

REGIONAL DISTRICT OF NANAIMO

**COMMITTEE OF THE WHOLE
TUESDAY, SEPTEMBER 9, 2008
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

3-6 Minutes of the regular Committee of the Whole meeting held July 8, 2008.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

CORPORATE ADMINISTRATION SERVICES

FINANCE AND INFORMATION SERVICES

FINANCE

7-8 2009 to 2013 Financial Plan Schedule.

9-11 Request from Municipal Pension Retirees' Association – Municipal Pension Plan Contributions and Member Benefits.

12-15 Nanoose Bay Firehall – Final Seismic Review Report.

DEVELOPMENT SERVICES

BUILDING & BYLAW

16-18 Notice of Bylaw Contravention – 1628 Murdoch Road – Area 'A'.

Delegations wishing to speak to Notice of Bylaw Contravention at 1628 Murdoch Road – Area 'A'.

19-20 Notice of Bylaw Contravention – #251 2464 Apollo Road – Area ‘E’.

*Delegations wishing to speak to Notice of Bylaw Contravention at #251 2464
Apollo Road – Area ‘E’.*

ENVIRONMENTAL SERVICES

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SOLID WASTE

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Referendum on Opening Burning Restrictions – Area E. (to be circulated)

COMMISSION, ADVISORY & SELECT COMMITTEE

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

BOARD INFORMATION (Separate enclosure on blue paper)

ADJOURNMENT

IN CAMERA

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON TUESDAY, JULY 8, 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
Alternate	
Director D. Heenan	Electoral Area H
Director S. Herle	City of Parksville
Alternate	
Director M. Wansink	Town of Qualicum Beach
Alternate	
Director B. Dempsey	District of Lantzville
Director M. Unger	City of Nanaimo
Alternate	
Director J. Cameron	City of Nanaimo
Director L. McNabb	City of Nanaimo
Alternate	
Director L. Sherry	City of Nanaimo
Director D. Brennan	City of Nanaimo

Also in Attendance:

C. Mason	Chief Administrative Officer
M. Pearse	Senior Manager, Corporate Administration
W. Thexton	A/Gen. Manager of Finance & Information Services
C. McIver	A/Gen. Mgr. of Transportation & Solid Waste Services
J. Finnie	General Manager of Environmental Services
P. ThorkeIsson	General Manager of Development Services
T. Osborne	General Manager of Recreation & Parks
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Directors Heenan, Dempsey, Wansink, Cameron and Sherry to the meeting. The Chairperson also congratulated the Chief Administrative Officer on her son's qualifying to represent Canada and the Regional District at the Olympics.

DELEGATIONS

Gabriola Island Trust Committee, re Natural Area Protection Tax Exemption Program (NAPTEP).

Kim Benson, Chair, Islands Trust Council, Lisa Dunn, Director, Trust Area Services and Sheila Malcolmson, Gabriola Island Local Trustee provided an overview of the Islands Trust Natural Area Protection Tax Exemption Program.

MINUTES

MOVED Director Cameron, SECONDED Director Herle, that the minutes of the Committee of the Whole meeting held June 10, 2008 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Sheila Malcolmson, Gabriola Island Local Trustee, re Affordable Housing Needs Assessment Initiative, RDN Support.

MOVED Director Holme, SECONDED Director Brennan, that the correspondence from Sheila Malcolmson regarding the Gabriola Local Trust Committee's grant application for a community housing/affordable housing needs assessment, be received.

CARRIED

Alvin Hui, Alvin Hui Law Corporation, re Boat Harbour Proposal.

MOVED Director Holme, SECONDED Director Brennan, that the correspondence from Alvin Hui Law Corporation regarding the proposed Boat Harbour development, be received.

CARRIED

DEVELOPMENT SERVICES

BUILDING & BYLAW

Notice of Bylaw Contravention – 1310 Wilson Road – Area 'B'.

MOVED Director Holme, SECONDED Director Wansink, that staff be directed to register a Notice of Bylaw Contravention on title pursuant to Section 57 of the *Community Charter* and that legal action be taken to ensure Lot 7, Section 9, Gabriola Island, Nanaimo District, Plan 30347, is in compliance with the "Regional District of Nanaimo Building Regulation and Fees Bylaw No. 1250, 2000".

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

Pump and Haul Local Service Area Amendment Bylaw No. 975.48 – 1846 Ballenas Road – Area 'E'.

MOVED Director Holme, SECONDED Director Sherry, that the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to exclude Lot 24, DL 68, Plan 30341, Nanoose District. (1846 Ballenas Road, Electoral Area 'E')

CARRIED

MOVED Director Holme, SECONDED Director Sherry, that "Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.48, 2008" be introduced and read three times.

CARRIED

UTILITIES

Fairwinds Sewerage Facilities Local Service Area Amendment Bylaw No. 947.04 – Inclusion of Strata Lots 1 to 49, DL 78, Nanoose District, Plan VIS745 into the Fairwinds Sewerage Facilities Local Service Area – Area ‘E’.

MOVED Director Holme, SECONDED Director McNabb, that “Fairwinds Sewerage Facilities Local Service Area Amendment Bylaw No. 947.04, 2008” be introduced and read three times.

CARRIED

Electoral Area ‘E’ Water Source Assessment Study – Information Report.

MOVED Director Holme, SECONDED Director Burnett, that the Board receive the “Water Source Assessment Study for Electoral Area ‘E’ in the Regional District of Nanaimo” report for information.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Electoral Area ‘A’ Parks and Green Space Advisory Committee.

MOVED Director Burnett, SECONDED Director Young, that the minutes of the Electoral Area ‘A’ Parks and Green Space Advisory Committee meeting held May 15, 2008 be received for information.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the Ministry of Transportation be advised that the Electoral Area ‘A’ Parks and Green Space Advisory Committee has no objection to the proposed road closure of 2347 South Wellington Road.

CARRIED

Electoral Area ‘E’ Parks and Open Space Advisory Committee.

MOVED Director Holme, SECONDED Director Cameron, that the minutes of the Electoral Area ‘E’ Parks and Open Space Advisory Committee meeting held June 2, 2008 be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Herle, SECONDED Director Young, that the minutes of the District 69 Recreation Commission meeting held June 19, 2008 be received for information.

CARRIED

MOVED Director Herle, SECONDED Director McNabb, that the program, admission and rental fees for Oceanside Place in 2008/09 be approved as outlined in Appendix A.

CARRIED

MOVED Director Herle, SECONDED Director McNabb, that the program, admission and rental fees for Ravensong Aquatic Centre in 2009 be approved as outlined in Appendix B.

CARRIED

MOVED Director Herle, SECONDED Director McNabb, that Recreation Coordinating program fees and recovery rates, administration, fee and revenue-sharing percentage ratio for Term Instructor (Companies) agreements in 2009 be approved as outlined in Appendix C.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Natural Area Protection Tax Exemption Program (NAPTEP).

MOVED Director Sperling, SECONDED Director Brennan, that the Natural Area Protection Tax Exemption Program proposal be referred to staff for a report on the implications and staff recommendations.

CARRIED

Islands Trust Affordable Housing Needs Assessment Initiative.

MOVED Director Sperling, SECONDED Director Brennan, that the Board forward a letter of support to the Islands Trust for their affordable housing needs assessment initiative.

CARRIED

MOVED Director Sperling, SECONDED Director Brennan, that the request from Islands Trust for a funding commitment from the Regional District of Nanaimo as a "Project Partner" be referred to staff for a report.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:24 PM

CHAIRPERSON



RDN REPORT	
CAO APPROVAL	
EAP	
COW	✓ Sept 9 '08
SEP 03 2008	
RHD	
BOARD	

MEMORANDUM

TO: C. Mason
Chief Administrative Officer

DATE: August 29, 2008

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

FILE:

SUBJECT: 2009 to 2013 Financial Plan Schedule

PURPOSE:

To outline and approve a preliminary schedule for preparing the 2009 to 2013 financial plan.

BACKGROUND:

Staff have begun establishing budget estimates for 2009 and projections for the remainder of the financial plan to 2013. In consideration of the elections timetable, staff are recommending the following review schedule for the next financial plan.

- | | |
|--|---|
| December 11
(Thursday following the
inaugural Board meeting) | Board seminar – review preliminary estimates |
| December 15 | Post preliminary plan estimates to the RDN website |
| February 10, 2009 | Budget presented to Committee of the Whole |
| Week of February 16, 2009 | Distribute budget version of Regional Perspectives |
| February 24, 2009 | Board meeting – add public question/answer opportunity |
| March 10, 2009 | Committee of the Whole – introduce financial plan bylaw |
| March 24, 2009 | Adopt financial plan |

The schedule should provide sufficient time for new Board members to become familiar with the budget and our review processes.

ALTERNATIVES:

1. Approve the schedule as presented.
2. Amend the schedule.

FINANCIAL IMPLICATIONS:

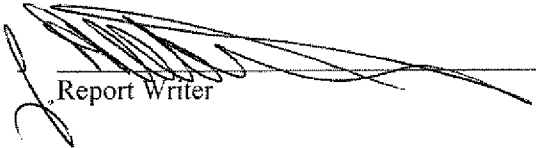
There are no financial implications to the schedule. Adjustments can be made at any time to meet the Board's needs.

SUMMARY / CONCLUSIONS

Local government elections will be held on Saturday, November 15th, followed by the inaugural Board meeting on December 9th, the second Tuesday of the month. Staff propose to hold a Board seminar on Thursday, December 11th, to review the preliminary budget estimates. Staff would present the Budget for consideration by the Committee of the Whole on Tuesday, February 10th, 2009 and then by the Board on February 24th with an opportunity for public involvement. It is proposed that the 2009 to 2013 Financial Plan bylaw be presented to the Board for adoption on Tuesday, March 24, 2009.

RECOMMENDATION:

That the proposed 2009 financial plan review schedule be approved as outlined.


Report Writer


C.A.O. Concurrence

COMMENTS:



RDN REPORT	
CAO APPROVAL	
EAP	
COV	✓ Sep 9 '08
SEP 03 2008	
RHD	
BOARD	

MEMORANDUM

TO: Nancy Avery
General Manager, Finance & Information Services

DATE: August 11, 2008

FROM: W. Idema
Manager of Accounting Services

FILE:

SUBJECT: Request from Municipal Pension Retirees' Association re: Municipal Pension Plan Contributions and Member Benefits

PURPOSE

To provide further background with respect to a request from retired municipal employees for additional financial support to the Municipal Pension Plan in order to provide a greater level of funding for retired members group health benefits.

BACKGROUND

In a letter received at its Board meeting held June 24, 2008, the Municipal Pension Retirees' Association requested Board support for a resolution to the UBCM, to increase the contributions from current plan members in order to create a new and separate subsidy account to fund retired pensioner's group health benefits. The resolution requested is as follows:

"Therefore be it resolved that the Provincial Government and the Union of BC Municipalities be directed to increase funding of 1/2 of 1% of payroll for an account specifically designated for Group Health Benefits to assist Municipal Pension retirees to continue with their efforts to maintain good health."

The Municipal Pension Plan (MPP) is a jointly managed plan. The Province of BC and the Union of BC Municipalities represent the employer groups and the Municipal Employees Pension Committee represents employees. The role of trustees appointed from these organizations is to ensure that the basic pension guaranteed by the plan is properly funded. Every three years an actuarial review of the plan is done and premium rates are adjusted as necessary to cover any shortfall. In 2005 rates increased by .99% for both employees and employers because the basic pension account had an actuarial deficit.

From the employee premiums that are contributed, 1% times the reported salaries of active members is set aside for inflation protection of the basic pension. From the employers' contributions, 1% times the reported salaries of active members is first used to pay the costs of group health benefits and any remainder is set aside for inflation protection. In 2005, the MPP trustees reported to members and employers that projections showed that the cost of group benefits would exceed the amounts from current contributions by 2008, if no amendments were made to the way those benefits were funded. For the most part, up to 2007, retirees and their spouses were both eligible for a subsidy from the pension plan for the cost of group health benefits. In 2007, those subsidy arrangements were changed. While access to the plans and their coverages still exists, the subsidy for spouses has been eliminated and a cap was established for dental claims. The amount to be paid by a particular retiree continues to be based on their length of service, but the amount is adjusted annually based on the actual cash available. The subsidy amount has been decreasing as the number of active members decreases and the cost of benefits goes up. Current retirees whose pensions reflected salaries from many years ago are feeling the effects of the reduction in subsidy.

Of note is the value of the inflation protection adjustment for the basic pension. A pension valued at \$15,000 in 1985 was paid at a value of \$25,830 in 2005 – the year when the MPP began discussing the funding of group health benefits.

In 2007 after considerable consultation with plan members and employers, the trustees agreed to a set of principles with respect to managing group benefit costs and basic pensions. Those principles are:

1. Ensure the basic pension
2. Maximize inflation protection
3. Continue to offer group benefits

ALTERNATIVES

1. Receive this report for information.
2. To support the resolution as presented by the Municipal Pension Retirees' Association regarding an increase in the funding for group health benefits.

FINANCIAL IMPLICATIONS

Alternative 1

Under this alternative the Board would receive this report and take no immediate further action.

Alternative 2

The Municipal Pension Retirees' Association is requesting an increase in contributions equal to ½ of 1% of payroll specifically to fund group health benefits. The following table shows the result for the Regional District of Nanaimo using 2007 reported pensionable salaries of \$11,974,620 and current 2008 contribution rates. This illustration assumes that only the employer makes the contribution because it is the employers' contributions that pay for group health benefit costs. The table shows a probable increase in employer funding of \$59,875. Translated to a property tax rate, this amount is equal to \$.20 cents per \$100,000 of property assessment.

	Contribution Rate	Employee Contributions	Employer Contributions	Total Contributions
Contributions for Basic Pension Benefits	Employee = 8.49% Employer = 8.24%	\$1,016,645	\$986,710	\$2,003,355
Additional Group Health Benefits Adjustment	1/2% of 1% pensionable earnings for employer		\$59,875	\$59,875
Change in contributions			6%	3%
Tax cost per \$100,000			\$.20	

Additional employer costs would be mirrored in the City of Nanaimo, Parksville, Qualicum Beach and the District of Lantzville.

Report - Municipal Pension Retirees request for health benefits funding(2008).doc

SUMMARY/CONCLUSION

The Municipal Pension Retirees' Association has requested support from the Board with respect to increasing what are implied as employer contributions, to fund subsidies for group health benefits for current retirees. The objective is to reduce the cost of benefits paid by retirees so that they can afford to use the services to maintain good health. The new funds would be set aside in a separate account to fund the cost of group health benefits. Should the Board support this concept, staff estimate that the potential additional cost would be in the range of \$60,000 per year or a tax rate of \$.20 cents per \$100,000 of property assessment.

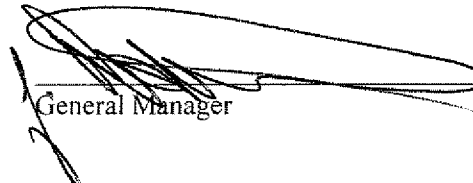
To date the MPP joint trustees have not supported additional contributions from either employees or employers and have focused attention on maintaining inflation protection for the basic pensions for all members. Therefore, given the current policy of the MPP joint trustees, and until such time as the full extent of the costs and implications of a commitment to fund group health benefits can be obtained, staff recommend the Board receive this report for information.

RECOMMENDATION

That the background report regarding the Municipal Pension Retirees Association request for additional financial support for group health benefits be received.



Report Writer



General Manager



C.A.O. Concurrence

COMMENTS



RDN REPORT	
CAO APPROVAL	
EAP	
COW	✓ Sept 9 '08
AUG 29 2008	
RHD	
BOARD	

MEMORANDUM

TO: C. Mason
Chief Administrative Officer

DATE: August 29, 2008

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

FILE:

SUBJECT: Nanoose Bay Firehall – Final Seismic Review Report

PURPOSE:

To report on the results of further seismic examination of the Nanoose Bay Firehall.

BACKGROUND:

A seismic review of the Nanoose Bay Firehall was conducted in February 2007. That report outlined possible costs and structural elements, which could be addressed to make the building safe in a seismic event. The report was not intended at that time, to be a complete evaluation of the building structure and systems – nor was it intended to address requirements for post disaster safety. The Board received a staff report in February 2008 recommending further evaluation of the firehall, to determine whether a structural upgrade would be sufficient to ensure this building and its volunteers can respond during an earthquake.

Staff and members of the fire department met with the consultant team led by the architecture firm of Johnston, Davidson Inc. on April 17, 2008. The team included the principal architects from the firm, as well as representatives of Flow Consulting (mechanical) and RB Engineering Ltd. (electrical). The following summarizes the findings of the evaluation:

Architectural

- While the building functions as a firehall, it has been modified many times over the years and the spatial layout needs considerable improvement to make it more efficient into the future.

Structural

- The building condition ranges from good in a 1991 addition to poor in the original 1972 construction with none of the building in that part meeting seismic, fire separation, accessibility or environmental code standards.
- The actual functioning of the building is compromised compared to modern operating standards in a number of ways including enclosed vehicle bays (a result of additions) restricting movement and access to vehicles, overhead doors less wide than the optimum 14 feet, air breathing and personal protective gear cannot be stored in separate areas to control contaminants to the equipment.

- The building requires extensive upgrading to walls, floors and roofs to meet the minimum seismic standards of the BC Building Code – upgrading to a post disaster standard would be difficult and expensive to achieve, requiring the replacement of many exterior walls and the addition of new footings as well as reinforcing to many of the existing concrete block walls.
- The hose drying tower cannot be upgraded and should be replaced

Mechanical

- Critical systems such as heating, water boiler are nearing the end of their life cycle and will require replacing.
- Code infractions for plumbing systems were observed and may require extensive re-piping.
- Ventilation systems do not meet required comfort needs and do not prevent the migration of vehicle fumes.
- Fire separations are not adequate between different areas of the building.

Electrical

- The current electrical service is fully loaded and cannot be expanded.
- There is no fire alarm system – the recommendation is for a fully functional monitored system.
- Exterior and interior lighting is poor and not energy efficient.
- Generally most of the electrical systems need considerable upgrading if the building is retained.

Given the extensive upgrades observed during this review staff advised the consultants not to carry out any further detailed investigation and to summarize their conclusions. Their report recommends that the Regional District not consider upgrading the building as a firehall.

The re-construction of the Nanoose Bay firehall would be managed according to our Green Building policy. The firm of Johnston Davidson has provided an estimate of fees which would result in the following deliverables:

Detailed space development
LEED/sustainable goals identified and costed
Design manual which would incorporate the sustainable design elements – architectural floor plans and all finishes, mechanical, electrical, structural drawings

LEED principles would be used during the design phase but the cost to pursue certification would be decided upon as the project advanced to final design and tendering. The design manual would be used for an independent cost estimate which would lead to a budget scope for consultation and approval by property owners in the Nanoose Bay fire protection service area. The breakdown of fees is shown below.

ALTERNATIVES:

1. Receive the report on the additional seismic review and direct staff to work with the architect to design a replacement firehall following our Green Building Policy.

2. Receive the report and direct staff to work with the architect to design upgrades, which will provide basic seismic stability for the firehall.

FINANCIAL IMPLICATIONS:

Alternative 1

The Board earlier approved the expenditure of up to \$60,000 to carry out this additional detailed seismic examination and some initial design work if the building were to be renovated. Approximately \$10,460 will be expended for the report examination to date, leaving an unexpended balance of \$49,540.

The following costs are estimated for bringing this project to a stage where the Regional District would be in a position to understand the budget and request borrowing authority from the property owners:

Architectural, Structural, Mechanical	
Electrical consultant team	\$105,825
Landscape consultant	10,000
Civil engineering	6,000
Cost consultant	7,000
Site survey	4,500
Geotechnical	4,000
Disbursements	3,000
Consulting contingency	<u>10,000</u>
	\$150,325
Incurred for seismic review to date	<u>10,640</u>
Revised authorization	\$ 160,965
Current authorization	<u>(60,000)</u>
Additional authorization	<u>\$ 100,965</u>

The consultant contingency might be needed for specialized analyses during the design phase such as energy modeling.

Alternative 2


It is almost impossible to estimate the cost to upgrade this building without more design work. The building has been evaluated as significantly deficient not only in its structure, but in most of its mechanical and electrical systems given current building codes and standards. Staff recommends proceeding to design a new firehall.


SUMMARY/CONCLUSIONS:

On April 17, 2008 staff and members of the Nanoose Bay fire department met with a consultant team to further examine the building for seismic upgrading to a post disaster standard. The visual examination of the structure, mechanical and electrical systems was sufficient to result in a recommendation not to upgrade the building as a firehall. A budget of \$60,000 was approved in February to undertake this further review and \$10,460 has been expended to date. This report recommends proceeding to establish the integrated design team as outlined in our Green Building Policy and moving forward with designing a replacement building. Fees for the team are estimated at \$150,325. An additional reserve fund authorization in the amount of \$100,965 is required to move to this next phase.

RECOMMENDATIONS:

1. That this report on the final seismic review of the Nanoose Bay firehall be received.
2. That staff continue to work with the firm of Johnston, Davidson Architecture Inc. to design a replacement firehall following the Regional District's Green Building Policy.
3. That an amount of \$100,965 be released from the Nanoose Bay Fire Protection Service building reserve fund to cover cost as outlined in this report.


Report Writer


C.A.O. Concurrence

COMMENTS:



MEMORANDUM

RDN REPORT	
CAO APPROVAL	
EAP	
MCOW	✓ Sept 9 '08
AUG 29 2008	
RHD	
BOARD	August 29, 2008

TO: Paul Thorkelsson
General Manager, Development Services

DATE: August 29, 2008

FROM: Tom Armet
Manager, Building and Bylaw Services

FILE:

SUBJECT: 1628 Murdoch 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: 1628 Murdoch Road, Electoral Area 'A'
- Legal: Lot 4, Section 16, Range 5, Cedar District, Plan 14877
- Owners: Patricia Mclean
- Zoning: Residential 2 (RS2) – Bylaw 500

On May 31, 2006, building permits were issued to construct a single family dwelling and a detached garage on the subject property.

On March 22, 2007, staff noted that 3 vertical fireplace stone slabs ranging in height from 8 to 12 feet had been erected. Due to the size, weight and unknown installation methods, staff was concerned about potential safety risks and directed the owner to provide engineering certification for the stone slabs. The owner subsequently engaged legal counsel to challenge the RDN position. Further discussions followed and the owner agreed to hire an engineer to provide the necessary structural certification.

Staff conducted a total of 19 separate inspections between August 2006 and May 2008 and made several written and verbal requests to provide engineering certification for the fireplace. Staff were later informed by the owner that she consulted with several engineers but was not able to obtain certification attesting to the safe installation of the slabs. On May 31, 2008, the building permit expired and on August 26, 2008, staff confirmed that the owner is currently occupying the house without an occupancy permit in contravention of Regional District regulations.

ALTERNATIVES

1. That a Notice of Bylaw Contravention be registered on the title of the property and staff be directed to take legal action if necessary to bring the property into compliance with "Regional District of Nanaimo Building Regulations & Fees Bylaw 1250, 2001."
2. That a Notice of Bylaw Contravention be registered on title at this time and staff be directed to continue to seek voluntary compliance.

SUSTAINABILITY IMPLICATIONS

There are no regional sustainability implications related to this issue.

FINANCIAL IMPLICATIONS

The cost of legal action is estimated at approximately \$4,000.00

CONCLUSION


In May of 2006, building permits were issued for the construction of a home and garage on the subject property. The property owner hired a contractor to construct a large stone fireplace with 3 large vertical stone slabs. Due to the unusual nature of the fireplace and the potential safety risk, staff requested that the construction be certified by a structural engineer. The owner was not able to obtain the necessary certification and is currently residing in the house without an occupancy permit, contrary to Regional District regulations. Staff are therefore recommending that legal action be taken, if necessary, to resolve this building bylaw contravention.

RECOMMENDATION


That staff be directed to register a Notice of Bylaw Contravention on title pursuant to Section 57 *Community Charter* and that legal action be taken if necessary to ensure Lot 4, Section 16, Range 5, Plan 14877, Cedar District, is in compliance with the "*Regional District of Nanaimo Building Regulation & Fees Bylaw 1250, 2001.*"



Report Writer



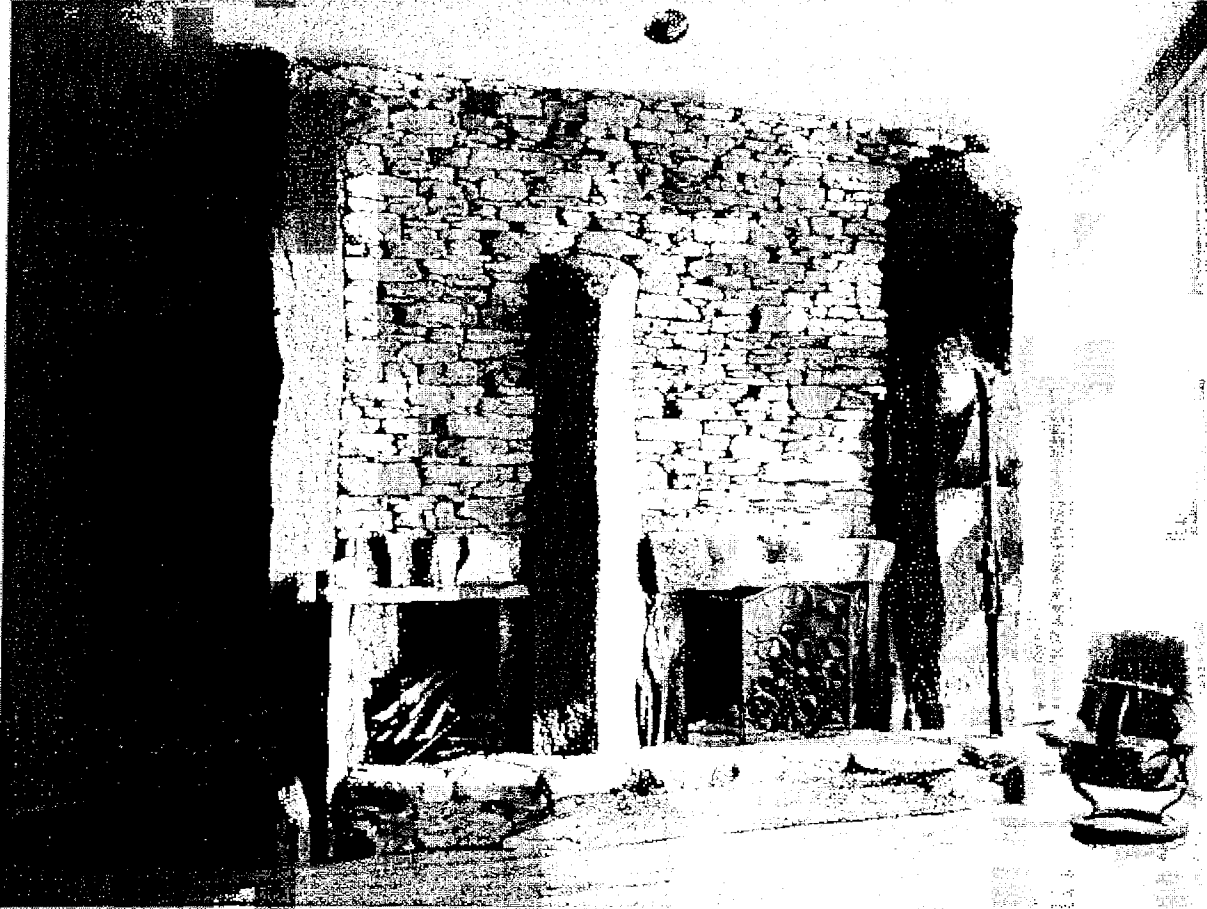
General Manager Concurrence



CAO Concurrence

COMMENTS:

Attachment No. 1





RDN REPORT		
CAO APPROVAL		
EAP		
COW	✓	Sept 9 '08
SEP 02 2008		
RHD		
BOARD		

MEMORANDUM

TO: Tom Armet
 Manager, Building and Bylaw Services

DATE: August 29, 2008

FROM: Allan Dick
 Building Inspection Supervisor

FILE:

SUBJECT: # 251-2465 Apollo Drive – 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: # 251 - 2465 Apollo Drive, Nanoose Bay
 Legal: Lot 1, District Lot 6, Plan 22814, Except that part in Plan 23588, Nanoose District,
 Owners: Francis & Gertrude Gebhard
 Zoning: Residential 1 (RS1) – Bylaw 500

The subject property is a mobile home park located in the Red Gap area of Nanoose Bay. The current use of the property as a mobile home park is recognized as legally non-conforming therefore any size increase or change in status of an existing mobile home would require an application for a variance as well as a building permit. Mobile homes are individually owned and the lots are rented from the property owner.

On August 14, 2008, staff issued a Stop Work Order as a result of construction underway without a building permit. The owner of the mobile home located on lot # 251 was in the process of constructing a large addition and had completely gutted the interior of the mobile home, voiding the CSA factory certification. Staff met with the owner of the mobile home and explained that he could not continue the construction pending successful variance and building permit applications. However, a significant amount of work would be required to ensure the construction complies with the BC Building Code. The owner advises he will re-assess the merits of continuing with the project versus selling the gutted mobile home. In view of these circumstances, it is staff's opinion that it would be prudent to file a Notice of Bylaw Contravention on the title of the subject property to alert prospective purchasers to the contravention.

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 cost of legal action is estimated at approximately \$4,000.00

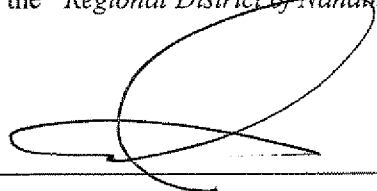
SUMMARY

Staff issued a Stop Work Order as a result of construction underway on Lot #251 of the subject property without a building permit. The mobile home had been sufficiently gutted as to render it's CSA certification void and a large addition was also being added, resulting in a change in the size of the unit. The subject property is a non-conforming mobile home park therefore any changes in use or size to existing mobile homes requires prior approval by way of variance and building permit applications. The owner of the mobile home is now re-considering the merits of continuing with the project and has indicated he may sell the unit. Staff are therefore recommending that a Notice of Bylaw Contravention be filed on the subject property to alert prospective purchasers to the contravention.

RECOMMENDATION

That staff be directed to register a Notice on title pursuant to Section 57 *Community Charter* and should the outstanding bylaw contraventions not be resolved within ninety (90) days, that legal action be pursued to ensure Lot 1, District Lot 6, Plan 22814, except that part in plan 23588, Nanoose District, is in compliance with the "*Regional District of Nanaimo Building Regulations & Fees Bylaw 1250, 2001.*"

Report Writer



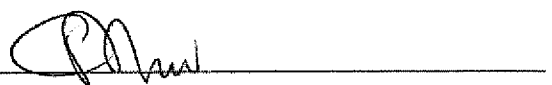
General Manager Concurrence



Manager Concurrence



CAO Concurrence



COMMENTS:

devsvs/reports/2008/ja 57 CoW Report



RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
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MEMORANDUM

TO: Dennis Trudeau
General Manager Transportation & Solid Waste Services

DATE: September 2, 2008

FROM: Carey McIver
Manager Solid Waste

FILE: 5365-72

SUBJECT: Residential Food Waste Collection Program Approval

PURPOSE

To obtain Board approval to add the collection of food waste to the RDN Garbage Collection & Recycling Service.

BACKGROUND

Organics Diversion Strategy

In February 2005, the Board approved the Organics Diversion Strategy, 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 Zero Waste Plan, which identifies organics diversion as the primary means to reach the goal of 75% diversion of solid waste from landfill by 2010.

The Strategy has two main components: a ban on the disposal of food waste from the commercial sector and the collection of food waste from single-family residences. In April 2005 the Board approved a ban on the disposal of commercial food waste at RDN facilities. In 2007 this program diverted 4,335 tonnes of commercial food waste to the International Composting Corporation (ICC) facility at Duke Point.

Residential Food Waste Collection Field Test

In June 2005, the Board directed staff to implement a pilot project to collect food waste from the residential sector. Since October 2007, a residential field test has been operating on 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 (Electoral Area A: Cedar).

According to a waste composition study conducted in 2004, 53% of the RDN residential waste stream is food waste and compostable paper. In planning for this pilot project staff assumed a diversion rate of 50% of that material which equates to approximately 6.8 kg of acceptable material per household per month.

Based on nine months of data, the average food waste collected at the curb per household per month is 8.75 kg on the rural Cedar route, 10.42 kg on the suburban Chartwell route, and 10.58 kg on the urban City of Nanaimo route. This is an average 60% capture rate; which is considerably better than staff had anticipated. When extrapolated to all 50,000 single-family residences in the RDN, a residential food waste collection program could divert over 5,800 tonnes of food waste annually from the landfill.

As reported to the Board in June 2008, a recent survey sent to almost 2,000 households participating in the field test garnered a 23% overall response rate. While there were some issues and challenges noted in a number of responses, they were minor in relation to the overwhelming support for the program. Although not specifically asked, a majority of the respondents who provided additional comments requested that the food waste collection be continued as a permanent feature of their current curbside garbage and recycling service.

Region-Wide Program Implementation

The intent of the field test was to ascertain the feasibility for the Regional District and member municipalities to implement a region-wide food waste collection service and to gain an understanding of the infrastructure required to accommodate a third waste stream. In the field test, food waste collection has been a component of the garbage collection service and this would continue in a region-wide program.

As indicated in Table 1, garbage collection and recycling services are provided to roughly 50,000 single-family residences in the RDN through a mixture of municipal and contracted operations. The two municipal partners in the field test, the City of Nanaimo and the Town of Qualicum Beach each manage their respective garbage collection programs with municipal crews and trucks and would continue to do this in a region-wide program. The RDN would continue to provide contracted garbage collection services to the Electoral Areas and the City of Parksville. The District Municipality of Lantzville would need to include food waste into their garbage collection contract.

Table 1: Garbage Collection and Recycling Services in the RDN

Partner	Customers	Garbage	Recycling
City of Nanaimo (CON)	24,153	CON Municipal	CON Contract
RDN Electoral Areas	15,586	RDN Contract	RDN Contract
City of Parksville	4,812	RDN Contract	RDN Contract
Town of Qualicum Beach (TQB)	3,817	TQB Municipal	RDN Contract
District Municipality of Lantzville (DML)	1,386	DML Contract	RDN Contact
Total	49,754		

The intention at the start of the field test was to cease collecting food waste on the pilot routes at the end of the twelve month test period, and to consider options at that time. However, given the overwhelming success of the field test in terms of diversion and participant support, staff has already begun to plan for the implementation of a region-wide collection service including the continuation of food waste collection to residents on the three field test routes.

The infrastructure requirements for a region-wide food waste collection service are related to the collection, transfer and processing of food waste. Now that the field test has confirmed the efficiencies associated with using split packer trucks to collect two separated waste streams, staff from both the City of Nanaimo and the Town of Qualicum Beach are planning to request approval from their respective councils to procure this equipment in order to implement a full-scale food waste collection program in their municipalities.

Implementation Schedule

For the RDN contracted service, food waste collection will need to be included in the upcoming collection tender. Given a four month tender process, as well as a twelve month delivery schedule for new collection vehicles, staff anticipates that a full region-wide collection program could be implemented by April 2010 as indicated in the following Table 2.

Table 2: Region-Wide Food Waste Collection Program Implementation Schedule

Task	Schedule
1. Board Approval	September 2008
2. Tender Process	October 2008 – February 2009
3. Tender Award	March 2009
4. Equipment Procurement	April 2009 – March 2010
5. Promotion & Education	February 2009 - April 2010
6. Bin Distribution	March 2010
7. Program Start-Up	April 2010

This schedule will allow staff to investigate the availability of grant funding for the purchase of household food waste containers at an estimated cost of \$1.5 million for 50,000 households. This time-frame will also allow for the construction of food waste transfer facilities at the Church Road Transfer Station and Regional Landfill as well as a competitive tender process to obtain long-term local composting capacity. In the meantime, continuing the collection of residential food waste on the three field test routes will provide additional valuable information for final program design and implementation.

ALTERNATIVES

1. Add the collection of food waste to the upcoming tender for the RDN Garbage Collection & Recycling Service and continue the collection of food waste on Route 52 in Electoral Area A.
2. Do not add the collection food waste to the upcoming tender for the RDN Garbage Collection & Recycling Service and discontinue the collection of food waste on Route 52 in Electoral Area A.

FINANCIAL IMPLICATIONS

Alternative 1

Under Alternative 1, the cost to provide food waste collection to roughly 20,400 RDN Garbage Collection Program customers will not be determined until completion of the tender process. However, a report prepared by our consultants in 2005 indicated that the addition of food waste to the RDN collection service would cost an additional annual \$5 per household. A full report on the results of the tender process with associated cost implications will be submitted to the Board for review in March 2009.

For the purposes and duration of the field test the RDN leased an older model split packer garbage truck at a cost of \$2,000 per month. The truck has proven to be unsuited for the Town of Qualicum Beach field test route, and required minor modifications by City of Nanaimo crews to alleviate some driver health and safety concerns. The lease will not be renewed.

The Regional District's current collection contractor (Waste Services Inc - WSI), has indicated a willingness to continue food waste collection on Route 52 and will redeploy a packer truck from their fleet to accommodate this. This can be achieved without an adjustment in the contract rates.

Alternative 2

Although there will not be any direct costs associated with this alternative, failure to proceed with a region-wide food waste collection program will not only shorten the life-span of the Regional Landfill but will result in higher greenhouse gas emissions which may require offsetting through the purchase of emission reduction credits.

INTERGOVERNMENTAL IMPLICATIONS

As discussed above, the two municipal partners in the field test, the City of Nanaimo and Town of Qualicum Beach each manage their respective collection programs with municipal crews and vehicles. Discussions have been held with City and Town staff regarding continuation of collection on their routes beyond the twelve month field test which ends in October. Separate reports will be prepared by municipal staff for their respective councils to consider collection under their own administration. Because the two municipalities provide their own residential garbage collection, continuing with food waste collection will be a matter of scheduling municipal collection staff and vehicles.

A requirement of the grant funding received from the Federation of Canadian Municipalities Green Municipal Fund (FCM-GMF) is for a final report detailing the results of the project. Staff is preparing a final newsletter and participant survey; the results of which will be incorporated into the final report along with collection data and the responses from the first survey. Continuing with food waste collection beyond the FCM-GMF funded field test does not interfere with the grant requirements.

CITIZENS/PUBLIC RELATIONS IMPLICATIONS

It is clear that RDN residents are in favour of food waste collection. A large number of supportive comments were received as part of the participant survey undertaken in March, as well as from phone calls urging staff to continue with food waste collection. A final survey is being prepared for all field test participants, which will be mailed along with a newsletter in September.

One of the reasons for the field test was to gauge the effectiveness of food waste collection from rural residents. Even though the March 2008 survey showed that a large percentage (77%) of Route 52 respondents do use a home composter, curbside food waste collection has proven to be popular for materials such as compostable paper, meat, fish, grains, and cooked food leftovers.

The residents of Route 52 have taken great efforts to sort their household waste into three collection streams and in doing so have reduced the weight of garbage going to the landfill considerably. With the Board's approval of continuing food waste collection for Route 52, a revised collection schedule will be sent accompanied by a letter of explanation under the Board Chair's signature.

SUSTAINABILITY IMPLICATIONS

A region-wide food waste collection program contributes to the sustainability of the RDN by providing benefits to the environment, economy and residents. Diverting food waste to a composting facility reduces the generation of methane, a potent greenhouse gas. Food waste diversion also extends the life of the landfill thereby avoiding the cost of additional expensive disposal capacity. Processing food waste and other organic material at ICC also generates local jobs and produces fertilizers and soil amendments to a provincially certified standard, thereby enhancing the local economy. Finally, food waste collection as well as recycling programs provides residents with the opportunity to make effective and meaningful contributions toward mitigating climate change.

SUMMARY

The RDN Zero Waste Plan identifies organics diversion as the primary means to reach the goal of 75% diversion of solid waste from landfill by 2010. In 2007, the commercial food waste ban diverted 4,335 tonnes of commercial food waste to the International Composting Corporation (ICC) facility at Duke Point. Since October 2007, a residential field test has been operating on 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 (Electoral Area A). Based on nine months of data, and extrapolated to all 50,000 single-family residences in the RDN, a residential food waste collection program could divert an additional 5,800 tonnes of food waste from the landfill.

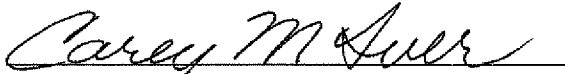
The intent at the start of the residential field test was to stop collecting food waste on the pilot routes at the end of twelve months and then consider options at that time. However, given the overwhelming success of the field test in terms of diversion and participant support, staff has started to develop the implementation plan and schedule for a full region-wide program.

For the RDN contracted service, food waste collection will need to be included in the upcoming tender. Given a four month tender process, as well as a twelve month delivery schedule for new collection vehicles, staff are targeting April 2010 for implementation of a full region-wide program. Consequently, staff recommends that the collection of food waste be included in the upcoming tender for the RDN Garbage Collection & Recycling Service and that the RDN continue the collection of food waste on Route 52 in Electoral Area A.

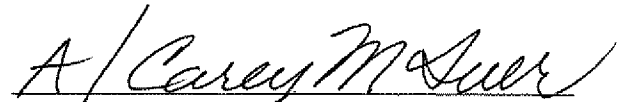
The two municipal partners in the field test, the City of Nanaimo and the Town of Qualicum Beach will be preparing separate reports to their councils to obtain approval to add food waste collection to their respective programs as well as to continue food waste collection on their field test routes.

RECOMMENDATION

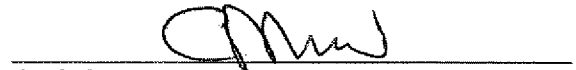
1. That the Board approves the addition of food waste to the upcoming tender for the RDN Garbage Collection & Recycling Service and continue the collection of food waste on Route 52 in Electoral Area A.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS: