

REGIONAL DISTRICT OF NANAIMO

**REGULAR BOARD MEETING
TUESDAY, JANUARY 26, 2010
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

1. CALL TO ORDER

2. DELEGATIONS

12-13 **John Tapics, Compliance Coal Corporation dba Comox Joint Venture**, re Raven Underground Coal Project.

3. BOARD MINUTES

14-23 Minutes of the Inaugural Board meeting held December 8, 2009 and the Special Board meeting held January 12, 2010.

4. BUSINESS ARISING FROM THE MINUTES

5. COMMUNICATIONS/CORRESPONDENCE

6. UNFINISHED BUSINESS

BYLAWS

For Adoption.

Amendment Bylaw No. 1124.08 – Extends the Surfside Sewer Service to Include an Area ‘G’ Property. (All Directors – One Vote)

That “Surfside Sewer Local Service Area Boundary Amendment Bylaw No. 1124.08, 2009” be adopted.

This bylaw amends the Surfside sewer service establishment bylaw by extending the service area boundaries to include one Area ‘G’ property.

Amendment Bylaw No. 889.52 – Extends the Northern Community Sewer Service to Include an Area ‘G’ Property. (All Directors – One Vote)

That “Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.52, 2009” be adopted.

This bylaw amends the Northern Community sewer service establishment bylaw by extending the service area boundaries to include one Area ‘G’ property.

Amendment Bylaw No. 1124.09 – Extends the Surfside Sewer Service to Include an Area ‘G’ Property. (All Directors – One Vote)

That “Surfside Sewer Local Service Area Boundary Amendment Bylaw No. 1124.09, 2009” be adopted.

This bylaw amends the Surfside sewer service establishment bylaw by extending the service area boundaries to include one Area ‘G’ property.

Amendment Bylaw No. 889.53 – Extends the Northern Community Sewer Service to Include an Area ‘G’ Property. (All Directors – One Vote)

That “Northern Community Sewer Service Area Boundary Amendment Bylaw No. 889.53, 2009” be adopted.

This bylaw amends the Northern Community sewer service establishment bylaw by extending the service area boundaries to include one Area ‘G’ property.

7. STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

24-27 Minutes of the Electoral Area Planning Committee meeting held January 12, 2010.
(for information)

COMMUNICATIONS/CORRESPONDENCE

Mel & Carolynne Spotswood, re Development Variance Permit Application No. PL2009-850 – Structure Design & Management - Huntington Place - Area ‘E’.
(Electoral Area Directors except EA ‘B’ – One Vote)

That the correspondence from Mel & Carolynne Spotswood regarding Development Variance Permit Application No. PL2009-850 be received.

PLANNING

AMENDMENT APPLICATIONS

Bylaw No. 500.354 for Zoning Amendment Application No. PL2009-493 – Pacific Coast Waste Management – 4299 Biggs Road - Area ‘C’. (Electoral Area Directors except EA ‘B’ – One Vote)

- 1. That the minutes of the Public Information Meeting held on December 7, 2009 be received.*
- 2. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.354, 2010” be given 1st and 2nd reading.*
- 3. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.354, 2010” be delegated to Director Young or her alternate.*

Bylaws No. 1148.05 & 500.353 for OCP & Zoning Amendment Application No. PL2009-502 - Williamson & Associates - Virostko Road & Midora Road - Area ‘C’. (Electoral Area Directors except EA ‘B’ – One Vote)

- 1. That the minutes of the Public Information Meeting held on November 19, 2009 be received.*
- 2. That “Regional District of Nanaimo Arrowsmith Benson – Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.05, 2010” be given 1st and 2nd reading.*
- 3. That Application No. PL2009-502 to rezone the subject property from Rural 1 Subdivision ‘D’ (RU1D) to Residential 2 Subdivision District ‘M’ (RS2M) be approved subject to the conditions included in Schedule No. 1.*
- 4. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.353, 2010” be given 1st and 2nd reading.*
- 5. That the Public Hearing on “Regional District of Nanaimo Arrowsmith Benson – Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.05, 2010” and “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.353, 2010” be delegated to Director Young or her alternate.*

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2009-012 – Thomas Hoyt, BCLS - 1949 Akenhead Road - Area ‘A’. (Electoral Area Directors except EA ‘B’ – One Vote)

- 1. That Development Permit Application No. PL2009-012, in conjunction with a section 946 subdivision application, be approved subject to the conditions outlined in Schedules No. 1 and 2.*
- 2. That staff be directed to review the section 946 provisions as per “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and “Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002” and report back to the Electoral Area Planning Committee.*

Development Permit Application No. PL2009-848 - Wessex Enterprises Ltd. - Extension Road - Area ‘C’. (Electoral Area Directors except EA ‘B’ – One Vote)

That Development Permit Application No. PL2009-848, in conjunction with a six lot subdivision application, be approved subject to the conditions outlined in Schedules No. 1 and 2.

Development Permit Application No. PL2009-852 – Peter Mason, BCLS - 1055 Spider Lake Road - Area ‘H’. (Electoral Area Directors except EA ‘B’ – One Vote)

That Development Permit Application No. PL2009-852, in conjunction with a two lot subdivision, be approved subject to the conditions outlined in Schedules No. 1 and 2.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2009-805 – Fern Road Consulting Ltd. – 6360 Island Highway West – Area ‘H’. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Variance Permit Application No. PL2009-805.

That Development Variance Permit Application No. PL2009-805 to legalize the location of two existing accessory buildings, be approved.

Development Variance Permit Application No. PL2009-807 - Fern Road Consulting Ltd. - 1969 Seahaven Road - Area ‘E’. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Variance Permit Application No. PL2009-807.

That Development Variance Permit Application No. PL2009-807 to permit the construction of a dwelling unit with height and setback variances be approved subject to the conditions outlined in Schedules No. 1 to 4.

Development Variance Permit Application No. PL2009-845 – Clark & Wick – 3415 Beldon Place - Area ‘E’. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Variance Permit Application No. PL2009-845.

That Development Variance Permit Application No. PL2009-845 to vary the maximum height in order to permit the construction of a single dwelling unit be approved.

Development Variance Permit Application No. PL2009-850 – Structure Design & Management - Huntington Place - Area ‘E’. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to Development Variance Permit Application No. PL2009-850.

That Development Variance Permit Application No. PL2009-850 be approved subject to the conditions outlined in Schedules No. 1 to 3.

OTHER

Request for Frontage Relaxation on Subdivision Application No. PL2009-832 - Thomas Hoyt, BCLS - 2570 Tiesu Road - Area ‘A’. (Electoral Area Directors except EA ‘B’ – One Vote)

That the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 2 be approved.

Consideration of Park Land Dedication and/or Cash-in-Lieu of Park Land on Subdivision Application No. PL2009-793 - Fern Road Consulting Ltd. - 6360 Island Highway West - Area ‘H’. (Electoral Area Directors except EA ‘B’ – One Vote)

That cash-in-lieu (\$20,000 based on current assessment) of parkland and an additional \$5,000 community contribution toward park improvements be accepted.

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

28-35 Minutes of the Committee of the Whole meeting held January 12, 2010. (for information)

COMMUNICATIONS/CORRESPONDENCE

Brian Kingzett, Vancouver Island University, re Letter of Support for the Deep Bay Field Station. (All Directors – One Vote)

That the correspondence from the Vancouver Island University requesting a letter of support for an application for funding to the Provincial Innovative Clean Energy Fund entitled "Mid Island Renewable Energy Showcase" be received.

(this item was dealt with at the January 12, 2010 Special Board Meeting)

Correspondence, re Rural Streetlighting Service Amendment Bylaw No. 791.18. (All Directors – One Vote)

That the correspondence from residents regarding "Rural Streetlighting Service Amendment Bylaw No. 791.18" be received.

CORPORATE ADMINISTRATION SERVICES

ADMINISTRATION

Meeting Schedule for 2010. (All Directors – One Vote)

That the 2010 meeting schedule be received for information and, as has been the practice since 2006, the August Committee meetings be deferred to September.

FINANCE AND INFORMATION SERVICES

FINANCE

Bylaw 1584 – Security Issuing Bylaw in Relation to the Cedar Sewer Capital Financing Service (Stage 2 – Small Lot Residential Properties). (All Directors – Weighted Vote)

1. *That "Regional District of Nanaimo (Cedar Sewer Small Lot Residential Properties Stage 2 Capital Financing Service) Security Issuing Bylaw No. 1584, 2010" be introduced and read three times.*

(All Directors – 2/3 Vote)

2. *That "Regional District of Nanaimo (Cedar Sewer Small Lot Residential Properties Stage 2 Capital Financing Service) Security Issuing Bylaw No. 1584, 2010" be adopted and forwarded when required to the Ministry of Community & Rural Development for a Certificate of Approval.*

Bylaw 1587 – Security Issuing Bylaw in Relation to the Meadowood Fire Protection Service. (All Directors – Weighted Vote)

1. *That “Meadowood Fire Protection Service Security Issuing Bylaw No. 1587, 2010” be introduced and read three times.*

(All Directors – 2/3 Vote)

2. *That “Meadowood Fire Protection Service Security Issuing Bylaw No. 1587, 2010” be adopted and forwarded when required to the Ministry of Community & Rural Development for a Certificate of Approval.*

2009 Audit Plan. (All Directors – One Vote)

That the 2009 audit plan proposed by Meyers Norris Penny LLP be received and approved as presented.

2010 Proposed Budget Overview. (All Directors – One Vote)

1. *That the proposed 2010 budget be approved in principle and that staff be directed to finalize preparation of the 2010 to 2014 financial plan.*
2. *That the schedule of budget meetings and publications be approved and published as presented.*

Amendment Bylaws No. 789.03, 803.05, 804.06, 1001.04 & 1553.02 – Increase the Requisition Limits for the Fairwinds Streetlighting, Areas E & F Community Parks, Parksville Fire Protection and Regional Growth Management Services. (All Directors – One Vote)

1. *That “Regional Growth Management Service Amendment Bylaw No. 1553.02, 2010” be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.*
2. *That “Parksville (Local) Fire Protection Area Amendment Bylaw No. 1001.04, 2010” be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.*
3. *That “Electoral Area ‘E’ Community Parks Local Service Amendment Bylaw No. 803.05, 2010” be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.*
4. *That “Electoral Area ‘F’ Community Parks Local Service Amendment Bylaw No. 804.06, 2010” be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.*
5. *That “Fairwinds Streetlighting Local Service Amendment Bylaw No. 789.03, 2010” be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.*

RECREATION AND PARKS SERVICES

RECREATION

Bylaws No. 861.02 & 1588 – Amend the Joint Civic Properties & Recreation Commission Establishment Bylaw and Establish a Reserve Fund for the Service.
(All Directors – One Vote)

1. *That “Northern Community Recreation Service Amendment Bylaw No. 861.02, 2010” be introduced, read three times and be forwarded to the Inspector of Municipalities for approval.*

(Parksville, Qualicum Beach, EAs ‘E’, ‘F’ ‘G’ ‘H’ – Weighted Vote)

2. *That “Northern Community Recreation Service Reserve Fund Establishment Bylaw No. 1588, 2010” be introduced for three readings.*

(All Directors – 2/3 Vote)

3. *That “Northern Community Recreation Service Reserve Fund Establishment Bylaw No. 1588, 2010” be adopted.*

REGIONAL AND COMMUNITY UTILITIES

WATER

Water Services Operations Centre Lease Agreement. (All Directors – Weighted Vote)

That the Board direct staff to complete a five year lease agreement with Noort Investments and Associates for Unit #7, 8 – 1065 Herring Gull Way in Parksville.

COMMISSION, ADVISORY & SELECT COMMITTEE

District 69 Recreation Commission. (All Directors – One Vote)

That the minutes of the District 69 Recreation Commission meetings held November 19, 2009 and December 17, 2009 be received for information.

From the Commission Meeting held November 19, 2009:

(Parksville, Qualicum Beach, EAs ‘F’ ‘G’ ‘H’ – Weighted Vote)

1. *That staff be directed not to proceed further with the Ravensong Aquatic Centre expansion review at this time and that the user groups be advised accordingly.*

(Parksville, Qualicum Beach, EAs 'E', 'F' 'G' 'H' – Weighted Vote)

2. *That the Regional District forward a letter of thank you to the Lion's Club and the Parksville Save-on-Foods for their financial contribution, which allows free admission to the Oceanside Place Family Skate Sessions which has provided an opportunity to all District 69 families to actively participate in a healthy sport.*

From the Commission Meeting held December 17, 2009:

(Parksville, Qualicum Beach, EAs 'E', 'F' 'G' 'H' – Weighted Vote)

1. *That subject to confirmation of funding of \$12,000 from the Oceanside Track and Field Club, \$4,000 from the District 69 Sports Association, the Regional District of Nanaimo support the proposal from the Oceanside Track and Field Club for improvements to the track at Ballenas Secondary School under the UBCM School Community Connections Program in partnership with School District #69 and provide \$6,500 from the District 690 Recreation Coordination Function for the project.*
2. *That the Regional District of Nanaimo endorse the Terms and Conditions as set out under the UBCM School Community Connections Program for Phase III funding.*

District 69 Recreation Commission Budget Recommendations:

3. *That the following recommendations be forwarded to the Board for consideration at the 2010 budget deliberations:*
 - (a) *That the Board support a contribution of \$6,500 for the Track improvements at Ballenas Secondary School to be funded through the District 69 Recreation Coordinating Function by reducing the same amount from the \$30,000 identified to be transferred to reserves in the proposed 2010 annual budget.*
 - (b) *That the Board support the increase to the Arrowsmith Community and Enhancement Society 2010 contract in the amount of \$5,880, to cover their operating costs budget shortfall, and that the increase be funded by lessening the amount set aside in 2010 reserve funds by an equal amount.*

Drinking Water Protection Advisory Committee. (All Directors – One Vote)

That the minutes of the Drinking Water Protection Advisory Committee meeting held December 8, 2009 be received for information.

Regional Parks & Trails Advisory Committee. (All Directors – One Vote)

1. *That the minutes of the Regional Parks & Trails Advisory Committee meeting held December 1, 2009 be received for information.*
2. *That the Mount Benson Regional Park Management Plan be approved.*
3. *That future regional park management plans include a costing matrix regarding the policies and actions outlined in the plan.*

Regional Solid Waste Advisory Committee. (All Directors – One Vote)

That the minutes of the Regional Solid Waste Advisory Committee meeting held November 19, 2009 be received for information.

Electoral Area ‘H’ Parks and Open Space Advisory Committee. (All Directors – One Vote)

1. *That the minutes of the Electoral Area ‘H’ Parks and Open Space Advisory Committee meeting held December 9, 2009 be received for information.*
2. *That the following recommendation be forwarded to the Board for consideration at the 2010 budget deliberations:*

That the Board support the Electoral Area ‘H’ Community Parks Budget recommendation that the \$40,000 in professional fees for Henry Morgan Park include signage and that \$40,000 be transferred to capital reserves.

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Letter of Support for the Deep Bay Field Station. (All Directors – One Vote)

That the RDN Board provide a letter of support for Vancouver Island University’s application titled “Mid Island Renewable Energy Showcase” to the Provincial Innovative Clean Energy Fund.

(this item was dealt with at the January 12, 2010 Special Board Meeting)

Nanaimo & Area Land Trust Funding Request. (All Directors – One Vote)

That the Nanaimo & Area Land Trust’s funding request in the amount of \$30,000 be considered as part of the 2010 budget deliberations.

Vancouver Island North Film Commission Funding Request. (All Directors – One Vote)

That staff send a letter to the Vancouver Island North Film Commission to inform them that funding will not be forthcoming as the Regional District of Nanaimo does not have an economic development function, and that a Board representative will not be appointed to sit on the VI North Film Commission.

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.5 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

8. ADMINISTRATOR'S REPORTS

36-51 Bylaw No. 1250.04 - Amends the Fees Component of the Building Regulation and Fees Bylaw. (Electoral Area Directors – Weighted Vote; All Directors – 2/3 Vote; Electoral Area Directors – Weighted Vote; All Directors – One Vote)

52-57 Animal Control Services - Agreement for Use of City of Nanaimo's Animal Shelter Facilities. (All Directors – Weighted Vote)

58-62 2010 Community Works Projects. (Electoral Area Directors – Weighted Vote)

63 2010 – 2012 Board Strategic Plan.

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

Nanaimo Regional District Board Meeting – January 26, 2010

Delegation: Compliance Coal Corporation - John A. Tapics



The Raven Underground Coal Project

Compliance Coal Corporation dba the Comox Joint Venture is (CJV) proposing the development of an underground mine on Vancouver Island.

The proposed project is located on mainly private land approximately six kilometres west of the Buckley Bay ferry terminal in the Comox Valley.

The Raven project surface footprint would be approximately 200 hectares including all mine buildings, coal processing facilities, settling ponds and rock reject piles. The underground mine is estimated at 3100 hectares.

The project is in its early stages of research, consultation and preliminary studies. The results of environmental and engineering studies as well as public and First Nations considerations will be incorporated into the design of the project.

The project is committed to working with the community, First Nations and all levels of government to develop a project that is environmentally and socially responsible.

Steel-making Coal

Studies show there are significant deposits of metallurgical coal in the Fanny Bay (Raven Project) area. This coal has unique properties that make it suitable for making steel.

The Raven Project proposes to remove the metallurgical or steel-making coal for export to steel-making markets in Canada, Japan, South Korean, Taiwan and China.

Preliminary studies show that 80% of the coal produced from the Raven Project will be used for steel. The remaining 20% may be used to produce energy.

Coal Production

Early data indicates the underground mine may be capable of producing up to 2.2 million tonnes of raw (unprocessed) coal each year. Over the total mine life of approximately 20 years, the project is estimated to be capable of producing between 0.9 to 1.5 million tonnes of clean (processed) coal, per year. Coal quality testing to confirm these amounts is expected to be complete in the spring of 2010.

Water Management

To safely and efficiently manage all surface and ground water, a comprehensive water management plan will be implemented for the Raven Project.

Most of the water used by the project will be recycled using a closed circuit water recovery system. Any water that is released will meet, or be better than, government water quality standards.

Protecting Ground and Surface Water

The project is located in the Cowie Creek Watershed.

Engineers and environmental consultants are currently conducting technical and environmental assessments to identify what needs to be done to protect surface and ground water. These environmental assessments will continue until early 2010 when a detailed water management plan will be developed. The results of these assessments will be made available for the public to review when completed.

Surface water data has been collected since April 2009 and will continue for the life of the project. It includes:

- Continuous water height recording at three sites on Cowie and Cougar Creeks
- Monthly measurements of stream discharges
- Tracking low and flood flow to make predictions that will be used in the design of water management structures and to assess impacts on fish habitat and migration

Ground water data is currently being collected from four monitoring wells drilled during the summer of 2009. Area aquifers will be mapped and a model built to determine ground water flows.

Managing Rock Rejects

Rock rejects will be minimized as the mine is underground rather than open-pit or other surface mining method. Coal quality studies expected to be completed in the spring of 2010 will determine the estimated amount of rock rejects.

Reject rock management strategies will be employed to ensure all rejects will be stored or disposed of in a way that will prevent potential environmental impacts. For example water will be diverted around and away from the storage piles.

Opportunities for Community Input

Opportunities for community input will be provided at every stage of the project. Considerations and interests raised by the community will be incorporated into the planning and design of the project.

More than 300 people attended an open house hosted by the Raven Project at the Fanny Bay Community Centre in October, a Project Update has been distributed directly to Comox Valley households, the project team has met with community, business, government and First Nations representatives and a public information telephone line and email have been set up.

As a result of early consultation with environmental and community interests, the project has moved the proposed mine site to a preferred location six kilometres west of the Buckley Bay Ferry terminal. The proposed new site is located in a valley behind a ridge to reduce noise and visual impacts.

More open houses and meetings will be held as the project progresses.

Transportation

We are currently looking at three ports to handle the shipment of the Raven Project coal: Middle Point, Duke Point and Port Alberni.

Port Alberni has been announced as the preferred port facility.

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE INAUGURAL MEETING OF THE BOARD OF THE REGIONAL DISTRICT OF NANAIMO HELD ON TUESDAY, DECEMBER 8, 2009, AT 7:00 PM IN THE RDN BOARD CHAMBERS

Present:

| | |
|-----------------------|------------------------|
| Director J. Stanhope | Chairperson |
| Director J. Burnett | Electoral Area A |
| Director G. Rudischer | Electoral Area B |
| Director M. Young | Electoral Area C |
| Director G. Holme | Electoral Area E |
| Director L. Biggemann | Electoral Area F |
| Director D. Bartram | Electoral Area H |
| Director E. Mayne | City of Parksville |
| Director C. Haime | District of Lantzville |
| Director J. Ruttan | City of Nanaimo |
| Director B. Holdom | City of Nanaimo |
| Director J. Kipp | City of Nanaimo |
| Director Sherry | City of Nanaimo |
| Director L. McNabb | City of Nanaimo |
| Director B. Bestwick | City of Nanaimo |
| Director D. Johnstone | City of Nanaimo |

Also in Attendance:

| | |
|----------------|--|
| C. Mason | Chief Administrative Officer |
| M. Pearse | Sr. Mgr., Corporate Administration |
| T. Osborne | Gen. Mgr., Recreation & Parks Services |
| J. Finnie | Gen. Mgr., Regional & Community Utilities Services |
| P. Thorkelsson | Gen Mgr., Development Services |
| N. Avery | Gen. Mgr., Finance & Information Services |
| D. Trudeau | Gen. Mgr., Transportation & Solid Waste Services |
| N. Tonn | Recording Secretary |

CALL TO ORDER

The Administrator called the meeting to order and confirmed receipt of notification from the City of Nanaimo, the City of Parksville, the Town of Qualicum Beach and the District of Lantzville advising of their Council appointments to the Board for the year 2010.

INAUGURATION OF BOARD MEMBERS

The Senior Manager of Corporate Administration conducted the inauguration proceedings including the Oaths of Office.

ELECTION OF BOARD CHAIRPERSON

The Chief Administrative Officer called for nominations for the position of Chairperson for the year 2010.

Director Holme nominated Director Stanhope.

There being no further nominations, the Chief Administrative Officer declared Director Stanhope Chairperson for 2010.

ELECTION OF DEPUTY CHAIRPERSON

The Chief Administrative Officer called for nominations for the position of Deputy Chairperson for the year 2010.

Director Burnett nominated Director McNabb.

There being no further nominations, the Chief Administrative Officer declared Director McNabb Deputy Chairperson for the year 2010.

The Deputy Chairperson thanked the Board for their continued confidence.

The Chairperson thanked the Board members for their continuing support and congratulated the Board on a job well done in the last year.

BOARD MINUTES

MOVED Director Haime, SECONDED Director Bartram, that the minutes of the regular Board meeting held on November 24, 2009, be adopted as amended by replacing the words "in support of" with the word "regarding" and adding the words "and forwarded to the Planning Department for consideration" in the correspondence from the District of Lantzville.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Lynn Kitchen, City of Parksville, re Cosmetic Pesticide Ban.

MOVED Director Bestwick, SECONDED Director Johnstone, that the correspondence received from the City of Parksville regarding a combined investigation by RDN and City of Parksville staff on the possibility of banning cosmetic pesticide, be received.

CARRIED

COMMISSIONS

Electoral Area 'A' Parks, Recreation and Culture Commission.

MOVED Director Burnett, SECONDED Director McNabb, that the minutes of the Electoral Area 'A' Parks, Recreation and Culture Commission meeting held November 18, 2009 be received for information.

CARRIED

MOVED Director Burnett, SECONDED Director McNabb, that the Electoral Area 'A' Grant-in-Aid application received from the 1st Cedar Scouts, for outdoor camping gear, in the amount of \$1,500, be approved.

CARRIED

MOVED Director Burnett, SECONDED Director McNabb, that the Electoral Area 'A' Grant-in-Aid application received from the Cedar School and Community Enhancement Society, for mats and honorarium, in the amount of \$1,500, be approved.

CARRIED

MOVED Director Burnett, SECONDED Director McNabb, that the Electoral Area 'A' Grant-in-Aid application received from the South Wellington and Area Community Association, for program hall rental, in the amount of \$598, be approved.

CARRIED

MOVED Director Burnett, SECONDED Director McNabb, that the Electoral Area 'A' Grant-in-Aid application received from the South Wellington Elementary PAC, for program supplies and equipment, in the amount of \$620, be approved.

CARRIED

MOVED Director Burnett, SECONDED Director McNabb, that the Electoral Area 'A' Grant-in-Aid application received from the St. Phillips Anglican Church, for a portable stereo, in the amount of \$807, be approved.

CARRIED

MOVED Director Burnett, SECONDED Director McNabb, that staff investigate the cost of the installation of an exterior light at the Cedar Heritage Centre and report back to Area 'A' Parks, Recreation and Culture Commission.

CARRIED

MOVED Director Burnett, SECONDED Director McNabb, that the Regional Parks and Trails Advisory Committee consider the development of the section of the Morden Colliery Regional Trail between Cedar Road and the Nanaimo River, as an additional access to the Nanaimo River.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Regional Liquid Waste Advisory Committee.

MOVED Director Holme, SECONDED Director McNabb, that the minutes of the Regional Liquid Waste Advisory Committee meeting held November 5, 2009 be received for information.

CARRIED

ADMINISTRATOR'S REPORTS

Infrastructure Planning Grant Application – Proposed Wastewater Servicing Study for Bowser Village Centre.

MOVED Director Bartram, SECONDED Director Rudischer, that the Board support applications to the Ministry of Community Development for Infrastructure Planning (Study) Grant applications for the Bowser Village Servicing Study.

CARRIED

Animal Control Services – District 68.

MOVED Director Burnett, SECONDED Director Young, that a one year contract for Animal Control Services in District 68 with Coastal Animal Control Services of BC Limited, be approved.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that Trevor Hughes, Suzanne Michelle Hughes, Carol Ann Pilkonis, Matthew Adam Purchase and Gary Paul Thiel of Coastal Animal Control Services of BC Limited, be appointed as Bylaw Enforcement Officers for the specific purpose of enforcing Regional District of Nanaimo Animal Control and Licensing Bylaws.

CARRIED

Regional Growth Management Service – Release of Reserve Funds.

MOVED Director Holdom, SECONDED Director Bartram, that the Board approve the release of up to \$23,399 from the Regional Growth Management Service reserve fund for 2009 expenses incurred for the Regional Growth Strategy.

CARRIED

Bylaws No. 1585 & 1586 – To Establish Reserve Funds for the French Creek & Nanoose Bay Bulk Water Services.

MOVED Director Holme, SECONDED Director McNabb, that “French Creek Bulk Water Capital Reserve Fund Bylaw No. 1585, 2009” be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Johnstone, that “French Creek Bulk Water Capital Reserve Fund Bylaw No. 1585, 2009” be adopted.

CARRIED

MOVED Director Holme, SECONDED Director McNabb, that “Nanoose Bay Bulk Water Capital Reserve Fund Bylaw No. 1586, 2009” be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Johnstone, that “Nanoose Bay Bulk Water Capital Reserve Fund Bylaw No. 1586, 2009” be adopted.

CARRIED

Bylaw No. 1388.03 – Amends the Yellow-Point Fire Protection Service Establishment Bylaw.

MOVED Director Burnett, SECONDED Director Bartram, that “Waterloo Fire Protection Service Amendment Bylaw No. 1388.02, 2008” be abandoned.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that “Cassidy Waterloo Fire Protection Service Amendment Bylaw No. 1388.03, 2009” be introduced for three readings and be forwarded to the Ministry of Community and Rural Development for approval.

CARRIED

2009 Departmental Accomplishments.

MOVED Director McNabb, SECONDED Director Johnstone, that the Board receive the summary of activities and departmental accomplishments for the Regional District of Nanaimo for 2009.

CARRIED

Drinking Water & Watershed Protection Advisory Committee – Revised Terms of Reference.

MOVED Director Bartram, SECONDED Director Burnett, that the Drinking Water and Watershed Protection Advisory Committee Terms of Reference be modified to include two (2) Board members from each of District 69 and District 68 and to include a Registered Professional Biologist and a representative from the Vancouver Island University.

CARRIED

BOARD INFORMATION

Provincial Funding Assistance to the Arts.

MOVED Director Johnstone, SECONDED Director McNabb, that the Regional District of Nanaimo write a letter to Premier Campbell requesting that the provincial funding for assistance to the arts be reinstated.

CARRIED

PRESENTATION

Long Service Pins.

The Chairperson presented 20 year service pins to Directors Holdom, Holme and Sherry and a 25 year service pin to Director McNabb, and congratulated them on their dedication to the Board.

ADJOURNMENT

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

CARRIED

TIME: 7:28 PM.

CHAIRPERSON

SR. MGR., CORPORATE ADMINISTRATION

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE SPECIAL BOARD MEETING
HELD ON TUESDAY, JANUARY 12, 2010, AT 8:49 PM
RDN BOARD CHAMBERS**

Present:

| | |
|-----------------------|------------------------|
| Director J. Stanhope | Chairperson |
| Director J. Burnett | Electoral Area A |
| Director G. Rudischer | Electoral Area B |
| Director M. Young | Electoral Area C |
| Alternate | |
| Director F. Van Eynde | Electoral Area E |
| Director L. Biggemann | Electoral Area F |
| Director D. Bartram | Electoral Area H |
| Director E. Mayne | City of Parksville |
| Director T. Westbroek | Town of Qualicum Beach |
| Director C. Haime | District of Lantzville |
| Director D. Johnstone | City of Nanaimo |
| Director B. Holdom | City of Nanaimo |

Also in Attendance:

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

COMMUNICATIONS/CORRESPONDENCE

Lynn Kitchen, City of Parksville, re Appointment to the District 69 Recreation Commission.

MOVED Director Mayne, SECONDED Director Haime, that the correspondence from the City of Parksville appointing Councillor Teresa Patterson to the District 69 Recreation Commission be received for information.

CARRIED

Lynn Kitchen, City of Parksville, re Appointment to the Arrowsmith Water Service Management Committee.

MOVED Director Mayne, SECONDED Director Haime, that the correspondence from the City of Parksville appointing Councillor Marc Lefebvre to the Arrowsmith Water Service Management Committee be received for information.

CARRIED

UNFINISHED BUSINESS

BYLAWS

For Adoption.

Bylaw No. 794.07.

MOVED Director Westbrook, SECONDED Director Bartram, that “French Creek Fire Protection Local Service Area Boundary Amendment Bylaw No. 794.07, 2009” be adopted.

CARRIED

Bylaw No. 821.07.

MOVED Director Burnett, SECONDED Director Van Eynde, that “Errington Fire Protection Local Service Area Amendment Bylaw No. 821.07, 2009” be adopted.

CARRIED

Bylaw No. 1001.03.

MOVED Director Burnett, SECONDED Director Mayne, that “Parksville (Local) Fire Protection Local Service Area Boundary Amendment Bylaw No. 1001.03, 2009” be adopted.

CARRIED

Bylaw No. 1388.03.

MOVED Director Burnett, SECONDED Director Young, that “Cassidy Waterloo Fire Protection Service Amendment Bylaw No. 1388.03, 2009” be adopted.

CARRIED

Bylaw No. 1583.

MOVED Director Burnett, SECONDED Director Young, that “Regional District of Nanaimo Cedar Estates Storm Water Management Service Establishment Bylaw No. 1583, 2009” be adopted.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Director Van Eynde left the meeting citing a possible conflict of interest with the following items.

Regional Parks & Trails Advisory Committee.

MOVED Director Bartram, SECONDED Director Johnstone, that Peter Rothermel and Frank Van Eynde be appointed to the Regional Parks & Trails Advisory Committee for terms ending December 31, 2011.

CARRIED

Electoral Area ‘A’ Parks, Recreation and Culture Commission.

MOVED Director Bartram, SECONDED Director Johnstone, that Marlies Newton, Chris Pagan and Ryan Rangno be appointed to the Electoral Area ‘A’ Parks, Recreation and Culture Commission for terms ending December 31, 2011.

CARRIED

Electoral Area ‘B’ Parks & Open Space Advisory Committee.

MOVED Director Bartram, SECONDED Director Rudischer, that Cameron Murray be appointed to the Electoral Area ‘B’ Parks & Open Space Advisory Committee for a term ending December 31, 2011.

CARRIED

East Wellington/Pleasant Valley Parks & Open Space Advisory Committee.

MOVED Director Bartram, SECONDED Director Young, that Bruce Erickson, Rick Heikkila and Judith Wilson be appointed to the East Wellington/Pleasant Valley Parks & Open Space Advisory Committee for terms ending December 31, 2011.

CARRIED

Nanoose Bay Parks & Open Space Advisory Committee.

MOVED Director Bartram, SECONDED Director Johnstone, that Peter Law and Scott Wroe be appointed to the Nanoose Bay Parks & Open Space Advisory Committee for terms ending December 31, 2011.

CARRIED

Electoral Area 'F' Parks & Open Space Advisory Committee.

MOVED Director Bartram, SECONDED Director Biggemann, that Alfred Jablonsky be appointed to the Electoral Area 'F' Parks & Open Space Advisory Committee for a term ending December 31, 2011.

CARRIED

Electoral Area 'G' Parks & Open Space Advisory Committee.

MOVED Director Bartram, SECONDED Director Mayne, that Minnie Corbett be appointed to the Electoral Area 'G' Parks & Open Space Advisory Committee for a term ending December 31, 2011.

CARRIED

Electoral Area 'H' Parks & Open Space Advisory Committee.

MOVED Director Bartram, SECONDED Director Mayne, that Patty Biro and Brenda Wilson be appointed to the Electoral Area 'H' Parks & Open Space Advisory Committee for terms ending December 31, 2011.

CARRIED

Grants in Aid Committee.

MOVED Director Bartram, SECONDED Director Young, that Bruce Erickson, Gordon Turgeon and Frank Van Eynde be appointed to the Grants in Aid Committee for terms ending December 31, 2010.

CARRIED

Director Van Eynde returned to the meeting.

Regional Solid Waste Advisory Committee.

MOVED Director Bartram, SECONDED Director Van Eynde, that Lee Rowley be appointed to the Regional Solid Waste Advisory Committee as a Business Community (north) representative for a term ending December 31, 2011.

CARRIED

ADMINISTRATOR'S REPORTS

Board Appointments to Standing, Select and Advisory Committees.

MOVED Director Bartram, SECONDED Director Mayne, that the Chairperson appointments to the 2010 Regional District of Nanaimo Select Committees be received for information

CARRIED

MOVED Director Bartram, SECONDED Director Mayne, that the Chairperson recommendations for appointments to the 2010 Regional District of Nanaimo Standing Committees be endorsed.

CARRIED

MOVED Director Bartram, SECONDED Director Mayne, that the Chairperson recommendations for appointments to the 2010 Regional District of Nanaimo Schedules Standing Committees, Advisory Committees and Commissions be endorsed as follows:

Arrowsmith Water Service Management Committee – J. Stanhope, G. Holme, Alternate.

Central South RAC for Island Coastal Economic Trust – J. Stanhope, G. Holme.

Deep Bay Harbour Authority – D. Bartram.

Island Corridor Foundation – B. Holdom, J. Stanhope, Alternate.

Mount Arrowsmith Biosphere Foundation – L. Biggemann.

Municipal Finance Authority – J. Stanhope, G. Holme, Alternate.

Municipal Insurance Association (MIA) – L. McNabb.

North Island 911 Corporation – J. Stanhope, E. Mayne, Alternate.

North Island-Sunshine Coast RAC for Island Coastal Economic Trust – L. Biggemann.

Oceanside Tourism Association – G. Holme, J. Stanhope, Alternate.

Regional Library Board – G. Holme, G. Rudischer, Alternate.

Regional Transportation Advisory Committee – J. Stanhope.

TeMexw Treaty Negotiations Committee – C. Haime, G. Holme, Alternate.

VI Health Authority Joint Capital Planning Committee – J. Stanhope, T. Westbrook, Alternate.

CARRIED

NEW BUSINESS

Letter of Support for the Deep Bay Field Station.

MOVED Director Bartram, SECONDED Director Haime, that the RDN Board provide a letter of support for Vancouver Island University's application titled "Mid Island Renewable Energy Showcase" to the Provincial Innovative Clean Energy Fund.

CARRIED

Coastal Douglas Fir (CDF) Protection of Crown Land in Electoral Area 'H'.

MOVED Director Bartram, SECONDED Director Haime, that the RDN Board request staff to write a letter to the Provincial Government supporting their proposed Coast Douglas Fir Protection of Crown Land in Electoral Area 'H', however, requesting that the below noted areas inside the boundary of the Bowser Village Centre be considered for future civic and cultural uses such as parks, trails and public open space, community fire hall and ambulance facility, seniors housing and community sewer system. These areas are:

- (a) District Lot 36, Plan 2076, PT1 and PT2.
- (b) District Lot 85, Plan 2076, Rem Lot 14, 15, 18 and 19.

CARRIED

ADJOURNMENT

MOVED Director Holdom, SECONDED Director Mayne, that this meeting terminate.

CARRIED

TIME: 8:55 PM

CHAIRPERSON

SR. MGR, CORPORATE ADMINISTRATION

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, JANUARY 12, 2010, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

| | |
|-----------------------|------------------|
| Director D. Bartram | Chairperson |
| Director J. Burnett | Electoral Area A |
| Director M. Young | Electoral Area C |
| Alternate | |
| Director F. Van Eynde | Electoral Area E |
| Director L. Biggemann | Electoral Area F |
| Director J. Stanhope | Electoral Area G |

Also in Attendance:

| | |
|----------------|--|
| C. Mason | Chief Administrative Officer |
| M. Pearse | Senior Manager, Corporate Administration |
| P. Thorkelsson | General Manager, Development Services |
| D. Lindsay | Manager, Current Planning |
| T. Osborne | General Manager, Recreation Services |
| N. Tonn | Recording Secretary |

CALL TO ORDER

The Chairperson welcomed Alternate Director Van Eynde to the meeting.

MINUTES

MOVED Director Van Eynde, SECONDED Director Stanhope, that the minutes of the Electoral Area Planning Committee meeting held November 10, 2009 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Mel & Carolynne Spotswood, re Development Variance Permit Application No. PL2009-850 – Structure Design & Management – Huntington Place – Area ‘E’.

MOVED Director Burnett, SECONDED Director Young, that the correspondence from Mel & Carolynne Spotswood regarding Development Variance Permit Application No. PL2009-850 be received.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Bylaw No. 500.354 for Zoning Amendment Application No. PL2009-493 – Pacific Coast Waste Management – 4299 Biggs Road – Area ‘C’.

MOVED Director Young, SECONDED Director Burnett, that the minutes of the Public Information Meeting held on December 7, 2009 be received.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.354, 2010” be given 1st and 2nd reading.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.354, 2010” be delegated to Director Young or her alternate.

CARRIED

Bylaws No. 1148.05 & 500.353 for OCP & Zoning Amendment Application No. PL2009-502 – Williamson & Associates – Virostko Road & Midora Road – Area ‘C’.

MOVED Director Young, SECONDED Director Burnett, that the minutes of the Public Information Meeting held on November 19, 2009 be received.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that “Regional District of Nanaimo Arrowsmith Benson – Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.05, 2010” be given 1st and 2nd reading.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that Application No. PL2009-502 to rezone the subject property from Rural 1 Subdivision ‘D’ (RU1D) to Residential 2 Subdivision District ‘M’ (RS2M) be approved subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.353, 2010” be given 1st and 2nd reading.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that the Public Hearing on “Regional District of Nanaimo Arrowsmith Benson – Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.05, 2010” and “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.353, 2010” be delegated to Director Young or her alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2009-012 – Thomas Hoyt, BCLS – 1949 Akenhead Road – Area ‘A’.

MOVED Director Burnett, SECONDED Director Young, that Development Permit Application No. PL2009-012, in conjunction with a section 946 subdivision application, be approved subject to the conditions outlined in Schedules No. 1 and 2.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that staff be directed to review the section 946 provisions as per “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and “Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002” and report back to the Electoral Area Planning Committee.

CARRIED

Development Permit Application No. PL2009-848 – Wessex Enterprises Ltd. – Extension Road – Area ‘C’.

MOVED Director Young, SECONDED Director Burnett, that Development Permit Application No. PL2009-848, in conjunction with a six lot subdivision application, be approved subject to the conditions outlined in Schedules No. 1 and 2.

CARRIED

Development Permit Application No. PL2009-852 – Peter Mason, BCLS – 1055 Spider Lake Road – Area ‘H’.

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Permit Application No. PL2009-852, in conjunction with a two lot subdivision, be approved subject to the conditions outlined in Schedules No. 1 and 2.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2009-805 – Fern Road Consulting Ltd. – 6360 Island Highway West – Area ‘H’.

MOVED Director Stanhope, SECONDED Director Van Eynde, that staff be directed to complete the required notification.

CARRIED

MOVED Director Stanhope, SECONDED Director Van Eynde, that Development Variance Permit Application No. PL2009-805 to legalize the location of two existing accessory buildings, be approved.

CARRIED

Development Variance Permit Application No. PL2009-807 – Fern Road Consulting Ltd. –1969 Seahaven Road – Electoral Area ‘E’.

MOVED Director Van Eynde, SECONDED Director Stanhope, that staff be directed to complete the required notification.

CARRIED

MOVED Director Van Eynde, SECONDED Director Stanhope, that Development Variance Permit Application No. PL2009-807 to permit the construction of a dwelling unit with height and setback variances be approved subject to the conditions outlined in Schedules No. 1 to 4.

CARRIED

Development Variance Permit Application No. PL2009-845 – Clark & Wick – 3415 Beldon Place – Area ‘E’.

MOVED Director Van Eynde, SECONDED Director Stanhope, that staff be directed to complete the required notification.

CARRIED

MOVED Director Van Eynde, SECONDED Director Stanhope, that Development Variance Permit Application No. PL2009-845 to vary the maximum height in order to permit the construction of a single dwelling unit be approved.

CARRIED

Development Variance Permit Application No. PL2009-850 – Structure Design & Management – Huntington Place – Area ‘E’.

MOVED Director Van Eynde, SECONDED Director Stanhope, that staff be directed to complete the required notification.

CARRIED

MOVED Director Van Eynde, SECONDED Director Stanhope, that Development Variance Permit Application No. PL2009-850 be approved subject to the conditions outlined in Schedules No. 1 to 3.

CARRIED

OTHER

Request for Frontage Relaxation on Subdivision Application No. PL2009-832 – Thomas Hoyt, BCLS for Hemer – 2570 Tiesu Road – Area ‘A’.

MOVED Director Burnett, SECONDED Director Young, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 2 be approved.

CARRIED

Consideration of Park Land Dedication and/or Cash-in-Lieu of Park Land on Subdivision Application No. PL2009-793 – Fern Road Consulting Ltd. – 6360 Island Highway West – Area ‘H’.

MOVED Director Stanhope, SECONDED Director Biggemann, that cash-in-lieu (\$20,000 based on current assessment) of parkland and an additional \$5,000 community contribution toward park improvements be accepted.

CARRIED

ADJOURNMENT

MOVED Director Stanhope, SECONDED Director Van Eynde, that this meeting terminate.

CARRIED

TIME: 6:47 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON TUESDAY, JANUARY 12, 2010 AT 7:00 PM IN THE RDN BOARD CHAMBERS

Present:

| | |
|-----------------------|------------------------|
| Director J. Stanhope | Chairperson |
| Director J. Burnett | Electoral Area A |
| Director G. Rudischer | Electoral Area B |
| Director M. Young | Electoral Area C |
| Alternate | |
| Director F. Van Eynde | Electoral Area E |
| Director L. Biggemann | Electoral Area F |
| Director D. Bartram | Electoral Area H |
| Director C. Haime | District of Lantzville |
| Director E. Mayne | City of Parksville |
| Director T. Westbroek | Town of Qualicum Beach |
| Director D. Johnstone | City of Nanaimo |
| Director B. Holdom | 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 |
| J. Finnie | General Manager of Regional & Community Utilities |
| D. Trudeau | General Manager of Transportation & Solid Waste |
| 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 Van Eynde to the meeting.

DELEGATIONS

Roger McDonell, Vancouver Island North Film Commission, re Request for 2010 Annual Funding.

Mr. McDonell provided an overview of the Vancouver Island North Film Commission including the commission's vision, accomplishments and future plans for expansion to serve all of the North Vancouver Island areas. Mr. McDonell also requested funding from the Regional District and representation by the RDN on the Film Commission.

Shelley Seniuk & Jacqueline Fennellow, re Rural Streetlighting Service Boundary Extension – Area 'E'.

Ms. Seniuk and Ms. Fennellow provided a short history of the streetlighting application and raised concerns respecting the impact streetlighting would have on the area. A petition was also presented to the Committee for their information.

Paul Chapman & Ron Tanasichuk, Nanaimo & Area Land Trust, re 2009 Annual Report and Request for Renewed Annual Funding.

Mr. Tanasichuk reviewed NALT's mission statement, programs, services, land acquisitions and conservation covenants. Mr. Chapman presented further detailed information on the many programs and services provided. Information packages were distributed to all Committee members. Mr. Tanasichuk summarized by requesting annual funding of \$30,000 for 2010.

LATE DELEGATION

MOVED Director Westbrook, SECONDED Director Van Eynde, that a late delegation be permitted to address the Committee.

CARRIED

Berni Walsh & Vaughan Roberts, Walbern Management Inc., re Nuttal Ridge Streetlighting.

Mr. Walsh and Mr. Roberts provided information on the steps taken to inform residents of the Nuttal Ridge streetlighting application and the impact streetlighting may or may not have on the area.

MINUTES

MOVED Director Westbrook, SECONDED Director Mayne, that the minutes of the regular Committee of the Whole meeting held November 10, 2009 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Brian Kingzett, Vancouver Island University, re Letter of Support for the Deep Bay Field Station.

MOVED Director Bartram, SECONDED Director Van Eynde, that the correspondence from the Vancouver Island University requesting a letter of support for an application for funding to the Provincial Innovative Clean Energy Fund entitled "Mid Island Renewable Energy Showcase" be received.

CARRIED

Correspondence, re Rural Streetlighting Service Amendment Bylaw No. 791.18.

MOVED Director Bartram, SECONDED Director Van Eynde, that the correspondence from residents regarding "Rural Streetlighting Service Amendment Bylaw No. 791.18" be received.

CARRIED

CORPORATE ADMINISTRATION SERVICES

Meeting Schedule for 2010.

MOVED Director Westbrook, SECONDED Director Holdom, that the 2010 meeting schedule be received for information and, as has been the practice since 2006, the August Committee meetings be deferred to September.

CARRIED

FINANCE AND INFORMATION SERVICES

FINANCE

Bylaw 1584 – Security Issuing Bylaw in Relation to the Cedar Sewer Capital Financing Service (Stage 2 – Small Lot Residential Properties).

MOVED Director Burnett, SECONDED Director Young, that “Regional District of Nanaimo (Cedar Sewer Small Lot Residential Properties Stage 2 Capital Financing Service) Security Issuing Bylaw No. 1584, 2010” be introduced and read three times.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that “Regional District of Nanaimo (Cedar Sewer Small Lot Residential Properties Stage 2 Capital Financing Service) Security Issuing Bylaw No. 1584, 2010” be adopted and forwarded when required to the Ministry of Community & Rural Development for a Certificate of Approval.

CARRIED

Bylaw 1587 – Security Issuing Bylaw in Relation to the Meadowood Fire Protection Service.

MOVED Director Biggemann, SECONDED Director Bartram, that “Meadowood Fire Protection Service Security Issuing Bylaw No. 1587, 2010” be introduced and read three times.

CARRIED

MOVED Director Biggemann, SECONDED Director Bartram, that “Meadowood Fire Protection Service Security Issuing Bylaw No. 1587, 2010” be adopted and forwarded when required to the Ministry of Community & Rural Development for a Certificate of Approval.

CARRIED

2009 Audit Plan.

MOVED Director Westbrook, SECONDED Director Holdom, that the 2009 audit plan proposed by Meyers Norris Penny LLP be received and approved as presented.

CARRIED

2010 Proposed Budget Overview.

The General Manager, Finance & Information Services, presented a visual overview highlighting several areas of the proposed 2010 budget.

MOVED Director Holdom, SECONDED Director Westbrook, that the proposed 2010 budget be approved in principle and that staff be directed to finalize preparation of the 2010 to 2014 financial plan.

CARRIED

MOVED Director Holdom, SECONDED Director Westbrook, that the schedule of budget meetings and publications be approved and published as presented.

CARRIED

Amendment Bylaws No. 789.03, 803.05, 804.06, 1001.03 & 1553.02 – Increase the Requisition Limits for the Fairwinds Streetlighting, Areas ‘E’ & ‘F’ Community Parks, Parksville Fire Protection and Regional Growth Management Services.

MOVED Director Van Eynde, SECONDED Director Burnett, that “Regional Growth Management Service Amendment Bylaw No. 1553.02, 2010” be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Van Eynde, SECONDED Director Burnett, that “Parksville (Local) Fire Protection Area Amendment Bylaw No. 1001.03, 2010” be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Van Eynde, SECONDED Director Burnett, that “Electoral Area ‘E’ Community Parks Local Service Amendment Bylaw No. 803.05, 2010” be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Van Eynde, SECONDED Director Burnett, that “Electoral Area ‘F’ Community Parks Local Service Amendment Bylaw No. 804.06, 2010” be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Van Eynde, SECONDED Director Burnett, that “Fairwinds Streetlighting Local Service Amendment Bylaw No. 789.03, 2010” be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

Bylaws No. 899.01 & 1358.01 – Amend the Apportionment Sections of the District 69 Swimming Pool & Ice Arena Service Establishment Bylaws.

The Chairperson noted that this item had been removed from the Agenda.

RECREATION AND PARKS SERVICES

RECREATION

Bylaws No. 861.02 & 1588 – Amend the Joint Civic Properties & Recreation Commission Establishment Bylaw and Establish a Reserve Fund for the Service.

MOVED Director Westbroek, SECONDED Director Mayne, that “Northern Community Recreation Service Amendment Bylaw No. 861.02, 2010” be introduced, read three times and be forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Westbroek, SECONDED Director Mayne, that “Northern Community Recreation Service Reserve Fund Establishment Bylaw No. 1588, 2010” be introduced for three readings.

CARRIED

MOVED Director Westbroek, SECONDED Director Mayne, that “Northern Community Recreation Service Reserve Fund Establishment Bylaw No. 1588, 2010” be adopted.

CARRIED

REGIONAL AND COMMUNITY SERVICES

ENGINEERING

Bylaw No. 791.18 – Amends the Rural Streetlighting Service Establishment Bylaw to Include an Area ‘E’ Property.

MOVED Director Van Eynde, SECONDED Director Young, that this item be deferred to the next Committee of the Whole meeting.

DEFEATED

MOVED Director Van Eynde, SECONDED Director Young, that staff be directed to arrange a meeting at RDN offices for the Developer and Shelley Seniuk, Jacqueline Fennelow, Theresa Watson and other local residents they may wish to bring to discuss the streetlights proposed for the new subdivision at the end of Prawn Road in Nanoose Bay, and that staff report the results of the meeting to the Board.

DEFEATED

MOVED Director Van Eynde, SECONDED Director Holdom, that the streetlighting application be approved and that “Rural Streetlighting Local Service Area Amendment Bylaw No. 791.18, 2009” be introduced and read three times.

DEFEATED

WATER

Water Services Operations Centre Lease Agreement.

MOVED Director Westbroek, SECONDED Director Holdom, that the Board direct staff to complete a five year lease agreement with Noort Investments and Associates for Unit #7, 8 – 1065 Herring Gull Way in Parksville.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Mayne, that the minutes of the District 69 Recreation Commission meetings held November 19, 2009 and December 17, 2009 be received for information.

CARRIED

From the Commission Meeting held November 19, 2009.

MOVED Director Bartram, SECONDED Director Van Eynde, that staff be directed not to proceed further with the Ravensong Aquatic Centre expansion review at this time and that the user groups be advised accordingly.

CARRIED

MOVED Director Bartram, SECONDED Director Van Eynde, that the Regional District forward a letter of thank you to the Lion’s Club and the Parksville Save-on-Foods for their financial contribution, which allows free admission to the Oceanside Place Family Skate Sessions which has provided an opportunity to all District 69 families to actively participate in a healthy sport.

CARRIED

From the Commission Meeting held December 17, 2009.

MOVED Director Bartram, SECONDED Director Van Eynde, that subject to confirmation of funding of \$12,000 from the Oceanside Track and Field Club, \$4,000 from the District 69 Sports Association, the Regional District of Nanaimo support the proposal from the Oceanside Track and Field Club for improvements to the track at Ballenas Secondary School under the UBCM School Community Connections Program in partnership with School District #69 and provide \$6,500 from the District 690 Recreation Coordination Function for the project.

CARRIED

MOVED Director Bartram, SECONDED Director Van Eynde, that the Regional District of Nanaimo endorse the Terms and Conditions as set out under the UBCM School Community Connections Program for Phase III funding.

CARRIED

District 69 Recreation Commission Budget Recommendations.

MOVED Director Bartram, SECONDED Director Van Eynde, that the following recommendations be forwarded to the Board for consideration at the 2010 budget deliberations:

- (a) That the Board support a contribution of \$6,500 for the Track improvements at Ballenas Secondary School to be funded through the District 69 Recreation Coordinating Function by reducing the same amount from the \$30,000 identified to be transferred to reserves in the proposed 2010 annual budget.
- (b) That the Board support the increase to the Arrowsmith Community and Enhancement Society 2010 contract in the amount of \$5,880, to cover their operating costs budget shortfall, and that the increase be funded by lessening the amount set aside in 2010 reserve funds by an equal amount.

CARRIED

Drinking Water Protection Advisory Committee.

MOVED Director Bartram, SECONDED Director Rudischer, that the minutes of the Drinking Water Protection Advisory Committee meeting held December 8, 2009 be received for information.

CARRIED

Regional Parks & Trails Advisory Committee.

MOVED Director Young, SECONDED Director Burnett, that the minutes of the Regional Parks & Trails Advisory Committee meeting held December 1, 2009 be received for information.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that the Mount Benson Regional Park Management Plan be approved.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that future regional park management plans include a costing matrix regarding the policies and actions outlined in the plan.

CARRIED

Regional Solid Waste Advisory Committee.

MOVED Director Burnett, SECONDED Director Mayne, that the minutes of the Regional Solid Waste Advisory Committee meeting held November 19, 2009 be received for information.

CARRIED

Electoral Area 'H' Parks and Open Space Advisory Committee.

MOVED Director Bartram, SECONDED Director Holdom, that the minutes of the Electoral Area 'H' Parks and Open Space Advisory Committee meeting held December 9, 2009 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Holdom, that the following recommendation be forwarded to the Board for consideration at the 2010 budget deliberations:

That the Board support the Electoral Area 'H' Community Parks Budget recommendation that the \$40,000 in professional fees for Henry Morgan Park include signage and that \$40,000 be transferred to capital reserves.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Letter of Support for the Deep Bay Field Station.

MOVED Director Bartram, SECONDED Director Mayne, that the RDN Board provide a letter of support for Vancouver Island University's application titled "Mid Island Renewable Energy Showcase" to the Provincial Innovative Clean Energy Fund.

CARRIED

MOVED Director Bartram, SECONDED Director Mayne, that this item be forwarded to the January 12, 2010 Special Board meeting.

CARRIED

Nanaimo & Area Land Trust Funding Request.

MOVED Director Holdom, SECONDED Director Van Eynde, that the Nanaimo & Area Land Trust's funding request in the amount of \$30,000 be considered as part of the 2010 budget deliberations.

CARRIED

Vancouver Island North Film Commission Funding Request.

MOVED Director Westbroek, SECONDED Director Johnstone, that staff send a letter to the Vancouver Island North Film Commission to inform them that funding will not be forthcoming as the Regional District of Nanaimo does not have an economic development function, and that a Board representative will not be appointed to sit on the VI North Film Commission.

CARRIED

NEW BUSINESS

Coastal Douglas Fir (CDF) Protection of Crown Land in Electoral Area 'H'.

MOVED Director Bartram, SECONDED Director Mayne, that the RDN Board request staff to write a letter to the Provincial Government supporting their proposed Coast Douglas Fir Protection of Crown Land in Electoral Area 'H', however, requesting that the below noted areas inside the boundary of the Bowser Village Centre be considered for future civic and cultural uses such as parks, trails and public open space, community fire hall and ambulance facility, seniors housing and community sewer system. These areas are:

- (a) District Lot 36, Plan 2076, PT1 and PT2.
- (b) District Lot 85, Plan 2076, Rem Lot 14, 15, 18 and 19.

CARRIED

ADJOURNMENT

MOVED Director Holdom, SECONDED Director Westbroek, that this meeting terminate.

CARRIED

TIME: 8:48 PM

CHAIRPERSON



| | |
|--------------|-------------|
| CAO APPROVAL | |
| EAP | |
| CDV | |
| RND | |
| BOARD | ✓ Jan 26/10 |

MEMORANDUM

TO: Paul Thorkelsson
General Manager, Development Services

DATE: January 14, 2010

FROM: Tom Armet, Manager
Building, Bylaw & Emergency Planning Services

FILE: 3900-20-1250.04

SUBJECT: Building Permit Fees

PURPOSE

To introduce a bylaw to amend "Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001 to increase building permit fees.

BACKGROUND

The Regional District of Nanaimo has provided building inspection as a statutory service since 1972 and since 1989 as an extended service. The service has been funded through a combination of assessment-based property taxes, permit fees and retained earnings (surpluses). During periods of strong development activity in the RDN, the Board has been able to substantially reduce the tax component of the service area funding and rely primarily on permit fee revenues and retained earnings to cover the variable and fixed costs of the service.

The declining permit fee revenues and low tax requisition rates in the past 5 years have resulted in considerable erosion of retained earnings, creating pressure on the service area budget. In 2009 the department experienced a sharp drop in permit fee revenue and as a result, three staff positions were eliminated and deficit prevention measures were undertaken within the department.

In a September 2009 report, staff provided the Board with an overview of the current building inspection funding model and the serious implications of the current funding imbalance on the service area budget and the 2009 to 2013 RDN financial plan. Staff was directed to examine a combined approach of increased tax requisition, fees and charges to cover the full costs of building inspection. Several funding models, including substantial increases to the tax requisition, were presented at a Board seminar in October 2009.

For the purposes of presenting a balanced budget for the service area, a tax requisition increase and contribution from all electoral areas was included in the 2010 budget. This report provides further details and discussion, for the Board's consideration, on the implications of increasing permit fees as a means of stabilizing the department budget and minimizing the direct financial impact on the RDN taxpayer.

DISCUSSION

To date, funding for the Building Inspection Service has been a combination of revenue from permit fees, tax requisition, and surplus funds generated in previous years. In previous presentations staff has outlined the breakdown between the fixed costs of operations and the variable costs directly attributable to construction and permitting activity. The current policy established by the Board (*Policy No. B 2.1 attachment #1 for the Board's reference*) provides a guideline for establishing fees and charges on building permits. Under this policy, fee revenue is to comprise 55% to 70% of the department's total operating budget. This budget has not been aligned with the policy for a number of years. As outlined in previous presentations to the Board, between 1995 and 2006 the tax requisition was continually reduced to a level far below that expected in the Board policy and necessary to maintain a sustainable budget for the service into the future.

More recently the Board has expressed a strong interest in this service operating on a more direct fee-for-service framework. Some discussion has gone so far as to suggest that permit revenues solely fund the service. Staff's analysis of the funding framework and budget has confirmed that 100% funding through revenues is not a realistic possibility. Analysis shows that the breakdown between fixed and variable costs (which would relate to tax requisition and fee revenue respectively) is 35% fixed to 65% variable. This is aligned with the current Board Policy No. B2.1 and is likely the source of the original policy. This framework has been further confirmed through a review of 6 other jurisdictions that revealed similar breakdowns between tax requisition and fee revenue – tax requisition support in those sample jurisdictions ranged from 27% to 79%. The Policy B2.1 appears a laudable, representative, and evidence based goal. It is also, in the current financial climate, unachievable in the near term.

In recognition of the Board's interest in maintaining a significant fee-for-service aspect for this function, and recognizing the unacceptably large tax requisition increase necessary to achieve the policy target, staff propose a 20% - 80% (tax requisition to fee revenue) target be adopted by the Board. It is further recommended that this target be achieved incrementally over the length of the current 5-year financial plan. For example, the tax requisition for building inspection currently included in the proposed 2010 budget has been established with this target in mind and currently proposes to increase the requisition to account for 14% of the total department expenses in 2010. Under this recommendation the requisition would be gradually increased over the next 4 years to consistently achieve the targeted 20% of operating expenses by 2014.

Furthering the Board's direction regarding a combined approach of increased tax requisition and fees and charges the following discussion proposes changes to the current fee structure consistent with the proposed 20% - 80% framework.

Proposed Fee Changes

Fees and charges for building permits and administrative fees are levied pursuant to *Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001*. Our current fee structure has not changed since 1995 when the previous building bylaw (Bylaw 1000) was adopted by the Board.

The primary component of the overall permit fee is based on value of the construction. To arrive at this value, staff use the *Marshall & Swift* automated valuation system. This technology incorporates the most current and qualified building costs and is recognized as the North American industry standard in the valuation of new residential and commercial construction.

Once a construction value is determined, the permit fee is calculated using a multi-step costing matrix developed in 1994. Staff is proposing to increase the base fee of a building permit to more accurately reflect the actual costs of permit processing and inspections. In addition the proposal simplifies the method of calculating permit fees. The following table illustrates the current fee calculation method:

| Construction Value | Current Fee |
|------------------------|--|
| \$0- \$1,000.00 | \$45 |
| \$1,000 to \$150,000 | \$45 + \$10/ \$1,000 above \$1,000 |
| \$150,001 to \$500,000 | \$45 + \$10/ \$1,000 above \$1,000 to \$150,000 + \$6.50/\$1,000 between \$150,001 and \$500,000 |
| Over \$500,000 | \$45 + \$10.00/ \$1,000 above \$1,000 to \$150,000 + \$6.50/\$1,000 between \$150,001 and \$500,000 + \$3.50/\$1,000 over \$500,000 |

The determination of the applicable permit fee for individual permits is rather complicated under the current fee structure. It is very difficult for individual applicants to determine on their own a quick estimate of the permit fee that applies to their respective project. The following table, in addition to proposing changes to the fee levels, also proposes a change to the fee structure aimed at simplifying and clarifying the calculation process:

| Construction Value | Proposed Fee |
|----------------------|--|
| \$0- \$20,000 | \$150 |
| \$20,001 - \$100,000 | \$150 + 1% of construction value |
| Over \$100,000 | \$300 + 1% of construction value to \$500,000 + .25% of value exceeding \$500,000. |

As an example of the effect of the proposed fee change, the current base cost of a building permit for a single family dwelling with a construction value of \$350,000 is approximately \$2,835 (0.8% of construction value). The cost of that permit would increase by approximately \$965 to \$3,800 (1.1% of construction value). This is relatively consistent with the permit fees charged in the Cowichan Valley, Capital and Fraser Valley Regional Districts. The same permit in the City of Nanaimo or City of Duncan is approximately \$2,900 and in the City of Victoria, the cost is approximately \$4,000.

In addition to the base permit fee increase, staff is recommending increases to most related inspection and administration fees to better align the provision of those services with current costs. These fees, such as water line, sewer line and drainage inspections would increase between \$15 and \$60. Plumbing fees would increase marginally and some fees that are rarely charged would be deleted. These increases would add approximately \$150 to the additional fees currently charged for a typical single family home. Similarly, fees charged for administrative services such

as restrictive covenant filings and discharge of notices on title requires adjustment to match and recognize the current cost of meeting our statutory obligations in these areas. While these proposed fee increases are sizable, they are minor sources of revenue and consistent with fees charged by other local government jurisdictions.

A complete overview of the proposed fee changes is attached to this report (*attachment #2*)

Regular Updating of Fees

As outlined above the existing fee levels and structure for the building inspection service has not been reviewed or changed in 16 years. Any observer would note that costs in all aspects of operations have increased during that time yet the fees used to capture the costs of providing the service has not kept pace. This has in part contributed to the financial difficulty this budget has experienced in recent years.

Other jurisdictions have recognized this very same issue and have moved forward to include within their fees and charges bylaw (and/or other bylaw and policy documents) a periodic review and increase to fees aligned with an appropriate price index. Such a bylaw or policy requirement creates the situation where fees change on a gradual basis, in step with other costs and activity in the economy, rather than the larger increases required to “catch up” with costs that are necessary after longer periods of time between reviews.

Staff has reviewed examples from other jurisdictions and recommends that the Board consider adding to the existing *Building Permit Fees Policy No. B2.1*, the requirement to periodically review the Fees and Charges for this service area. If such policy changes are implemented staff would bring before the Board on a regularized basis, an analysis that outlines current fee levels and proposed changes for consideration based on an appropriate price index.

Implementation Process

The proposed increases to fees for building permits are significant. The increases are also necessary to achieve a balanced budget for the service in 2010 (and into the future). In addition, the increases are also required to accommodate the Board’s desire to move towards a more fee-for-service balance in the budget. Typically staff would recommend a process of discussion and consultation with our industry partners as part of a review of fees prior to adoption by the Board. In this case, the options available to the Board in establishing a viable and sustainable funding model for this service area are limited, and the increase to fees as proposed is both warranted and more importantly, more immediately needed.

In light of this situation staff recommend that if the Board elects to adopt the changes to fees as proposed an implementation date of March 1, 2010 be set. Although the delay in implementation reduces the potential financial impact of the fee increases for 2010, the March effective date will give staff sufficient time through the month of February to broadly inform the community of the changes to fees.

ALTERNATIVES

1. Approve increases in building permit fees and consider “Regional District of Nanaimo Building Regulations and Fees Amendment Bylaw No. 1250.04, 2010” for adoption.
2. To not consider increasing building permit fees and provide staff with alternate direction.

FINANCIAL IMPLICATIONS

Alternative #1

Replacing the current costing matrix with a flat percentage of the construction value would simplify the costing approach, strengthen the funding balance and maintain the required service level for the current year.

The analysis of permit fee revenues (*see attachment 3*) is based on projections that the 2010 building permit activity will be similar in number and value as in 2009. With that assumption, staff projects the proposed fee increases would add approximately \$100,000 in revenue in 2010. This is a conservative estimate that has been based on partial year implementation and recognizes some flexibility within the budget to respond to changes in a still relatively uncertain market.

The additional revenue generated through permit fees would enable the proposed funding through taxes to be modified in the 2010 budget and the 5-year financial plan. Should the Board approve the fee changes, staff anticipates that the proposed financial support for the building inspection function from all electoral areas (\$50,000 transfer from electoral area administration) presently included could be removed from the 2010 budget and the proposed tax requisition reduced. A copy of a revised 5-year financial plan is included (*attachment #4*) for the Board's reference.

Alternative #2

The alternative to increasing permit fees is to increase the tax requisition to cover a larger portion of the full cost of the service. This alternative would have a significant impact on the proposed 2010 budget and the 5-year financial plan for the service area. Significantly higher tax requisition increases than currently included in the proposed 2010 budget and financial plan would be required to adequately fund building inspection.

CONCLUSION

The building inspection function has faced significant financial challenges due to economic factors that heavily influence the rate of development in the Regional District. During periods of strong building activity, the primary sources of direct funding for the department was through user fees and retained earnings (surpluses), with a relatively small tax component. This funding model has proven to be unsustainable and the Board has directed staff to examine and present a funding approach that combines tax requisition and fees and charges to cover the full cost of building inspection.

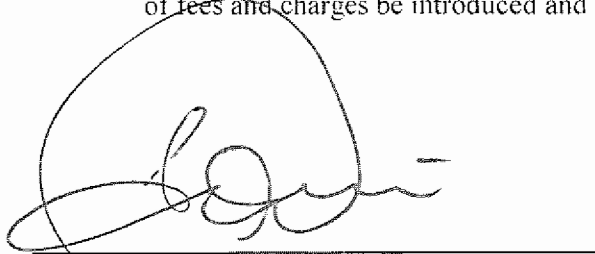
Staff proposes a new funding framework (20% tax requisition, 80% fee revenue) for the department's total operating budget. Following this framework an increased tax requisition for the service has been included in the 2010 budget. Similarly this report outlines increases to fees and charges and a revised structure for applying fees to applications. It is anticipated that the recommended increases to the existing fees and charges will provide additional revenue to the service area and lessen the impact to the tax payer allowing for adjustments to the currently proposed 2010 budget.

It is important to note that continuing in a funding model that emphasizes fees and charges as the prime source of funding introduces inherent risk and variability in the budget process. Funding is very closely tied to market activity and as such, can change dramatically and have unexpected consequences - including impacts on both service and staffing levels. It is expected that this budget in particular will continue to require close and careful management into the future.

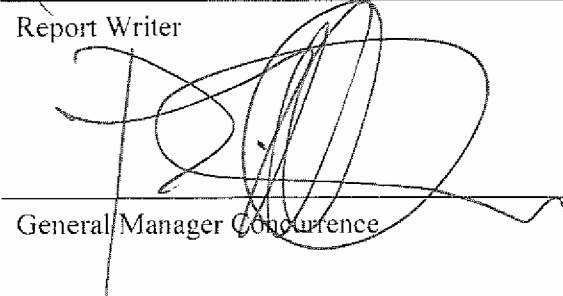
The attached amendment bylaw has been prepared to reflect the proposed fee increases as well as amend the "Areas of Application" to reflect previous inclusions of properties in Electoral Areas 'F' and 'H' into the Building Inspection Service Area.

RECOMMENDATION

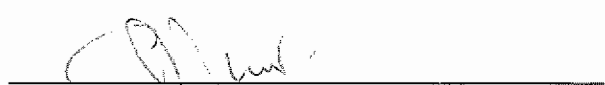
1. That "Regional District of Nanaimo Building Regulations and Fees Amendment Bylaw No. 1250.04, 2010" be introduced and read three times.
2. That "Regional District of Nanaimo Building Regulations and Fees Amendment Bylaw No. 1250.04, 2010" be adopted.
3. That the adopted changes to "Regional District of Nanaimo Building Regulations and Fees Amendment Bylaw No. 1250" have an effective date of March 1, 2010.
4. That the Board direct staff to review *Building Permit Fees Policy No. B2.1* to establish a funding framework for Building Inspection fees and charges and that a biannual review of fees and charges be introduced and included in the policy.



Report Writer



General Manager Concurrence



CAO Concurrence

Attachment No. 1

**REGIONAL DISTRICT OF NANAIMO
P O L I C Y**

| | | | |
|-----------------|---|--------------|--------|
| SUBJECT: | <i>Building Permit Fees (Building Inspection)</i> | POLICY NO: | B2.1 |
| | | CROSS REF.: | |
| EFFECTIVE DATE: | March 8, 1994 | APPROVED BY: | Board |
| REVISION DATE: | | PAGE: | 1 of 1 |

PURPOSE

To develop a guideline for establishing fees and charges on building permits.

POLICY

That the Regional District's rates for building permit fees and charges provide for recovery of the direct costs associated with permit processing and generate revenues that comprise a range of 55% up to 70% of the department's total operating budget.

Attachment No. 2

Summary of Proposed Building Permit Fee Changes

| Base Building Permit Fees | Current | Proposed |
|--|--|----------------------------|
| Construction value \$0-\$99,999 | \$45 | \$150 |
| Construction value Over \$100,000 | \$45 | \$300 |
| Demolition | \$45 | \$150 |
| Special Inspection Chimney or Fireplace or Solid Fuel Burning Appliances – separate construction | \$50 | \$150 |
| Temporary Building | \$125 | \$150 |
| Temporary Tent less than 35 square meters | \$15 | \$50 |
| Variable Building Permit Fees – value of construction | | |
| \$20,000-\$499,999 | | 1% of construction value |
| Over \$500,000 | | .25% of construction value |
| \$0- \$1,000.00 | \$45 | See above |
| \$1,000 to \$150,000 | \$45 + \$10/ \$1,000 above \$1,000 | See above |
| \$150,001 to \$500,000 | \$45 + \$10/ \$1,000 above \$1,000 to \$150,000 + \$6.50/\$1,000 between \$150,001 and \$500,000 | See above |
| Over \$500,000 | \$45 + \$10.00/ \$1,000 above \$1,000 to \$150,000 + \$6.50/\$1,000 between \$150,001 and \$500,000 + \$3.50/\$1,000 over \$500,000 | See above |
| Inspection and Other Permit Fees | | |
| Confirmation of Title | \$15 | \$15 |
| Plumbing Inspections - First Fixture | \$20 | Each fixture \$15.00 |
| Plumbing Inspections - Each additional fixture | \$10 | |
| Plumbing fixtures in a factory built building – each fixture | \$7 | \$10 |
| Rain Water Leaders – each | \$10 | \$10 |
| Water service line | \$65 | \$100 |
| Sanitary sewer service line | \$85 | \$100 |

| | | |
|---|--------------|-----------------------|
| Storm drain service line | \$85 | \$100 |
| Foundation drains | \$40 | \$100 |
| Other foundation drains \$85.00 plus \$.70 per lineal meter of pipe on site to connection | variable | Delete – not required |
| Fire Sprinklers - minimum fee of \$40.00 plus \$.40 per each head | Min fee \$40 | Min fee \$50 |
| Lawn Sprinklers - inspection for protection of potable water system | \$40 | \$50 |
| Recalled inspection – after third failed inspection | \$50 | \$100 |
| Applicant extra inspection request | \$50 | \$100 |
| Disconnection of services (cap-off) per connection | \$50 | delete |
| Restrictive Covenant Filing | \$80 | \$250 |
| Rescind a Stop Work or Do Not Occupy Notice | New | \$150 |
| Discharge of Notice on Title Registration | \$190 | \$500 |
| Confirmation of Building Permit and Zoning Information per parcel | \$40 | \$40 |

**Attachment No. 3
 Base Permit Fee Revenue Analysis**

| Permit Value Benchmarks | # of Permits 2009 | Current Base Permit Fee | % of Constr. Value | Proposed Base Permit Fee | % of Constr. Value | Change in Base Permit Fee | Projected Current Base Permit Fee Revenue | Actual Base Permit Fee Revenues | % of Revenues | Projected New Base Permit Fee Revenue | | % of Revenues |
|----------------------------------|-------------------|-------------------------|--------------------|--------------------------|--------------------|---------------------------|---|---------------------------------|---------------|---------------------------------------|-----------|-----------------------------|
| Zero Value | 116 | \$45 | n/a | \$150 | n/a | \$105 | \$5,220 | \$2,630 | 0% | \$3,900 | | 0% |
| Up to \$20,000 | 140 | \$235 | 1.2% | \$350 | 1.8% | \$115 | \$32,900 | \$16,630 | 6% | \$64,750 | | 7% |
| \$20,000 to \$50,000 | 80 | \$535 | 1.1% | \$650 | 1.3% | \$115 | \$42,800 | \$28,285 | 6% | \$52,560 | | 6% |
| \$50,000 to \$100,000 | 62 | \$1,035 | 1.0% | \$1,300 | 1.3% | \$265 | \$64,170 | \$43,720 | 10% | \$80,600 | | 9% |
| \$100,000 to \$200,000 | 48 | \$1,860 | 0.9% | \$2,300 | 1.2% | \$440 | \$89,280 | \$65,610 | 14% | \$117,300 | | 13% |
| 45 \$200,000 to \$350,000 | 58 | \$2,835 | 0.8% | \$3,800 | 1.1% | \$965 | \$164,430 | \$135,460 | 26% | \$231,800 | | 26% |
| \$350,000 to \$400,000 | 18 | \$3,160 | 0.8% | \$4,300 | 1.1% | \$1,140 | \$56,880 | \$52,585 | 9% | \$81,700 | | 9% |
| \$400,000 to \$500,000 | 22 | \$3,810 | 0.8% | \$5,300 | 1.1% | \$1,490 | \$83,820 | \$74,400 | 14% | \$127,200 | | 14% |
| \$500,000 to \$600,000 | 12 | \$4,160 | 0.7% | \$5,550 | 0.9% | \$1,390 | \$49,920 | \$45,895 | 7% | \$66,600 | | 7% |
| \$600,000 to \$700,000 | 4 | \$4,510 | 0.6% | \$5,800 | 0.8% | \$1,290 | \$18,040 | \$16,265 | 3% | \$23,200 | | 3% |
| \$700,000 to \$1,000,000 | 5 | \$5,560 | 0.6% | \$6,850 | 0.7% | \$1,290 | \$27,800 | \$23,840 | 4% | \$32,750 | | 4% |
| \$1,000,000 to \$2,000,000 | 1 | \$9,060 | 0.5% | \$9,350 | 0.5% | \$290 | \$9,060 | \$5,605 | 1% | \$9,050 | | 1% |
| Total/Change | 566 | | | | | | \$639,100 | \$508,295 | | \$838,000 | | |
| Variance due to grouping | | | | | | | | (\$130,805) | | (\$130,805) | | |
| Projected base revenues for 2010 | | | | | | | | | | \$707,195 | \$198,900 | Estimated new base revenues |

Note: fees for specific inspections and administrative charges are in addition to the amounts above. Currently, additional fees add approximately \$400 to single family dwelling permit base cost. Proposed changes will increase this amount by approximately \$150.00.

Attachment No. 4

**REGIONAL DISTRICT OF NANAIMO
 FINANCIAL PLAN
 Tax Requisition at 20% of Overall Costs**

| Building Inspection | 2009 Budget | | 2010 Proposed | | 2010 Revised | | 2011 | | 2012 | | 2013 | | 2014 | |
|-----------------------------------|------------------|------|------------------|-------|------------------|-------|------------------|-------|------------------|-------|------------------|-------|------------------|-------|
| Revenues | | | | | | | | | | | | | | |
| Property taxes | 150,000 | 14% | 150,000 | 15% | 140,000 | 14% | 100,000 | 10% | 150,000 | 18% | 155,000 | 19% | 207,137 | 20% |
| Operating revenues | 555,728 | 86% | 509,000 | 61% | 700,000 | 79% | 704,000 | 70% | 799,680 | 80% | 815,574 | 81% | 931,987 | 83% |
| Prior year (surplus)/deficit | 700,000 | | 285,785 | | 285,785 | | 119,190 | | 30,872 | | 9,291 | | 9,212 | |
| Total Revenues | 1,351,328 | | 1,944,765 | | 1,125,785 | | 1,063,190 | | 1,018,362 | | 1,079,295 | | 1,549,436 | |
| Expenditures | | | | | | | | | | | | | | |
| Fixed Costs | | | | | | | | | | | | | | |
| Administration- interdepartmental | 49,314 | | 49,807 | | 49,807 | | 50,305 | | 50,608 | | 51,318 | | 51,829 | |
| Professional fees | 28,000 | | 11,500 | | 11,500 | | 11,500 | | 11,500 | | 11,500 | | 11,500 | |
| Building Ops | 18,700 | | 17,575 | | 17,575 | | 17,575 | | 17,575 | | 17,575 | | 17,575 | |
| Other Operating Costs | 155,289 | | 187,598 | | 187,598 | | 187,598 | | 154,398 | | 154,398 | | 154,398 | |
| Administrative wages | 97,410 | | 100,332 | | 100,332 | | 103,844 | | 107,479 | | 111,241 | | 115,134 | |
| Capital | 1,450 | | 10,000 | | 10,000 | | 7,800 | | 7,500 | | 6,000 | | 2,500 | |
| Contributions to reserve funds | 4,000 | | 1,000 | | 1,000 | | 1,000 | | 1,000 | | 1,000 | | 1,000 | |
| Total Fixed Costs | 352,163 | 31% | 377,812 | 31% | 377,812 | 39% | 379,322 | 37% | 350,280 | 35% | 353,030 | 35% | 353,938 | 34% |
| Variable costs | | | | | | | | | | | | | | |
| Administration- interdepartmental | 49,314 | | 49,807 | | 49,807 | | 50,305 | | 50,608 | | 51,318 | | 51,829 | |
| Other Operating Costs | 38,925 | | 38,925 | | 38,925 | | 38,925 | | 38,925 | | 38,925 | | 38,925 | |
| Veh & Equip Ops | 28,140 | | 17,000 | | 17,000 | | 17,000 | | 17,000 | | 17,000 | | 17,000 | |
| Administrative wages | 97,410 | | 100,332 | | 100,332 | | 103,844 | | 107,479 | | 111,241 | | 115,134 | |
| Inspector Wages & Benefits | 582,020 | | 511,451 | | 511,451 | | 529,352 | | 629,352 | | 529,352 | | 549,487 | |
| Total Variable Costs | 775,815 | 66% | 826,783 | 68% | 826,783 | 74% | 850,108 | 80% | 853,831 | 85% | 857,593 | 85% | 881,801 | 85% |
| Total Costs | 1,127,978 | | 1,065,595 | | 1,006,595 | | 1,029,518 | | 1,034,091 | | 1,010,623 | | 1,035,737 | |
| (Surplus)/deficit | -223,348 | | -29,160 | | -119,190 | | -29,672 | | -6,251 | | -9,212 | | -12,636 | |
| Tax rate calculation | | | | | | | | | | | | | | |
| Tax cost per \$100,000 | \$ | 1.50 | \$ | 2.30 | \$ | 2.20 | \$ | 2.40 | \$ | 2.70 | \$ | 2.80 | \$ | 3.00 |
| Tax cost per \$200,000 | \$ | 3.00 | \$ | 4.60 | \$ | 4.40 | \$ | 4.80 | \$ | 5.40 | \$ | 5.60 | \$ | 6.00 |
| Tax cost per \$300,000 | \$ | 4.50 | \$ | 6.90 | \$ | 6.60 | \$ | 7.20 | \$ | 8.10 | \$ | 8.40 | \$ | 9.00 |
| Tax cost per \$400,000 | \$ | 6.00 | \$ | 9.20 | \$ | 8.80 | \$ | 9.60 | \$ | 10.80 | \$ | 11.20 | \$ | 12.00 |
| Tax cost per \$500,000 | \$ | 7.50 | \$ | 11.50 | \$ | 11.00 | \$ | 12.00 | \$ | 13.50 | \$ | 14.00 | \$ | 15.00 |

49

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1250.04

**A BYLAW TO AMEND “REGIONAL DISTRICT OF NANAIMO BUILDING REGULATIONS
AND FEES BYLAW NO. 1250, 2001”**

WHEREAS the Board enacted “Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001”;

AND WHEREAS the Board wishes to amend the bylaw to include changes in fees and the applicable areas of the Building Inspection Service;

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

1. Schedule ‘A’ of “Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001”; is hereby repealed and replaced with Schedule ‘A’ attached to and forming part of this bylaw.
2. Schedule ‘B’ of “Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001”; is hereby repealed and replaced with Schedule ‘B’ attached to and forming part of this bylaw.
3. Schedule ‘C’ of “Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001”; is hereby repealed and replaced with Schedule ‘C’ attached to and forming part of this bylaw.
4. This bylaw may be cited as “Regional District of Nanaimo Building Regulations and Fees Amendment Bylaw No. 1250.04, 2010”

Introduced and read three times this 26th day of January 2010.

Adopted this 26th day of January 2010.

CHAIRPERSON

SR. MGR. CORPORATE ADMINISTRATION

Schedule 'A' to accompany "Regional District of Nanaimo Building Regulations and Fees Amendment Bylaw No. 1250.04, 2010"

Chairperson

Senior Manager, Corporate Administration

**REGIONAL DISTRICT OF NANAIMO
BUILDING REGULATIONS AND FEES AMENDMENT
BYLAW NO. 1250.04, 2010**

SCHEDULE 'A'

DESCRIPTION AND MAPS OF ELECTORAL AREAS REGULATED

AREAS OF APPLICATION

This bylaw shall have application to and be in force in Electoral Area G of the Regional District of Nanaimo, as well as those parts of Electoral Areas A, B, C, E, F and H of the Regional District of Nanaimo as outlined on Schedules 'A', 'B', 'C', 'D', 'E', and 'F' of Regional District of Nanaimo Building Inspection Extended Service Establishment Bylaw No. 787, 1989.

Schedule 'B' to accompany "Regional District of Nanaimo Building Regulations and Fees Amendment Bylaw No. 1250.04, 2010"

Chairperson

Senior Manager, Corporate Administration

**REGIONAL DISTRICT OF NANAIMO
BUILDING REGULATIONS AND FEES AMENDMENT
BYLAW NO. 1250.04, 2010**

SCHEDULE 'B'

FEES

1. Building Permit Fees

The fees payable for a permit for construction, reconstruction, addition, extension, alteration and repair of any building or any other construction requiring a permit and not specifically listed here shall be as follows:

| Base Fee on Value of Construction | Fee |
|--|----------------------------------|
| Up to \$99,999 | \$150 |
| \$100,000 and higher | \$300 |
| Demolition | \$150 |
| Special Inspection Chimney or Fireplace or Solid Fuel Burning Appliances – separate construction | \$150 |
| Temporary Building | \$150 |
| Temporary Tent less than 35 square meters | \$ 50 |
| Additional Value of Construction Fees | Fee |
| \$20,000 to \$499,999 | 1% times value of construction |
| \$500,000 and greater | .25% times value of construction |
| Inspection and Other Permit Fees | |
| Confirmation of Title | \$15 |
| Plumbing Inspections – each fixture | \$15 |
| Plumbing fixtures in a factory built building – each fixture | \$10 |
| Rain Water Leaders – each | \$10 |
| Water service line | \$100 |

| | |
|---|-------|
| Sanitary sewer service line | \$100 |
| Storm drain service line | \$100 |
| Foundation drains | \$100 |
| Fire Sprinklers - minimum fee plus \$.40 per each head | \$ 50 |
| Lawn Sprinklers - inspection for protection of potable water system | \$ 50 |
| Recalled inspection – after third failed inspection | \$100 |
| Applicant extra inspection request | \$100 |
| Restrictive Covenant Filing | \$250 |
| Discharge of Notice of Bylaw Contravention Title Registration | \$500 |
| Rescind a Stop Work or Do Not Occupy Notice | \$150 |
| Confirmation of Building Permit and Zoning Information per parcel | \$ 40 |

2. Building Permit Fee Reduction

When a building permit is issued reliant upon the certification of a registered professional engineer or architect, the permit fee will be reduced by 5% of the fees payable, up to a maximum reduction of \$500.00.

3. Returned payments

A permit for which a cheque is returned to the Regional District of Nanaimo from the applicant's bank will be treated as unissued and no inspections will be completed until such time as the cheque is certified or replaced with cash or a money order.

Schedule 'C' to accompany "Regional District of Nanaimo Building Regulations and Fees Amendment Bylaw No. 1250.04, 2010"

Chairperson

Senior Manager, Corporate Administration

**REGIONAL DISTRICT OF NANAIMO
BUILDING REGULATIONS AND FEES AMENDMENT
BYLAW NO. 1250.04, 2010**

SCHEDULE 'C'

PERMIT PROCESSING FEES

1. A permit processing fee, as set out below, shall accompany an application made for a building permit. Permit processing fees are non-refundable and shall be credited to the outstanding building permit fee prior to issuance.

| | PERMIT PROCESSING FEE |
|---|------------------------------|
| (1) Construction value is less than \$20,000 | \$100 |
| (2) Construction value is \$20,000 to \$49,000 | \$300 |
| (3) Construction value is \$50,000 to \$100,000 | \$500 |
| (4) Construction value is over \$100,000 | \$1,000 |



| | |
|------------------------|---------------------|
| CAO APPROVAL <i>RN</i> | |
| EAP | |
| CGW | |
| 767-11-2286 | |
| RHD | |
| BOARD | <i>✓ Jan 26 '10</i> |

MEMORANDUM

TO: Paul Thorkelsson
General Manager, Development Services

DATE: January 7, 2009

FROM: Tom Arnet, Manager
Building, Bylaw & Emergency Planning Services

FILE: 2320 20 2010

SUBJECT: Agreement for Use of Nanaimo Animal Shelter Facilities

PURPOSE

To approve an agreement between the Regional District of Nanaimo (RDN) and the City of Nanaimo for use of the Nanaimo Animal Shelter facilities by the Regional District.

BACKGROUND

The Regional District of Nanaimo provides animal control services in District 68 under agreement with Coastal Animal Control Services Limited. The City of Nanaimo owns the building used by our contractor, located at 1260 Nanaimo Lakes Road, and rents space to the RDN on a monthly basis. The initial agreement for use of the building was made in November 1995 and renewed in February 2008, with an expiry date of December 31, 2009.

The RDN recently entered into a new animal control agreement with Coastal Animal Control Services Limited who also provide animal control services to the City of Nanaimo, from this facility. The City of Nanaimo is desirous of renewing the agreement with the RDN for rental of space in the building and has prepared the attached renewal agreement for the Board's consideration. There are no practical alternatives to the rental of this facility from the City of Nanaimo.

ALTERNATIVES

1. Approve the agreement between the Regional District of Nanaimo (RDN) and the City of Nanaimo for use of the Nanaimo Animal Shelter facilities by the Regional District.
2. To not approve the agreement.

FINANCIAL IMPLICATIONS

The Regional District of Nanaimo has leased space at the City of Nanaimo owned animal shelter facility continuously since 1995 at a monthly rate of \$250. The current agreement expired on December 31, 2009 and the City of Nanaimo is proposing to renew the agreement for a further three year period, ending December 31, 2012, at the same rate. The animal control budget currently reflects this rental cost.

CONCLUSION

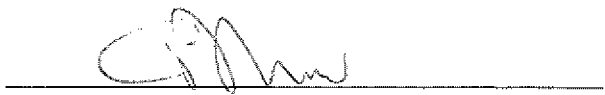
This is a proposal to renew the agreement between the City of Nanaimo and the Regional District of Nanaimo for use of their building at 1260 Nanaimo Lakes Road in conjunction with the delivery of animal control services for the RDN by Coastal Animal Control Services. There are no practical alternatives to the use of this facility.

RECOMMENDATION

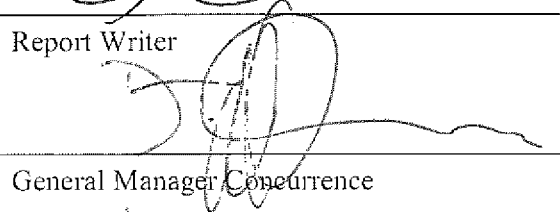
That the agreement between the City of Nanaimo and the Regional District of Nanaimo for use of the animal shelter at 1260 Nanaimo Lakes Road for the administration of animal control services be approved.



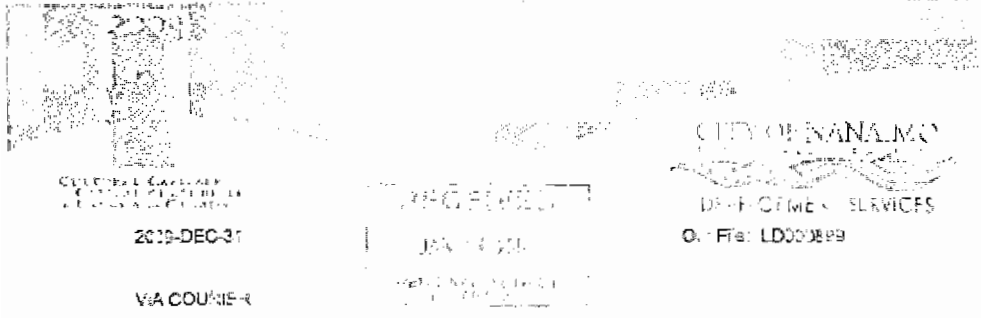
Report Writer



CAO Concurrence



General Manager Concurrence



2010-DEC-31
 VIA COURIER

Regional District of Nanaimo
 6000 Hammond Bay Road
 Nanaimo, BC V9T 6N2

Attention: Tom Armet
 Manager, Building & Bylaw Services

Dear Mr. Armet:

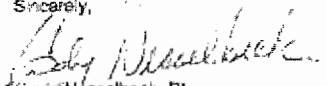
SUBJECT: Agreement for Use of Nanaimo Animal Shelter Facilities

Further to our telephone conversation, we are enclosing three copies of our Agreement between the Regional District of Nanaimo and the City of Nanaimo for use of the Nanaimo Animal Shelter facilities by the Regional District.

Please note that the Agreement is for the term January 1, 2010, to December 31, 2012, to coincide with your agreement with the Nanaimo Animal Shelter.

Please have all three copies, executed and returned to my attention. I shall arrange for execution on behalf of the City of Nanaimo and will forward a fully executed copy for your records.

I trust the enclosed will be found in order.

Sincerely,

 Casey Nesselbeck, RR
 Manager, Real Estate
 Development Services Department

CNS/p

Enc

cc: Hardy Churchill, City of Nanaimo

AGREEMENT

THIS AGREEMENT made this _____ day of January, 2010

BETWEEN:

REGIONAL DISTRICT OF NANAIMO
6300 Hammond Bay Road
Nanaimo, BC
V9T 6N2

(hereinafter call the "Regional District")

OF THE FIRST PART

AND:

CITY OF NANAIMO
655 Wallace Street
Nanaimo, BC
V9R 5J6

(hereinafter call the "City")

OF THE SECOND PART

WHEREAS:

A. The City maintains an animal shelter on lands at 1260 Nanaimo Lakes Road, legally described as Lot 1, Plan 8656, Subdivision of Sections 1, 3 and 4, Range 8, Mountain District, and Sections 1 and 4, Nanaimo District, Plan 8656 (the "Shelter"), and

B. The Regional District wishes to arrange for use of the Shelter by the contractor responsible for administration of the animal control program of the Regional District for Electoral Areas A, B, C and D (the "Contractor") and

C. The City uses the same Contractor to carry out its animal control program and has consented to the use of the Shelter by the Contractor on behalf of the Regional District

NOW THIS AGREEMENT WITNESSES that in consideration of the premises and the permission hereby granted by the City of Nanaimo to the Regional District of Nanaimo, the license fee and the covenants hereinafter set forth and for other valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the parties hereto covenant and agree each with the other as follows:

1. The Regional District's Contractor may use the Shelter in connection with the administration of the animal control program of the Regional District for Electoral Areas A, B, C and the District of Lantzville for a term of three years from January 1, 2010 to December 31, 2012 unless earlier terminated under this Agreement.
2. The Regional District shall pay to the City the sum of \$250.00 (plus GST) per month during the term of this Agreement, payable on or before the 1st day of each month.
3. Either party may terminate this Agreement on 90 days' written notice by either party.
4. If the Regional District continues to exercise the license granted after the expiration of the term of it without objection by the City and without any written agreement providing otherwise, the Regional District shall be deemed to be a licensee from month to month, and either party may terminate on 30 days' written notice by either party.
5. The Regional District shall indemnify and save harmless the City of and from all claims, demands, actions, causes of action and expenses arising from the negligent act or omission of the Contractor carrying out the Regional District's animal control program except insofar as such claims, demands, actions, causes of actions or expenses arise from the negligence of the City, its officers or employees.
6. This Agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors and permitted assignees.
7. The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement shall not be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
8. Wherever the singular, masculine and neuter are used throughout this Agreement, the same shall be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.
9. No remedy under this Agreement shall be deemed exclusive but shall, where possible, be cumulative with all other remedies at law or in equity.
10. This Agreement shall be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

The Corporate Seal of the)
REGIONAL DISTRICT OF NANAIMO)
was hereunto affixed in the presence of:) (seal)
_____)
_____)
_____)

The Corporate Seal of the)
CITY OF NANAIMO)
was hereunto affixed in the presence of:) (seal)
_____)
General Manager of Development Services)
_____)
Director of Legislative Services)

Attachment: LDC000025



| | |
|----------------------------|--------------|
| NEW REPORT CAREY CORWAS | |
| EAP | |
| COV | |
| RHD | |
| BOARD | ✓ Jan 26 '10 |

MEMORANDUM

TO: Carol Mason
Chief Administrative Officer

DATE: January 16, 2010

FROM: Nancy Avery
General Manager, Finance & Information Services

FILE:

SUBJECT: Use of Community Works funds in 2010

PURPOSE

To obtain Board approval for the use of Community Works funds in 2010.

BACKGROUND

Under the Agreement on the Transfer of Federal Gas Tax revenues, local governments are receiving annual sums which may be used for local priorities which improve public infrastructure and the capacity to implement measures which will reduce greenhouse gas emissions and result in cleaner air and cleaner water. Funds available to the Regional District of Nanaimo are intended to undertake eligible projects for the Electoral Areas – each municipality within the Regional District receives funds separately for the same purposes. Over the course of the agreement an estimated total of \$6.7 million dollars will be received. Approximately \$2.6 million dollars has been received to date. Community Works Funds are distributed to the Regional District on the basis of the population in each Electoral Area, plus a base amount of \$50,000. At the end of 2009 the approximate balances available are:

| | |
|------------------|-------------|
| Electoral Area A | \$405,540 |
| Electoral Area B | \$241,295 |
| Electoral Area C | \$159,580 |
| Electoral Area E | \$345,110 |
| Electoral Area F | \$409,775 |
| Electoral Area G | \$452,370 |
| Electoral Area H | \$39,625* |
| Unexpended | \$2,053,295 |

*A Village Plan has been under development over 2007 to 2010 for Electoral Area H at a cost to date of \$171,000, accounting for the lower balance for this area.

In 2009 the Board approved projects totaling \$431,445 as follows:

| | | |
|---|-----------|---|
| Liquid Waste Management Planning | \$38,000 | to assist in the review of septage disposal options in Electoral Areas – fully expended in 2009 |
| Green Buildings Awareness/Barriers and Incentives for Green Buildings | \$50,000 | Expended to date \$32,000 – report being prepared |
| Green Building/Climate Change education for staff | \$20,000 | Expended to date \$1,000 – balance carried forward for further initiatives in 2010 |
| Bylaw 500 Update | \$60,000 | Project deferred pending consideration of Sustainable Subdivision Regulations and new requirements for Greenhouse Gas targets in OCP's |
| Affordable Housing Strategy review | \$12,000 | Expended - \$5,110 and report completed |
| Home Based Business/Sustainable Subdivision Regulation review | \$23,900 | Professional fees + staff support below - Project deferred to 2010 |
| Review of transit alternatives for Electoral Areas B,E, F and H | \$40,000 | BC Transit is participating in studies for Electoral Areas A, B and H at present and may cover a portion of the costs – this amount carried forward to 2010 |
| Bus shelters in Electoral Areas A, E and G | \$60,000 | To be completed in 2010 |
| Staff support for the above | \$127,545 | Expended - \$45,930 |

A further \$133,570 was expended on projects commenced in 2008:

| | | |
|----------------------------------|----------|-------------------------|
| Area H Village Planning | \$81,615 | Temporary staff support |
| Area A OCP studies (groundwater) | \$40,365 | |
| Regional Growth Strategy | \$11,590 | Contract staff support |

In March 2008 the Regional District became a signatory to the Provincial Climate Action Charter which commits us to becoming carbon neutral by 2012. Additionally, provincial legislation (Bill 27) requires greenhouse emissions reduction targets to be developed and included in Electoral Area Official Community Plans. The projects recommended for 2010 (See Schedule A attached) include furthering data collection and analyzing options for greenhouse gas emissions reductions policies, enhancing public awareness of the RDN's Green Building action plan and the Integrated Design Process policy and improvements to transit infrastructure in selected electoral areas.

ALTERNATIVES:

1. Endorse the proposed projects as presented.
2. Recommend changes to the proposed projects and endorse an amended plan.

FINANCIAL IMPLICATIONS:

Alternative 1

A list of the projects is included on Schedule A to this report and in staff's opinion all are eligible for funding by the Community Works program. Under this alternative an estimated \$361,510 would be targeted for new projects and \$222,000 would be carried forward from 2009 to complete previously approved projects. The theme of the 2010 program is to continue to build a body of knowledge with respect to improving the understanding of how changes in forms of development reduce greenhouse gas emissions and result in more sustainable communities.

The use of Community Works funds is not strictly tied to the annual budget approval. Should the Board identify further projects during 2010 it can authorize those to proceed at a later date.

SUMMARY/CONCLUSIONS:

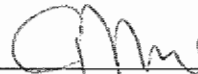
The Regional District's Electoral Areas receive funds annually under the Federal Gas Tax Revenue Transfer program, in the form of Community Works Funds. The funds are targeted for local priorities which improve public infrastructure and the base of knowledge which will lead to actions to reduce greenhouse gas emissions and result in cleaner air and cleaner water. To date approximately \$600,000 has been used for projects covering stormwater management, affordable housing, WaterSmart website development, green building workshops, liquid waste management planning, Electoral Area H Village planning and most recently, Electoral Area A Village planning. Schedule A attached to this report lists the recommended projects for 2010. New projects are estimated at \$361,510 and \$222,000 will be carried forward from 2009 to complete projects underway – for a 2010 budget of \$583,510. The use of Community Works funds is not strictly tied to the annual budget approval. Should the Board identify further projects during 2010 it can authorize those to proceed at a later date.

RECOMMENDATION:

1. That the 2010 Community Works project list outlined on Schedule A be approved and that staff be authorized to commence work immediately.



Report Writer



CAO Concurrence

SCHEDULE A

2010 COMMUNITY WORKS PROJECTS

Development Services

| | | |
|--|------------------|--|
| Electoral Area A | \$60,000 | Professional fees for continued Village Plan background studies |
| Community Viz | \$52,510 | Temporary GIS technician to develop database which can be used by RDN's mapping software to evaluate the costs and benefits of different forms of development in a visual form which is easy to understand |
| Greenhouse Gas Emission Reduction Targets for Electoral Area OCP's | \$40,000 | Consulting assignment – to provide background information for proceeding to include GHG emission reduction targets as required by Provincial legislation. The study will assist in examining goals, objectives and recommended policies. (Data will be provided by Energy & Sustainability department) |
| Total for Development Services | \$152,510 | |

Energy and Sustainability

| | | |
|--|------------------|--|
| Community Energy and Emissions Plan | | |
| Emissions Inventories and Projections for Electoral Areas/Targeted Action Plan | \$20,000 | Divide existing RDN wide inventory into individual Electoral Area inventories and establish emissions projections to 2020 |
| Target Action Plan | \$40,000 | Quantify emissions reductions associated with measures applicable to all jurisdictions within RDN |
| Rural Reductions, Reservoirs and Removals | \$40,000 | Identify measures appropriate for each electoral area , specifically those associated with residential development, improved transportation and best practices in agricultural activities; examine the carbon reservoir potential in each electoral area including capacity of standing forests and carbon removal potential through forest management, agricultural soil sequestration etc. |
| Green Building Policy Implementation | | |
| Integrated Design Process Manual/Certify staff for Integrated Design Process facilitation (LEED) | \$5,000 | Total \$10,000, 50% from Energy & Sustainability re: staff training for IDP/LEED facilitation and certification |
| Green Building Action Plan | | |
| Community Outreach and Speaker Series | \$14,000 | Green Building information sessions in each Electoral Area – covers speakers and hall rentals |
| Total for Energy & Sustainability | \$119,000 | |

Transportation Services

| | | |
|--|------------------|--|
| Electoral Area A | \$20,000 | Locate additional bus shelter |
| Electoral Area E | \$20,000 | Locate additional bus shelter |
| Electoral Area G | \$20,000 | Locate additional bus shelter |
| Transportation Studies for all Electoral Areas | \$30,000 | Total available would be \$70,000 (\$10,000 approx for each EA) - final RDN costs may be less with BC Transit cost sharing |
| Total for Transportation Services | \$90,000 | |
| Total New Projects for 2010 | \$361,510 | |

SCHEDULE A cont'd

2010 COMMUNITY WORKS PROJECTS

2009 Projects – carry forward for completion in 2010

| | |
|---|------------------|
| Home Based Business Review | \$35,000 |
| Sustainable Subdivision Review | \$50,000 |
| Green Buildings Awareness/Barriers and Incentives for Green Buildings | \$18,000 |
| Green Building/Climate Change education for staff | \$19,000 |
| Transportation study for All Electoral Areas – final RDN share dependant on BC Transit cost sharing | \$40,000 |
| Installation of bus shelters in Electoral Areas A, E and G | \$60,000 |
| Total to complete prior year projects | \$222,000 |
| Total budget for 2010 | \$583,510 |

TO: Board of Directors **DATE:** January 21, 2010
FROM: Carol Mason **FILE:**
Chief Administrative Officer
SUBJECT: BOARD STRATEGIC PLAN 2010-2012

PURPOSE

To distribute the 2010-2012 Board Strategic Plan – *Integrated Solutions for a Sustainable Future*.

BACKGROUND

In April of 2009 the Board met to discuss and update the current Strategic Plan for the Regional District. Based on the feedback received at the seminar, a revised Strategic Plan was drafted which updates the Board's goals and objectives. The 2010-2012 Board Strategic Plan – *Integrated Solutions for a Sustainable Future* was first presented for the Board's formal consideration in October 2009 and the following recommendations were approved at the October Board meeting:

That the 2009-2012 Board Strategic Plan – Integrated Solutions for a Sustainable Future be approved.

That staff be directed to refer the Strategic Plan to the member municipalities for information.

The document has now been finalized and is being presented for distribution to the public.

RECOMMENDATION

That the report on the distribution of the 2010-2012 Board Strategic Plan – *Integrated Solutions for a Sustainable Future* be received for information.



Chief Administrative Officer