

REGIONAL DISTRICT OF NANAIMO

**SPECIAL BOARD MEETING
TUESDAY, JANUARY 13, 2009
(immediately following the Committee of the Whole)**

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

COMMUNICATIONS/CORRESPONDENCE

- 3 **Trudy Coates, Town of Qualicum Beach**, re Appointment to the District 69 Commission.
- 4 **Laurie Taylor, City of Parksville**, re Appointment to the District 69 Commission.
- 5 **Laurie Taylor, City of Parksville**, re Appointment to the Arrowsmith Water Service Management Committee.

UNFINISHED BUSINESS

BYLAWS

For Adoption.

Bylaw No. 1388.01 – Yellowpoint Waterloo Fire Protection Service Area Amendment. (All Directors – One Vote)

That “Yellowpoint Waterloo Fire Protection Service Area Amendment Bylaw No. 1388.01, 2008” be adopted.

This bylaw increases the maximum amount that may be requisitioned annually for the service.

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Selection Select Committee.

Selection Committee Appointments (verbal). (All Directors – One Vote)

ADMINISTRATOR'S REPORTS

- 6-9 Board Appointments to Standing, Select and Advisory Committees. (All Directors – One Vote)
- 10-16 Electoral Area 'A' Parks, Recreation and Culture Commission - Terms of Reference. (All Directors – One Vote)
- 17-19 Local *Motion* Grant Application. (All Directors – One Vote)
- 20-21 Towns for Tomorrow Infrastructure Grant Application. (All Directors – One Vote)
- 22-33 Reconsideration of Development Cost Charge Bylaws No. 1547 and No. 1442.02. (All Directors – One Vote)

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

BOARD INFORMATION (Separate enclosure on blue paper)

ADJOURNMENT

IN CAMERA

TOWN OF QUALICUM BEACH

201 - 666-0400, 50 St
P.O. Box 130
Qualicum Beach, BC
V9K 1S7

INCORPORATED 1997

Telephone: (250) 738-2202
Fax: (250) 738-2215
E-mail: info@qualicumbeach.com
Website: www.qualicumbeach.com

December 11, 2008

Emailed: tosborne@rdn.bc.ca
Tom Osborne, General Manager
District 69 Recreation Commission
830 West Island Highway
Parksville, BC
V9P 2X4

Dear Tom Osborne:

Town of Qualicum Beach Appointment to the District 69 Recreation Commission Council, at their Inaugural Council meeting held Monday, December 1, 2008 passed a motion to appoint to the District 69 Recreation Commission Councillor Jack Wilson as the Town of Qualicum Beach member and Councillor Kent Becker as his alternate.


We understand that your contact information and meeting schedule is as follows:

- Meetings: First meeting Jan. 22 @ 2:00 p.m. & subsequent meetings to be held 3rd Thursday of each month @ 2:00 p.m. @ Oceanside Place
- Contact: Tom Osborne, General Manager
- Email: tosborne@rdn.bc.ca
- Phone: 250.248.3252 (office)

Correspondence or agendas for the appointee should be forwarded to the Town's postal address or via each Councillor's e-mail address: jwilson@qualicumbeach.com and kbecker@qualicumbeach.com.

Please contact me at 250.738.2202 if any of the above information is incorrect or you require any additional information.

Yours truly,



Trudy Coates

Corporate Administrator

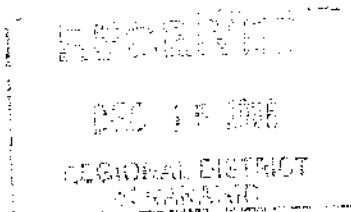
cc:

c. Councillor Wilson

c. Councillor Becker

N:\Letters\08\appointments council meeting Dec 1 08

File: 056020-D69RC



City of PARKSVILLE

PO Box 1390, 100 E. Jensen Avenue, Parksville, BC V9P 2H3
Telephone: (250) 248-6144 Fax: (250) 248-6650
www.parksville.ca

December 10, 2008

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

Dear Sir/Madam:

**2009 Council Appointments to the District #69 Recreation Commission
File No: 0400-50**

At the Inaugural meeting of Council held December 8, 2008, Councillor Teresa Patterson was appointed Council voting representative to the District #69 Recreations Commission for the year 2009.

Councillor Teresa Patterson
290 Banks Avenue E.
Parksville, BC V9P 1K5

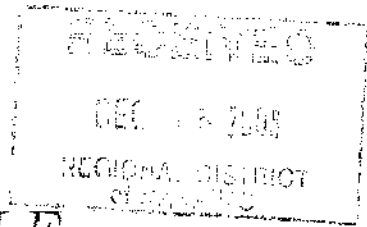
250-954-9488 (cell)
E-mail: tc.patterson@telus.net

On behalf of Council and the City, we wish your Commission much success in 2009.

Sincerely,

LAURIE TAYLOR
Director of Administrative Services

cc: Councillor Patterson



City of **PARKSVILLE**

PO Box 1390, 100 E. Jensen Avenue, Parksville, BC V9P 2H3
Telephone: (250) 248-6144 Fax: (250) 248-6650
www.parksville.ca

December 10, 2008

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

Dear Sir/Madam:

**2009 Council Voting Representative
Arrowsmith Water Service Management Committee
File No: 0400-50**

At the Inaugural meeting of Council held December 8, 2008, Councillor Marc Lefebvre was appointed Council voting representative to the Arrowsmith Water Service Management Committee for the year 2009.

Councillor Marc Lefebvre
#11 – 450 Bay Avenue
Parksville, BC V9P 2K2

250-248-2292 (home)
E-mail: janetmarc@shaw.ca

Sincerely,

LAURIE TAYLOR
Director of Administrative Services

cc: Councillor Lefebvre
Director of Engineering & Operations



RDN REPORT	
CAO APPROVAL	
EAP	
COW	
DEC 19 2008	
RND	
Special BOARD	✓ Jan 13 '09

MEMORANDUM

TO: Board of Directors **DATE:** December 19, 2008

FROM: Joe Stanhope/Larry McNabb
Chairperson/Deputy Chairperson

SUBJECT: Board Appointments to Standing, Select and Advisory Committees

PURPOSE

To advise the Board of Directors of the Chairperson’s Board Appointments to the Regional District of Nanaimo Standing, Select and Advisory Committees for 2009.

BACKGROUND

Pursuant to s.30 (4) and (5) of the “Board Procedure Bylaw No. 1512”, the Chairperson reviews the appointments of Board members to various Standing, Select and Advisory Committees annually. In consultation with the Deputy Chairperson, the attached list identifies the appointments of Board members to these Committees.

RECOMMENDATION

That the Board Appointments to the 2009 Regional District of Nanaimo Standing, Select and Advisory Committees be received for information.

J. Stanhope, Chairperson

L. McNabb, Deputy Chairperson

STANDING COMMITTEES:

ELECTORAL AREA PLANNING COMMITTEE

(Meet 2nd Tuesday of month 6:30 pm)
(Current & Long Range Planning)

D. Bartram (Chair)	G. Holme (Deputy)	J. Burnett
M. Young	L. Biggemann	J. Stanhope

COMMITTEE OF THE WHOLE

(Meet 2nd Tuesday of month 7:00 pm)
(Corporate & Community/Development/Environmental Services)

J. Stanhope (Chair)	L. McNabb (Deputy)	J. Burnett
G. Rudischer	M. Young	G. Holme
L. Biggemann	D. Bartram	E. Mayne
T. Westbroek	C. Haime	J. Ruttan
B. Bestwick	J. Kipp	D. Johnstone
B. Holdom	L. Sherry	

EXECUTIVE COMMITTEE

J. Stanhope (Chair)	L. McNabb (Deputy)
B. Bestwick	D. Bartram
G. Holme	T. Westbroek
L. Sherry	M. Young

SELECT COMMITTEES:

REGIONAL HOSPITAL DISTRICT SELECT COMMITTEE

T. Westbroek (Chair)	J. Stanhope
D. Johnstone	J. Burnett
E. Mayne	C. Haime
J. Kipp	

TRANSIT SELECT COMMITTEE

L. McNabb (Chair)	J. Stanhope
J. Burnett	T. Westbroek
D. Johnstone	E. Mayne
B. Holdom	B. Bestwick
G. Holme	C. Haime
M. Young	

D69 COMMUNITY JUSTICE SELECT COMMITTEE

L. Biggemann (Chair)	J. Stanhope
G. Holme	T. Westbroek
D. Bartram	E. Mayne

SUSTAINABILITY SELECT COMMITTEE

J. Stanhope (Chair)	T. Westbroek
J. Burnett	C. Haime
M. Young	B. Holdom
D. Bartram	J. Kipp
E. Mayne	

Electoral Area 'A' Parks & Open Space Advisory Committee

J. Burnett

Electoral Area 'B' Parks & Open Space Advisory Committee

G. Rudischer

East Wellington/Pleasant Valley Parks & Open Space Advisory Committee

M. Young

Nanoose Bay Parks & Open Space Advisory Committee

G. Holme

Electoral Area 'F' Parks & Open Space Advisory Committee

L. Biggemann

Electoral Area 'G' Parks & Open Space Advisory Committee

J. Stanhope

Electoral Area 'H' Parks & Open Space Advisory Committee

D. Bartram

Grants-in-Aid Advisory Committee

M. Young

Regional Solid Waste Advisory Committee

G. Holme (Chair)
L. Biggemann
L. Sherry
C. Haime

Regional Parks & Trails Advisory Committee

L. McNabb (Chair)
J. Stanhope
D. Bartram
M. Young
T. Westbroek

Regional Liquid Waste Advisory Committee

G. Holme (Chair)
J. Burnett
E. Mayne
B. Holdom

Agricultural Advisory Committee

J. Burnett
L. Biggemann
B. Holdom

Regional District of Nanaimo Board Appointments

	<i>Appointment</i>	<i>Alternate</i>
Arrowsmith Water Service Management Committee	J. Stanhope	G. Holme
Central South RAC for Island Coastal Economic Trust	J. Stanhope G. Holme	
Deep Bay Harbour Authority	D. Bartram	
District 69 Recreation Commission	D. Bartram	L. Biggemann
Island Corridor Foundation	B. Holdom	J. Stanhope
Municipal Finance Authority	J. Stanhope	G. Holme
Municipal Insurance Association (MIA)	L. McNabb	
North Island 911 Corporation	J. Stanhope	E. Mayne
North Island-Sunshine Coast RAC for Island Coastal Economic Trust	L. Biggemann	
Oceanside Tourism Association	G. Holme	J. Stanhope
RDN Emergency Planning Committee	L. Biggemann	J. Burnett
Regional Library Board	G. Holme	G. Rudischer
Te'Mexw Treaty Negotiations Committee	G. Holme	C. Haime

Nanaimo Regional Hospital District Board Appointments

Vancouver Island Health Authority Joint Capital Planning Committee	J. Stanhope	T. Westbroek
--	-------------	--------------



REPORT	
OPERATIONAL	✓
EAP	
COM	
DEC 23 2008	
RHD	
Special BOARD	✓ Jan 13 '09

MEMORANDUM

TO: Carol Mason
Chief Administrative Officer

DATE: December 2, 2008

FROM: Tom Osborne
General Manager of Recreation and Parks

FILE:

SUBJECT: Electoral Area 'A' Parks, Recreation and Culture Commission -
Terms of Reference

PURPOSE

To provide a Terms of Reference for an Electoral Area 'A' Parks, Recreation and Culture Commission.

BACKGROUND

At the November 25, 2008 Regional District Board Regular Meeting the following resolution was approved:

"That the Electoral Area 'A' Recreation and Culture Commission and the Electoral Area 'A' Parks and Greenspace Advisory Committee be dissolved, and that staff be directed to develop a Terms of Reference for an Electoral Area 'A' Parks, Recreation and Culture Commission for consideration by the Regional Board in January 2009."

Attached as Appendix I is the Terms of Reference for an Area 'A' Parks, Recreation and Culture Commission for the Regional Board's consideration.

The purpose of the Commission is to provide recommendations and advice to staff and the Regional District of Nanaimo Board regarding community parks and recreation & culture services in Electoral Area 'A'.

The Committee's responsibilities would be as follows:

Recreation and Culture Services Responsibilities

1. Make recommendations and provide advice to the Regional Board and staff regarding a wide range of Electoral Area 'A' recreation & culture program issues including planning, development and implementation of recreation and culture services.

2. Liaise, provide leadership and work with community and neighbourhood groups on a wide range of Electoral Area 'A' recreation and culture programs and services.
3. Play a leadership role and provide a focal point for co-operation between community interests and the Regional District on Electoral Area 'A' recreation and culture programs and services.
4. Provide community input into planning documents including the development and updating of Electoral Area 'A' recreation and culture services master plans.

Electoral Area Community Parks Responsibilities

1. Make recommendations and provide advice to the Regional Board regarding a wide range of Electoral Area 'A' parks and open space issues including:
 - the acquisition or tenure of community park sites;
 - subdivision park land dedications;
 - the development and maintenance of community park sites; and
 - priorities for the expenditure of community park operating and reserve funds.
2. Liaise, provide leadership, and work with community and neighbourhood groups on a wide range of Electoral Area 'A' parks and open space matters including:
 - volunteer park development projects;
 - obtaining input regarding park planning and acquisition priorities;
 - trail system planning and development; and
 - Ministry of Transportation waterfront accesses.
3. Play a leadership role and provide a focal point for co-operation between community interests and the Regional District on Electoral Area 'A' parks and open space issues.
4. Provide community input into park planning documents including the development and updating of the Electoral Area 'A' community parks and trails master plan and specific community park development plans.
5. Work within the objectives and policies of the Regional Growth Management Plan, the Electoral Area Official Community Plan, the Area 'A' Community Trails Study, the Regional Parks & Trails Plan and any other statutory plans that are applicable to Electoral Area 'A'.

The Commission will provide input on an annual basis to the Electoral Area Director and the Regional Board regarding the level of funding and priorities for the annual operating budgets and long term financial plans for the Electoral Area 'A' Community Park Function and the Electoral Area 'A' Recreation and Culture Function.

Commission Structure

The Electoral Area 'A' Parks, Recreation and Culture Commission will be appointed by the Regional Board as follows:

- the Electoral Area 'A' Director or designate;
- the Regional Board Electoral Area 'A' appointee to the City of Nanaimo Parks, Recreation and Culture Commission; and,
- up to seven Members at Large who are residents of Electoral Area 'A'.

ALTERNATIVES

1. Approve the Terms of Reference for the Electoral Area 'A' Parks, Recreation and Culture Commission.
2. Not approve the Terms of Reference for the Electoral Area 'A' Parks, Recreation and Culture Commission at this time and provide alternative direction.

FINANCIAL IMPLICATIONS

Up until November 2008, the Regional District maintained two committees for Electoral Area that advised the Regional Board on Community Parks and Recreation & Culture Services independent of each other. With the adoption of the Terms of Reference for the Parks, Recreation and Culture Commission there will only be the need to service one committee therefore there will efficiencies made in regard to volunteer and staff resources.

The 2009 provisional budgets for the Electoral Area A Community Parks Function and the Area A Recreation and Culture Function provide the necessary funding to service the Commission including providing for room rentals and minor commission expenses.

SUMMARY

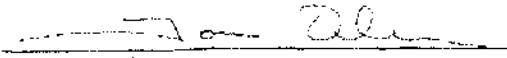
At the November 25, 2008 Regional District Board Regular Meeting the following resolution was approved:

"That the Electoral Area 'A' Recreation and Culture Commission and the Electoral Area 'A' Parks and Greenspace Advisory Committee be dissolved, and that staff be directed to develop a Terms of Reference for an Electoral Area 'A' Parks, Recreation and Culture Commission for consideration by the Regional Board in January 2009."

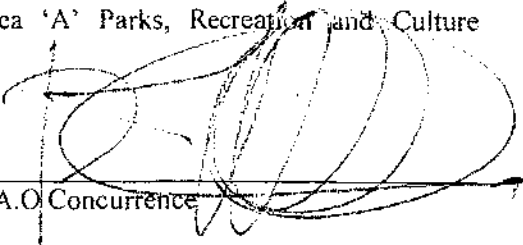
Staff have developed a Terms of Reference for an Area A Parks, Recreation and Culture Commission that has combined the responsibilities of the previous Area A Recreation and Culture Commission and the Area A Parks and Greenspace Advisory Committee. With the adoption of the Terms of Reference for the Commission, efficiencies will also be made in regard to the use of volunteer and staff resources therefore staff are recommending that they be approved.

RECOMMENDATION

That the Terms of Reference for the Electoral Area 'A' Parks, Recreation and Culture Commission be approved.



Report Writer



C.A.O. Concurrence

Appendix I

REGIONAL DISTRICT OF NANAIMO ELECTORAL AREA 'A' PARKS, RECREATION AND CULTURE COMMISSION

Terms of Reference

PURPOSE

To establish a Parks, Recreation and Culture Commission for Electoral Area 'A' to provide recommendations and advice to staff and the Regional District of Nanaimo Board regarding community parks and recreation & culture services and issues in Electoral Area 'A'.

MEMBERSHIP

1. The Electoral Area 'A' Parks, Recreation and Culture Commission will be appointed by the Regional Board as follows:
 - the Electoral Area 'A' Director or designate;
 - the Regional Board Electoral Area 'A' appointee to the City of Nanaimo Parks, Recreation and Culture Commission; and,
 - up to seven Members at Large who are residents of Electoral Area 'A'. Appointment selection will factor in representation for the communities of Cedar, South Wellington, Cassidy and the portion of Yellow Point in the Regional District of Nanaimo.
2. The Commission will consist of a maximum of nine members and may operate without all positions being occupied. A quorum shall consist of five members.
3. For the first year of operation only the terms for Members at Large shall be staggered with four members appointed for a two-year term and a maximum of three members appointed for a one-year term. Beginning in the second year a maximum of three new members will be appointed for a two-year term. The Area 'A' Director or designate and the Electoral Area 'A' appointee to the City of Nanaimo Parks, Recreation and Culture Commission will be on the Electoral Area 'A' Recreation and Culture Commission for the tenure of their respective Board appointments.

PROCEDURES

1. The Commission shall elect a chairperson and a deputy chairperson at the first meeting of each calendar year.
2. The Commission may meet as required and will structure its activities to meet at least five times per year. The Commission is not required to meet every month of the year.
3. Minutes of Commission meetings will be forwarded to the Regional District Board for information.

RESPONSIBILITIES

Recreation and Culture Services

1. Make recommendations and provide advice to the Regional Board and staff regarding a wide range of Electoral Area 'A' recreation & culture program issues including planning, development and implementation of recreation and culture services.
2. Liaise, provide leadership and work with community and neighbourhood groups on a wide range of Electoral Area 'A' recreation and culture programs and services.
3. Play a leadership role and provide a focal point for co-operation between community interests and the Regional District on Electoral Area 'A' recreation and culture programs and services.
4. Provide community input into planning documents including the development and updating of Electoral Area 'A' recreation and culture services master plans.

Electoral Area Community Parks

1. Make recommendations and provide advice to the Regional Board regarding a wide range of Electoral Area 'A' parks and open space issues including:
 - the acquisition or tenure of community park sites as per RDN Policy A1-21 (*Land Acquisition Process*);
 - subdivision park land dedications as per RDN Policy C1-05 (*Review of Consideration of Parkland -- Subdivision Application Process*);
 - the development and maintenance of community park sites; and
 - priorities for the expenditure of community park operating and reserve funds.
2. Liaise, provide leadership, and work with community and neighbourhood groups on a wide range of Electoral Area 'A' parks and open space matters including:
 - volunteer park development projects;
 - obtaining input regarding park planning and acquisition priorities;
 - trail system planning and development; and
 - Ministry of Transportation waterfront accesses.
3. Play a leadership role and provide a focal point for co-operation between community interests and the Regional District on Electoral Area 'A' parks and open space issues.
4. Provide community input into park planning documents including the development and updating of the Electoral Area 'A' community parks and trails master plan and specific community park development plans.
5. Work within the objectives and policies of the Regional Growth Management Plan, the Electoral Area Official Community Plan, the Area 'A' Community Trails Study, the Regional Parks & Trails Plan and any other statutory plans that are applicable to Electoral Area 'A'.

FINANCIAL CONSIDERATIONS

The Commission will provide input on an annual basis to the Electoral Area Director and the Regional Board regarding the level of funding and priorities for the annual operating budget and long term financial plans for the Electoral Area 'A' Community Park Function and the Electoral Area 'A' Recreation and Culture Function. The Commission will also have the ability to look at a variety of other funding sources and strategies and make recommendations in their regard to the Regional District.

REPORTING AND AUTHORITY

In the provision of their services to the Electoral Area 'A' Parks, Recreation and Culture Commission, Commission members have a responsibility to act in the best interests of their community and within the policies and guidelines established by the Regional District.



RDN REPORT	
NAC APPROVAL	
EAP	
COM	
DEC 31 2008	
RHD	
BOARD	Jan 13 09

MEMORANDUM

TO: Tom Osborne
General Manager of Recreation and Parks

DATE: December 31, 2008

FROM: Wendy Marshall
Manager of Parks Services

FILE:

SUBJECT: LocalMotion Grant Application

PURPOSE

To seek Board approval to apply to the LocalMotion Program for a grant for the development of Meadow Drive Community Park in Electoral Area C (Defined D).

BACKGROUND

The LocalMotion Program was established to assist local governments in creating vibrant and integrated communities. The goals of the program are to:

- Reduce community greenhouse gas emissions, with an emphasis on getting people out of their cars;
- Advance the ActNow BC principle of being physically active; and
- Build seniors-friendly and disability friendly communities.

The LocalMotion Program will provide \$40 million, over four years, in 50/50 cost-sharing grants to local governments for the development of capital projects that met the program goals. To apply for a grant, the local government must have a shelf ready plan, which means that the planning, design and public consultation must be complete. Eligible projects include multi-use trails, senior friendly facilities and playgrounds and parks.

Meadow Drive Community Park is located in Electoral Area C in the Benson Meadow subdivision off of Jingle Pot Road. The park was donated by the property owner/developer to the Regional District of Nanaimo for community parkland dedication in 2005. In 2008, the RDN entered into a lease agreement with the Mountain Fire Protection Improvement District for use of 0.33 hectares (0.805 acres) for fire department use. There is over 1.69 hectares (4.18 acres) remaining for park development. The park contains a cleared area boarding Meadow Drive, a large forested area, and an unnamed creek.

DISCUSSION

In 2008, staff began work with the East Wellington/Pleasant Valley Parks and Open Space Advisory Committee on the planning for the development of Meadow Drive Community Park. The committee held an open house in the park on May 4, 2008 to introduce the community to the park and to conduct a survey on park use and desired features for park development. An on-line survey was made available and surveys were mailed to families in the area. The results of the survey showed that the community supports the development of a woodland trail, open play fields and a playground for families.

The plan for the park includes trails through the forest, an accessible playground, and an open field for un-programmed activity. The park will have to be graded and landscaped. The riparian area around the stream will also have to be taken into consideration.

ALTERNATIVES

1. That staff be directed to apply to the LocalMotion Program for funding to develop the Meadow Drive Community Park in Electoral Area C.
2. That staff be directed not to apply to the LocalMotion Program for funding for the development of Meadow Drive Community Park in Electoral Area C.

FINANCIAL IMPLICATIONS

The 2009 Provisional Community Parks Function Budget for Electoral Area C (Defined D) includes \$35,000 for the development of the park. This amount will be matched by the grant, if received providing a total of \$70,000. The LocalMotion Program will not pay for parking lots or landscaping. The funds will be used for grading and creating the playing field, for purchasing and installing playground equipment and for developing trails in the wooded area.

If the RDN is not successful in obtaining the funding, the \$35,000 in the 2009 Budget will be used to develop the park. However, the park will have to be completed in phases over a few years.

SUSTAINABILITY IMPLICATIONS

There are no other community parks in the Benson Meadows area. Families wanting to take their children to a playground have to drive to Nanaimo. Creating a park here would save residents from driving reducing greenhouse gases. Residents could walk or ride bikes to the park providing exercise.

SUMMARY

The LocalMotion Program was established to assist local governments in creating vibrant and integrated communities. The LocalMotion Program will provide 50/50 cost-sharing grants to local governments for the development of capital projects that include multi-use trails, senior friendly facilities and playgrounds and parks. To apply, the local government must have shelf ready plans. Meadow Drive Community Park is located in Electoral Area C in the Benson Meadow subdivision off of Jingle Pot Road. The public consultation and planning work to develop the park is complete. The plan includes trails through the forest, an accessible playground, and an open field for un-programmed activity. The 2009 Provisional Community

Park Function Budget for Electoral Area C (Defined D) includes \$35,000 which, if the application is successful, will provide \$70,000 to complete the park.

RECOMMENDATIONS

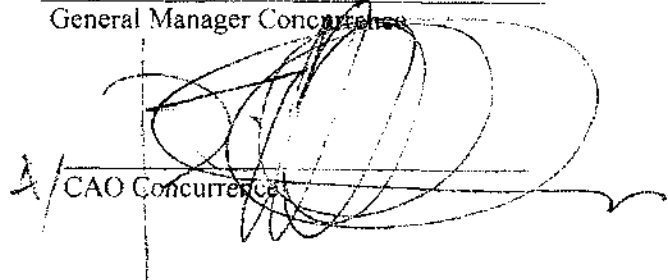
That the Regional District of Nanaimo apply to the LocalMotion Program for funding to develop the Meadow Drive Community Park in Electoral Area C (Defined D).



Report Writer



General Manager Concurrence



CAO Concurrence



DMS REVIEW	
CAO APPROVAL <i>[Signature]</i>	
EAP	
COW	
EL 04 2008	
RHD	
Special BOARD	✓ Jan 13 '09

MEMORANDUM

TO: John Finnie
General Manager of Environmental Services

DATE: December 30, 2008

FROM: Mike Donnelly
Manager of Utilities

FILE: 1855-04

SUBJECT: "Towns for Tomorrow" Infrastructure Grant Application

PURPOSE

To obtain Board approval for a "Towns for Tomorrow" infrastructure grant.

BACKGROUND

The "Towns for Tomorrow" infrastructure grant program was put in place to support smaller communities in funding infrastructure projects over the next 5 years that address climate change and contribute to the overall health, sustainability and livability of communities.

Cost sharing with the Province is on an 80/20 basis with a maximum contribution of \$400,000 for those communities of 5,000 or less. For communities with populations between 5,000 and 15,000 (maximum allowable) the cost share will be on a 75/25 basis with a maximum Provincial contribution of \$375,000. In addition the grant program allows up to 10% of the eligible costs to be committed to developing capacity in sustainable approaches to infrastructure planning and management. Local governments can only submit one application per application deadline.

The population of the RDN electoral areas totals 35,948 (as per the 2006 census). This exceeds the 15,000 maximum population total laid out in the program however, the service area is comprised of seven electoral areas with populations ranging from 2,508 to 7,023. The application will be submitted noting the service area benefits all electoral areas and that no electoral area exceeds the 15,000 limit on population. Staff discussed this approach with the Ministry of Community Development and have been assured the application can be considered given this approach.

Electoral Area Directors met in December with RDN staff to discuss potential regional projects that could be considered for this grant funding. At that meeting the consensus was that an application supporting capital expenditures in the newly created Drinking Water and Watershed Protection service area would be appropriate as it benefits all electoral areas.

The process for this infrastructure grant requires a Board motion approving the application be in place as part of the submission. The deadline for this application is January 16th, 2009.

If an application is successful, grant funds would support capital expenditures in the following areas over the next 5 years:

\$200,000	Installation of groundwater monitoring wells.
\$ 12,500	Installation of monitoring equipment in private wells in key areas (voluntary program).
\$ 50,000	Installation of in-stream data collectors for surface water flow and temperature.
\$ 25,000	Capacity building.
\$287,500	Total

ALTERNATIVES

- 1) Approve the application for funding under the "Towns for Tomorrow" infrastructure grant program.
- 2) Do not approve the grant application.
- 3) Provide alternate direction to staff.

FINANCIAL IMPLICATIONS

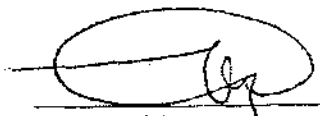
The Drinking Water and Watershed Protection Service Area budget provides for the noted capital expenditures however, funding support such as the "Towns for Tomorrow" infrastructure grant program will allow those funds to be utilized in other areas of the program or for the reduction in the tax requisition.

SUSTAINABILITY IMPLICATIONS


The Drinking Water and Watershed Protection service will be a key component of developing a sustainable approach to the long term provision of drinking water in the region. Funding support from other levels of government will strengthen the program both monetarily and in terms of partnership development.

RECOMMENDATION

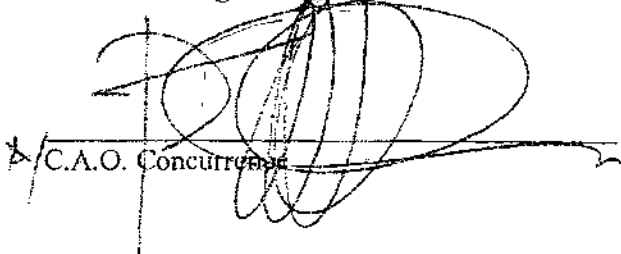
That the "Towns for Tomorrow" infrastructure grant application in support of Drinking Water and Watershed Protection Service Area capital expenditures be approved.



Report Writer

 Alan

General Manager Concurrence



C.A.O. Concurrence

COMMENTS:



CAO APPROVAL <i>CM</i>	
EAP	
CCW	
JAN 07 2009	
RHD	
Special BOARD	✓ Jan 13 '09

MEMORANDUM

TO: C. Mason
Chief Administrative Officer

DATE: January 3, 2009

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

FILE:

SUBJECT: Reconsideration of Development Cost Charge bylaws

PURPOSE:

To amend development cost charge rates for the Northern and Southern Community Sewer services.

BACKGROUND:

On July 8th, 2008 development cost charges (DCC) Bylaws No. 1442.02 (Northern Community) and No. 1547 (Southern Community) were submitted to the Province for approval. Both bylaws included interest on amounts projected to be borrowed over the 20 year time horizon of the calculated rates.

The inclusion of interest in a DCC rate calculation must meet stringent requirements. These include that the requirement is due to exceptional circumstances, demonstrated funding shortfall at the time funds are required, use of the MFA rate at the time of borrowing, a resolution from the Board supporting the inclusion of interest in the rates, appropriate public consultation and approval by the Province. The Province considers the documentation submitted by the local government, the legislation and its Best Practices Guide to adjudicate whether they can support the inclusion of interest in DCC rates. We have complied with all of the technical requirements, however, the Inspector is concerned that interest included in the capital plan projections are affecting rates before the funds actually are borrowed. The Ministry has advised staff that it does not support including interest at this date, but would be supportive of amending the rates to include interest at the time borrowing is required. The bylaws have accordingly been returned for further consideration.

ALTERNATIVES:

1. Rescind Bylaws 1442.02 and 1547 at third reading, amend the bylaws and give third reading to the amended bylaws.
2. Continue to work with the Province in an effort to have the rates as calculated, approved.

FINANCIAL IMPLICATIONS:

Alternative 1

Under this alternative the rates in both bylaws would be adjusted downward as shown in the table below:

	Northern Community proposed	Northern Community revised	Southern Community proposed	Southern Community revised
Single lot/residential units	\$10,817.06	\$7,337.00	\$3,326.95	\$3,066.10
Multi-residential units	\$79.54/sq m	\$53.95/sq m	\$19.61/sq m	\$18.10/sq m
Commercial	\$46.36/sq m	\$31.45/sq m	\$19.90/sq m	\$18.35/sq m
Industrial	\$46.36/sq m	\$31.45/sq m	\$5.07/sq m	\$4.65/sq m
Institutional	\$56.66/sq m	\$38.45/sq m	\$19.90/sq m	\$18.35/sq m

Staff reported at the Special Board meeting held September 9th, 2008, that with lower rates (by excluding interest to be paid) it is likely that additional funds will have to be borrowed at the time these major capital projects need to be constructed. With interest included in the proposed DCC rates, the estimate for borrowing for both plants was in the range of \$24 million dollars. Assuming no further rate changes before 2013, the amounts to be borrowed using the revised rates would be:

Northern Community Sewer \$28 million dollars
 Southern Community Sewer \$25.5 million dollars

It is staff's intent to review these bylaws annually to ensure, as much as possible, that rates reflect what has and will be spent for these future projects.

Alternative 2

Staff do not agree with the Province's position on our bylaw and are supported by municipal staff. The City of Nanaimo recently had a DCC rate approved for a projected new dam using the same methodology as the RDN in its calculations. Given the City's leading example, staff expected that the similarities in methodology would be self explanatory and acceptable as long as submitted with the appropriate reports and documentation. At this time, staff recommend amending the rates so as not to forgo any further revenue loss due to delays.

Staff do recommend, corresponding with the Province for more clarification on how a particular situation will or will not be judged to be exceptional, as well as recommending that it be acknowledged, that where a local government has consulted appropriately on a bylaw affecting its residents that the bylaw should be approved on its technical merits.


SUMMARY/CONCLUSIONS:

Two DCC bylaws were sent to the Province for approval in September. Recently staff met with Ministry staff to discuss their concerns regarding interest on borrowed funds which had been included in the DCC rates. While staff believe we have met all the technical requirements for including interest, the Ministry has the discretion to disagree. The bylaws have been returned with a request to remove interest from the DCC rates at this time. The Ministry will support including interest in the DCC rates at the time borrowing is required.

In order to reduce any further loss of revenue due to delaying the implementation of the revised rates, staff have made the amendments and recommend giving third reading to the amended bylaws. Additionally staff recommend corresponding with the Province outlining our concerns over their lack of support for these bylaws.

RECOMMENDATIONS:

1. That "Northern Community Sewer Service Area Development Cost Charges Amendment Bylaw No. 1442.02, 2008" be rescinded at third reading.
2. That "Northern Community Sewer Service Area Development Cost Charges Amendment Bylaw No. 1442.02, 2009" be read a third time as amended and be forwarded to the Ministry of Community Development for approval.
3. That "Southern Community Sewer Service Area Development Cost Charges Bylaw No. 1547, 2008" be rescinded at third reading.
4. That "Southern Community Sewer Service Area Development Cost Charges Bylaw No. 1547, 2009" be read a third time as amended and be forwarded to the Ministry of Community Development for approval.
5. That staff send correspondence to the Province expressing concern with the impact of the Province's decision requiring a reduction in the proposed DCC rates and recommending that more emphasis be placed on the qualifying technical aspects of DCC bylaws.


Report Writer


C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1442.02

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

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

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

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

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

1. **Definitions**

The definition of "Dwelling Unit" is deleted and replaced with the following:

"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.

The definition of "Gross Floor Area" is deleted and replaced with the following:

"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 meters above the floor, exits, vertical service spaces, and their enclosing assemblies.

A new definition of "Vertical Service Space" is added as follows:

"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. Adding to Paragraph 4 the following subsection (d):

“d) where a building permit is issued for the construction, alteration or extension of a multiple family residential building the rates in Schedule ‘A’ will apply as required in this bylaw, provided that the total amount payable shall not be greater than the amount that would be obtained by multiplying the number of dwelling units to be constructed by the single family dwelling unit rate in Schedule ‘A’.”

3. Deleting Section 6. Grace Period and replacing it with the following:

6. Effective Date

The effective date for the application of the rates contained within this bylaw will be the later of February 24, 2009 or the date upon which this bylaw is adopted by the Board of the Regional District of Nanaimo.

4. Schedule ‘A’ to Bylaw No. 1442 is hereby repealed and Schedule ‘A’ attached to and forming part of the this bylaw is substituted therefore.

5. This bylaw may be cited as the “Northern Community Sewer Service Area Development Cost Charges Amendment Bylaw No. 1442.02, 2009”.

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

Read a third time this 8th day of July, 2008.

Rescinded at third reading this 13th day of January, 2009.

Introduced as amended and read three times this 13th day of January, 2009.

Approved by the Inspector of Municipalities this _____ day of _____, 2009.

Adopted this _____ day of _____, 2009.

CHAIRPERSON

SR. MGR., CORPORATE ADMINISTRATION

Chairperson

Sr. Mgr., Corporate Administration

SCHEDULE 'A'

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

1. Pursuant to Section 2 of Bylaw No. 1442 and subsequent amendments, development cost charges shall be levied in those areas that will be serviced by wastewater treatment/sanitary sewerage works and services as outlined on the map in Schedule 'B'.
2. The assist factor for wastewater treatment/sanitary sewerage works and services shall be 1%.
3. All charges shall be paid in full prior to the approval of a subdivision or building permit unless paid by way of installments in accordance with BC Reg 166/84.
4. The Development Cost Charge Schedule is as follows:

Development Type	Subdivision	Building Permit
Single family	\$7,337.00 per lot	\$7,337.00 per dwelling unit
Multiple family residential		\$53.95 per m ² of gross floor area
Commercial		\$31.45 per m ² of gross floor area
Industrial		\$31.45 per m ² of gross floor area
Airport Industrial		\$3.50 per m ² of gross floor area
Institutional		\$38.45 per m ² of gross floor area

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1547

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

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

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

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

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

- (a) are not excessive in relation to the capital costs of prevailing standards of service;
- (b) will not deter development; and
- (c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land,

within the Regional District of Nanaimo.

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

1. **Interpretation**

In this bylaw

"Building" means a structure that is used or intended for supporting or sheltering persons, animals, or property.

"Campground" means a site intended to be occupied for the accommodation of persons in their own recreational vehicles or tents; but excludes mobile home parks, hotels, or camps licensed under the *Community Care Facility Act*.

"City" means those parts of the City of Nanaimo outlined on Schedule 'B' attached to and forming a part of this bylaw.

"Commercial" means use of land or buildings for any retail, tourist accommodation, restaurant, personal or professional service, entertainment or recreational use and any other business use other than an institutional or industrial use.

"Dwelling Unit" means a self-contained room or suite of rooms capable of use for year round residential occupancy.

"District" means those portions of the District of Lantzville outlined on Schedule 'C' attached to and forming a part of this bylaw.

"Gross Floor Area" means the gross floor area of a building or structure calculated to the outside of the exterior walls, including floor areas over 1.8 meters in height, canopies with an occupancy or use, and parking structures as the principle use, with the following exemptions: stairwells and elevators exceeding one floor only, gas canopies and parking portion of a structure.

"Industrial" means use of land or buildings for the co-generation, manufacturing, processing, assembling, testing, servicing, repair, warehousing or distributing of goods, materials or things but specifically excludes commercial schools, financial institutions, furniture and appliance sales, recreational facilities, restaurants, retail of auto accessories and parts, veterinary clinics, gas stations, sales, service and rental of automobiles, boats, motorcycles, mobile homes, modular homes and recreational vehicles, lumber and building supply yards and car washes.

"Institutional" means use of land or buildings for a school, hospital, correctional facility or care facility, including seniors' residences where a minimum of 20 percent of the floor area of all buildings located on the parcel is operated under a license issued pursuant to the *Community Care Facility Act (British Columbia)*.

"Mobile Home" means a dwelling unit built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than of its manufacture and includes mobile homes and modular homes which are either completely self contained or are incomplete, fastened together and completed on site.

"Park Model Trailer" means a recreational unit that conforms to CAN/CSA Z-241 series of standards for park model trailers at the time of manufacture, with a width greater than 2.6 meters (8.53 feet) in transit mode and a maximum gross floor area of 50 square meters (538.2 square feet) when in setup mode.

"Mobile Home Park" means a site used or intended to be used for the purpose of providing pads for the accommodation of 2 or more mobile homes or park model trailers.

"Multi-Family" means the residential use of land or a building for two or more dwelling units but does not include an institutional use.

"Public Utilities" means utilities which are operated by the City of Nanaimo, District of Lantzville or Regional District of Nanaimo or are regulated under the *Utilities Commission Act*. Such utilities include a system, works, plant, equipment or services owned and operated by or for the City of Nanaimo, the District of Lantzville or the Regional District of Nanaimo, or by a corporation under an agreement with or under a franchise from the City of Nanaimo, District of Lantzville or Regional District of Nanaimo, or under a Federal or Provincial statute which furnishes services and facilities available at approved rates to or for the use of the inhabitants of the City of Nanaimo, District of Lantzville or the Regional District of Nanaimo, including but not limited to:

- (1) public transportation by bus or trolley coach or other vehicles;
- (2) production, transmission, delivery or furnishing of water, gas, electricity or communication to the public at large;
- (3) collection and disposal of sewage, garbage and other waste.

"Recreational Vehicle" means any camper, travel trailer, fifth wheel or motor home with a maximum width of 2.6 meters (8.53 feet) in transit mode which can be used to provide sleeping accommodation and which is capable of being licensed for highway use pursuant to the *Motor Vehicle Act*.

"Service Connection" means an improvement which allows for the attachment of a building or a unit in a mobile home park or campground to one or more public utilities.

"Single Family" means any building consisting of one dwelling unit, but excludes a mobile home, recreational vehicle and/or tent.

2. Charges

Except where prohibited by statute, every person who obtains:

- i) approval of a 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; or
- ii) a building permit authorizing the construction, alteration or extension of a building or structure (including a building containing two or three self-contained dwelling units);
- iii) for the purposes of Section 2(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 the appropriate Development Cost Charge in the amount and at the time as set out in Schedule 'A', which is attached to and forms a part of this bylaw.

3. **Mixed Use Buildings**

Where a proposed building is to be used for more than one class of use under this bylaw, the charge for each portion of the building used for a separate class of use shall be calculated separately, based upon the relevant charge in the schedule, and the total amount of those charges shall be payable upon issuance of a building permit for the construction, alteration or extension of the building.

4. **Exceptions**

- i) Where a building permit is issued for the construction, alteration or extension of a multi-family building the rates in Schedule 'A' will apply as set out in this bylaw provided that the total amount payable shall not be greater than the amount that would be obtained by multiplying the number of dwelling units created times the single family rate in Schedule 'A'.
- ii) 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.

5. **Areas Subject to Development Cost Charges**

The charges under this bylaw shall apply within the areas outlined on Schedules 'B', 'C' and 'D' to this bylaw.

6. **Collection of Charges**

- a) Where development cost charges under this bylaw are collected within the City of Nanaimo and/or the District of Lantzville, whether paid in full or by installments, the funds so collected shall be remitted to the Regional District by the 15th of the month following the month in which the charges were paid.
- b) Where charges have been paid by installments, the municipality shall provide to the Regional District a copy of the security at the same time it transfers funds under 6(a).

7. **Effective Date**

The effective date for the application of the rates contained within this bylaw will be the later of February 24, 2009 or the date upon which this bylaw is adopted by the Board of the Regional District of Nanaimo.

8. **Remainder of Bylaw to Remain 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.

9. **Repeal of Previous Bylaw**

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

10. **Title**

This bylaw may be cited for all purposes as "Southern Community Sewer Service Area Development Cost Charges Bylaw No. 1547, 2009".

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

Read a third time this 8th day of July, 2008.

Rescinded at third reading this 13th day of January, 2009.

Introduced as amended and read three times this 13th day of January, 2009.

Approved by the Inspector of Municipalities this ____ day of _____, 2009.

Adopted this ____ day of _____, 2009.

CHAIRPERSON

SR. MGR., CORPORATE ADMINISTRATION

Schedule 'A' to accompany "Southern Community Sewer Service Area Development Cost Charges Bylaw No. 1547, 2009"

Chairperson

Sr. Mgr., Corporate Administration

SCHEDULE 'A'

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

1. Pursuant to Section 2 of this bylaw, development cost charges shall be levied in those areas that will be serviced by wastewater treatment/sanitary sewerage works and services as outlined on the map attached hereto as Schedule 'B' and Schedule 'C'.
2. The assist factor for wastewater treatment/sanitary sewerage works and services shall be 1%.
3. All charges shall be paid in full prior to the approval of a subdivision or building permit unless paid by way of installments in accordance with BC Reg 166/84.

The Development Cost Charge Schedule is as follows:

Category	Subdivision	Building Permit
Single Family	\$3,066.10 per lot being created	\$3,066.10 per dwelling unit constructed
Multi-Family		\$18.10 per square meter of building gross floor area provided that no development cost charge for multi-family development shall exceed an amount calculated by multiplying the number of dwelling units created by \$3,066.10
Mobile Home Park	\$1,816.75 per service connection being created	\$1,816.75 per service connection being created
Commercial		\$18.35 per square meter of building gross floor area
Industrial		\$4.65 per square meter of building gross floor area
Campground		\$507.60 per service connection being created
Institutional		\$18.35 per square meter of building gross floor area