COMMITTEE OF THE WHOLE TUESDAY, NOVEMBER 4, 2008 7:00 PM

(RDN Board Chambers)

AGENDA

PAGES	
	CALL TO ORDER
	DELEGATIONS
	MINUTES
3-6	Minutes of the regular Committee of the Whole meeting held October 14, 2008.
	BUSINESS ARISING FROM THE MINUTES
	COMMUNICATIONS/CORRESPONDENCE
	FINANCE AND INFORMATION SERVICES
	FINANCE
7-10	Community Parks Reserve Fund Establishment Bylaws No. 1558 & 1559.
11-18	Barclay Crescent Sewer Service Area Development Cost Charges Bylaw No. 1557.
	DEVELOPMENT SERVICES
	BUILDING & BYLAW
19-20	Zoning Contravention & Notice of Building Bylaw Contravention – 3606 Allsop Road – Area 'C'.
	Delegations wishing to speak to Notice of Building Bylaw Contravention at 3606 Allsop Road – Area 'C'.
	ENVIRONMENTAL SERVICES
	LIQUID WASTE
21-22	Liquid Waste Department Open Houses Summary.

TRANSPORTATION AND SOLID WASTE SERVICES

SOLID WASTE

23-27 Multi-Family Housing Recycling Program Options.

COMMISSION, ADVISORY & SELECT COMMITTEE

Regional Liquid Waste Advisory Committee.

28-30 Minutes of the Regional Liquid Waste Advisory Committee meeting held October 2, 2008. (for information)

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

BOARD INFORMATION (Separate enclosure on blue paper)

ADJOURNMENT

IN CAMERA

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON TUESDAY, OCTOBER 14, 2008 AT 7:00 PM IN THE RDN BOARD CHAMBERS

Present:

Director J. Stanhope
Director J. Burnett
Director B. Sperling
Director M. Young
Director G. Holme

Chairperson
Electoral Area A
Electoral Area B
Electoral Area C
Electoral Area E

Alternate

Director D. Niwa Electoral Area F
Director D. Bartram Electoral Area H
Director S. Herle City of Parksville

Director T. Westbroek Town of Qualicum Beach Director C. Haime District of Lantzville Director M. Unger City of Nanaimo Director G. Korpan City of Nanaimo Director B. Holdom City of Nanaimo Director L. McNabb City of Nanaimo Director D. Brennan City of Nanaimo City of Nanaimo Director J. Manhas Director B. Bestwick 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 Gen. Mgr. of Transportation & Solid Waste 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 Director Niwa to the meeting.

MINUTES

MOVED Director McNabb, SECONDED Director Holme, that the minutes of the Committee of the Whole meeting held September 9, 2008 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Al Tully, Oceanside Tourism Association, re Eligible Entity Status Application.

MOVED Director Holme, SECONDED Director Bestwick, that the correspondence from Oceanside Tourism Association regarding their Eligible Entity Status application as it relates to the service agreement between the Regional District of Nanaimo and the Oceanside Tourism Association, be received.

CARRIED

CORPORATE ADMINISTRATION SERVICES

ADMINISTRATION

Port Theatre Society Agreement.

MOVED Director Burnett, SECONDED Director McNabb, that the Board authorize entering into a three year agreement with The Port Theatre Society for a term ending December 31, 2011.

CARRIED

DEVELOPMENT SERVICES

BUILDING & BYLAW

Unsightly Premises – 1449 Moby Dicks Way – Area 'B'.

MOVED Director Sperling, SECONDED Director Korpan, that should this matter not be rectified by October 28, 2008, pursuant to "Unsightly Premises Regulatory Bylaw No. 1073, 1996", the Board directs the owner to remove from the premises those items as set out in the attached Resolution within fourteen (14) days, or the work will be undertaken by the Regional District of Nanaimo's agents at the owner's cost.

CARRIED

Electoral Area 'G' Noise Control - Reserve Fund Expenditure.

MOVED Director Westbroek, SECONDED Director Bartram, that \$4,120 be authorized for the payment of legal fees from the Electoral Area 'G' Noise Control Reserve Fund.

CARRIED

TRANSPORTATION AND SOLID WASTE SERVICES

SOLID WASTE

Electoral Area 'H' Pilot Yard Waste Program.

MOVED Director Bartram, SECONDED Director Holdom, that staff implement a pilot program for a yard waste drop-off in Electoral Area 'H'.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Herle, that the minutes of the District 69 Recreation Commission meeting held September 18, 2008 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Herle, that a letter of thanks be sent to the Rotary Club of Qualicum Beach in regards to their successful Rotary District 5020 Annual Conference held at Oceanside Place, and for returning the funds from the District 69 Recreation Community Grants program.

CARRIED

Electoral Area 'A' Parks and Green Space Advisory Committee.

MOVED Director Burnett, SECONDED Director McNabb, that the minutes of the Electoral Area 'A' Parks and Green Space Advisory Committee meeting held September 18, 2008 be received for information.

CARRIED

MOVED Director Burnett, SECONDED Director McNabb, that the "Electoral Area 'A' Community Parks Local Service Amendment Bylaw No. 798.06, 2008", be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Burnett, SECONDED Director McNabb, that the Regional Board direct staff to determine if the "Electoral Area 'A' Recreation and Culture Service Bylaw No. 1467, 2005" can be amended to permit financial support for operations and improvements to facilities owned and operated by incorporated non-profit organizations.

CARRIED

Grants-in-Aid Advisory Committee.

MOVED Director Young, SECONDED Director Bartram, that the minutes of the Grants-in-Aid Advisory Committee meeting held October 7, 2008 be received for information.

CARRIED

District 68:

MOVED Director Young, SECONDED Director Bartram, that the following District 68 Grants-in-Aid be approved:

Name of Organization	Amount Recommended
Poetry Gabriola Society	\$ 600 CARRIED

MOVED Director Young, SECONDED Director Bartram, that the following District 69 Grants-in-Aid be approved:

Name of Organization	Amount Recommended
Errington War Memorial Hall Association	\$ 1,500
Nanoose Bay Catspan	\$ 2,355
North Island Wildlife Recovery Association	\$ 605
Vancouver Island Opera	\$ 800

MOVED Director Westbroek, SECONDED Director Brennan, that the motion be amended to increase the grants-in-aid to the Vancouver Island Opera to \$1,000.

CARRIED

The question was called on the main motion as amended.

The motion CARRIED.

MOVED Director Young, SECONDED Director Westbroek, that the general grant-in-aid funding amount of \$14,960 annually in District 69 only allows the Committee to provide approximately 50% of the requested funding to organizations in the area, therefore as per Policy No. A1.28, the Grants-in-Aid Committee requests that the RDN Board of Directors consider increasing the general grant-in-aid funding in District 69 to \$18,000 annually.

CARRIED

Regional Liquid Waste Advisory Committee.

MOVED Director Holme, SECONDED Director Manhas, that the minutes of the Regional Liquid Waste Advisory Committee meetings held June 5, 2008 and September 4, 2008 be received for information.

CARRIED

Regional Hospital District Select Committee.

MOVED Director Westbroek, SECONDED Director Unger, that the minutes of the Regional Hospital District Select Committee meeting held September 15, 2008 be received for information.

CARRIED

MOVED Director Westbroek, SECONDED Director Bartram, that staff arrange a meeting with the Vancouver Island Health Authority to review their capital plans.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Oceanside Tourism Association - Eligible Entity Status Application.

MOVED Director Holme, SECONDED Director Westbroek, that a letter be sent to the Oceanside Tourism Association, providing a six-month extension to the service agreement between OTA and the Regional District of Nanaimo.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:12 PM

CHAIRPERSON



	REPORT				
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MEMORANDUM

TO:

N. Avery

___DATE

October 15, 2008

General Manager, Finance & Information Services

FROM:

W. Thexton

FILE:

Manager, Budgets & Capital Planning

SUBJECT:

Reserve Fund Bylaw Approvals - Bylaws 1558 to 1559

PURPOSE:

To introduce for three readings and adoption the following reserve fund establishing bylaws:

- Electoral Area 'C' (defined Area 'D') Community Parks Reserve Fund Establishment Bylaw No. 1558, 2008.
- Electoral Area 'H' Community Parks Reserve Fund Establishment Bylaw No. 1559, 2008.

BACKGROUND:

The 2008 approved budget includes several 'transfers to reserves' amounts for various functions. It is necessary to first establish the reserve funds for two of these functions before these transfers can be made.

The purpose of the proposed reserve funds are as follows:

- 1. Electoral Area 'C' (defined Area 'D') Community Parks (Bylaw 1558) to set aside funds for the acquisition of or major improvements to community parks within Electoral Area 'D';
- 2. Electoral Area 'H' Community Parks (Bylaw 1559) to set aside funds for the acquisition of or major improvements to community parks within Electoral Area 'H'.

ALTERNATIVES:

- 1. Approve the bylaws as presented.
- 2. Do not approve the bylaws.

FINANCIAL IMPLICATIONS:

Alternative 1:

If the bylaws are adopted, the following initial amounts will be transferred to the proposed Reserve Funds as approved in the 2008 financial budget:

Electoral Area 'C' (defined Area 'D') Community Parks \$ 10,000 Electoral Area 'H' Community Parks \$ 10,000

Total transfers to new reserves \$ 20,000

These and future year contributions to these reserves will be available to fund costs related to the purposes for which they were established.

Alternative 2:

If these bylaws are not approved, any related significant future expenditures will need to be fully accommodated within the annual operating budget of these functions in the year incurred.

SUMMARY/CONCLUSIONS:

A number of 'transfer to reserves' amounts are contained in the approved 2008 budget. Bylaw Nos. 1558 to 1559 establish the associated reserve funds. Staff recommend adopting the bylaws as presented.

RECOMMENDATION:

- 1. That "Electoral Area 'C' (defined Area 'D') Community Parks Reserve Fund Establishment Bylaw No. 1558, 2008" be introduced for first three readings.
- 2. That "Electoral Area 'C' (defined Area 'D') Community Parks Reserve Fund Establishment Bylaw No. 1558, 2008", having received three readings, be adopted.
- That "Electoral Area 'H' Community Parks Reserve Fund Establishment Bylaw No. 1559, 2008" be introduced for first three readings.
- 4. That "Electoral Area 'H' Community Parks Reserve Fund Establishment Bylaw No. 1559, 2008", having received three readings, be adopted.

Report Writer

C.A.O. Concurrence

General Manager Concurrence

BYLAW NO. 1558

A BYLAW TO ESTABLISH A RESERVE FUND FOR THE ELECTORAL AREA 'C' (DEFINED AREA 'D') COMMUNITY PARKS LOCAL SERVICE

WHEREAS Section 814(3) of the *Local Government Act* authorizes a Board to establish by bylaw a reserve fund for a specified purpose;

AND WHEREAS it is considered desirable to establish a reserve fund to provide for costs related to purchasing and improving community parks;

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

- 1. There is hereby established a reserve fund, pursuant to Section 814(3) of the *Local Government Act*, to be known as the "Electoral Area 'C' (defined Area 'D') Community Parks Reserve Fund".
- 2. Money from the current revenue of the Electoral Area 'C' (defined Area 'D') Community Parks Service, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may from time to time be paid into the reserve fund.
- 3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
- 4. Money in the reserve fund shall be used for acquisition of or improvements to community parks within Electoral Area 'C' (defined Area 'D').
- 5. This bylaw may be cited as the "Electoral Area 'C' (defined Area 'D') Community Parks Reserve Fund Bylaw No. 1558, 2008".

Introduced	and	read	three	times	this	25th	day	of	Nove	ember,	2008.

Adopted this 25th day of November, 2008.

CHAIRPERSON	SR. MGR., CORPORATE ADMINISTRATION

BYLAW NO. 1559

A BYLAW TO ESTABLISH A RESERVE FUND FOR THE COMMUNITY PARKS (ELECTORAL AREA 'H') SERVICE

WHEREAS Section 814(3) of the *Local Government Act* authorizes a Board to establish by bylaw a reserve fund for a specified purpose;

AND WHEREAS it is considered desirable to establish a reserve fund to provide for costs related to purchasing and improving community parks;

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

- 1. There is hereby established a reserve fund, pursuant to Section 814(3) of the *Local Government Act*, to be known as the "Electoral Area 'H' Community Parks Reserve Fund".
- 2. Money from the current revenue of the Electoral Area 'H' Community Parks Service, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may from time to time be paid into the reserve fund.
- 3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
- 4. Money in the reserve fund shall be used for acquisition of or improvements to community parks within Electoral Area 'H'.
- 5. This bylaw may be cited as the "Electoral Area 'H' Community Parks Reserve Fund Bylaw No. 1559, 2008".

Introduced and read three times this 25th day of	of November, 2008.
Adopted this 25th day of November, 2008.	
CHAIRPERSON	SR. MGR., CORPORATE ADMINISTRATION



MEMORANDUM

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TO:

Nancy Avery

DATE:

October 16, 2008

General Manager of Finance &Information Services

FROM:

Wayne Thexton

FILE:

Manager, Budgets & Capital Planning

SUBJECT:

Barclay Crescent Sewer Service Area Development Cost Charges

PURPOSE

To introduce for first and second reading, "Barclay Crescent Sewer Service Area Development Cost Charges Bylaw No. 1557, 2008".

BACKGROUND

The construction of the Barclay Crescent sewer collection system was completed in 2007. It was designed to serve approximately 235 existing properties. Further lots can and are expected to be created over time which will require additional pumping and pipe capacity. Staff has determined that there are potentially 164 additional lots that can be created in the service area. It is anticipated that, at a rate of 4 to 5 new lots/dwellings per year, two upgrades will be required within the next 20 years. A development cost charge is warranted to account for the future capacity requirements.

Local governments are required to carry out a public consultation process to inform the development industry and other interested parties with respect to how development cost charges have been established. A meeting will be held at the St Columba Hall in French Creek on a date to be set after the bylaw receives second reading. Feedback will be gathered and if necessary the DCC bylaw will be amended and returned to the Board for third reading, as amended, at the next available Board meeting.

ALTERNATIVES

- 1. Give the DCC bylaw as appended to this report first and second reading.
- Defer consideration of this bylaw to a later date. 2.

FINANCIAL IMPLICATIONS

Alternative 1

The costs forecast within the next twenty years amount to \$120,000. Staff estimate 118 lots and 5,000 square meters of commercial space are likely in that time period.

The DCC rates calculated are:

Residential use

\$ 1,059,16

per unit/lot

Commercial use

4.77

per sq. mtr

Barclay Crescent Sewer Development Cost Charges Bylaw 1557, 2008

The Barclay Crescent neighborhood is zoned primarily for residential use. The bylaw would apply the residential rate to multi-residential developments with two or more units including mobile home parks and assisted care institutional uses. It is not possible to establish alternate rates for these uses at this time because land would have to be rezoned to undertake this type of development. The likelihood of rezoning is low and staff recommend the rates as presented.

Alternative 2

The anticipated increase in properties connected to the Barclay Crescent Sewer system cannot be accommodated without periodic expansion of the system. If the DCC charges are not implemented, existing users would need to borrow to fund the capital improvements or development would be curtailed and frustrate owners who have the possibility of further subdividing their properties.

SUSTAINABLITY IMPLICATIONS

The environmental concerns in this area have been dealt with by the construction of a sewer collection system. A development cost charge bylaw in this case will reduce the likelihood that too many lots are created before the collection system is expanded in an orderly fashion.

SUMMARY/CONCLUSIONS

Staff are introducing a development cost charge bylaw for the Barclay Crescent Sewer Service Area. The charges are intended to address upgrades and expansion to the sewer collector system, which can be estimated based on the ability to subdivide property serviced by a community sewer system.

Following first and second reading, a meeting with the local construction industry and other interested parties will be held on a date to be specified at St Columba Hall in French Creek.

RECOMMENDATION

That "Barclay Crescent Sewer Service Area Development Cost Charges Bylaw No. 1557, 2008" be introduced for first and second readings and be sent forward for public consultation.

Report Writer > 0

General Manager Concurrence

CAO Concurrence

COMMENTS:

BYLAW NO. 1557

A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES WITHIN THE BARCLAY CRESCENT 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 sole purpose of providing funds to assist the Regional District to pay the capital cost of providing, constructing, altering or expanding sewage facilities 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 Barclay Crescent 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:

1. INTERPRETATION

In this bylaw:

"Airport Industrial Use" means any building constructed on airport lands for airport purposes,

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

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

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

"DCC" means a development cost charge.

"Dwelling Unit" means one self-contained unit with a separate entrance intended for year-round occupancy and the principal use of such dwelling unit is residential, with complete living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation, but does not include a secondary suite as defined in the British Columbia Building Code.

"Gross Floor Area" means the total of the horizontal areas of all floors in a building, including the basement measured to the outside of the exterior walls of the building, but not including any floor area used exclusively for vehicle parking or vehicle access, any basement area where the ceiling is less than 1.8 metres above the floor, exits, vertical service spaces, and their enclosing assemblies.

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

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

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

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

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

"Vertical Service Space" means a shaft oriented essentially vertically that is provided in a building to facilitate the installation of building services including mechanical, electrical and plumbing installations and facilities such as elevators, refuse chutes and linen chutes.

2. CHARGES

- a) 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

- a building permit authorizing the construction, alteration or extension of a building or structure, including a building containing less than four selfcontained dwelling units; and
- for the purposes of Section 2(a)(ii), a building permit shall be considered to have a construction value in excess of \$50,000.00 where the value of construction proposed in respect of the parcel in the permit application under consideration, combined with building permits issued for the same parcel of land within the preceding two years, exceeds \$50,000.00;

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

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

3. EXCEPTIONS

- a) Section 2 does not apply to a subdivision or building in respect of which the imposition of a development cost charge is prohibited by statute.
- b) 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.
- c) Section 2 does not apply to the first self-contained residential unit constructed on a lot but applies to all subsequent residential units constructed.

4. GRACE PERIOD

The effective date of the rates contained within this bylaw will be 30 calendar days after the date of adoption.

5. 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.

6. TITLE

This bylaw may be cited for all purposes as "Barclay Crescent Sewer Service Area Development Cost Charges Bylaw No. 1557, 2008".

Introduced and given first and second readings this 2	6th day of August, 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	_ NC

Schedule 'A	' to	accompany	/ "Ba	rclay
Crescent Sev	ver Serv	ice Develo	pment	Cost
Charges Byla	w No. 1:	557, 2008"	•	
Chairperson				
Sr. Mgr., Cor	porate A	dministrati	on	

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 outlined on the map attached hereto as Schedule 'B'.
- 2. The assist factor for sewerage collection 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:

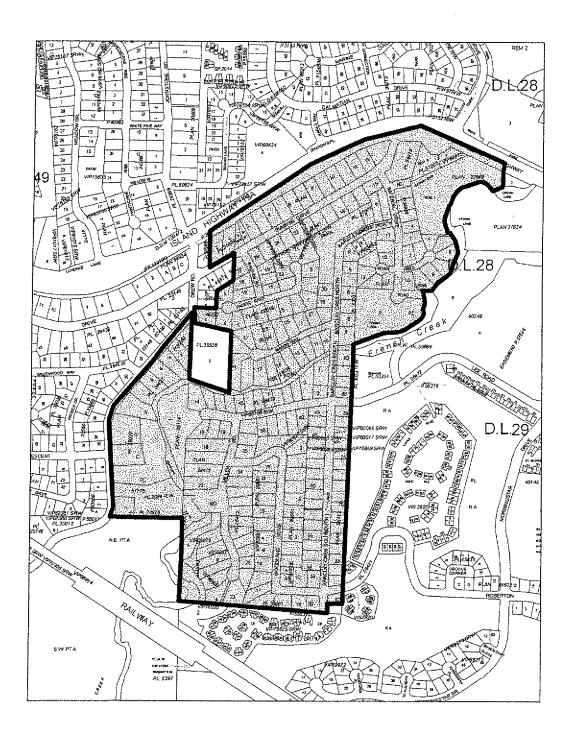
Category	Subdivision	Building Permit
Single Family	\$2,361.40 per lot being created	
Commercial		\$10.43 per square meter of building gross floor area

Schedule 'B' to accompany "Barclay Crescent Sewer Service Development Cost Charges Bylaw No. 1557, 2008"

merson

Sr. Mgr., Corporate Administration

SCHEDULE 'B'





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MEMORANDUM

TO:

Tom Armet

DATE:

October 23, 2008

Manager, Building and Bylaw Services

FROM:

Jerry Schaefer

FILE:

254C08

Jenry Schaefer

Building/Bylaw Compliance Officer

SUBJECT:

3606 Allsop Road - Building and Zoning Bylaw Contraventions

PURPOSE

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

BACKGROUND

Property:

3606 Allsop Road - Electoral Area 'C'

Legal:

Lot 7, Section 18, Plan 34810, Mountain District

Owners:

The World of Pentecost Church (Inc. # S19571)

Zoning:

Public 1 (PU1)

On September 23, 2008 Regional District of Nanaimo (RDN) staff received a complaint that the owners of the subject property were performing major renovations/additions to a single family dwelling without a building permit. Staff inspected the property and confirmed that extensive alterations requiring a building permit were underway. A Stop Work Order was posted informing the owners to cease all construction until a building permit has been obtained. A subsequent site visit on September 30, 2008 revealed that construction was continuing contrary to the Stop Work Order. It was also noted that a recreational vehicle was permanently set up and occupied as a dwelling on the property in contravention of zoning regulations. The owner was directed to remove it. Further site visits confirmed the owner ignored previous staff direction and continues to work on the building. To date, a permit application has not been made. Staff attempts to resolve the contraventions are as follows:

- Stop Work Order was posted at the subject property on September 23, 2008
- On September 24, 2008 a letter was sent to the property owner instructing him to make a building permit application within seven days. The owner failed to do so.
- On September 30, 2008 staff received a further complaint that construction had not ceased. A follow-up inspection confirmed the work was continuing.
- On October 9 and October 23, 2008 staff re-inspected the property and noted that construction had not ceased and was continuing in contravention of the Stop Work Order.
- Staff had a number of conversations with the owner/builder regarding the requirement to cease construction and apply for a building permit and remove the recreational vehicle.

ALTERNATIVES

- That a Notice of Bylaw Contravention be registered on the title of the subject 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" and "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."
- 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.

FINANCIAL IMPLICATIONS

Estimated cost of legal action is approximately \$4,000, including disbursements.

SUMMARY

Staff received a complaint that an extensive single-family dwelling renovation project was underway without a building permit. A Stop Work Order was posted and the owner was instructed to make a building permit application within seven days. The owner failed to make an application as directed. Subsequent staff inspections confirmed the construction was continuing despite the Stop Work Order and several warnings from staff. Additionally, a recreational vehicle was permanently set up on the property and occupied as a dwelling contrary to zoning regulations. In view of the owner's refusal to comply with Regional District regulations, staff are recommending that legal action be taken, if necessary, to resolve these building and zoning bylaw contraventions.

RECOMMENDATION

That staff be directed to register a Notice on title pursuant to Section 57 Community Charter and that legal action be taken, if necessary to ensure that Lot 7, Section 18, Range 3, Plan 34810, Mountain District is in compliance with the "Regional District of Nanaimo Building Regulations & Fees Bylaw 1250, 2001" and "Regional District of Nanaimo Land Use and Subdivision Bylan Na. 500, 1987."

Report Writer

Manager Concurrence

CAO Concurrence

General Manager



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MEMORANDUM

TO:

Sean De Pol

DATE:

October 22, 2008

Manager of Liquid Waste

FROM:

Ellen Hausman

FILE:

5340-01

Environmental Technician

SUBJECT: Liquid Waste Department Open House Summary

PURPOSE

To provide summaries for the French Creek Pollution Control Centre Open House on October 4th 2008, and the Greater Nanaimo Pollution Control Centre Open House on October 18th, 2008.

BACKGROUND

The Regional District of Nanaimo's (RDN) Liquid Waste Department (LWD) recently held two Open House events, one at the French Creek Pollution Control Centre (FCPCC) and the second at the Greater Nanaimo Pollution Control Centre (GNPCC). The events were organized to allow residents an opportunity to tour the treatment plant facilities, and receive information on the operation of the treatment plants as well as planned improvements and upgrades. The public's role in preventing harmful substances from entering the sewage system (source control) was also addressed and free toilet watersavers (a device to reduce water usage in toilets) were made available.

Several groups were invited to participate in the events. These included Vancouver Island University, with an informative presentation featuring the use of biosolids from FCPCC and GNPCC in their forestry fertilization project. Georgia Strait Alliance featured a presentation focused on source control and other initiatives to protect the health and safety of our natural environment. The Green Store, a locally owned business providing environmentally friendly products, presented a source control display at the GNPCC Open House.

The RDN also used the open houses as an opportunity to introduce the LWD's newly developed SepticSmart program, and to educate and garner interest in the Liquid Waste Management Plan (LWMP), currently under review. In addition, the Watersmart program was presented to provide guests with information on water protection and conservation.

The FCPCC Open House was held on Saturday October 4th, 2008 and attracted a total of 45 people. The GNPCC Open House held on Saturday October 18th, 2008, attracted 122 people. Guests were given a comprehensive tour of the plant, followed by an opportunity to peruse display material and forward their questions and concerns to staff.

Guests at both events were encouraged to complete a survey covering a range of questions on the overall wastewater service provided by the LWD, as well as focused questions on source control education and the LWMP review.

Most people indicated limited knowledge of wastewater and the treatment plant process prior to attending the events. They agreed that the RDN's Liquid Waste Department had done a good job in managing tax dollars and providing a reliable, valuable service.

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All respondents generally agreed there should be more source control education, and favoured education and enforcement for prevention of pollution over increased spending on expansion and chemical/energy use. Several people also recognized the importance of educating children, which the LWD will continue to focus on at future open houses.

As with previous years, most survey respondents listed odour issues and pollution of the environment as their biggest concerns with wastewater treatment. Overall comments from both survey respondents and other guests at the event were very favourable. People found the event to be very informative, interesting, professional and well organized.

FINANCIAL IMPLICATIONS

The cost of putting on each event was approximately \$1,600 plus staffing.

SUMMARY/CONCLUSIONS

The Regional District of Nanaimo's Liquid Waste Department recently held their annual Open House events at the French Creek Pollution Control Centre on the 4th of October and the Greater Nanaimo Pollution Control Centre on the 18th of October.

Both events were well attended; 45 people at the FCPCC event and 122 people at the GNPCC event. Guests completed surveys covering a range of questions on the overall wastewater service provided by the Liquid Waste Department. Survey results will be presented at the Nov 6th Liquid Waste Advisory Committee meeting.

RECOMMENDATION

That the Board receive the staff report on the Liquid Waste Department's French Creek Pollution Control Centre and Greater Nanaimo Pollution Control Centre 2008 Open Houses for information.

Report Writer

COMMENTS:

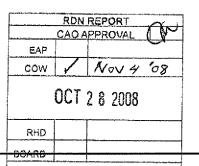
General Manager Concurrence

Manager Concurrence

CAO Concurrence

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MEMORANDUM

TO:

Carey McIver

DATE:

October 24, 2008

Manager Solid Waste

FROM:

Sharon Horsburgh

FILE:

5365-00

Senior Zero Waste Coordinator

SUBJECT:

Multi-Family Housing Recycling Program Options

PURPOSE

To identify options to provide recycling services to the multi-family housing sector.

BACKGROUND

One of the key actions in the 2008 Business Plan for the solid waste management function is to investigate program options to improve and/or provide for recycling services in multi-family buildings.

Residential Housing Sector

The residential housing sector, which generates about 45% of the solid waste going to landfill in the RDN, consists of the following types of housing: single family housing which includes single family detached homes, duplexes and fourplexs (69%) and multi-family housing consisting of ground-oriented townhouses (17%) as well as multi-level apartments (14%). Table 1 illustrates the regional distribution of residential housing units by these three housing types.

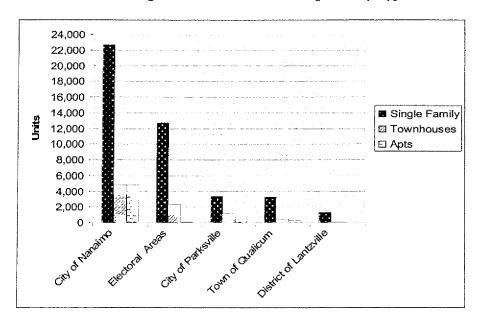


Table 1: Regional Distribution of Housing Units by Type

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As indicated in Table 1, 57 percent of the total housing stock is located within the City of Nanaimo, with the remainder distributed as follows; 22 percent in the Electoral Areas, 11 percent in the City of Parksville, 8 percent in the Town of Qualicum Beach, and 2 percent in the District of Lantzville.

Current Recycling Regulations

To meet our waste diversion targets, RDN Solid Waste Management Regulation Bylaw 1531 prohibits the disposal of certain recyclable materials at RDN disposal facilities. Recyclable materials banned from disposal include: drywall (1991); corrugated cardboard (1993); recyclable paper, metal, tires (1997); commercial organic waste (2005); garden waste, clean wood waste and stewardship materials (2007). Although banned from disposal, these materials are still accepted at RDN disposal sites for transfer to licensed recycling facilities.

Material bans are enforced through a collaborative approach between the RDN, the hauler and the generator. Staff at regional disposal facilities inspects loads at the transfer station and at the landfill to provide enforcement for the disposal bans. Haulers that dispose of banned materials at RDN disposal facilities are assessed a 100 percent surcharge on the entire load. Violation notices are forwarded to the Zero Waste Compliance Officer who contacts the hauler responsible for the violation to determine if any follow-up education is required with their customers (generator) to ensure compliance.

Current Recycling Services

61.345

Total

44.854

Within the residential housing sector, garbage and recycling collection services to single family dwelling units are provided by the public sector while service delivery to the multi-family sector is primarily by the private sector. Table 2 provides an overview of garbage and recycling collection services in the City of Nanaimo (CON); Electoral Areas (EA's), City of Parksville (COP), Town of Qualicum Beach (TQB) and District of Lantzville (DOL) by housing sector and service provider.

Area Total Single Family **Townhouses Apartments** Units Garbage Units Units Units Recycling Garbage Recycling Garbage Recycling CON 35,145 24,153 CON CON 6.234 4,758 Private Private Private Private EA's 15,635 12,683 RDN 2.903 RDN RDN **RDN** 49 Private Private COP 5,162 3,347 RDN RDN 1,147 RDN **RDN** 668 Private Private TQB 3.965 3,317 TOB RDN 431 TQB **RDN** 217 Private Private DOL 1,438 1,354 DOL RDN 84 DOL RDN 0 N/A N/A

Table 2: Garbage & Recycling Service Delivery by Housing Sector & Service Provider

As indicated in Table 2, the City of Nanaimo provides garbage collection and recycling services to single family households within its municipal boundaries but not to multi-family townhomes and apartments. This service is currently provided by the private sector. The RDN provides garbage collection and recycling services to single family households in the Electoral Areas and the City of Parksville as well as recycling services only in the Town of Qualicum Beach and the District of Lantzville, who both provide their own garbage collection service to their residents.

10,799

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5.692

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However, with respect to ground-oriented townhomes and mobile home parks, unlike the City of Nanaimo, the RDN does provide service to this housing type. Under RDN Garbage and Recyclable Materials Collection Bylaw 1009, dwelling units located in a building or combination of buildings which comprises five or more dwelling units but does not include a resort, an apartment building or dwelling units in a multi-level entry building, are considered to be equivalent to single-family.

Consequently, of the 61,000 units that make up the residential housing stock in the RDN, roughly 49,000 units (80%) are provided with curbside recycling services by the public sector. The remaining 12,000 multi-family units, of which 10,000 units are within the City of Nanaimo, have two options for recycling. Most buildings have on-site collection provided by the private contractors and those that are not serviced have access to recycling depots at the Regional Landfill, Nanaimo Recycling Exchange, and the Church Road Transfer Station.

As discussed above, RDN Solid Waste Management Regulation Bylaw 1531 prohibits the disposal of certain recyclable materials at RDN disposal facilities. This has been one of the most effective policy mechanisms adopted to divert materials from the waste stream and meet the goals of the Zero Waste Plan. However, at present, only cardboard and recyclable paper is banned from disposal. According to interviews with private sector garbage and recycling companies in 2003, it was estimated that at least 75% of multi-family buildings in the RDN have some level of recycling service. However, although a few private haulers will collect plastics as well as metal food and beverage containers, most companies limit their service to cardboard and paper only.

While this limited level of service has been acceptable in the past, given the current and forecasted growth in townhouses and apartments, more residents will be expecting the same level of service that they received in their single-family dwellings. Consequently the current level of service must be expanded and improved to meet the growing demands of this sector.

Program Delivery Options

There are two main program delivery options available to provide for recycling services in the multifamily sector: regulatory (material bans) with delivery by the private sector or direct delivery by the public sector.

Option 1: Regulatory Approach - Expanded Material Bans

Jurisdictions such as the RDN and the Cowichan Valley Regional District (CVRD), have adopted the regulatory approach by prohibiting materials from disposal. Under this option, RDN Solid Waste Management Regulation Bylaw 1531would be amended to add household plastic containers as well as glass and metal food and beverage containers to the list of materials prohibited from disposal. With these additions, the materials collected from multi-family dwelling units by the private sector would mirror the materials collected from single family dwelling units by the public sector.

As the private sector is the service provider in this alternative, the market will respond and pricing will be based on each building's desired level of service. Enforcement of the material bans will encourage the private sector to provide this service in order to reduce surcharges at the landfill. This regulatory approach would apply to multi-family dwellings region-wide, regardless of municipal boundaries.

Staff proposes to follow the same program delivery approach that was used successfully to implement the commercial food waste ban. Staff will create a database of multi-family properties in the RDN and then provide information and promotional materials to the building owners, property managers or strata

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councils. This information will consist of a guidebook and standardized posters. Staff will also consult with private haulers to ensure that they understand the regulations as well as the RDN role.

Option 2: Regional Collection Service

In the lower mainland, due to the high volume of townhouses and apartment buildings, and the lack of disposal bans, many municipalities provide mandatory multi-family recycling programs operated by the municipality and funded through taxes or utility billings. The Capital Regional District has adopted a variation in this approach by providing funding to apartment owners and managers to help pay for private collection services for recyclables. Funding for this program comes from tipping fees and the sale of recyclables.

Under this option, the RDN would need to establish a mandatory service to collect recyclables from townhouses and apartment buildings throughout the region. As the majority of the multi-family housing stock is within the City of Nanaimo, staff will need to consult with the City to determine whether an RDN operated service would be appropriate. The RDN would then issue a tender for collection services and contract costs would need to be recovered by user fees or taxes. If the service is recovered through user fees, a utility billing system will need to be developed to issue recycling levies to building owners, property management companies and strata councils.

ALTERNATIVES

- Amend Bylaw 1531 to add household plastic containers as well as glass and metal food and beverage containers to the list of materials prohibited from disposal at RDN solid waste management facilities.
- 2. Establish a regional public sector service to collect recyclables from the multi-family housing sector.

FINANCIAL IMPLICATIONS

Under Alternative 1, existing staff resources would be directed to stakeholder consultation, development of a database for information and promotional purposes, and preparation of promotion and educational materials. Based on successful implementation of the commercial food waste ban, staff estimates that the direct costs associated with promotion and education materials will not exceed \$25,000.

Under Alternative 2, based on similar programs, a region-wide collection service could cost from \$20 to \$30 per unit (\$250,000 to \$350,000 annually). This would include contract administration, overhead and billing costs as well as the costs involved in preparing a database for billing purposes.

PUBLIC RELATIONS IMPLICATIONS

There are no negative public relations implications associated with Alternative 1 which expands and improves the current regulatory approach. However, under Alternative 2, multi-family residents may already be contracting with private haulers for service. The RDN may be criticized by both residents and contractors for enforcing a service, which is available through the private sector. As there is some level of recycling activity in the multi-family sector that is performed by the private sector, an RDN mandatory program is not recommended as it may displace some businesses causing undue hardship as contracts may be nullified with the introduction of a mandatory collection system.

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ENVIRONMENTAL IMPLICATIONS

Under Alternative 1, expanded disposal bans, the amount of recyclables collected from the multi-family sector will be increased significantly. Although it is fair to say that Alternative 2 provides more certainty with respect to collection service, staff estimate that the increased volumes do not off-set the added administration costs.

SUMMARY

One of the most effective mechanisms to divert recyclable materials from the waste stream has been the introduction of landfill material bans. Recyclable materials banned from disposal include: drywall (1991); corrugated cardboard (1993); recyclable paper, metal, tires (1997); commercial organic waste (2005); garden waste, clean wood waste and stewardship materials (2007). Although banned from disposal, these materials are still accepted at RDN disposal sites for transfer to licensed recycling facilities. The private sector has responded to this regulatory approach by providing site specific programs to recycle cardboard and paper from multi-family buildings and businesses region-wide.

While this limited level of service has been acceptable in the past, given the current and forecasted growth in townhouses and apartments, more residents will be expecting the same level of service that they received in their single-family dwellings. Consequently the current level of service must be expanded and improved to meet the growing demands of this sector.

There are two main program delivery options available to provide for recycling services in the multi-family sector: regulatory (material bans) with delivery by the private sector or direct delivery by the public sector. Given the costs and challenges involved in introducing a compulsory public sector collection program which could impact existing collection contracts already established between private haulers and strata councils, property managers and individual property owners, staff recommend that the Board maintain the current regulatory approach supporting private sector delivery of recycling services to the multi-family housing sector by expanding material disposal bans.

RECOMMENDATION

That staff be directed to amend Bylaw 1531 to add household plastic containers as well as glass and metal food and beverage containers to the list of materials prohibited from disposal at RDN solid waste management facilities.

Report Writer

General Manager Concurrence

Manager Concurrence

CAO Concurrence

COMMENTS:

MINUTES OF THE LIQUID WASTE ADVISORY COMMITTEE LIQUID WASTE MANAGEMENT PLAN REVIEW HELD ON THURSDAY, OCTOBER 2, 2008 AT OLIVER WOODS COMMUNITY CENTRE

Present:

George Holme Meeting Chair, Director Electoral Area 'E'
Joe Burnett Director Electoral Area 'A'
Sandy Herle Director (Parksville)
Merv Unger Director (Nanaimo)
Kirsten White Ministry of Environment
Blake Medlar Ministry of Environment

Gary Anderson Vancouver Island Health Authority

Fred Spears District of Lantzville
Gary O'Rourke City of Parksville

Bob Weir Town of Qualicum Beach
Gary Tuyls Public Representative (North)
Frank Van Eynde Public Representative (North)
Douglas Anderson Public Representative (South)
Michelle Jones Business Representative (North)

Christianne Wilhelmson Environment Representative

Also in attendance:

John Finnie General Manager, Environmental Services, RDN Manager of Liquid Waste, RDN Sean De Pol Lindsay Dalton Liquid Waste Coordinator, RDN Nadine Schwager Liquid Waste Coordinator, RDN Environmental Technician, RDN Ellen Hausman Special Projects Assistant, RDN Sara Ellis Associated Engineering (BC) Ltd. David Forgie Associated Engineering (BC) Ltd. Kelly Bush Bev Farkas Recording Secretary, RDN

Absent:

John Elliot City of Nanaimo
James Wesley Snuneymuxw First Nation
Julia Brydon Environment Canada

Phair Nicks James Representation (South

Blair Nicholson Business Representative (South)

Note: Action items in minutes are italicized.

CALL TO ORDER

Director Holme called the meeting to order at 12:25 p.m.

APPROVAL OF AGENDA

MOVED Frank Van Eynde, SECONDED Joe Burnett, that the agenda be approved.

CARRIED

MINUTES

MOVED Merv Unger, SECONDED Frank Van Eynde, that the minutes of Regional Liquid Waste Advisory Committee regular meeting of June 5, 2008 be adopted as amended.

CARRIED

MOVED Merv Unger, SECONDED Joe Burnett, that the minutes of Regional Liquid Waste Advisory Committee regular meeting of September 4, 2008 be adopted.

CARRIED

UPDATE AND OVERVIEW

Sean De Pol presented an update and overview of progress to date. Programs will be implemented after the LWMP review is submitted for approval at the end of summer 2009.

Blake Medlar confirmed that the LWMP review will be submitted to the Minister and not to the local Ministry office.

Sean De Pol added that there are several additional discussion papers in the works: cost estimates, integrated resource management (organic and sewer sludge with solid waste).

DISCUSSION PAPER - SOURCE CONTROL

Lindsay Dalton presented the Discussion Paper on Source Control and asked the committee to consider the overall question "what improvements, if any, should be made to the RDN's source control program?" The committee discussed the following points:

- Develop education programs in support of RDN sewer use bylaw #1225.
- No access to enforcement should Bylaw 1225 be included in the municipal ticketing bylaw?
- Important to minimize consumer fatigue relative to conservation messages work with others; professionals, teachers, community groups.
- Education is a factor with non-compliance.
- Non-compliance is more effectively handled by bylaw enforcement than by LW staff.
- Enforcement should be last resort it is expensive and time consuming. We have the ability to draw on bylaw enforcement if needed, it is more important to rely on education.
- S. De Pol to formalize access to bylaw enforcement.
- User fees and applications fees for discharging are an option to consider.
- N. Schwager and L. Dalton will review the bylaw (there have only been 4 permits issued this year).
- Term "compliance" more appropriate than "enforcement". Enforcement is only one component of compliance; other components are promotion, education and verification.
- ◆ Codes of Practice for industries are a very important tool allow you to target industries that can cause the most harm; Codes of Practice have not been developed as the budget and staff have not been available.
- The 1997 LWMP requested a review of Codes of Practice; 2 studies were done and an inventory obtained; L. Dalton will review this and bring back information to the Committee.
- Staffing and resources must be approved by Board if Codes of Practice to be developed.

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- ◆ Abbotsford finances the monitoring of source control by charging per BOD, etc. with composite samplers paid for by dischargers.
- Continue to share knowledge with municipal partners; what are our concerns? What are the concerns of our municipal partners?
- Consider other partnerships as well; modules are out there for education and information.
- Chemicals in pharmaceuticals and cosmetics are showing up as a problem in the liquid waste stream.
- Will the source control program be reviewed on a regular basis? Will there be objectives, measures and target dates to see efficiency?

SEPTIC EDUCATION UPDATE

Sara Ellis thanked the Committee for their comments regarding the Septic Education kits that were previously handed out. The kits will be available at upcoming Open Houses to be held at FCPCC and GNPCC on October 4 and 18 respectively. There will also be workshops presented in late 2008.

Douglas Anderson asked for a box of kits to give out and suggested they be handed out with all RDN building permits, occupancy permits and be promoted by the BC Onsite Wastewater Association who could forward the information to all designers and installers.

Lindsay Dalton informed the Committee that the Capital Regional District is focusing on mandatory servicing regulation and public education; they require proof that septic tanks are pumped out by 2010 or proof of maintenance of an on-site system. Sean De Pol responded that we will focus on septic education and see the results from the CRD's program. John Finnie noted the challenges with a mandatory servicing / pumpout, eg. Access to private property, etc.

DISCUSSION PAPER - FLOW & PLANT CAPACITIES

David Forgie and Kelly Bush of Associated Engineering (BC) Ltd. presented the discussion paper and discussion ensued regarding the future of plant capacities.

NEXT MEETING

Next meeting will be held Thursday, November 6, 2008 from 12:30-2:30 pm at Oliver Woods Community Centre.

ADJOURNMENT

Chairman Holme adjourned the meeting at 2:25 pm.