RDN, as the basis for monitoring and evaluating the transit service.**
3. **Approve in principle the Short and Medium Range Service Proposals and the Supporting Strategies, and direct staff to proceed with more detailed planning work for the proposals scheduled for implementation in March and September 2009. Implementation will be subject to available funding, and final approval will be part of the annual budget process.**