

REGIONAL DISTRICT OF NANAIMO
REGULAR BOARD MEETING
AGENDA

Tuesday, March 26, 2019

7:00 P.M.

Board Chambers

This meeting will be recorded

Pages

1. CALL TO ORDER
2. APPROVAL OF THE AGENDA
3. ADOPTION OF MINUTES
 - 3.1 Regular Board Meeting - February 26, 2019 10
(All Directors - One Vote)
That the minutes of the Regular Board meeting held February 26, 2019, be adopted.
4. INVITED PRESENTATIONS
 - 4.1 Regional District of Nanaimo Draft Strategic Plan 2019 - 2022 19
Presentation of the Revised Draft Strategic Plan by Dan Huang, Urban Systems
(All Directors - One Vote)
That the Revised Draft Strategic Plan be received for information, and further, that public consultation on the Revised Draft Strategic Plan proceed with the results of such consultation reported to the Board at the May 28, 2019 Regular Board meeting.
5. DELEGATIONS - AGENDA ITEMS
6. CORRESPONDENCE
(All Directors - One Vote)
That the following correspondence be received for information:
 - 6.1 Tali Campbell, Nanaimo Clippers Junior 'A' Hockey Club, re Request for funding for the RBC Cup 45

7. COMMITTEE MINUTES

(All Directors - One Vote)

That the following minutes be received for information:

7.1	Electoral Area Services Committee - March 12, 2019	46
7.2	Committee of the Whole - March 12, 2019	50
7.3	Solid Waste Management Select Committee - March 5, 2019	56
7.4	Northern Community Economic Development Select Committee - February 21, 2019	59

8. COMMITTEE RECOMMENDATIONS

8.1 Electoral Area Services Committee

8.1.1	Development Variance Permit Application No. PL2019-024 - 2254 Alberni Highway, Electoral Area F	62
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Delegations Wishing to Speak to Development Variance Permit Application No. PL2019-024 - 2254 Alberni Highway, Electoral Area F

(Electoral Area Directors, except EA B - One Vote)

That the Board approve Development Variance Permit No. PL2019-024 to reduce the minimum parking and other lot line setback requirements subject to the terms and conditions outlined in Attachments 2 and 3.

8.1.2	Development Variance Permit Application No. PL2018-215 - 2515 Island Highway East, Electoral Area E	69
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Delegations Wishing to Speak to Development Variance Permit Application No. PL2018-215 - 2515 Island Highway East, Electoral Area E

(Electoral Area Directors, except EA B - One Vote)

That the Board approve Development Variance Permit No. PL2018-215 to reduce the interior lot line setback from 2.0 metres to 0.15 metres subject to the terms and conditions outlined in Attachments 2 and 3.

8.1.3	Development Variance Permit Application No. PL2018-169 - 1437 Madrona Drive, Electoral Area E	78
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Delegations Wishing to Speak to Development Variance Permit Application No. PL2018-169 - 1437 Madrona Drive, Electoral Area E

(Electoral Area Directors, except EA B - One Vote)

That the Board approve Development Variance Permit No. PL2018-169 to reduce the setback from the top of slope of 30 percent or greater from 8.0 metres to 1.4 metres subject to the terms and conditions outlined in Attachments 2 to 4.

8.1.4 Revisions to Policy B1.21 Groundwater Assessment Requirements for Rezoning Un-serviced Lands and for Development Permits 86

(All Directors - One Vote)

That the Board endorse the revised Policy B1.21 to improve clarity and streamline requirements for groundwater assessments for rezoning un-serviced lands and for development permits.

8.1.5 Bylaw Enforcement Overview 97

(All Directors - One Vote)

That staff be directed to undertake a review of regulatory services and procedures, and report back to the Board with recommendations to address gaps that may exist in bylaw enforcement in the Electoral Areas as well as cost recovery mechanisms.

8.2 Committee of the Whole

8.2.1 District 69 Youth Recreation Grants

Please note: Committee recommendation has no accompanying staff report

(Parksville, Qualicum Beach, Electoral Areas E, F, G, H - Weighted Vote)

That the following District 69 Youth Recreation Grant applications be approved:

- Bowser Elementary School - spring field trip - \$2,500
- Arrowsmith Community Recreation Association - Youth Week events - \$461
- Mid-Island Distance Youth Running Club - equipment purchase - \$1,054
- Errington War Memorial Hall Association - World Music Youth Camp - \$1,000
- Oceanside Community Arts Council - summer school creative art supplies - \$1,000
- Ravensong Aquatic Club - equipment - \$1,275
- Errington Elementary School - field coach equipment - \$2,219

Total - \$9,509

8.2.2 District 69 Community Recreation Grants

Please note: Committee recommendation has no accompanying staff report

(Parksville, Qualicum Beach, Electoral Areas E, F, G, H - Weighted Vote)

That the following District 69 Community Recreation Grant applications be approved:

- Errington Elementary School - Grade 3 swim program - \$1,675
- Forward House Community Society - program costs - \$2,215
- Bow Horn Community Club - fall fair - \$2,500
- Qualicum Beach Weavers & Spinners Guild - materials, promotions, meeting space - \$2,000
- Parksville Golden Oldies Sports Association - meeting space - \$800
- Oceanside Building Learning Together Society - Dad's night out - \$650
- Town of Qualicum Beach - Beach Day event - \$1,000
- Bowser Tennis Club - repair court surface, purchase ball machine - \$2,253
- Arrowsmith Community Recreation Association - Country Picnic event supplies - \$1,250
- Parksville Curling Club - LED lighting upgrade project - \$2,000
- Canadian Paraplegic Association (BC) - Spinal Cord Injury BC event equipment rental - \$1,000

Total - \$17,343

8.2.3 Ministry of Forests, Lands, Natural Resource Operations and Rural Development Wildfire Response Agreement 2019-2022

109

(All Directors - Weighted Vote)

That the 2019-2022 Wildfire Response Agreement with the Ministry of Forest, Lands, Natural Resource Operations and Rural Development be approved for execution.

8.2.4 French Creek Pollution Control Centre, Engineering Services

126

(All Directors - Weighted Vote)

That the Board approve an additional \$222,172 (excluding GST) to AECOM Engineering Services contract for Thickener Facility Upgrade engineering and Landscape Architecture design.

8.2.5 Cedar Community Hall Association, re Requesting Community Works Funds for Accessibility Improvements

Please note: Committee recommendation has no accompanying staff report

(All Directors - Weighted Vote)

That pending project approval from Union of BC Municipalities, staff be directed to complete an agreement with the Cedar Community Hall Association for up to \$5,520.56 from the Electoral Area A Community Works Fund allocation and that the 2019 to 2023 Financial Plan Bylaw be amended accordingly.

8.3 Solid Waste Management Select Committee

8.3.1 Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784

129

Please note: The original recommendation was varied by the Committee (Item 3 added)

(All Directors - One Vote)

1. That the "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019" be introduced and read three times.

(All Directors - One Vote / 2/3)

2. That the "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019" be adopted.

(All Directors - One Vote)

3. That when approval is received from the Ministry of Environment of the Solid Waste Management Plan, that staff prepare a financial plan to coincide with the Plan to reduce solid waste.

8.3.2 Out of Region Waste Disposal Request from qathet Regional District 163

(All Directors - One Vote)

That the Board approve the request from the qathet Regional District to accept municipal solid waste from residents of Lasqueti Island at Regional District of Nanaimo Solid Waste Management Facilities with the following conditions:

1. municipal solid waste from Lasqueti Island will be charged the prevailing Regional District of Nanaimo municipal solid waste tipping fee rate plus a 20% premium;
2. acceptance will be approved until March 1, 2026; and
3. the Board direct staff to amend Regional District of Nanaimo Solid Waste Management Bylaw No. 1531, 2007, Schedule 'D' to include these conditions.

8.4 Transit Select Committee

8.4.1 Licence of Occupation and Use 169

(All Directors - Weighted Vote)

That the Regional District of Nanaimo enter into a licence of occupation and use with the City of Nanaimo and Seaspans Ferries Corporation for a portion of 1 Port Drive commencing April 7, 2019 and ending September 30, 2019.

9. REPORTS

9.1 Oceanside Place Energy Upgrades and Chiller Replacement Tender Award 183

(All Directors - Weighted Vote)

That the Board award the contract for the Oceanside Place Energy Upgrades and Chiller Replacement Project to Fraser Valley Refrigeration Ltd. for \$380,920 (excluding GST).

9.2 Ravensong Aquatic Centre Mechanical Equipment Replacement Tender Award 185

(All Directors - Weighted Vote)

That the Board award the contract for the Ravensong Aquatic Centre Mechanical Equipment Replacement Project to Archie Johnstone Plumbing and Heating Ltd. for \$699,250 (excluding GST).

10. BYLAWS - WITH NO ACCOMPANYING REPORT

- 10.1 Electoral Area 'G' Community Parks Service Amendment Bylaw No. 805.07, 2019 - Adoption** 187

(All Directors - One Vote)

That "Electoral Area 'G' Community Parks Service Amendment Bylaw No. 805.07, 2019" be adopted.

- 10.2 French Creek Sewerage Facilities Local Service Boundary Amendment Bylaw No. 813.55, 2018 - Adoption** 189

(All Directors - One Vote)

That "French Creek Sewerage Facilities Local Service Boundary Amendment Bylaw No. 813.55, 2018" be adopted.

- 10.3 Regional District of Nanaimo Northern Community Sewer Local Service Boundary Amendment Bylaw No. 889.73, 2018 - Adoption** 191

(All Directors - One Vote)

That "Regional District of Nanaimo Northern Community Sewer Local Service Boundary Amendment Bylaw No. 889.73, 2018" be adopted.

- 10.4 Regional District of Nanaimo Regional Parks and Trails Service Amendment Bylaw No. 1231.06, 2019 - Adoption** 193

(All Directors - One Vote)

That "Regional District of Nanaimo Regional Parks and Trails Service Amendment Bylaw No. 1231.06, 2019" be adopted.

11. DELEGATIONS - ITEMS NOT ON THE AGENDA

12. BUSINESS ARISING FROM DELEGATIONS

13. MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN

13.1 Northern Communities Select Committee

Director Rogers provided notice of the following motion at the March 12, 2019 Committee of the Whole meeting:

(Parksville, Qualicum Beach, Electoral Areas E, F, G, H - Weighted Vote)

That staff be directed to report on establishing a new Northern Communities Select Committee comprised of the Regional District of Nanaimo Directors for Parksville, Qualicum Beach and Electoral Areas E, F, G, and H to replace the roles and responsibilities of the District 69 Community Justice Select Committee, the Northern Community Economic Development Select Committee and the District 69 Recreation Commission.

- 13.1.1 Oceanside Recreation and Sport Infrastructure Sub-Committee Report** 194
Please note: Oceanside Recreation and Sport Infrastructure Sub-Committee Report is provided for information
- The following motion was deferred to the March 26, 2019 Regular Board meeting from the March 12, 2019 Committee of the Whole meeting, to be discussed in the event that Item 13.1 fails:*
- (Parksville, Qualicum Beach, Electoral Areas E, F, G, H - Weighted Vote)
- That the Board proceed with the original recommendations of the Oceanside Recreation and Sport Infrastructure Sub-Committee Report without delay.
- 13.2 Webcasting of Regional District of Nanaimo Meetings**
 Director McLean provided notice of the following motion at the February 26, 2019 Regular Board meeting:
- (All Directors - One Vote)
- That staff be directed to prepare a report on the cost of implementing the webcasting of Committee of the Whole and Board meetings; and also the cost of implementing the webcasting of all public meetings in the Board Chambers.
- 14. NEW BUSINESS**
- 14.1 Motion to Reconsider - Regional District of Nanaimo Regional Parks**
Please note: This item is included on the agenda at the request of Director Gourlay
- (All Directors - One Vote - 2/3)
- That the following motion passed at the February 26, 2019 Regular Board meeting be brought back for reconsideration:
- That staff prepare a plan on Development Cost Charges for Regional District of Nanaimo Regional Parks for review by the Regional Parks and Trails Select Committee.
- 14.1.1 Amendment to Regional District of Nanaimo Regional Parks Motion**
Please note: If Item 14.1 is reconsidered, Director Gourlay has provided the following motion for the Board's consideration:

(All Directors - Weighted Vote)

That the main motion regarding the Regional District of Nanaimo Regional Parks be amended to read as follows:

That staff prepare a plan on Development Cost Charges for Regional District of Nanaimo Regional Parks for review by the Regional Parks and Trails Select Committee and for Electoral Area Community Parks for review by the Electoral Area Services Committee.

15. IN CAMERA

(All Directors - One Vote)

That pursuant to Sections 90 (1) (e), (k) and 90 (2) (b) of the *Community Charter* the Board proceed to an In Camera meeting for discussions related to the acquisition, disposition or expropriation of land or improvements, the provision of a proposed service, and the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government and a third party.

16. ADJOURNMENT

**REGIONAL DISTRICT OF NANAIMO
MINUTES OF THE REGULAR BOARD MEETING**

**Tuesday, February 26, 2019
7:00 P.M.
Board Chambers**

In Attendance:	Director I. Thorpe	Chair
	Director B. Rogers	Vice Chair
	Director K. Wilson	Electoral Area A
	Director V. Craig	Electoral Area B
	Director M. Young	Electoral Area C
	Alternate	
	Director J. Fell	Electoral Area F
	Director C. Gourlay	Electoral Area G
	Director S. McLean	Electoral Area H
	Director L. Krog	City of Nanaimo
	Director S. Armstrong	City of Nanaimo
	Director D. Bonner	City of Nanaimo
	Director T. Brown	City of Nanaimo
	Director B. Geselbracht	City of Nanaimo
	Director E. Hemmens	City of Nanaimo
	Director J. Turley	City of Nanaimo
	Director E. Mayne	City of Parksville
	Director A. Fras	City of Parksville
	Director M. Swain	District of Lantzville
	Director T. Westbroek	Town of Qualicum Beach
Regrets:	Director L. Salter	Electoral Area F
Also in Attendance:	P. Carlyle	Chief Administrative Officer
	R. Alexander	Gen. Mgr. Regional & Community Utilities
	G. Garbutt	Gen. Mgr. Strategic & Community Development
	T. Osborne	Gen. Mgr. Recreation & Parks
	D. Pearce	Director of Transportation & Emergency Services
	J. Hill	Mgr. Administrative Services
	C. Golding	Recording Secretary
	S. Commentucci	Recording Secretary

CALL TO ORDER

The Chair called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

APPROVAL OF THE AGENDA

19-072

It was moved and seconded that the agenda be approved, as amended, to include the following late delegation requests under section 4:

Maya Chorobik, Community Energy Association, re Mid-Island Electric Vehicle Charging Network Funding Opportunities

John Hankins, Mid-Island Business Initiative, re Mid-Island Electric Vehicle Charging Network

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

19-073

It was moved and seconded that the following minutes be adopted:

Regular Board Meeting - January 22, 2019

Special Board Meeting - February 19, 2019

CARRIED UNANIMOUSLY

DELEGATIONS

Maya Chorobik, Community Energy Association, re Mid-Island Electric Vehicle Charging Network Funding Opportunities

Maya Chorobik provided an overview of funding opportunities for a mid-island electric vehicle charging network and asked the Board to act as lead applicant for a CleanBC Communities Fund application, to identify the number of level 2 charging stations to be located at Regional District facilities, and to provide a letter of support for the Community Energy Association's application to the Emotive Community Outreach Incentive program on behalf of mid-island communities.

John Hankins, Mid-Island Business Initiative, re Mid-Island Electric Vehicle Charging Network

John Hankins provided an overview of the benefits of supporting electric vehicle infrastructure in the region and asked the Board to support the initiative for a mid-island electric vehicle charging network.

COMMITTEE MINUTES

19-074

It was moved and seconded that the following minutes be received for information:

Electoral Area Services Committee - February 19, 2019

Committee of the Whole - February 19, 2019

Arrowsmith Water Service Management Board - February 6, 2019

Englishman River Water Service Management Board - February 6, 2019

Regional Parks and Trails Select Committee - February 5, 2019

Transit Select Committee - January 24, 2019

CARRIED UNANIMOUSLY

COMMITTEE RECOMMENDATIONS

Electoral Area Services Committee

Draft Policy B1.26 Land Use Applications for Cannabis Production

19-075

It was moved and seconded that the Board adopt Regional District of Nanaimo Policy B1.26 *Land Use Applications for Cannabis Production*.

CARRIED UNANIMOUSLY

Director's Roundtable - Bylaw Services Report

19-076

It was moved and seconded that staff be directed to include an analysis of cost recovery options and related penalties for bylaw infractions in the report being drafted by Building & Bylaw Services for the Board's consideration at a future meeting.

CARRIED UNANIMOUSLY

Arrowsmith Water Service Management Board

Arrowsmith Water Service 2019-2023 Financial Plan Report

19-077

It was moved and seconded that the Regional District of Nanaimo adopt its portion of the Arrowsmith Water Service 2019 – 2023 Financial Plan as outlined in Table 2 attached to the January 24, 2019 report.

CARRIED UNANIMOUSLY

Englishman River Water Service Management Board

Englishman River Water Service 2019 - 2023 Financial Plan Report

19-078

It was moved and seconded that the Regional District of Nanaimo adopt its portion of the Englishman River Water Service 2019 – 2023 Financial Plan as outlined in Table 1 attached to the January 07, 2019 report.

CARRIED UNANIMOUSLY

Committee of the Whole

2019-2023 Financial Plan

19-079

It was moved and seconded that “Southern Community Economic Development Service Amendment Bylaw No. 1648.02, 2019” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED UNANIMOUSLY

19-080

It was moved and seconded that “Regional District of Nanaimo Regional Parks and Trails Service Area Amendment Bylaw No. 1231.06, 2019” be introduced, and read three times.

CARRIED UNANIMOUSLY

19-081

It was moved and seconded that “Electoral Area ‘G’ Community Parks Service Amendment Bylaw No. 805.07, 2019” be introduced, and read three times.

CARRIED UNANIMOUSLY

19-082

It was moved and seconded that "Regional District of Nanaimo Financial Plan 2019 to 2023 Bylaw No. 1787, 2019" be introduced and read three times.

CARRIED UNANIMOUSLY

19-083

It was moved and seconded that "Regional District of Nanaimo Financial Plan 2019 to 2023 Bylaw No. 1787, 2019" be adopted.

CARRIED UNANIMOUSLY

Regional District of Nanaimo Bylaw Notice Bylaw No. 1786, 2019, being a Bylaw to Implement a Bylaw Notice Bylaw

It was moved and seconded that "Regional District of Nanaimo Bylaw Notice Bylaw No. 1786, 2019" be introduced and read three times.

It was moved and seconded that Bylaw No. 1786, 2019 be amended by replacing Section 10 (f) with the following:

"Where a deemed violation is an issue of non-compliance, or where a violation descends from an accident, circumstances beyond a person's control, an unexpected, unpredictable or unintended event, then the screening officer shall first seek mitigation, indemnification and compliance by way of a compliance agreement. The screening officer is authorized to waive the entire penalty if this outcome is achieved. In the event that a violation can be considered deliberate or predictable (such as in a repeated event) then the screening officer may authorize a 50% reduction of the penalty as part of a compliance agreement. This reduction takes effect by the screening officer requiring as a term of the compliance agreement a payment of 50% of the specified penalty which would otherwise be payable had the compliance agreement not been made. If the compliance agreement is rescinded, any payment of this reduced amount will be allocated to the credit of the penalty otherwise owing."

After debate the motion was withdrawn.

It was moved and seconded that Bylaw No. 1786, 2019 be amended by deleting 'unlawful' and replacing it with 'non-compliant' in Schedules 19 and 25.

Opposed (14): Director Thorpe, Director Rogers, Director Wilson, Director Craig Director Young, Director Krog, Director Armstrong, Director Bonner, Director Brown, Director Hemmens, Director Turley, Director Mayne, Director Fras, and Director Swain

DEFEATED

19-084

The vote was taken on the main motion:

That "Regional District of Nanaimo Bylaw Notice Bylaw No. 1786, 2019" be introduced and read three times.

Opposed (2): Director Young, and Director Fell

CARRIED

19-085

It was moved and seconded that "Regional District of Nanaimo Bylaw Notice Bylaw No. 1786, 2019" be adopted.

CARRIED UNANIMOUSLY

RDN Drinking Water and Watershed Protection Action Plan Update Project

19-086

It was moved and seconded that the Board appoint Director Geselbracht, Director Craig and Director McLean to a temporary Drinking Water and Watershed Protection Action Plan Update Board Steering Committee for the 2019 project.

CARRIED UNANIMOUSLY

Gabriola Community Hall, re Electoral Area B Community Works Funds

19-087

It was moved and seconded that pending project approval from the Union of BC Municipalities, staff be directed to complete an agreement with the Gabriola Community Hall Association for up to \$25,000 from the Electoral Area B Community Works Fund allocation as a matching contribution towards roof upgrades for the Gabriola Community Hall.

CARRIED UNANIMOUSLY

Regional Parks and Trails Select Committee

Little Qualicum River Regional Park Bridge Replacement Detailed Design and Class B Costing

19-088

It was moved and seconded that the Little Qualicum River Regional Park Bridge Replacement proceed to Tender in February 2020 for construction in 2020.

CARRIED UNANIMOUSLY

19-089

It was moved and seconded that the 2020-2024 Financial Plan include \$839,910 in the 2020 year for completion of the Little Qualicum River Regional Park Bridge Replacement.

CARRIED UNANIMOUSLY

RDN Parks Funding Service Review

It was moved and seconded that staff prepare a plan on Development Cost Charges for Regional District of Nanaimo Parks for review by the Regional Parks and Trails Select Committee.

It was moved and seconded that the motion be amended by adding 'Regional' after 'Nanaimo'.

Opposed (9): Director Thorpe, Director Craig, Director Gourlay, Director Krog, Director Armstrong, Director Bonner, Director Brown, Director Mayne, and Director Fras

CARRIED

19-090

The vote was taken on the main motion as amended:

That staff prepare a plan on Development Cost Charges for Regional District of Nanaimo Regional Parks for review by the Regional Parks and Trails Select Committee.

CARRIED UNANIMOUSLY

Transit Select Committee

South Nanaimo Local Area Transit Plan Spring 2019 Update

19-091

It was moved and seconded that staff be directed to incorporate public feedback from the South Nanaimo Local Area Transit Plan into route restructuring and update the Regional District of Nanaimo Service Expansion Priorities.

CARRIED UNANIMOUSLY

REPORTS

Zoning Amendment Application No. PL2018-092 - 2995 Ridgeway Road, Electoral Area C - Amendment Bylaw 500.423, 2019 –Third Reading

19-092

It was moved and seconded that the Board give third reading to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.423, 2019”.

CARRIED UNANIMOUSLY

BUSINESS ARISING FROM DELEGATIONS

Mid-Island Electric Vehicle Charging Network Funding Opportunities

It was moved and seconded that:

The Regional District of Nanaimo act as the lead applicant for a CleanBC Clean Communities Fund application on behalf of multiple mid-island municipalities and regional districts. Community Energy Association will coordinate the other local governments and the application submission;

That the Regional District of Nanaimo identify the number of level 2 charging stations to be located at Regional District facilities. Community Energy Association will assist with location selection; and

That the Regional District of Nanaimo submit a letter of support for Community Energy Association's application to the Emotive Community Outreach Incentive Program on behalf of mid-island communities.

It was moved and seconded that the main motion be amended by adding "10 level 2 charging stations" be located at Regional District facilities.

CARRIED UNANIMOUSLY

It was moved and seconded that the main motion be amended by adding "and that use of the charging stations be free to the public at this time".

Opposed (1): Director Turley

CARRIED

It was moved and seconded that the main motion be amended by adding "to a maximum cost of \$60,000" for the 10 level 2 charging stations.

CARRIED UNANIMOUSLY

19-093

The vote was taken on the main motion as amended:

That the Regional District of Nanaimo act as the lead applicant for a CleanBC Clean Communities Fund application on behalf of multiple mid-island municipalities and regional districts. Community Energy Association will coordinate the other local governments and the application submission;

That 10 level 2 charging stations, to a maximum cost of \$60,000, be located at Regional District facilities and that use of the charging stations be free to the public at this time. Community Energy Association will assist with location selection; and

That the Regional District of Nanaimo submit a letter of support for Community Energy Association's application to the Emotive Community Outreach Incentive Program on behalf of mid-island communities.

Opposed (2): Director Thorpe, and Director Turley

CARRIED

MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN

Electoral Area G Community Works Funds

19-094

It was moved and seconded that \$5,000 of Electoral Area G Community Works Funds be allocated to the installation of street lights at both ends of the French Creek highway bridge.

CARRIED UNANIMOUSLY

Bus Passes for Veterans

It was moved and seconded that staff be requested to prepare a report for presentation at a future Transit Select Committee meeting on the costs and options for implementing free fares for veterans.

19-095

It was moved and seconded that provision of costs and options for implementing free fares for veterans be referred to the next transit fare review.

Opposed (3): Director Young, Director Bonner, and Director Swain

CARRIED

NEW BUSINESS

Notice of Motion - Webcasting Regional District of Nanaimo Meetings

Director McLean provided notice of the following motion:

That staff be directed to prepare a report on the cost of implementing the webcasting of Committee of the Whole and Board meetings; and also the cost of implementing the webcasting of all public meetings in the Board Chambers.

IN CAMERA

19-096

It was moved and seconded that pursuant to Sections 90 (1) (e), (j), (k), and Section 90 (2) (d) of the *Community Charter* the Board proceed to an In Camera meeting for discussions related to the acquisition, disposition or expropriation of land or improvements, third party business interests, the provision of a proposed service, and a matter that, under another enactment, is such that the public must be excluded from the meeting.

CARRIED UNANIMOUSLY

TIME: 8:54 PM

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 9:47 PM

CHAIR

CORPORATE OFFICER

DRAFT



**REGIONAL
DISTRICT
OF NANAIMO**

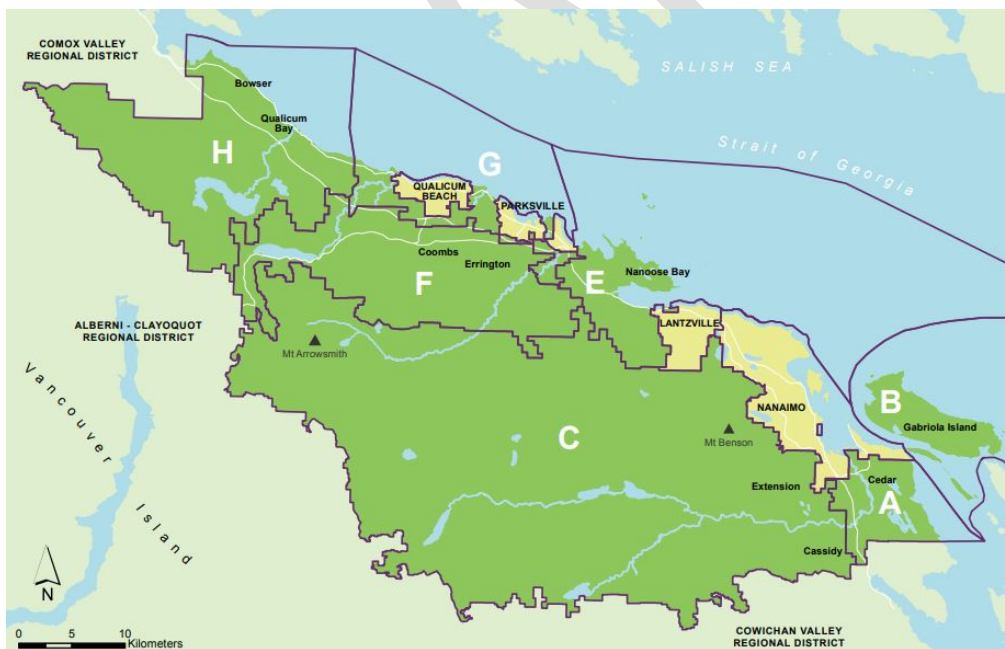
STRATEGIC PLAN 2019-2022

ABOUT THE REGIONAL DISTRICT OF NANAIMO

The Regional District of Nanaimo (RDN) is situated within the traditional territory of several First Nations, including three that have reserves within the region: Snuneymuxw, Snaw-Naw-As and Qualicum. The Board recognizes the rich cultural history of these First Nations, and is committed to developing positive working relationships to the benefit of all residents of the region.

As a local government, the RDN is a regional federation of four municipalities and seven electoral areas, with an estimated [2018](#) population of approximately 167,000 ([2017 source: BC Stats population estimates](#)). The four municipalities are: the City of Nanaimo, the City of Parksville, the Town of Qualicum Beach, and the District of Lantzville. The electoral areas are as follows:

- Electoral Area A: Cedar, South Wellington, Yellowpoint, Cassidy
- Electoral Area B: Gabriola, Decourcy, Mudge Islands
- Electoral Area C: Extension, Nanaimo Lakes, East Wellington, Pleasant Valley
- Electoral Area E: Nanoose Bay
- Electoral Area F: Coombs, Hilliers, Errington, Whiskey Creek, Meadowood
- Electoral Area G: French Creek, San Pareil, Little Qualicum
- Electoral Area H: Bowser, Qualicum Bay, Deep Bay



PURPOSE OF THE STRATEGIC PLAN

The purpose of this Strategic Plan is to express the **vision** and set the **priorities** of the Board of Directors for their 2019-2022 term. The plan also looks beyond the current term to advance the long-term vision of the Regional District of Nanaimo to become a healthy, resilient and sustainable region.

In early 2019, through a series of workshops, the Board identified various challenges and opportunities facing the region. The Board then outlined a series of objectives (grouped by themes) and associated action items to achieve those objectives.

The Strategic Plan is the highest-level plan for the Board, providing guidance to the elected officials as they make policy and regulatory decisions, as well as direction to staff as they deliver plans, projects, and services to residents. Continuous monitoring of the objectives as well as annual review and reporting will ensure that progress is being made in achieving the various goals outlined in the Plan.

VISION

“The Regional District of Nanaimo honours and protects its natural assets, respects its diverse communities, and promotes and enhances the wellbeing of all its residents”

MISSION

We serve the public by providing effective governance and delivery of services to residents in communities throughout the Region, based on mutual respect and a common understanding of local needs and priorities.

VALUES

The Regional District of Nanaimo will make thoughtful and well-informed decisions and provide important services to its residents based on the following values and guiding principles:

- Respect
- Fiscal Responsibility
- Meaningful Engagement
- Collaboration and Relationships
- Good Governance
- Reconciliation

KEY STRATEGIC AREAS

Based on the working sessions with the Directors in early 2019, a number of Key Strategic Areas were identified, with a goal statement associated with each theme. The following pages provide further details for each Key Strategic Area, with a series of actions and timelines under each heading.

- **Climate Change** – be leaders in climate change adaptation and mitigation, and become Net Zero by 2032.
- **Environmental Stewardship** – protect and enhance the natural environment for future generations.
- **Housing** – ~~provide~~ promote affordable ~~and supportive~~ housing for residents.
- **Growth Management** – provide effective regional land use planning and responsible asset management for both physical infrastructure and natural assets.
- **Transportation and Transit** – provide opportunities for residents to move effectively through and around the Region.
- **Economic Coordination** – set the table to enable diverse economic opportunities across the Region.
- **People and Partnerships** – improve the governance and awareness of RDN activities for citizens throughout the Region.
- **Social Well-Being** – make the Region a safe and vibrant place for all.



1.0 Climate Change

Goal: Be leaders in climate change adaptation and mitigation, and become net zero by 2032.

Actions	Timeline
1.1 Strike a Technical Advisory Committee on climate change strategy	2019
1.2 Review and update corporate emissions plan and greenhouse gas (GHG) reduction strategy	2020
1.3 Develop a regional strategy for electric vehicle charging	2020
1.4 Complete a Net Zero strategy for building efficiency and localized energy generation	2022



2.0 Environmental Stewardship

Goal: Protect and enhance the natural environment for future generations.

Actions

Timeline

- | | |
|---|--------------|
| 2.1 Identify lands to p Protect and acquire <u>lands</u> for environmental preservation and parkland | 2019 |
| 2.2 Update the Drinking Water and Watershed Protection Program Action Plan | 2019 |
| 2.3 Achieve the 90% waste diversion target* as per the Solid Waste Management Plan | 203222+ |
| 2.4 Continue to improve the quality of treated wastewater in the Region | 2022+Ongoing |

** Note: the current diversion rate is estimated at 68% (2017).*

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3.0 Housing

Goal: ~~Provide~~ Promote affordable ~~and supportive~~ housing for residents.

Actions

- 3.1 Advocate for additional funding support for housing from senior governments
- 3.2 Develop a Regional Housing Strategy, including support/tools for affordable housing
- 3.3 Advocate for alternative regulations in the BC Building Code to support innovation

Timeline

2019
2019-20
2020



4.0 Growth Management

Goal: Provide effective regional land use planning and responsible asset management for both physical infrastructure and natural assets.

Actions	Timeline
4.1 Protect agricultural lands and promote agriculture and food production in the Region	2019
4.2 Fully develop our Asset Management Plan	2019-20
4.3 Conduct a full review of the Regional Growth Strategy	2020-21



5.0 Transportation and Transit

Goal: Provide opportunities for residents to move effectively through and around the Region.

Action	Timeline
5.1 Enhance dialogue with the Ministry of Transportation & Infrastructure (MOTI) for on- and off-road pedestrian and active transportation improvements	2019
5.2 Develop a Regional Transportation Plan, considering all modes of travel	2020
5.3 Work with BC Transit to expand transit service (e.g. transit hours) to connect important community hubs	2020
5.4 Develop an active transportation network linking the Regional Districts in central Vancouver Island (e.g. Regional Districts of Nanaimo, Cowichan Valley, Comox Valley, Alberni-Clayoquot)	2022+Ongoing



6.0 Economic Coordination

Goal: Set the table to enable diverse economic opportunities across the Region.

Actions

Timeline

- | | |
|--|------|
| 6.1 Develop a Regional Economic Development Strategy that addresses both overall regional goals as well as those of the municipal partners and electoral areas | 2019 |
| 6.2 Establish a staff position (e.g. Regional Economic Development Coordinator)
<u>Review the resources required in order</u> to coordinate business development and retention throughout the Region | 2020 |



7.0 People and Partnerships

Goal: Improve the governance and awareness of RDN activities for citizens throughout the Region.

Actions	Timeline
7.1 Explore webcasting and/or live-streaming of RDN Committee and Board meetings	2019
7.2 Explore the potential need for a Grant Coordinator, Review the resources required in order to maximize current and future <u>grant and other</u> funding opportunities	2019
7.3 Develop a Communications Strategy to improve and enhance community engagement and public outreach	2020
7.4 Continue to build and enhance relationships with First Nations based on the specific needs of each community's leaders	Ongoing



8.0 Social Wellbeing

Goal: Make the Region a safe and vibrant place for all.

Actions

Timeline

- | | |
|---|---------|
| 8.1 Update the Parks and Trails Master Plan, including funding options for parkland acquisition and development | 2019-20 |
| 8.2 Prepare a Social Needs Assessment study, which identifies the broad range of social service providers at the local level, and develop a strategy to identify the RDN's role where appropriate | 2020 |



COMMUNITY ENGAGEMENT (to be amended based on public input)

Even at this high level, the Draft Strategic Plan has identified 26 potential action items for consideration and completion within this Board's current term (i.e. by 2022). Furthermore, many of the action items will have multiple sub-tasks associated with them, once they are reviewed in greater detail.

Upon review of the Draft Strategic Plan by the RDN Board of Directors, a period of public engagement will take place in March-April 2019, in order to obtain feedback from the community on the Key Strategic Areas, Goals, and Actions over the next four years. Some of the community's priorities may not align directly with those which have been identified to date. The Board will have an opportunity to revisit the Key Strategic Areas and Actions based on feedback from the community, prior to adoption of the Strategic Plan.

MOVING FORWARD

Once the Strategic Plan has been approved by the Board, it becomes a "road map" over the next four years. The stated priorities of the Board should come to light during the annual budgeting process, which are then aligned with the Operational Plans of each RDN department.

Recognizing our dynamic environment, the RDN Board will annually review and confirm the direction of the Strategic Plan and resources required for implementation.

DRAFT



**REGIONAL
DISTRICT
OF NANAIMO**

STRATEGIC PLAN 2019-2022

ABOUT THE REGIONAL DISTRICT OF NANAIMO

The Regional District of Nanaimo (RDN) is situated within the traditional territory of several First Nations, including three that have reserves within the region: Snuneymuxw, Snaw-Naw-As and Qualicum. The Board recognizes the rich cultural history of these First Nations, and is committed to developing positive working relationships to the benefit of all residents of the region.

As a local government, the RDN is a regional federation of four municipalities and seven electoral areas, with an estimated 2018 population of approximately 167,000 (source: BC Stats population estimates). The four municipalities are: the City of Nanaimo, the City of Parksville, the Town of Qualicum Beach, and the District of Lantzville. The electoral areas are as follows:

Electoral Area A: Cedar, South Wellington, Yellowpoint, Cassidy

Electoral Area B: Gabriola, Decourcy, Mudge Islands

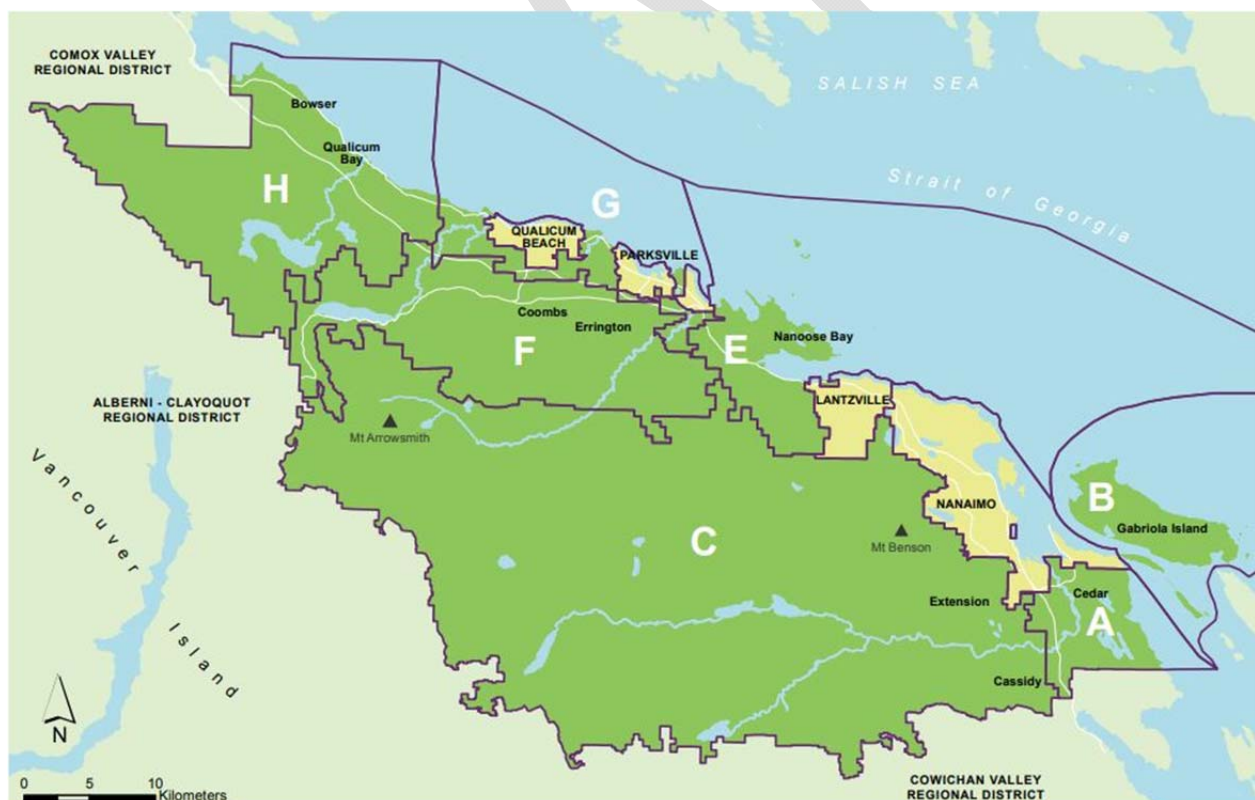
Electoral Area C: Extension, Nanaimo Lakes, East Wellington, Pleasant Valley

Electoral Area E: Nanoose Bay

Electoral Area F: Coombs, Hilliers, Errington, Whiskey Creek, Meadowood

Electoral Area G: French Creek, San Pareil, Little Qualicum

Electoral Area H: Bowser, Qualicum Bay, Deep Bay



PURPOSE OF THE STRATEGIC PLAN

The purpose of this Strategic Plan is to express the **vision** and set the **priorities** of the Board of Directors for their 2019-2022 term. The plan also looks beyond the current term to advance the long-term vision of the Regional District of Nanaimo to become a healthy, resilient and sustainable region.

In early 2019, through a series of workshops, the Board identified various challenges and opportunities facing the region. The Board then outlined a series of objectives (grouped by themes) and associated action items to achieve those objectives.

The Strategic Plan is the highest-level plan for the Board, providing guidance to the elected officials as they make policy and regulatory decisions, as well as direction to staff as they deliver plans, projects, and services to residents. Continuous monitoring of the objectives as well as annual review and reporting will ensure that progress is being made in achieving the various goals outlined in the Plan.

VISION

“The Regional District of Nanaimo honours and protects its natural assets, respects its diverse communities, and promotes and enhances the wellbeing of all its residents”

MISSION

We serve the public by providing effective governance and delivery of services to residents in communities throughout the Region, based on mutual respect and a common understanding of local needs and priorities.

VALUES

The Regional District of Nanaimo will make thoughtful and well-informed decisions and provide important services to its residents based on the following values and guiding principles:

- Respect
- Fiscal Responsibility
- Meaningful Engagement
- Collaboration and Relationships
- Good Governance
- Reconciliation

KEY STRATEGIC AREAS

Based on the working sessions with the Directors in early 2019, a number of Key Strategic Areas were identified, with a goal statement associated with each theme. The following pages provide further details for each Key Strategic Area, with a series of actions and timelines under each heading.

- **Climate Change** – be leaders in climate change adaptation and mitigation, and become Net Zero by 2032.
- **Environmental Stewardship** – protect and enhance the natural environment for future generations.
- **Housing** – promote affordable housing for residents.
- **Growth Management** – provide effective regional land use planning and responsible asset management for both physical infrastructure and natural assets.
- **Transportation and Transit** – provide opportunities for residents to move effectively through and around the Region.
- **Economic Coordination** – set the table to enable diverse economic opportunities across the Region.
- **People and Partnerships** – improve the governance and awareness of RDN activities for citizens throughout the Region.
- **Social Well-Being** – make the Region a safe and vibrant place for all.



1.0 Climate Change

Goal: Be leaders in climate change adaptation and mitigation, and become net zero by 2032.

Actions	Timeline
1.1 Strike a Technical Advisory Committee on climate change strategy	2019
1.2 Review and update corporate emissions plan and greenhouse gas (GHG) reduction strategy	2020
1.3 Develop a regional strategy for electric vehicle charging	2020
1.4 Complete a Net Zero strategy for building efficiency and localized energy generation	2022



2.0 Environmental Stewardship

Goal: Protect and enhance the natural environment for future generations.

Actions	Timeline
2.1 Protect and acquire lands for environmental preservation and parkland	2019
2.2 Update the Drinking Water and Watershed Protection Program Action Plan	2019
2.3 Achieve the 90% waste diversion target* as per the Solid Waste Management Plan	2032
2.4 Continue to improve the quality of treated wastewater in the Region	Ongoing

** Note: the current diversion rate is estimated at 68% (2017).*



3.0 Housing

Goal: Promote affordable housing for residents.

Actions	Timeline
3.1 Advocate for additional funding support for housing from senior governments	2019
3.2 Develop a Regional Housing Strategy, including support/tools for affordable housing	2019-20
3.3 Advocate for alternative regulations in the BC Building Code to support innovation	2020



4.0 Growth Management

Goal: Provide effective regional land use planning and responsible asset management for both physical infrastructure and natural assets.

Actions	Timeline
4.1 Protect agricultural lands and promote agriculture and food production in the Region	2019
4.2 Fully develop our Asset Management Plan	2019-20
4.3 Conduct a full review of the Regional Growth Strategy	2020-21



5.0 Transportation and Transit

Goal: Provide opportunities for residents to move effectively through and around the Region.

Action	Timeline
5.1 Enhance dialogue with the Ministry of Transportation & Infrastructure (MOTI) for on- and off-road pedestrian and active transportation improvements	2019
5.2 Develop a Regional Transportation Plan, considering all modes of travel	2020
5.3 Work with BC Transit to expand transit service (e.g. transit hours) to connect important community hubs	2020
5.4 Develop an active transportation network linking the Regional Districts in central Vancouver Island (e.g. Regional Districts of Nanaimo, Cowichan Valley, Comox Valley, Alberni-Clayoquot)	Ongoing



6.0 Economic Coordination

Goal: Set the table to enable diverse economic opportunities across the Region.

Actions	Timeline
6.1 Develop a Regional Economic Development Strategy that addresses both overall regional goals as well as those of the municipal partners and electoral areas	2019
6.2 Review the resources required in order to coordinate business development and retention throughout the Region	2020



7.0 People and Partnerships

Goal: Improve the governance and awareness of RDN activities for citizens throughout the Region.

Actions	Timeline
7.1 Explore webcasting and/or live-streaming of RDN Committee and Board meetings	2019
7.2 Review the resources required in order to maximize current and future grant and other funding opportunities	2019
7.3 Develop a Communications Strategy to improve and enhance community engagement and public outreach	2020
7.4 Continue to build and enhance relationships with First Nations based on the specific needs of each community's leaders	Ongoing



8.0 Social Wellbeing

Goal: Make the Region a safe and vibrant place for all.

Actions	Timeline
8.1 Update the Parks and Trails Master Plan, including funding options for parkland acquisition and development	2019-20
8.2 Prepare a Social Needs Assessment study, which identifies the broad range of social service providers at the local level, and develop a strategy to identify the RDN's role where appropriate	2020



COMMUNITY ENGAGEMENT (to be amended based on public input)

Even at this high level, the Draft Strategic Plan has identified 26 potential action items for consideration and completion within this Board's current term (i.e. by 2022). Furthermore, many of the action items will have multiple sub-tasks associated with them, once they are reviewed in greater detail.

Upon review of the Draft Strategic Plan by the RDN Board of Directors, a period of public engagement will take place in March-April 2019, in order to obtain feedback from the community on the Key Strategic Areas, Goals, and Actions over the next four years. Some of the community's priorities may not align directly with those which have been identified to date. The Board will have an opportunity to revisit the Key Strategic Areas and Actions based on feedback from the community, prior to adoption of the Strategic Plan.

MOVING FORWARD

Once the Strategic Plan has been approved by the Board, it becomes a "road map" over the next four years. The stated priorities of the Board should come to light during the annual budgeting process, which are then aligned with the Operational Plans of each RDN department.

Recognizing our dynamic environment, the RDN Board will annually review and confirm the direction of the Strategic Plan and resources required for implementation.



NANAIMO CLIPPERS JUNIOR 'A' HOCKEY CLUB

Frank Crane Arena, Nanaimo, BC

250-72-CLIPS

www.nanaimoclippers.com

Proud Member



#WHEREHISTORYBEGINS

Ian Thorpe

Board Chair – Regional District of Nanaimo

Dear Ian,

The Nanaimo Clippers Junior 'A' Hockey Club has submitted a bid for the 2021 National Junior A Ice Hockey Championship, which will take place May 8-22, 2021.

This event, known as the RBC Cup, is the biggest Junior A Ice Hockey event in all of Canada and will require the City of Nanaimo's support in order to be successful.

This is an excellent opportunity for the City of Nanaimo and surrounding areas too be placed on the sports map of Canada. It's also a tremendous opportunity for Central Vancouver Island to spinoff economic benefit for all. Indeed, the City of Chilliwack recently held this tournament in 2018 and the studies showed that the economic spinoff was \$2.5 Million to the City of Chilliwack.

This tournament will see four top-level Junior A hockey teams come to Nanaimo, along with fans, media, friends, family, and scouts. The media coverage will give significant exposure to the City

We will be booking over 150 hotel rooms over the duration of the event along with booking all the team/official meals at local restaurants in Nanaimo and surrounding area.

During days off teams will be set to visit other communities and attractions around Central Vancouver Island and we will be working with all municipalities to make sure the teams, fans and visitors get to experience how great it is here.

In order to follow the Hockey Canada guidelines of financial investment and in keeping with Chilliwack (2018 hosts) and Brooks, Alberta (2019 hosts), we are requesting \$25,000 in funding from the Regional District of Nanaimo. We will also be requesting funding from the Province of BC, BC Hockey, local businesses and Tourism Nanaimo.

Please note that Wes Mussio, owner of the Nanaimo Clippers, will be providing substantial funding and support in order to ensure the economic viability of the tournament. All profits from this event, if any, will be left in Nanaimo to a legacy fund that is still yet to be determined.

If you have any questions, please do not hesitate to ask.

Thanks,

Tali Campbell

Director of Business Operations

#WHEREHISTORYBEGINS

REGIONAL DISTRICT OF NANAIMO
MINUTES OF THE ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday, March 12, 2019
1:30 P.M.
Board Chambers

In Attendance:	Director B. Rogers	Chair
	Director K. Wilson	Electoral Area A
	Director V. Craig	Electoral Area B
	Director M. Young	Electoral Area C
	Alternate	
	Director J. Fell	Electoral Area F
	Director C. Gourlay	Electoral Area G
	Director S. McLean	Electoral Area H
Regrets:	Director L. Salter	Electoral Area F
Also in Attendance:	P. Carlyle	Chief Administrative Officer
	R. Alexander	Gen. Mgr. Regional & Community Utilities
	G. Garbutt	Gen. Mgr. Strategic & Community Development
	T. Osborne	Gen. Mgr. Recreation & Parks
	D. Wells	Gen. Mgr. Corporate Services
	D. Pearce	Director of Transportation & Emergency Services
	T. Armet	Mgr. Building & Bylaw Services
	P. Thompson	Mgr. Current Planning
	J. Pisani	Drinking Water & Watershed Protection Coordinator
	T. Mayea	Legislative Coordinator
S. Commentucci	Recording Secretary	

CALL TO ORDER

The Chair called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

APPROVAL OF THE AGENDA

It was moved and seconded that the agenda be approved as presented.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Electoral Area Services Committee Meeting - February 19, 2019

It was moved and seconded that the minutes of the Electoral Area Services Committee meeting held February 19, 2019, be adopted.

CARRIED UNANIMOUSLY

DELEGATIONS

Rick Dunn, re Power Restrictions on Spider Lake

Rick Dunn and Don Shewcuk provided an overview of the safety benefits of allowing electric motors on Spider Lake.

COMMITTEE MINUTES

It was moved and seconded that the following minutes be received for information:

Electoral Area G Parks and Open Space Advisory Committee - February 27, 2019

Electoral Area H Parks and Open Space Advisory Committee - February 25, 2019

Electoral Area A Parks, Recreation and Culture Commission - February 20, 2019

Nanoose Bay Parks and Open Space Advisory Committee - February 6, 2019

Electoral Area B Parks and Open Space Advisory Committee - February 4, 2019

CARRIED UNANIMOUSLY

PLANNING

Development Variance Permit

Development Variance Permit Application No. PL2019-024 - 2254 Alberni Highway, Electoral Area F

It was moved and seconded that the Board approve Development Variance Permit No. PL2019-024 to reduce the minimum parking and other lot line setback requirements subject to the terms and conditions outlined in Attachments 2 and 3.

Opposed (1): Director Gourlay

CARRIED

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2019-024.

Opposed (1): Director Gourlay

CARRIED

Development Variance Permit Application No. PL2018-215 - 2515 Island Highway East, Electoral Area E

It was moved and seconded that the Board approve Development Variance Permit No. PL2018-215 to reduce the interior lot line setback from 2.0 metres to 0.15 metres subject to the terms and conditions outlined in Attachments 2 and 3.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-215.

CARRIED UNANIMOUSLY

Other

Revisions to Policy B1.21 Groundwater Assessment Requirements for Rezoning Un-serviced Lands and for Development Permits

It was moved and seconded that the Board endorse the revised Policy B1.21 to improve clarity and streamline requirements for groundwater assessments for rezoning un-serviced lands and for development permits.

It was moved and seconded that the minimum year-round potable water supply requirement noted in Section A.i.a. of Policy B1.21 be amended by reducing 3.5m³ per day to the provincial standards of 2.5 m³ per day.

Opposed (5): Director Craig, Director Wilson, Director Rogers, Director Gourlay, and Director McLean

DEFEATED

The vote was taken on the main motion:

That the Board endorse the revised Policy B1.21 to improve clarity and streamline requirements for groundwater assessments for rezoning un-serviced lands and for development permits.

Opposed (1): Director Fell

CARRIED

Bylaw Enforcement Overview

It was moved and seconded that staff be directed to undertake a review of regulatory services and procedures, and report back to the Board with recommendations to address gaps that may exist in bylaw enforcement in the Electoral Areas as well as cost recovery mechanisms.

It was moved and seconded that the main motion be amended to add “that staff be directed to consult with each Electoral Area Director, in regard to bylaw enforcement in the Electoral Areas”.

Opposed (4): Director Craig, Director Wilson, Director Gourlay, and Director Rogers

DEFEATED

The vote was taken on the main motion:

That staff be directed to undertake a review of regulatory services and procedures, and report back to the Board with recommendations to address gaps that may exist in bylaw enforcement in the Electoral Areas as well as cost recovery mechanisms.

Opposed (2): Director Young, and Director Fell

CARRIED

MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN

Development Cost Charges for Regional District of Nanaimo Electoral Area Community Parks

This item did not proceed.

Directors' Roundtable

The Directors' Roundtable included discussions related to Electoral Area matters.

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

TIME: 2:50 PM

CHAIR

**REGIONAL DISTRICT OF NANAIMO
MINUTES OF THE REGULAR COMMITTEE OF THE WHOLE MEETING**

Tuesday, March 12, 2019

3:08 P.M.

Board Chambers

In Attendance:	Director I. Thorpe	Chair
	Director B. Rogers	Vice Chair
	Director K. Wilson	Electoral Area A
	Director V. Craig	Electoral Area B
	Director M. Young	Electoral Area C
	Alternate	
	Director J. Fell	Electoral Area F
	Director C. Gourlay	Electoral Area G
	Director S. McLean	Electoral Area H
	Director L. Krog	City of Nanaimo
	Director S. Armstrong	City of Nanaimo
	Director D. Bonner	City of Nanaimo
	Director T. Brown	City of Nanaimo
	Director B. Geselbracht	City of Nanaimo
	Director E. Hemmens	City of Nanaimo
	Director J. Turley	City of Nanaimo
	Director E. Mayne	City of Parksville
	Director A. Fras	City of Parksville
	Director M. Swain	District of Lantzville
	Director T. Westbrook	Town of Qualicum Beach
Regrets:	Director L. Salter	Electoral Area F
Also in Attendance:	P. Carlyle	Chief Administrative Officer
	R. Alexander	Gen. Mgr. Regional & Community Utilities
	G. Garbutt	Gen. Mgr. Strategic & Community Development
	T. Osborne	Gen. Mgr. Recreation & Parks
	D. Wells	Gen. Mgr. Corporate Services
	D. Pearce	Director of Transportation & Emergency Services
	T. Mayea	Legislative Coordinator
	C. Golding	Recording Secretary

CALL TO ORDER

The Chair called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

APPROVAL OF THE AGENDA

It was moved and seconded that the agenda be approved as amended to include the following items:

5.2 Daniel Sailland, CAO, Town of Qualicum Beach, re Long Term Lease Arrangements with the Town of Qualicum Beach.

7.2.1 Oceanside Recreation and Sport Infrastructure Sub-Committee Report.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Regular Committee of the Whole Meeting - February 19, 2019

It was moved and seconded that the minutes of the Regular Committee of the Whole meeting held February 19, 2019, be adopted.

CARRIED UNANIMOUSLY

DELEGATIONS

June Ross, Chair, Vancouver Island Water Watch Coalition, re Request to Submit Forestry and Watersheds Resolutions to AVICC

June Ross from Vancouver Island Water Watch Coalition provided a presentation regarding the effects forestry has on watersheds in the region.

Joanne Sales, Broombusters Invasive Plant Society, re Scotch Broom

Joanne Sales from Broombusters Invasive Plant Society provided a presentation regarding the spread of Scotch Broom in the region.

CORRESPONDENCE

It was moved and seconded that the following correspondence be received for information:

Cedar Community Hall Association, re Requesting Community Works Funds

Daniel Sailland, CAO, Town of Qualicum Beach, re Long Term Lease Arrangements with the Town of Qualicum Beach

CARRIED UNANIMOUSLY

COMMITTEE MINUTES

It was moved and seconded that the following minutes be received for information:

Agricultural Advisory Committee - February 28, 2019

District 69 Recreation Commission - February 21, 2019

Drinking Water and Watershed Protection Technical Advisory Committee - February 14, 2019

CARRIED UNANIMOUSLY

COMMITTEE RECOMMENDATIONS

District 69 Recreation Commission

District 69 Youth Recreation Grants

It was moved and seconded that the following District 69 Youth Recreation Grant applications be approved:

- Bowser Elementary School - spring field trip - \$2,500
- Arrowsmith Community Recreation Association - Youth Week events - \$461
- Mid-Island Distance Youth Running Club - equipment purchase - \$1,054
- Errington War Memorial Hall Association - World Music Youth Camp - \$1,000
- Oceanside Community Arts Council - summer school creative art supplies - \$1,000
- Ravensong Aquatic Club - equipment - \$1,275
- Errington Elementary School - field coach equipment - \$2,219

Total - \$9,509

Opposed (1): Director Mayne

CARRIED

District 69 Community Recreation Grants

It was moved and seconded that the following District 69 Community Recreation Grant applications be approved:

- Errington Elementary School - Grade 3 swim program - \$1,675
- Forward House Community Society - program costs - \$2,215
- Bow Horn Community Club - fall fair - \$2,500
- Qualicum Beach Weavers & Spinners Guild - materials, promotions, meeting space - \$2,000
- Parksville Golden Oldies Sports Association - meeting space - \$800
- Oceanside Building Learning Together Society - Dad's night out - \$650
- Town of Qualicum Beach - Beach Day event - \$1,000
- Bowser Tennis Club - repair court surface, purchase ball machine - \$2,253
- Arrowsmith Community Recreation Association - Country Picnic event supplies - \$1,250
- Parksville Curling Club - LED lighting upgrade project - \$2,000
- Canadian Paraplegic Association (BC) - Spinal Cord Injury BC event equipment rental - \$1,000

Total - \$17,343

Opposed (1): Director Mayne

CARRIED

Recreation Infrastructure

It was moved and seconded that the following motion be deferred to the March 26, 2019 Regular Board meeting, to be discussed in conjunction with Director Roger's Notice of Motion regarding establishing a Northern Communities Select Committee:

That the Board proceed with the original recommendations of the Oceanside Recreation and Sport Infrastructure Sub-Committee Report without delay.

Opposed (3): Director Fell, Director Gourlay, and Director McLean

CARRIED

ADMINISTRATION

Regional District of Nanaimo Draft Strategic Plan 2019 - 2022

Dan Huang, Urban Systems, provided an overview of the Regional District of Nanaimo Draft 2019-2022 Strategic Plan highlighting eight key strategic areas, goal statements, actions and timelines.

It was moved and seconded that the Draft Strategic Plan be received for information.

CARRIED UNANIMOUSLY

STRATEGIC AND COMMUNITY DEVELOPMENT

2019 Asset Management Review and Implementation Report

It was moved and seconded that the Board receive the Regional District of Nanaimo 2019 Asset Management Review and Implementation Report.

CARRIED UNANIMOUSLY

RECREATION AND PARKS

Ministry of Forests, Lands, Natural Resource Operations and Rural Development Wildfire Response Agreement 2019-2022

It was moved and seconded that the 2019-2022 Wildfire Response Agreement with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development be approved for execution.

CARRIED UNANIMOUSLY

REGIONAL AND COMMUNITY UTILITIES

French Creek Pollution Control Centre, Engineering Services

It was moved and seconded that the Board approve an additional \$222,172 (excluding GST) to AECOM Engineering Services contract for Thickener Facility Upgrade engineering and Landscape Architecture design.

CARRIED UNANIMOUSLY

BUSINESS ARISING FROM DELEGATIONS

Vancouver Island Water Watch Coalition

It was moved and seconded that a letter of support be provided to the Vancouver Island Water Watch Coalition that encourages the Provincial Government to ensure watersheds are recognized in importance and priority.

Opposed (13): Director Thorpe, Director Rogers, Director Wilson, Director Craig, Director Gourlay, Director Armstrong, Director Bonner, Director Brown, Director Hemmens, Director Turley, Director Mayne, Director Fras, and Director Swain

DEFEATED

NEW BUSINESS

Cedar Community Hall Association, re Requesting Community Works Funds

It was moved and seconded that pending project approval from Union of BC Municipalities, staff be directed to complete an agreement with the Cedar Community Hall Association for up to \$5,520.56 from the Electoral Area A Community Works Fund allocation and that the 2019 to 2023 Financial Plan Bylaw be amended accordingly.

CARRIED UNANIMOUSLY

Notice of Motion - Northern Communities Select Committee

Director Rogers provided notice of the following motion:

That staff be directed to report on establishing a new Northern Communities Select Committee comprised of the Regional District of Nanaimo Directors for Parksville, Qualicum Beach and Electoral Areas E, F, G, and H to replace the roles and responsibilities of the District 69 Community Justice Select Committee, the Northern Community Economic Development Select Committee and the District 69 Recreation Commission.

IN CAMERA

It was moved and seconded that pursuant to Sections 90 (1) (e), (k) and 90 (2) (d) of the *Community Charter* the Committee proceed to an In Camera meeting for discussions related to the acquisition, disposition or expropriation of land or improvements, the provision of a proposed service, and a matter that, under another enactment, is such that the public must be excluded from the meeting.

CARRIED UNANIMOUSLY

RECESS: 5:00 PM

RECONVENE: 5:09 PM

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 5:51 PM

CHAIR

**REGIONAL DISTRICT OF NANAIMO
MINUTES OF THE SOLID WASTE MANAGEMENT SELECT COMMITTEE MEETING**

**Tuesday, March 5, 2019
1:30 P.M.
Board Chambers**

In Attendance:	Director B. Geselbracht	City of Nanaimo
	Director K. Wilson	Electoral Area A
	Director L. Krog	City of Nanaimo
	Director D. Bonner	City of Nanaimo
	Director E. Hemmens	City of Nanaimo
	Director M. Swain	District of Lantzville
	Director T. Westbroek	Town of Qualicum Beach
Also in Attendance:	Director M. Young	Electoral Area C
	Director B. Rogers	Electoral Area E
	Director I. Thorpe	City of Nanaimo
	R. Alexander	Gen. Mgr. Regional & Community Utilities
	G. Garbutt	A/Chief Administrative Officer
	M. Larson	Solid Waste Planner
	R. Graves	Recording Secretary

CALL TO ORDER

The Chair called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

APPROVAL OF THE AGENDA

It was moved and seconded that the agenda be approved as presented.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Solid Waste Management Select Committee Meeting - January 10, 2019

It was moved and seconded that the minutes of the Solid Waste Management Select Committee meeting held January 10, 2019, be adopted.

CARRIED UNANIMOUSLY

INVITED PRESENTATIONS

Love Food, Hate Waste

M. Ebueza presented to the Board.

CORRESPONDENCE

Russell Dyson, CAO, Comox Valley Regional District, re Monitoring Sustane Facility - Chester, NS

A brief discussion occurred on the correspondence.

REPORTS

Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784

It was moved and seconded that the “Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019” be introduced and read three times.

CARRIED UNANIMOUSLY

It was moved and seconded that the “Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019” be adopted.

CARRIED UNANIMOUSLY

It was moved and seconded that when approval is received from the Ministry of Environment of the Solid Waste Management Plan, that staff prepare a financial plan to coincide with the Plan to reduce solid waste.

CARRIED UNANIMOUSLY

Association of Vancouver Island and Coastal Communities Solid Waste Committee Update

It was moved and seconded that the Solid Waste Management Select Committee receives this report for information.

CARRIED UNANIMOUSLY

Out of Region Waste Disposal Request from qathet Regional District

It was moved and seconded that the Board approve the request from the qathet Regional District to accept municipal solid waste from residents of Lasqueti Island at Regional District of Nanaimo Solid Waste Management Facilities with the following conditions:

1. municipal solid waste from Lasqueti Island will be charged the prevailing Regional District of Nanaimo municipal solid waste tipping fee rate plus a 20% premium;
2. acceptance will be approved until March 1, 2026; and
3. the Board direct staff to amend Regional District of Nanaimo Solid Waste Management Bylaw No. 1531, 2007, Schedule 'D' to include these conditions.

CARRIED UNANIMOUSLY

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 2:26 PM

CHAIR

**REGIONAL DISTRICT OF NANAIMO
MINUTES OF THE NORTHERN COMMUNITY ECONOMIC DEVELOPMENT SELECT
COMMITTEE MEETING**

**Thursday, February 21, 2019
11:30 A.M.
Oceanside Place**

In Attendance:	Director A. Fras	Chair
	Director B. Rogers	Electoral Area E
	Alternate	
	Director J. Fell	Electoral Area F
	Director C. Gourlay	Electoral Area G
	Director S. McLean	Electoral Area H
	Director T. Westbrook	Town of Qualicum Beach
Regrets:	Director L. Salter	Electoral Area F
Also in Attendance:	Director I. Thorpe	City of Nanaimo
	G. Garbutt	Gen. Mgr., Strategic & Community Development
	C. Simpson	A/Mgr., Long Range Planning
	S. Horsburgh	Sustainability Coordinator
	S. Syme	Recording Secretary

CALL TO ORDER

The Chair called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

APPROVAL OF THE AGENDA

It was moved and seconded that the agenda be approved as presented.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Northern Community Economic Development Select Committee Meeting - May 17, 2018

It was moved and seconded that the minutes of the Northern Community Economic Development Select Committee meeting held May 17, 2018, be adopted.

CARRIED UNANIMOUSLY

INVITED PRESENTATIONS

Pam Shaw, Executive Director, Mt Arrowsmith Biosphere Region - Mt Arrowsmith Biosphere Project (MABP)

Pam Shaw, Executive Director of Mt Arrowsmith Biosphere Region, gave a presentation on the success of the Mt. Arrowsmith Biosphere Project, funded in spring 2018 by the Regional District of Nanaimo's Northern Community Economic Development Select Committee program along with 2 other outside sources.

Kim Burden, Executive Director, Parksville & District Chamber of Commerce - Mid Island Tech Forum

Kim Burden, Executive Director of Parksville & District Chamber of Commerce, gave a presentation on the Mid Island Tech Forum Research funded in the spring of 2018 by the Regional District of Nanaimo's Northern Community Economic Development Select Committee along with other sources.

Brian Taylor, Vice President, Parksville & District Historical Society - Digital Heritage Exhibition

Brian Taylor, Former Vice President of the Parksville & District Historical Society, gave a presentation on the success of the Digital Heritage Exhibition for the Museum funded in the spring of 2018 by the Regional District of Nanaimo's Northern Community Economic Development Select Committee.

DELEGATIONS

Kim Burden, Parksville & District Chamber of Commerce

Kim Burden, Executive Director, Parksville & District Chamber of Commerce provided a presentation on the "Parksville Qualicum Beach Regional Labor Market Analysis and Strategy".

REPORTS

Regional Economic Development

Geoff Garbutt, Manager of Strategic and Community Development, spoke to the Regional Economic Development report for background and information purposes only.

NEW BUSINESS

Overview of Northern Community Economic Development Program, NCED Program Application Area of Focus 2019, and Northern Community Economic Development Committee Terms of Reference

Sharon Horsburgh, Sustainability Coordinator for the Regional District of Nanaimo, presented regarding the Overview of the Northern Community Economic Development Program, Northern Community Economic Development Program Application Area of Focus 2019 and the Northern Community Economic Development Committee Terms of Reference.

NCED Roundtable

Next Meeting (Verbal)

The next Northern Community Economic Development meeting will be scheduled for May 16, 2019.

Notice of Motion

Director Westbroek provided notice of the following motion to be considered at the next Northern Community Economic Development Select Meeting:

"To review the eligibility for grants based on the history provided on the Qualicum Beach Airport with regards to the Northern Community Economic Development Program."

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

TIME: 1:23 PM

CARRIED UNANIMOUSLY

CHAIR

TO: Electoral Area Services Committee **DATE:** March 12, 2019
FROM: Nick Redpath
Planner **FILE:** PL2019-024
SUBJECT: **Development Variance Permit Application No. PL2019-024**
2254 Alberni Highway – Electoral Area F
Lots 7 and 8, Block 1, Salvation Army Lots, Nanoose District, Plan 1939

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2019-024 to reduce the minimum parking and other lot line setback requirements subject to the terms and conditions outlined in Attachments 2 and 3.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2019-024.

SUMMARY

The applicant proposes to vary the minimum parking and other lot line setback requirements to bring an existing building proposed for retail use into compliance with the existing zoning regulations. As an acceptable land use justification was demonstrated to support the variance, and no negative impacts are anticipated as a result of the proposed variance, it is recommended that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Kim Young to vary the minimum parking and other lot line setback requirements to bring the southwest building on the property into compliance. The applicant previously submitted a separate application for a licence to permit the sale of non-medical cannabis out of an existing building on the property. As part of the Non-Medical Cannabis Retail Store (NMCRS) Licence Application, a site review identified that the property did not meet the minimum parking requirements for a commercial zone and the existing building on the southwest portion of the property where the change of use is proposed did not meet the setback requirements of the west property line. The site review also identified that the southwest building also straddles the property line that separates Lots 7 and 8. To bring the southwest building into compliance, the applicant was instructed to apply for a variance to address the minimum parking and setback requirements on the property and to undertake a lot consolidation to address the existing building straddling the property line. The building located on the north portion of the property does not require a variance as it predates zoning regulations in the area.

The subject properties are each approximately 0.07 hectares in area and zoned Commercial 2 (C-2), pursuant to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”. The properties are located to the south of Alberni Highway and bordered by Terry Road to the east, a commercially zoned property to the west and a laneway to the south (see Attachment 1 – Subject Property Map).

It is important to note that should the Directors approve the requested variances to parking and siting, the building will be available for any retail commercial use. Consideration of future Cannabis Retail License will be subject to the applicable process and separate consideration by the Board.

The properties contain a residential building on the southwest portion and a commercial building on the north portion that are both serviced by the same on-site well and sewage system.

Proposed Development and Variance

The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”:

- **Section 2.17 – Parking** to reduce the minimum parking requirements for all uses in a C zone from 1 per 20 m² Floor Area to 1 per 39 m² Floor Area, effectively reducing the minimum parking requirements for this property from 12 spaces to 6 spaces (see Attachment 3 – Proposed Site Plan and Variances).
- **Section 4.3 – Minimum Setback from All Other Lot Lines** to reduce the minimum side yard setback requirement of the west property line from 2.0 metres to 1.1 metres for an existing building.

Land Use Implications

The applicant proposes to vary the minimum parking and other lot line requirements of Bylaw 1285 to bring the southwest building into compliance as part of an ongoing NMCRS Licence Application. The two existing buildings on the property were constructed prior to zoning being implemented in the area and currently hold legal non-conforming status as defined by the *Local Government Act*. The applicant intends to change the use of the southwest building from residential to commercial in order to open a proposed non-medical cannabis retail store. Once a building changes use, it loses its legal non-conforming status and must comply with all existing land use regulations. The variance application does not include the existing commercial building on the north portion of the property as it is not changing use and will continue to maintain its legal-non-conforming status. To address the proposed change of use to the southwest building and bring it into compliance, the applicant has submitted an application to vary the minimum parking and other lot line setback requirements.

Parking Requirements

The minimum number of parking spaces required for a commercial zone is 1 per 20 m² Floor Area for all buildings on the property. The combined total floor area of both buildings is 234 m², requiring a minimum of 12 parking spaces for this property. Due to limited space on the property, the proposed site plan provided by Sims Associates Land Surveying Ltd. shows that a configuration of only 6 parking spaces is possible. In support of the variance request, the

applicant indicates that Terry Road adjacent to the east of the property provides additional parking spaces for nearby services and residences and that the combination of on-site and street parking should adequately accommodate the proposed use.

Setback Requirements

The bylaw setback requirement for other lot lines in this zone is 2.0 metres. The building on the southwest portion of the property is situated 1.1 metres from the west property line, requiring a variance of 0.9 metres. The building was constructed prior to zoning regulations and the applicant intends to bring the siting of the building into compliance prior to the change of use from residential to commercial to facilitate the ongoing application for a licence to sell non-medical cannabis out of this building.

“Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” for evaluation of Development Variance Permit Applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board’s consideration. In this case, the applicant has provided an acceptable land use justification as the longstanding existing building does not conform to siting requirements and Policy B1.5 states that under this circumstance, a variance may be considered to legalize the structure as the variance is acceptable and the use of the building conforms to the current zoning regulations. In this case, the applicant indicates that adequate parking will be provided on the property and on Terry Road and the existing and proposed use conforms to the current permitted uses in the C-2 Zone.

The applicants have made reasonable efforts to address the guidelines in Policy B1.5 by providing sufficient rationale for the proposed variance.

The applicant will be required to consolidate Lots 7 and 8 and obtain all necessary permits prior to any construction or change of use on the property (see Attachment 2 – Terms and Conditions of Permit).

Environmental Implications

As part of the application, a letter from a Registered Onsite Wastewater Practitioner (ROWP) was provided noting that a recent inspection of the prescribed on-site sewage system identified no health hazards. The ROWP’s letter also noted that the proposed change in use of one of the buildings on the property from residential to commercial will not have any negative impacts on the existing system. The proposed variance is not anticipated to have any negative environmental impacts.

Intergovernmental Implications

The application was referred to the Coombs Volunteer Fire Department, Vancouver Island Health Authority (VIHA) and the Ministry of Transportation and Infrastructure (MOTI). The referral response from VIHA stated that since two buildings on the property share a well, a valid permit under the *Drinking Water Protection Act* (DWPA) is required. VIHA does not have records of an existing permit to operate under the DWPA and recommend a variance not be granted until such time that the proponent obtains this permit and is in compliance with the DWPA. As part of the conditions of the permit, the applicant will be required to obtain the necessary permit to operate under the DWPA prior to the issuance of the variance.

The referral response from MOTI stated that they have no concerns with the proposed variance to the required parking spaces and that the public is allowed to park along Terry Road.

The Coombs Volunteer Fire Department expressed no concerns with the proposed variance.

Public Consultation Implications

Pending the Electoral Area Services Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018", property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2019-024 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Variance Permit No. PL2019-024.

FINANCIAL IMPLICATIONS

The proposed development has been reviewed and has no implications related to the Board 2018 – 2022 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and has no implications for the 2016 – 2020 Board Strategic Plan.



Nick Redpath
nredpath@rdn.bc.ca
February 25, 2019

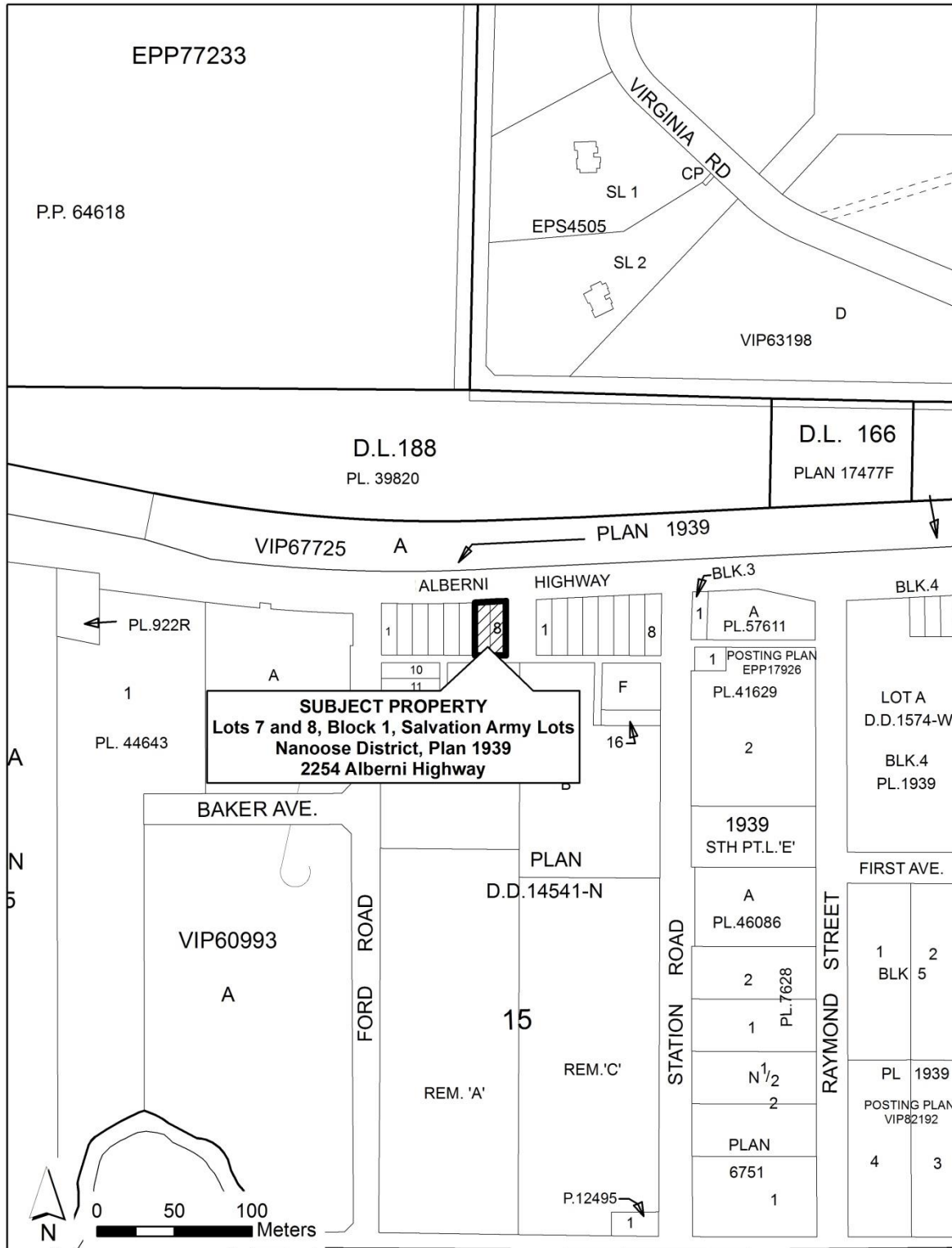
Reviewed by:

- P. Thompson, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Site Plan and Variances

Attachment 1
Subject Property Map



Attachment 2

Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2019-024:

Bylaw No. 1285, 2002 Variances

With respect to the lands, “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” is varied as follows:

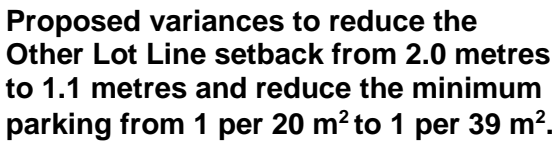
- **Section 2.17 – Parking** to reduce the minimum parking requirements for all uses in a C zone from 1 per 20 m² Floor Area to 1 per 39 m² Floor Area, effectively reducing the minimum parking requirements for this property from 12 spaces to 6 spaces.
- **Section 4.3 – Minimum Setback from All Other Lot Lines** to reduce the minimum side yard setback requirement of the west property line from 2.0 metres to 1.1 metres for an existing building.

Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by Sims Associates Land Surveying Ltd. dated January 22, 2019 and attached as Attachment 3.
2. Prior to issuance of the Permit, the property owner shall consolidate Lots 7 and 8, Block 1, Salvation Army Lots, Nanoose District, Plan 1939.
3. The property owner shall obtain the necessary permits to operate under the *Drinking Water Protection Act*.
4. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3

Proposed Site Plan and Variances



TO: Electoral Area Services Committee **DATE:** March 12, 2019
FROM: Sarah Martin
Planning Technician **FILE:** PL2018-215
SUBJECT: **Development Variance Permit Application No. PL2018-215**
2515 Island Highway East – Electoral Area E
Lot 2, District Lot 79, Nanoose District, Plan 13504

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2018-215 to reduce the interior lot line setback from 2.0 metres to 0.15 metres subject to the terms and conditions outlined in Attachments 2 and 3.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-215.

SUMMARY

The Regional District of Nanaimo is in receipt of an application for a variance to allow a recently constructed retaining wall that does not meet the exemption criteria, to be sited within the interior lot line setback. The applicant has provided a letter outlining the land use justification, a site survey, and an Engineers assessment in support of this application.

Given that “Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” has been met and no negative impacts are anticipated as a result of the proposed variance, it is recommended that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from JE Anderson & Associates on behalf of Marcy Sjostrom to permit two retaining walls that do not meet the definition of landscaping within the interior lot line setback. The subject property is approximately 0.174 hectares in area and is zoned Residential 1, Subdivision District ‘F’ (RS1, F), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located on Island Highway West, south of Northwest Bay Road in an area of mixed land uses surrounded by agricultural land (see Attachment 1 – Subject Property Map).

The property contains a dwelling unit (under construction), and two retaining walls. It is serviced by a well and on-site sewage disposal.

Proposed Development and Variance

The proposed development includes two retaining walls erected to support a ground floor patio on a steeply graded site. The walls range in height from 1.15 metres to 2.21 metres above natural grade. This variance is associated with building bylaw enforcement file PR2018-458. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.61 – Minimum Setback Requirements** to reduce the minimum interior lot line setback from 2.0 metres to 0.15 metres for portions of the existing retaining walls that are over 1.0 metre in height.

Land Use Implications

The applicant has submitted a site survey, cross section drawings, a land use justification letter, and an Engineers assessment of the patio drainage. The subject property slopes steeply away from the road frontage, towards a pan handle lot to the rear. The property is being re-developed with a new dwelling unit, which has been issued occupancy (PR2017-725, January 30, 2019). As the property owner desired a walkout patio at the rear, retaining walls were constructed to support a concrete pad along the north (rear) and west building elevations. The western extent of the patio abuts the interior lot line on the west side. The dwelling unit is located to the west side of the parcel to take advantage of a view corridor overlooking the sea. As a result of this, and the desire for a walk out patio on a steep lot, one of the retaining walls supporting the patio is within the interior lot line setback. As built, the retaining wall is high enough in some areas to be considered a structure under the zoning bylaw. An additional retaining wall constructed along the rear (north) lot line has been amended so that it does not require a variance.

“Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” for evaluation of Development Variance Permit Applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board’s consideration.

The applicant has provided the following justification for the requested variance:

- Due to the steep grade of the site, retaining walls are necessary to support the construction of a patio.

As the height of the retaining wall within the setback is less than or equal to 1.21 metres higher than 1.0 metre and is largely screened by an existing fence, it is not anticipated that the variance will result in any serious aesthetic impacts, though privacy of the neighbouring parcel could be a concern. It should be noted that the neighbouring dwelling unit’s eastern elevation overlooks the patio, as well as the presence of a second story deck. However, this dwelling unit is sited further back on the neighbouring parcel, putting it forward of the subject property. The applicant has not proposed to provide screening along the highest portion of the retaining wall, which is towards the front elevation of the dwelling unit. While the wall itself is screened by the existing fence, the side of the dwelling unit is not. Letters of support from neighbouring properties, while not required, have not been submitted in support of the variance request. Pending the outcome of the notification process, the applicant may need to address aesthetic impacts in support of the variance request.

Functional impacts of the variance could be of concern. As stormwater accumulation at the bottom of the slope appears to be an issue and the applicant has constructed an impervious surface up to 0.15 metres (6.0 inches) of the interior lot line, drainage onto neighbouring properties is a concern. As a condition of building permit, the property owner was required to secure an easement for storm drainage (CA7198227), which has been installed and passed inspection by Building Services (January 30, 2019). The applicant has submitted an assessment prepared by Lewkowich Engineering and Associates Ltd, dated February 28, 2019, that states that at this time, sheet flow is the predominant runoff mechanism, which has low erosion potential. It goes on to state that if erosion becomes an issue, a lip or small curb can be constructed to direct flow to a suitable discharge area. The patio is not connected to the storm drainage system installed for the dwelling unit. It is recommended that as a condition of permit that the retaining walls and patio be developed and maintained in accordance with the recommendations of this assessment (see Attachment 2 – Terms and Conditions of Permit).

Given that the variance will not result in negative functional implications for adjacent properties, the applicants have made a reasonable effort to address Policy B1.5 guidelines.

Intergovernmental Implications

There are no intergovernmental implications associated with this application.

Public Consultation Implications

Pending the Electoral Area Services Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018", property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2018-215 subject to the conditions outlined in Attachments 2 to 3.
2. To deny Development Variance Permit No. PL2018-215.

FINANCIAL IMPLICATIONS

The proposed development has been reviewed and has no implications related to the Board 2018 – 2022 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and has no implications for the 2016 – 2020 Board Strategic Plan.



Sarah Martin
smartin@rdn.bc.ca
February 28, 2019

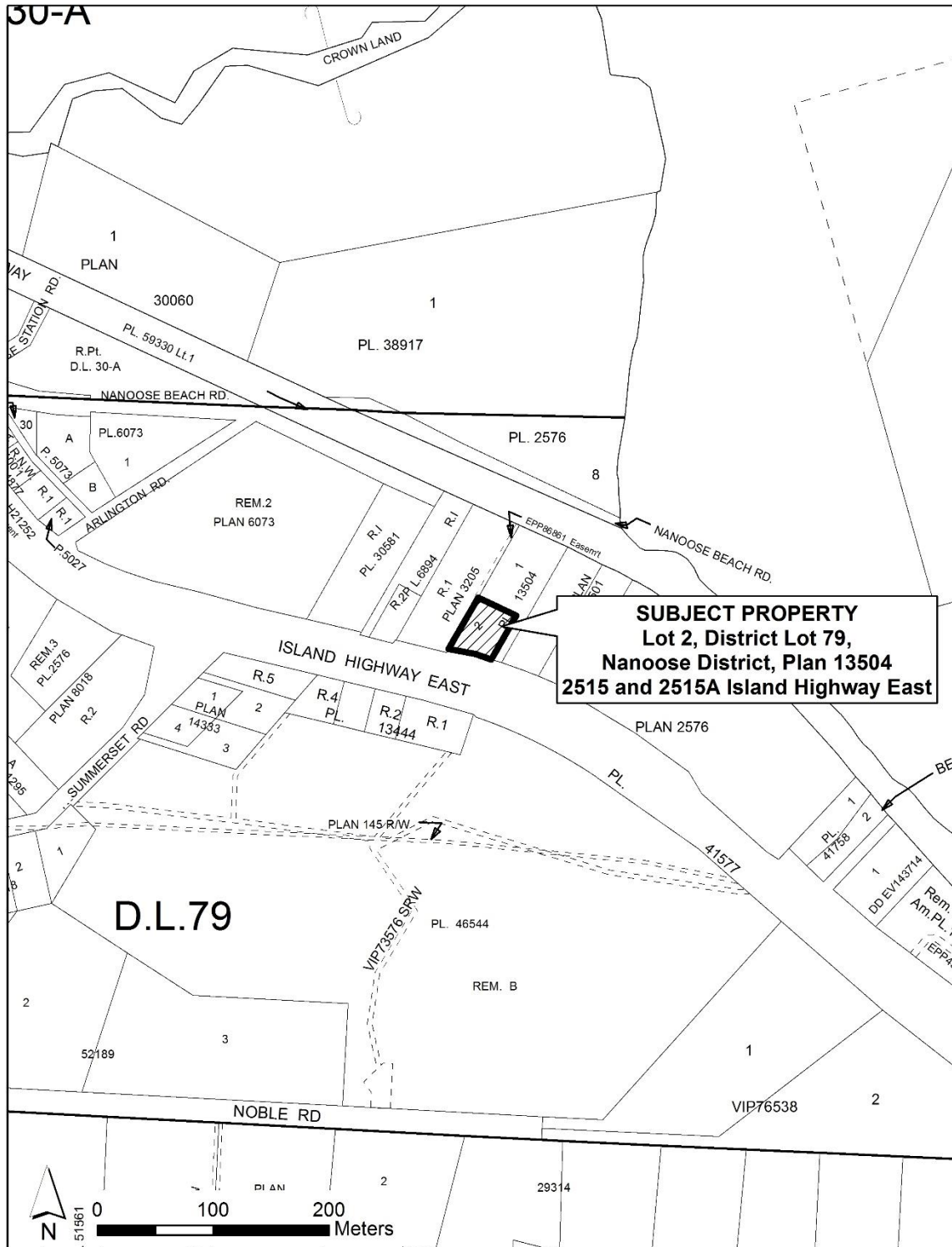
Reviewed by:

- P. Thompson, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Survey Plan and Variances

Attachment 1
Subject Property Map



Attachment 2

Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2018-215:

Bylaw No. 500, 1987 Variance

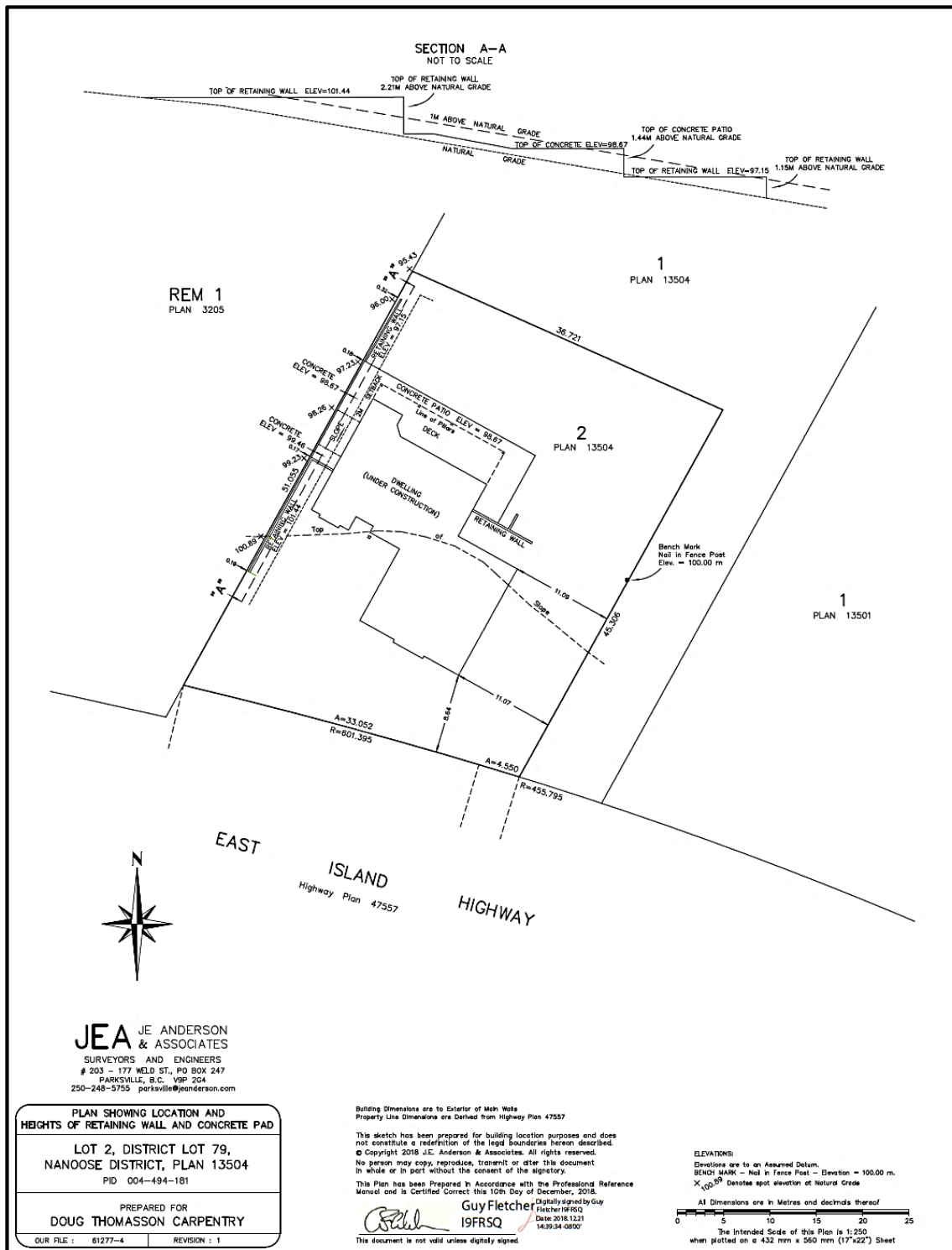
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

1. Section 3.4.61 – Minimum Setback Requirements to reduce the minimum interior lot line setback from 2.0 metres to 0.15 metre for portions of the existing retaining wall that are over 1.0 metre in height.

Conditions of Approval

1. The site is developed in accordance with the Survey Plan prepared by JE Anderson & Associates, dated December 10, 2018 and attached as Attachment 3.
2. The retaining wall and patio are maintained in accordance with the recommendations of Lewkowich Engineering and Associates Ltd report dated February 28, 2019.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
Proposed Survey Plan and Variances
(1 of 3)



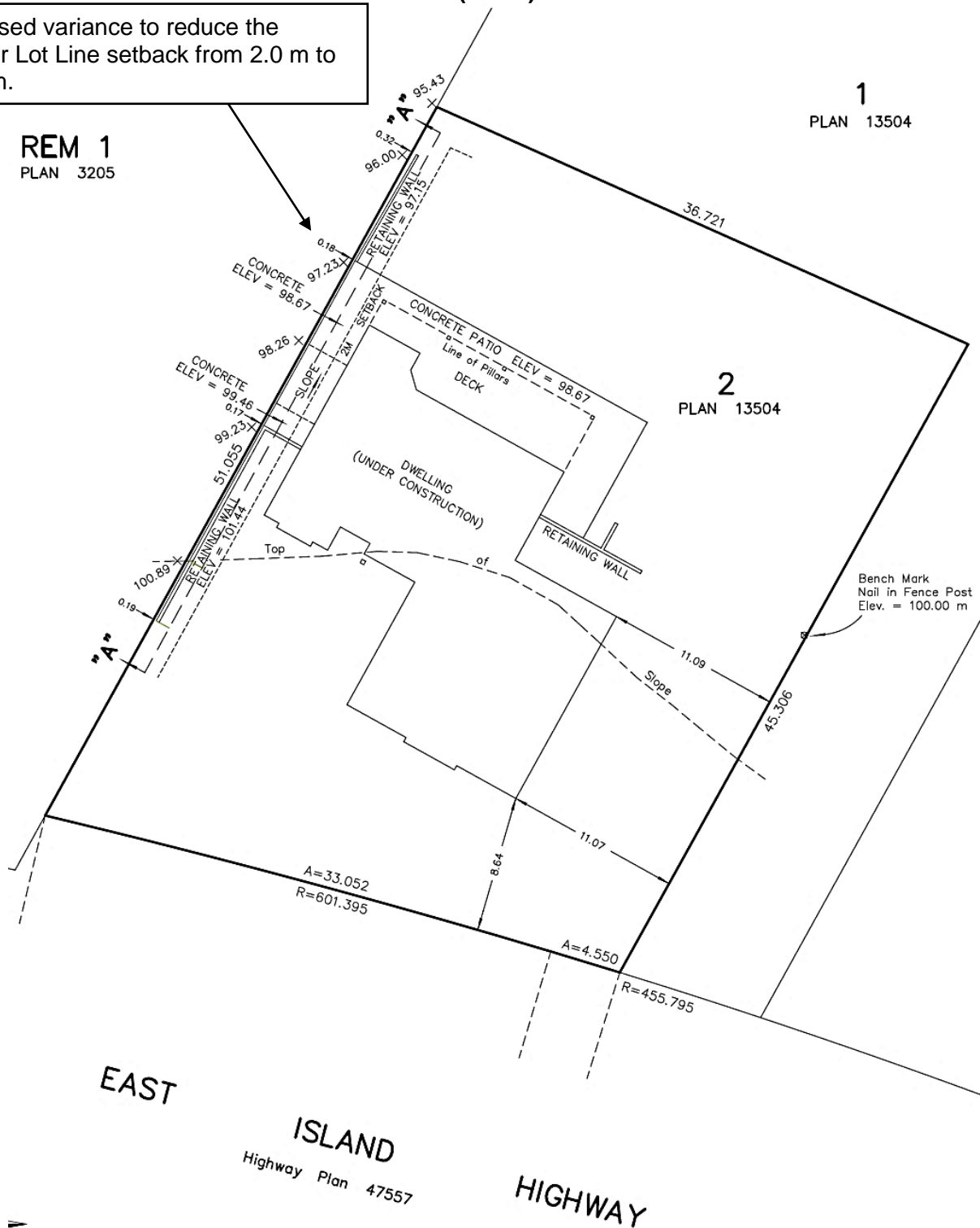
Attachment 3
Proposed Survey Plan and Variances
 (2 of 3)

Proposed variance to reduce the Interior Lot Line setback from 2.0 m to 0.15 m.

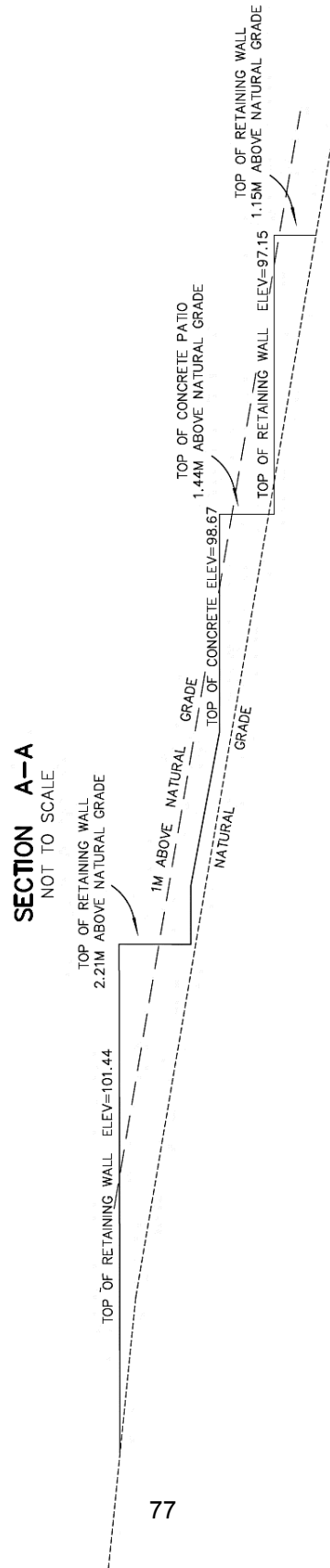
REM 1
 PLAN 3205

1
 PLAN 13504

2
 PLAN 13504



Attachment 3
Proposed Survey Plan and Variances
(3 of 3)



TO: Electoral Area Services Committee **DATE:** February 12, 2019
FROM: Angela Buick
Planner **FILE:** PL2018-169
SUBJECT: **Development Variance Permit Application No. PL2018-169**
1437 Madrona Drive – Electoral Area E
Lot 137, District Lot 68, Nanoose District, Plan 26680

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2018-169 to reduce the setback from the top of slope of 30 percent or greater from 8.0 metres to 1.4 metres subject to the terms and conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-169.

SUMMARY

The applicant requests to vary the setback from the sea from 8.0 metres to 1.4 metres from the top of bank to allow the renovation of an existing dwelling unit with deck, two additions and detached garage on the subject property. The renovation is largely within the existing footprint with some expansions into the setback area (from top of the slope) that have been identified as safe through geotechnical assessments. The applicant has also demonstrated that the proposed building location is consistent with the location of the houses on the neighbouring properties and does not anticipate a negative impact to the neighbours' view of the sea. Given that this is a redevelopment of an existing dwelling unit, that the setback encroachments are deemed geotechnically safe on the property and that the variance is unlikely to result in negative view implications, it is recommended that the Board approve the variance, pending the outcome of public notification and subject to the terms and conditions outlined in Attachments 2 to 4.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from J.E. Anderson and Associates on behalf of Francine Lussier to permit the renovation of an existing dwelling unit where an expanded covered deck from the original size and portions of the kitchen and bedroom additions are within the required setback to the sea. The subject property is approximately 0.32 hectares in area and is zoned Residential 1 (RS1), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is located to the northwest of Northwest Bay, southeast of Madrona Drive and adjacent to residential properties (see Attachment 1 – Subject Property Map).

The property contains a dwelling unit with deck and detached garage and is serviced by RDN community water and onsite sewage disposal.

Proposed Development and Variance

The applicant requests a variance for portions of a dwelling unit within the setback from the sea from the top of a slope 30 percent or greater. The proposed attached covered deck and kitchen and bedroom additions will be within the 8.0 metre setback. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.3.9 – Setbacks – Sea** to reduce the minimum setback from the top of slope of 30 percent or greater from 8.0 metres to 1.4 metres for the covered deck and portions of the two proposed additions.

Land Use Implications

The applicants are proposing to renovate the entire dwelling unit with deck and replace the detached garage while maintaining the existing location with additions projecting further into the setback of the top of slope. The original deck was located entirely within the setback and the applicants would like to request a variance in order to expand on the original location of the deck and increase its size south-westward to be in line with the two proposed additions that will also be projecting slightly into the setback. (see Attachment 3 – Proposed Site Plan and Variance). According to Board Policy B1.5: *Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation*, assessment of development variance permit applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board's consideration. The original building was constructed in 1987 and approved under building permit number 8624.

With respect to the justification, the applicant has provided a Geotechnical Hazard Assessment by Lewkowich Engineering Associates Ltd., dated August 22, 2018 to confirm the topographical constraints on the property. The report recommends 1H:1V inclination setback from the toe of slope up and back into the slope at the 1H:1V inclination and is reflected in the requested variance and survey plan. The geotechnical Engineer has indicated that there is more than sufficient setback to meet these criteria and confirms that the site is safe and suitable for the intended use of a dwelling unit with deck and additions within the 8 metre setback from the top of slope provided the recommendations are followed. As a condition of the development variance permit, the report will be registered on the property title as a covenant, saving the RDN harmless from all losses or damages to life or property as a result of the hazardous condition (see Attachment 2 – Terms and Conditions of Permit).

With respect to potential impacts, the applicant has evaluated the proposed building location relative to the neighbouring properties. The applicant has indicated that the proposed building projections into the setback will not affect the view of the sea for neighbouring dwellings. The applicant has provided letters of support from the two residences on either side of the subject property. Given that the applicant has provided sufficient rationale and that the proposed location is geotechnically safe and the variance is not anticipated to result in negative view implications for adjacent properties, the applicants have made reasonable efforts to address Policy B1.5 guidelines.

Public Consultation Implications

Pending the Electoral Area Services Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018", property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2018-169 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2018-169.

FINANCIAL IMPLICATIONS

The proposed development has been reviewed and has no implications related to the Board 2018 – 2022 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and has no implications for the 2016 – 2020 Board Strategic Plan.



Angela Buick
abuick@rdn.bc.ca
January 29, 2019

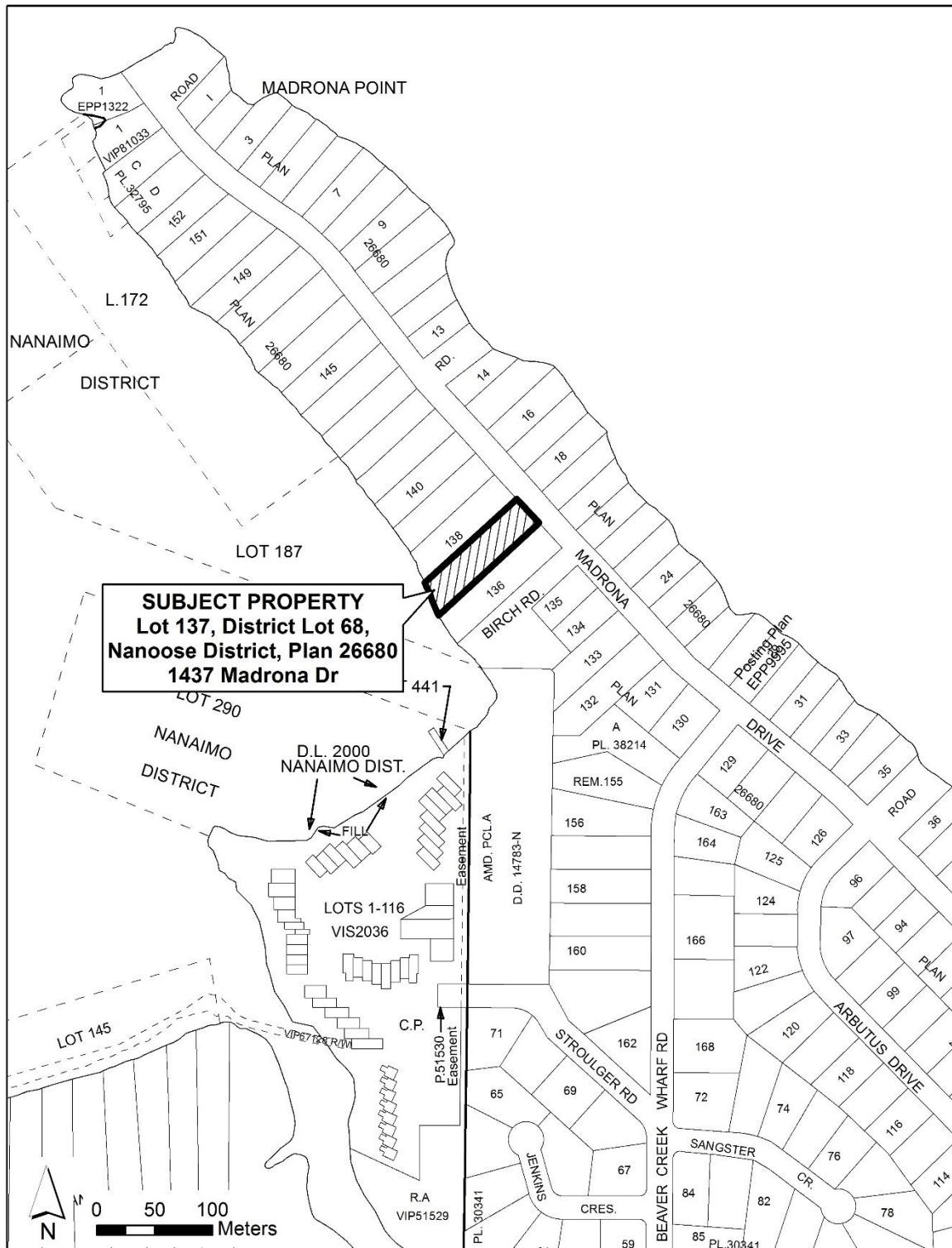
Reviewed by:

- P. Thompson, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Site Plan and Variances
4. Building Elevations

Attachment 1
Subject Property Map



Attachment 2

Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2018-169:

Bylaw No. 500, 1987 Variance

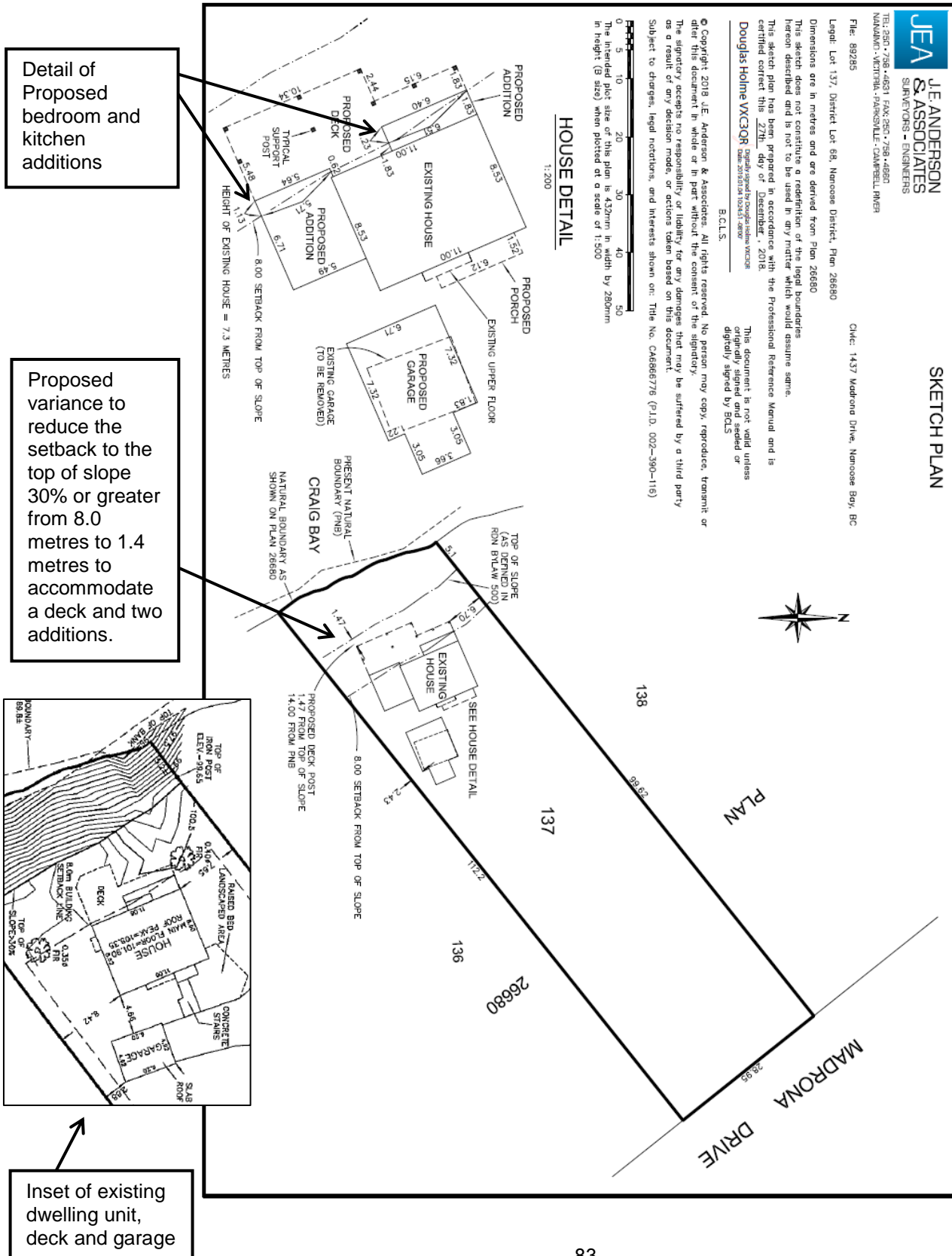
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

1. Section 3.3.9 – Setbacks – Sea to reduce the minimum setback from the top of slope of 30 percent or greater from 8.0 metres to 1.4 metres for the covered deck and a portion of two additions to the dwelling unit.

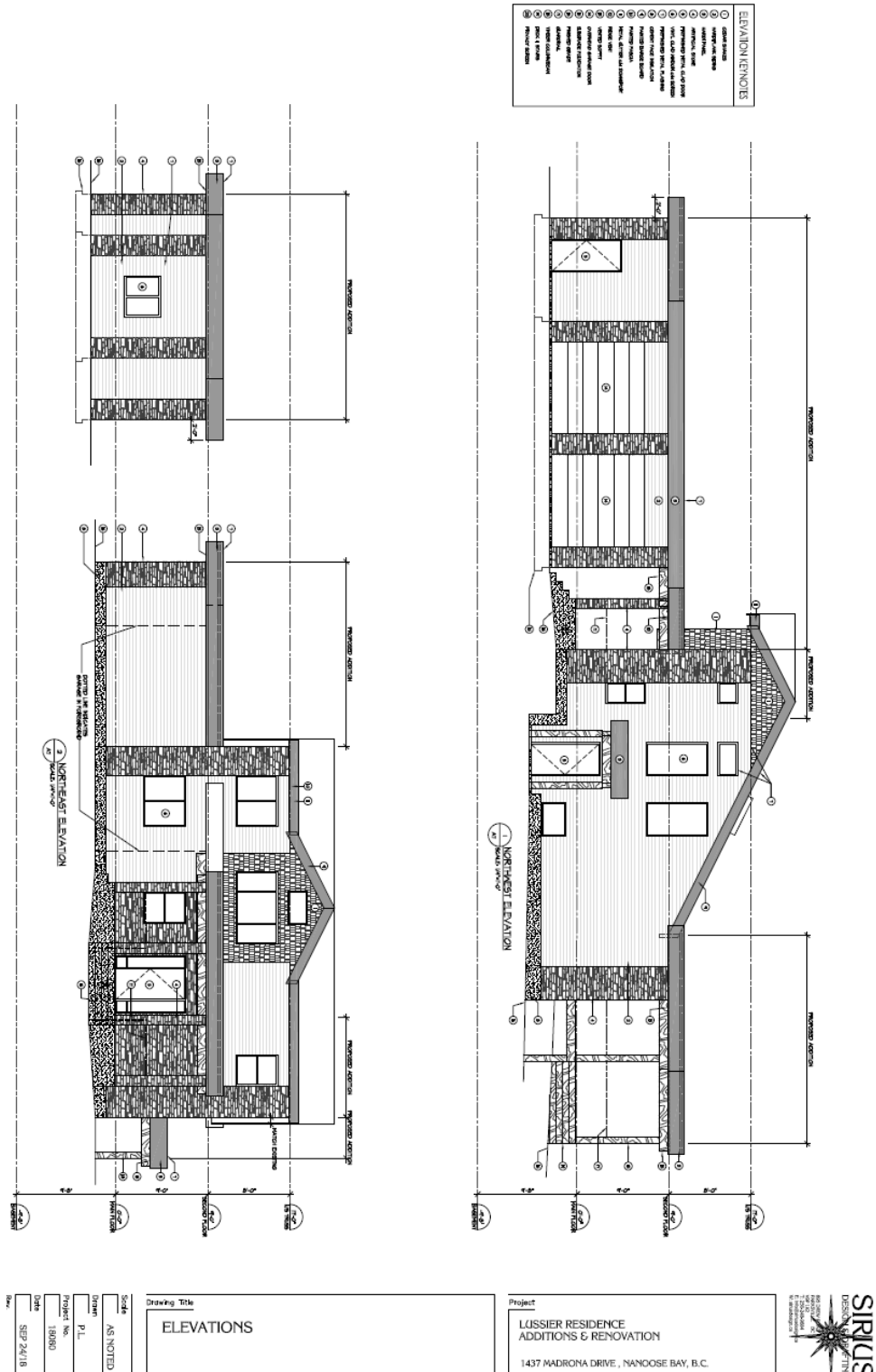
Conditions of Approval

1. The site is developed in accordance with the Survey Plan prepared by J.E. Anderson & Associates dated December 27, 2018 and attached as Attachment 3.
2. The proposed development is in substantial compliance with the plans and elevations prepared by Sirius Design & Drafting, dated September 24, 2018 and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated August 22, 2018.
4. The issuance of this permit shall be withheld until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated August 22, 2018, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3 Proposed Site Plan and Variances

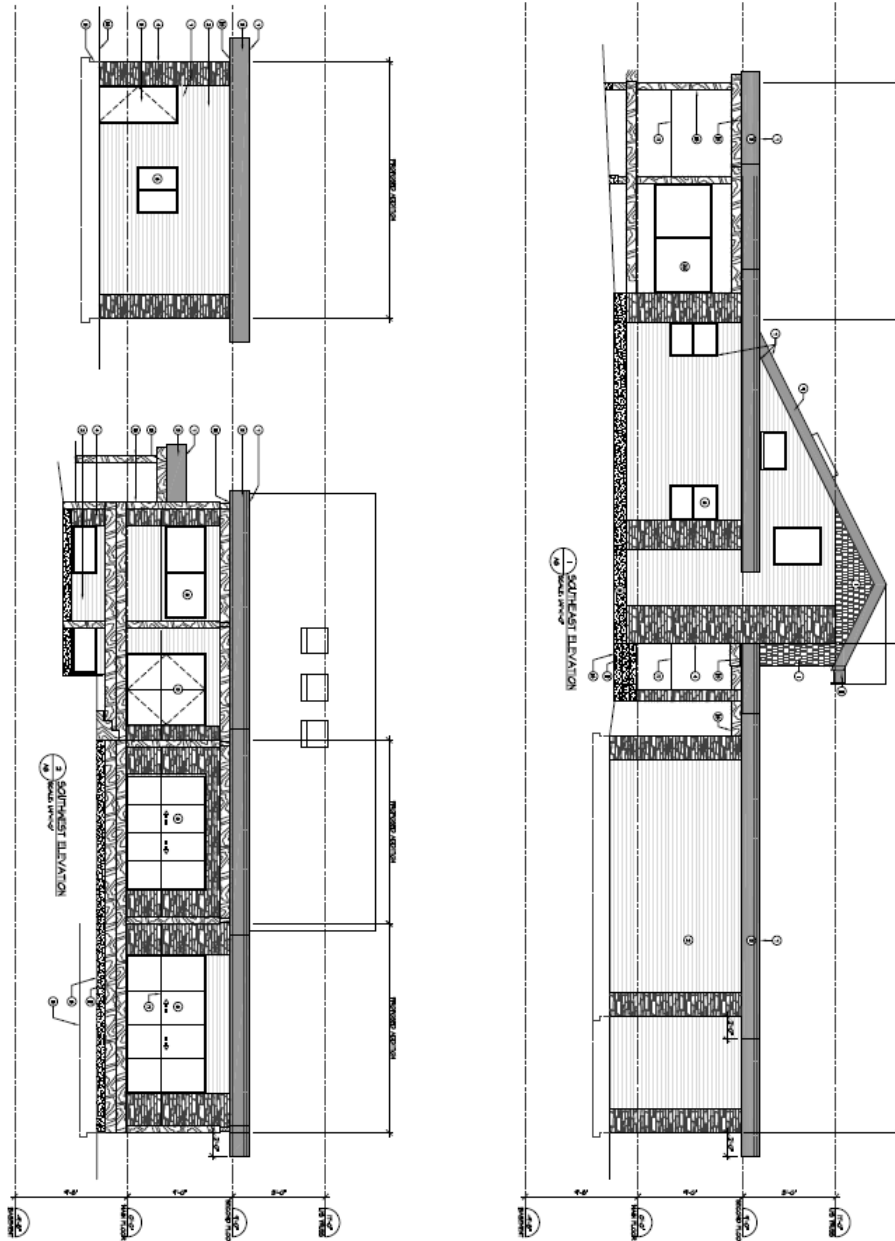


Attachment 4 Building Elevations (Page 1 of 2)



Attachment 4 Building Elevations (Page 2 of 2)

ELEVATION KEYNOTES	
1	Asph/Flt Shingles
2	Vertical Siding
3	Horizontal Siding
4	Brick
5	Stone
6	Stucco
7	Concrete
8	Foundation
9	Roofline
10	Window
11	Door
12	Deck
13	Porch
14	Stair
15	Handrail
16	Lighting
17	Planter
18	Screened Enclosure
19	Permeable Paving
20	Impervious Paving
21	Grass
22	Shrub
23	Tree
24	Other



Drawing Title ELEVATIONS		Project LUSSIER RESIDENCE ADDITIONS & RENOVATION 1437 MADRONA DRIVE, NANOOSE BAY, B.C.		<p>SIRIUS DESIGN STUDIO</p>
Scale	AS NOTED	Drawn	P.L.	
Project No.	18000	Date	SEP 24/18	
Sign.				

TO: Electoral Area Services Committee **MEETING:** March 12, 2019
FROM: Paul Thompson
Manager, Current Planning **FILE:** Policy B1.21
SUBJECT: Revisions to Policy B1.21 Groundwater assessment requirements for rezoning un-serviced lands and for development permits

RECOMMENDATION

That the Board endorse the revised Policy B1.21 to improve clarity and streamline requirements for groundwater assessments for rezoning un-serviced lands and for development permits.

SUMMARY

Regional District of Nanaimo (RDN) Policy B1.21 pertains to groundwater assessment requirements for rezoning un-serviced lands. The current policy came into effect February 22, 2011. Since that time, there have been advancements from the Province in terms of updating the Water Sustainability Act and in terms of providing guidance on groundwater assessments. The current Policy has generated confusion among many applicants and would benefit from a revision to improve clarity.

BACKGROUND

The un-serviced areas of the RDN rely on groundwater as the primary water source to support development. Groundwater conditions vary across the region and site-specific assessments are required to determine if water needs for proposed parcels or uses can be met, while minimizing impact on existing groundwater users, hydraulically-connected streams and the long-term health of the aquifer.

The RDN's existing Policy B 1.21 requires an update to improve clarity and to incorporate new Provincial guidance and requirements under the Water Sustainability Act.

The groundwater assessment referenced in this Policy must be performed by a qualified professional with competency in hydrogeology. Generally, a desktop assessment reviewing all available relevant information is sufficient, unless the professional deems a pumping test is needed in order to satisfactorily provide an opinion on minimum year-round water supply and anticipated impacts or lack thereof.

The RDN's Drinking Water and Watershed Protection (DWWP) program works to improve data availability in our region, pertaining to water resources including groundwater and surface water, through monitoring and scientific study. The information available through the DWWP helps to expedite the assessment process as there is increased background data available to inform desktop reviews.

This policy revision has received the input of the RDN Drinking Water and Watershed Protection Technical Advisory Committee (sub-committee specifically tasked with this review met 3 times), Development Services staff (worked through 9 revisions), and three professional hydrogeologist reviewers.

Key revisions to the policy include:

- Re-ordering of items in the Policy to improve readability and clarity of sequence;
- Flow charts that show when in the zoning amendment process hydrogeological related information is required;
- A checklist based on Provincial guidance documents to outline what is expected to be reviewed in a hydrogeological (groundwater) assessment. This provides clarity for the applicant, the professional and for RDN staff reviewing the report;
- Checklist also applies to development permit applications that require hydrogeological assessments for added consistency;
- Links to information sources to support desktop assessments.

ALTERNATIVES

1. That the Board endorse the revised Policy B 1.21 to improve clarity and streamline requirements for groundwater assessments for rezoning un-serviced lands and for development permits.
2. That the Board provide alternate direction.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this policy update.

STRATEGIC PLAN IMPLICATIONS

This revised policy helps to achieve several strategic priorities:

We will ensure our processes are as easy to work with as possible.

We recognize the importance of water in supporting our economic and environmental health.

We will have a strong focus on protecting and enhancing our environment in all decisions.

We will include conservation of resources as a planning factor.



Paul Thompson
pthompson@rdn.bc.ca
February 21, 2019

Reviewed by:

- J. Pisani, Program Coordinator, Drinking Water and Watershed Protection
- G. Garbutt, General Manager, Strategic and Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Policy B 1.21 Hydrogeological assessment requirements for rezoning unserviced lands and development permits

REGIONAL DISTRICT OF NANAIMO

P O L I C Y

SUBJECT:	<i>Hydrogeological (groundwater) assessment requirements for rezoning unserviced lands and for development permits</i> (Current Planning)	POLICY NO: B 1.21 CROSS REF.:
EFFECTIVE DATE:	February 22, 2011	APPROVED BY:
REVISION DATE:	March 26, 2019	PAGE: 1 of 8

PURPOSE

To identify and standardize the technical information required for rezoning applications to confirm that the potable water needs of a proposed parcel, parcels or use can be met, assess potential impacts on groundwater resources, existing groundwater users, and hydraulically-connected streams., and provide consistency in the review of development proposals.

To identify and standardize the technical information required through development permit area guidelines for hydrogeological assessments and provide consistency in the review of development approvals.

To uphold the policies and objectives in the Official Community Plans (OCP) with regards to water supply in rural areas, and to identify and minimize potential impacts of the proposed development on existing groundwater or surface water users and sensitive ecosystems.

POLICY

This policy outlines the approaches that will be taken when considering rezoning lands that are unserviced (by community water), and when considering issuance of a development permit where a hydrogeological assessment is required, and outlines details the requirements for the following application types:

- A. Rezoning to facilitate subdivision.
- B. Rezoning to permit multi-family, commercial, institutional or industrial use.
- C. Development permit application where a hydrogeological assessment is required through the development permit area guidelines.

For both types of rezoning and for development permit applications, a preliminary hydrogeological assessment is required. In cases where a desktop review of available data and site visit provide a sufficient

level of confidence that the required water needs can be met without adverse impact, in the opinion of the qualified professional registered with Engineers and Geoscientists of BC (EGBC) with competency in hydrogeology, then a pumping test is not required. If the qualified professional deems it necessary to perform a pumping test to confirm water supply, a well must be drilled (if not already present) on the parcel and tested through the completion of a pumping test to proceed with the assessment.

This assessment is not intended to provide a guarantee that future property owners will have an adequate supply of potable water, but rather to provide a qualified opinion of the likelihood of obtaining an adequate supply of potable water without compromising water resource sustainability, existing water users and hydraulically-connected streams.

A. Rezoning to facilitate subdivision

Where a parcel is the subject of a rezoning application to reduce the minimum lot size in order to facilitate a subdivision, a **preliminary hydrogeological assessment** completed by a qualified professional (P. Eng or P. Geo. registered with Engineers and Geoscientists of BC (EGBC) with competency in hydrogeology) must be submitted as part of the rezoning application and must be received and reviewed by staff prior to proceeding to the Board for introduction of the associated amendment bylaw.

See flow chart for *rezoning to facilitate subdivision* below in **Figure 1**.

NOTE: If the application involves the rezoning of lands to permit subdivision of lands that are currently occupied by dwellings, each with their own well, and the rezoning will not result in additional dwelling unit or a change in water use, a preliminary hydrogeological assessment is not required provided the applicant proceeds with the well testing and associated final well report (outlined below) to the satisfaction of the Regional District.

Preliminary Hydrogeological Assessment Report Requirements

The preliminary hydrogeological assessment must confirm that in the opinion of the qualified professional:

- i. a minimum year-round potable water supply of
 - a. 3.5 m³ (3,500 litres) per day can be provided for each new residential parcel being proposed
 - b. Or, for non-residential uses, sufficient supply to support the proposed use can be provided on each new parcel being proposed
- ii. the proposed well(s) are not anticipated to have adverse impacts on groundwater resources, existing groundwater users, and hydraulically-connected streams.

Requirements for the preliminary hydrogeological assessment are outlined in full within a detailed checklist (**Appendix I: RDN Checklist for Hydrogeological Assessment Reports**). The report should address all the items listed in the checklist.

Prior to bylaw adoption, a covenant must be registered on title which will require that the new wells be constructed, tested, and a **final well report (Appendix II: Final Well Report Requirements)** submitted to the RDN prior to final approval of subdivision.

B. Rezoning to permit multi-family, commercial, institutional or industrial use

Where a lot is the subject of a rezoning application to permit multiple residential units, commercial, institutional or industrial use, a **preliminary hydrogeological assessment** completed by a qualified professional (P. Eng or P. Geo registered with Engineers and Geoscientists of BC (EGBC) with competency in hydrogeology) must be submitted as part of the rezoning application. The preliminary assessment report must be received and reviewed by staff prior to proceeding to the Board for introduction of the associated amendment bylaw.

See flow chart for *rezoning to allow a change in use* below in **Figure 2**.

Preliminary Hydrogeological Assessment Requirements

The preliminary assessment report must contain estimated flow requirements for the proposed use and confirm that in the opinion of the qualified professional:

- i. a minimum year-round potable water supply to support the proposed use can be provided on the parcel, and that,
- ii. the proposed well(s) are not anticipated to have adverse impacts on groundwater resources, existing groundwater users, and hydraulically-connected streams.

Requirements for the preliminary hydrogeological assessment are outlined in full within a detailed checklist (**Appendix I: RDN Checklist for Hydrogeological Assessment Reports**). The report should address all the items listed in the checklist.

Prior to bylaw adoption the applicant must receive and demonstrate to the RDN:

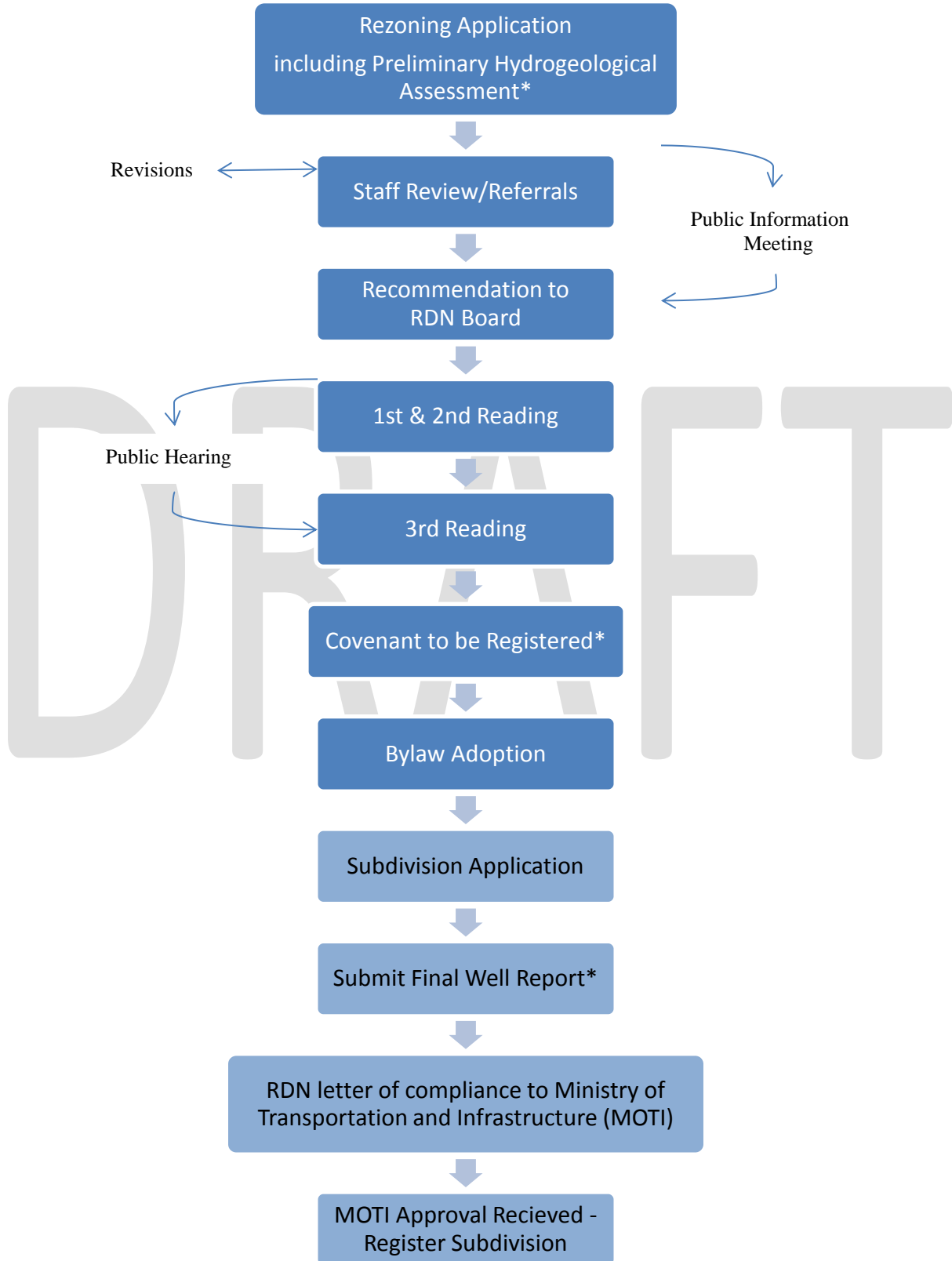
- An approved groundwater license from the Province. This is a requirement of all non-domestic groundwater uses.
- Source approval from the Vancouver Island Health Authority (Island Health), if required. This is required for all drinking water systems other than a single family home.

These documents fulfill much of what is required for a final well report (Appendix II). The applicant may be asked to provide supplementary information to the groundwater license and source approval as per **Appendix II: Final Well Report Requirements**, if necessary.

C. Development permit application where a hydrogeological assessment is required through the development permit area guidelines

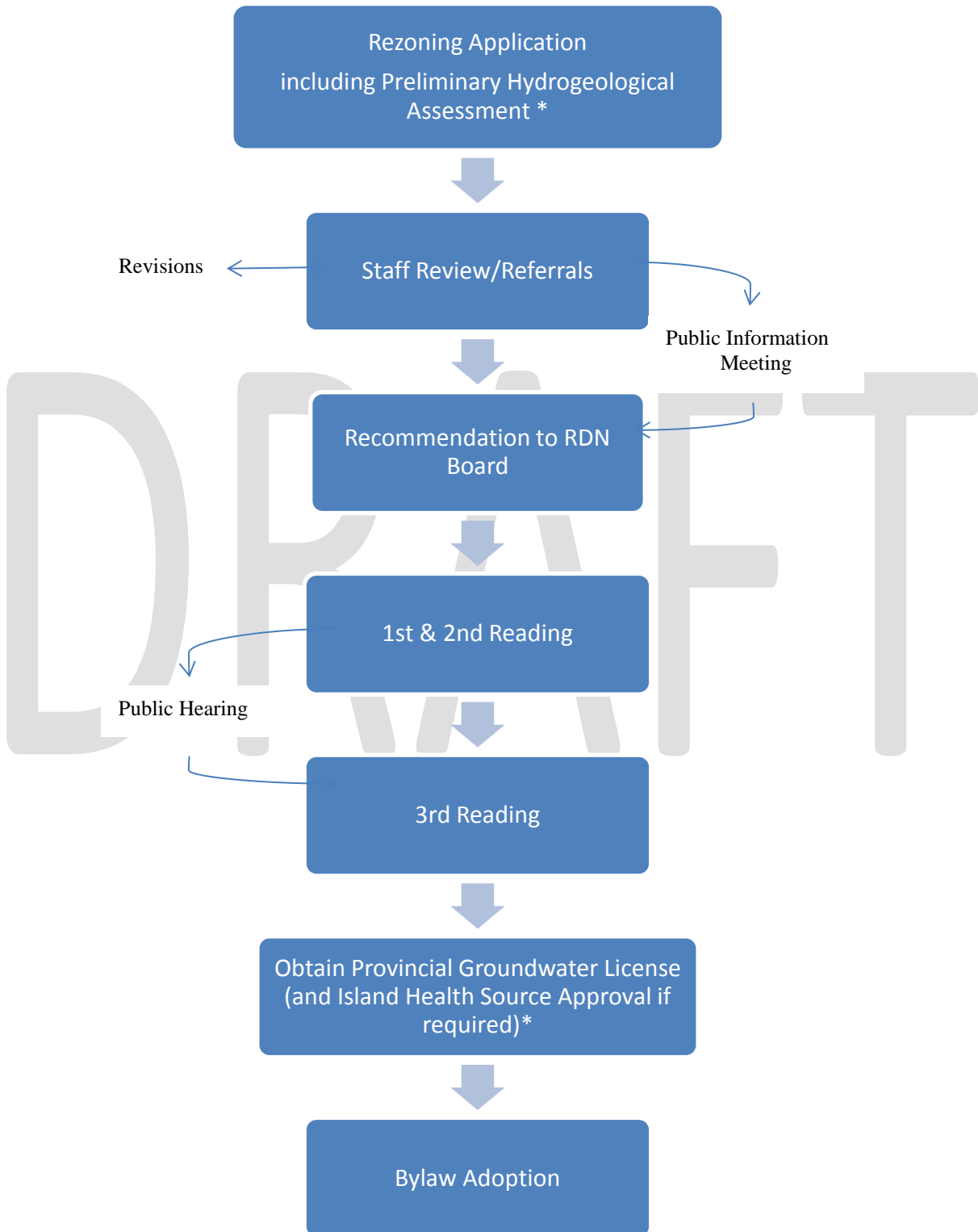
Where a hydrogeological assessment is required for a development permit application, the assessment must address the items listed in **Appendix I: RDN Checklist for Hydrogeological Assessment Reports** in addition to the relevant development permit guidelines.

Figure 1 – Flow Chart for A. Rezoning to Allow Subdivision



* Denotes key requirement of Board Policy B1.21

Figure 2- Flow Chart for B. Rezoning to Allow a Change in Use



* Denotes key requirement of Board Policy B1.21

Appendix I: RDN Checklist for Hydrogeological Assessment Reports

This checklist outlines the elements to be addressed in the preliminary professional hydrogeological assessment reports required for rezoning applications OR for professional hydrogeological assessment reports for development permit applications:

Component	Details / Sources
Site Description	<input type="checkbox"/> Description of the project, site and study area including a description of proposed land use and water use for the site. <input type="checkbox"/> Location map including: <ul style="list-style-type: none"> ○ topography ○ aquifer boundaries where mapped ○ locations of current and proposed wells (production and monitoring) on the site and adjacent properties ○ location of existing licensed water users (groundwater and surface water) within at least 300 m radius of the property. ○ locations of watercourses and sensitive environmental features ○ surrounding land uses
Local Hydrogeology	<input type="checkbox"/> Description of local geology – bedrock and/or surficial (GSC /NRCAN). <input type="checkbox"/> Summary of data on neighbouring wells diverting groundwater (GWELLS or iMapBC). <input type="checkbox"/> Description of the aquifer including storativity, transmissivity, hydraulic conductivity (Provincial aquifer classification database, well records, ECOCAT, RDN Water Budget Study, other local reports). <input type="checkbox"/> Description of local groundwater regime and its seasonal variations (e.g. measured water level fluctuations from existing observation wells or other monitored wells nearby, if applicable.) <input type="checkbox"/> Hydrogeological maps and cross sections illustrating groundwater flow and surface water interaction, if available.
Hydrologic Setting	<input type="checkbox"/> Description of the local area's climate and a summary of relevant available climate data. <input type="checkbox"/> Description of nearby lakes, streams, springs, wetlands in the area. <input type="checkbox"/> Description of surface water flux (i.e. streamflow data, lake level data) in correlation to precipitation data and groundwater level fluctuations.
Hydraulic Connectivity	<input type="checkbox"/> Description of known or potential hydraulic connections to surface water bodies and under what conditions might pumping be likely to impact the quantity of water in those surface water bodies.
Assessment of Adequacy of Supply [Only applies to Rezoning]	<input type="checkbox"/> For multi-family, commercial, institutional or industrial: provide demand estimates (flow requirements) for the proposed use. <input type="checkbox"/> Confirmation that a minimum year-round potable water supply of 3.5 m ³ (3,500 litres) per day can be provided for each new parcel (A) or the proposed use (B). <input type="checkbox"/> Use publically available data and/or referenced literature values to support estimates.
Discretionary:	<input type="checkbox"/> <i>If deemed necessary by Professional, considering aquifer stress level and characteristics, provide pumping test results and interpretation. Must follow BC Pumping Test Guidelines and BC Water Sustainability Act and Regulations for time of year, duration, methodology etc.</i>
Assessment of Quality of Supply	<input type="checkbox"/> Describe known water quality concerns in the regional and local area. <input type="checkbox"/> Include well water test results if applicable; compare to Canadian Drinking Water Guidelines. <input type="checkbox"/> Recommendations for water treatment if applicable.
Assessment of Potential Impacts	<input type="checkbox"/> Confirm that the proposed well(s) and associated pumping will not adversely impact groundwater resources, existing groundwater users and hydraulically connected streams. <input type="checkbox"/> Use aquifer parameters obtained from pumping tests conducted on site or in the immediate area or from other referenced information, if available. <input type="checkbox"/> Address the risk of sea water intrusion, if applicable.

Conclusions and Recommendations	<input type="checkbox"/> Provide recommendations; monitoring and/or management approaches to mitigate aquifer impacts. <input type="checkbox"/> Consider innovative options– i.e. rainwater harvesting, stormwater infiltration, efficient landscaping etc.
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APPENDIX II: Final Well Report Requirements

The intent of the final well report for **A. Rezoning to facilitate subdivision** is to confirm, once the well(s) is/are installed, that there is a well for each proposed parcel that can provide adequate water and meets current Groundwater Protection regulations. The report must be completed, dated, signed and sealed by a qualified professional and include/confirm the following:

- the date when the well was drilled along with a copy of the driller's log (if available);
- the well identification number as indicated on the plate secured to the well;
- photographs of the well identity tag, 'stick up', and general location of the well;
- that a pumping test has been completed by a registered well driller, registered pump installer or person working under the direct supervision of the well driller, pump installer or professional with competency in hydrogeology, in accordance with the protocols outlined in the [BC Guide to Conducting Well Pumping Tests](#).
- the pumping test is required to have been run for the greater of 12 hours or until the water level stabilizes at the pumping rate of at least 2.5 litres/minute with a well recovery period monitored for the greater of 6 hours or until the water level recovers to a minimum of 90% of its pre-pumping water level. This pumping test must be conducted only during the months of July through October (lowest water table). [Note: if a pumping test was completed on a new well that will service the re-zoned parcel as part of the Preliminary Hydrogeological Assessment it is considered valid for the final well report within 3 years.]
- test results (i.e. chemical analyses from a certified laboratory) of the well water quality as analyzed against the Guidelines for Canadian Drinking Water Quality. The analysis should have been completed within 6 months of the date of the report. The report must also identify where parameters do not meet the Guidelines for Canadian Drinking Water Quality and the qualified professional shall provide recommendations for appropriate mitigation / treatment to achieve a potable quality;
- confirmation that the well meets the current minimum well standards as outlined in the Groundwater Protection Regulation under the *BC Water Sustainability Act*, in particular:
 - is at minimum 30m from potential sources of contamination, including but not limited to: agricultural buildings, septic fields, animal pens/runs, refuse and compost piles, areas of fertilizer/herbicide use or storage, above or below ground storage tanks, and parking areas;
 - is outside of a floodplain, or if within a floodplain measures taken/required to protect the well;
 - is accessible for maintenance;
 - has a secure and watertight cap;

- the well head is at minimum 300mm above the adjacent finished grade, above the 200 year flood level and the ground around the well head is sloped away from the well casing.
- a surface seal is installed to prevent surface contaminants from entering the well from outside the casing.

Appendix III: Information Sources for Hydrogeological Assessments – current to February 2019

Provincial Resources

[Links Page – Groundwater Science and Data](#)

[GWELLS - Groundwater Wells Search](#)

[BC Water Resources Atlas](#)

[ECO CAT - Ecological Reports Catalogue](#)

[Guide To Using BC Aquifer Classification Maps](#)

[Guide To Conducting Well Pumping Tests](#)

[Determining Likelihood Of Hydraulic Connection](#)

[Modelling Tools For Estimating Effects Of Groundwater Pumping On Surface Waters](#)

[BC Observation Well Network Interactive Map](#)

[Environmental Reporting - Trends in Groundwater Levels in BC](#)

[Real-time Water Data Reporting](#)

Regional Resources

[RDN Phase 1 Water Budget Study](#)

[RDN GIS](#) ... Select: Water Map

[DWWP Reports Inventory](#) ...includes State of our Aquifers Reports

[RDN Well Protection Upgrade Rebate](#)

TO: Electoral Area Services Committee **MEETING:** March 12, 2019
FROM: Tom Armet
 Manager, Building & Bylaw Services **FILE:**
SUBJECT: Bylaw Enforcement Overview

RECOMMENDATION

That staff be directed to undertake a review of regulatory services and procedures, and report back to the Board with recommendations to address gaps that may exist in bylaw enforcement in the Electoral Areas as well as cost recovery mechanisms.

SUMMARY

The role of bylaw enforcement is to identify, investigate, mediate and resolve bylaw violations and provide enforcement services to all departments and Electoral Areas within the Regional District of Nanaimo (RDN). The RDN also provides bylaw enforcement to the District of Lantzville by way of service agreement.

RDN Bylaw Officers respond to a wide array of complaints under 26 regulatory categories ranging from routine issues to lengthy and complex investigations and court preparation. The department caseload has steadily increased over the past several years. In 2018, there were 559 cases opened, which is consistent with the past three years and a 75% increase over 2014.

Changes in the composition of communities over time mean that bylaws and enforcement practices need to evolve as well to respond to changing community expectations and conflicts that arise between the different types of land uses and property standards. A brief overview of common regulatory bylaws is provided to illustrate the applicability of bylaws to the Electoral Areas, many of which were enacted the mid-1990s, reflecting community values and standards of the time.

In addition to common complaint types in areas without specific services, complaints in relation to matters outside the RDN's jurisdiction such as cannabis production, traffic, illegal dumping on crown lands and nuisance property abatement are on the rise. These type of complaints generally require some follow-up investigation to determine if the RDN has authority to act or participate in multi-agency approaches.

BACKGROUND

In 1992, the RDN hired two permanent full time bylaw officers to enforce its zoning bylaw and provide operational support to other departments. During the mid-1990s several services were established to regulate noise, property maintenance, outdoor burning and animal control. These regulatory bylaws were developed to reflect community standards of the day and for the most part, have remained unchanged in the past 25 years despite substantial population growth and

changing demographics and community standards. The volume of complaints, community expectations and complexity of investigations has increased significantly over time. The number of permanent full-time bylaw officers has not changed however, a full-time administrative support position was added in 2015 to augment the service delivery, manage files, complaints and information requests. In the latter part of 2018, a temporary bylaw officer was hired to provide capacity to meet the increased workload and service expectations including staff coverage, responding to complaints on the weekend through adjusted service hours.

The following table represents bylaw enforcement cases, including dog control cases for the past five years. A breakdown of the types of cases by Electoral Area is included in this report as attachment #1.

Electoral Area	2014	2015	2016	2017	2018
A	67	89	106	101	83
B	21	45	44	37	31
C	38	91	67	64	61
E	39	65	68	79	88
F	34	78	65	66	74
G	47	93	63	84	95
H	22	68	58	47	61
Lantzville	28	38	30	41	61
Other	23	15	3	4	5
Total	319	582	504	523	559
Dog Control	330	345	497	430	480
Grand Total	649	927	1001	953	1039

At its regular meeting held on February 26, 2019, the Board passed the following motion:

That staff be directed to include an analysis of cost recovery options and related penalties for bylaw infractions in the report being drafted by Building & Bylaw Services for the Board's consideration at a future meeting.

Staff undertook a preliminary review of cost recovery options and confirmed there are mechanisms available to the RDN, which are briefly discussed further in this report.

Overview of Common Regulatory Bylaws:

Animal Control

Animal control in the RDN is specific to the control and licensing of dogs in the Electoral Areas. As this function requires specialized training, equipment and facilities, the RDN contracts the regulatory enforcement to a private company, Coastal Animal Control Services (CACS). Animal control officers employed by CACS are appointed by the RDN Board as Bylaw Enforcement Officers for the purpose of enforcing RDN animal control bylaws.

There are three separate animal control services covering the seven electoral areas as follows:

Electoral Areas A, B, and C and Lantzville – full dog control bylaw however, the enforcement service level is limited to dangerous dog control and pick up of confined stray dogs for up to 18 hours per week. Historically, these Electoral Areas opted for a reduced service level to maintain a lower tax requisition for the service.

Electoral Areas E, G, and H – full dog control and licensing of dogs for up to 30 hours per week.
Electoral Area F – dangerous dog control for up to three hours per week.

Building Regulations

The RDN Building Bylaw provides authority to enforce the BC Building Code in all Electoral Areas. Prior to the expansion of the service in 2010, construction in Areas F, H and some portions of Areas A and C had no regulatory oversight. The current RDN Building Bylaw contains provisions to support the uniqueness of the Electoral Areas such as conditional occupancy for owner-builders, farm building exemptions and the use of site cut timber for residential construction. Bylaw officers conduct follow-up enforcement on non-compliant buildings.

Burning Regulations

Outdoor burning regulations are inconsistent throughout the RDN. The three outdoor burning bylaws are incongruous with Electoral Area boundaries, instead they are specific to three fire protection local service areas; French Creek, Parksville (local) and Extension. These bylaws prohibit clearing and construction waste fires, and limit garden refuse fires between April and October.

Typically, fire department personnel respond in the first instance to burning complaints within service areas and if necessary, refer any follow-up action such as official warnings or ticketing to bylaw enforcement staff. Open burning in all areas outside the three fire protection local service areas falls under the jurisdiction of the Province to enforce the provincial Open Burning Smoke Control Regulation (OBSCR).

Fireworks

Although the RDN does not regulate the sale or discharge of fireworks in the Electoral Areas, it is worth noting that the RDN receives numerous complaints about fireworks, particularly leading up to Halloween and other holidays. It should also be noted that the four RDN member municipalities regulate the sale and discharge of fireworks within their municipal boundaries.

The provincial *Fireworks Act* applies to “School District 68” (encompassing Electoral Areas A, B and C). The sale and discharge of fireworks in those areas is regulated at certain times however, enforcement of the regulations falls under the jurisdiction of the RCMP.

Noise Control

Six separate noise control bylaws apply to Electoral Areas A, B, C, Lantzville (former Area D bylaw), E and G. There are no noise control regulations in Areas F and H. Each noise bylaw has slight variations in prohibitions, specific to the area.

Parks Regulations

Parks regulations apply to all RDN regional and community parks as well as other properties within the parks land inventory. Many of the park regulations are dealt with by RDN Parks staff or contract operators. From time to time, issues requiring more complex investigational steps are referred to bylaw enforcement for follow-up action.

Property Maintenance/Nuisance Properties

The Unsightly Premises Bylaw applies to all electoral areas except Area F. Property maintenance and nuisance property complaints can be extremely challenging for staff to deal with and tend to have significant impacts on nearby properties and residents.

Zoning Regulations

Investigations related to the two RDN zoning bylaws represent approximately 25% of annual case load in six electoral areas. Zoning matters in Electoral Area B fall under the jurisdiction of the Islands Trust. The RDN enforces the District of Lantzville zoning bylaw under contract to the municipality.

Gaps in Regulatory Services:

Changes in the composition of communities over time mean that bylaws and enforcement practices need to evolve, as well to respond to conflicts that arise between the different types of land uses and community expectations. As previously noted, many of the RDNs regulatory bylaws were enacted in the mid-1990s, reflecting community values and standards of the time. For example, the RDN is not able to act on complaints received from residents of Electoral Areas where services such as nuisance properties, outdoor burning, dog control or noise have not been established.

The following table provides a “snapshot” of the common complaint types and the applicability of regulatory bylaws in the Electoral Areas:

Complaint Types	Area A	Area B	Area C	Area E	Area F	Area G	Area H
Animal Control	Partial dog control	Partial dog control	Partial dog control	Full dog control	Limited dog control	Full dog control	Full dog control
Building	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Burning	No	Gabriola Fire ID	Extension FP area only	No	No	Parksville & Fr. Creek FP areas	No
Fireworks	No	No	No	No	No	No	No
Noise	Yes	Yes	Yes	Yes	No	Yes	No
Property Maintenance	Yes	Yes	Yes	Yes	No	Yes	Yes
Zoning	Bylaw 500	Islands Trust	Bylaw 500	Bylaw 500	Bylaw 1285	Bylaw 500	Bylaw 500

In addition to common complaint types in areas without specific services, staff has noted an increase in “out of jurisdiction” complaints related to issues such as cannabis production, traffic, illegal dumping on crown lands, environmental contamination, habitat destruction, wildlife and

hunting/poaching and nuisance property abatement. These type of complaints generally require some follow-up investigation to determine if the RDN has authority to act or participate in a multi-agency approach.

Cost Recovery Options:

The RDN currently utilizes existing legislation to recover some of the costs associated to bylaw enforcement action. This includes ticketing, use of collections agencies and court awarded judgements in the RDNs favor. Cost recovery by these means is relatively small in comparison to the overall cost expended in most cases.

In response to the Board's direction, staff consulted with the RDN solicitor regarding options for cost recovery, particularly in relation to nuisance property abatement and confirmed there are mechanisms available to the RDN. The *Local Government Act* provides regional districts the authority to adopt bylaws to prevent, abate and prohibit a wide range of nuisances, as well as to recover costs of abating nuisances from the person(s) causing or allowing the nuisance. Cost recovery must have some realistic relationship to the cost the RDN actually incurs in providing a service. For instance, municipalities have the ability to charge owners of nuisance properties for the cost of police and fire response, staff time and public works. As the RDN does not pay for policing costs and largely relies on volunteer fire departments, these services do not "cost" the RDN anything (not directly), so they cannot be the subject of cost recovery. The RDN could charge for costs actually incurred such as third party contractor charges, staff time, vehicle and fuel costs that are directly related to a nuisance abatement.

Given the wide range of options available to local government, staff will undertake an analysis of bylaw enforcement cost recovery options and related penalties for bylaw infractions for the Board's consideration at a later date.

The Role of Elected Officials in the Enforcement Process:

In 2016, the B.C. Ombudsperson Office published its *"Bylaw Enforcement Best Practices Guide for Local Governments"*. The guide is designed to provide information and tools to promote fairness in the administration of local government bylaw enforcement.¹

The guide recognizes the challenges faced by elected officials to remain a step removed from the day-to-day enforcement process when they are often the main point of contact for members of the public who have complaints or who have been the subject of enforcement. In those situations it is appropriate to seek assurance that bylaw enforcement staff have fairly responded to a concern. However, it is important to be aware that maintaining separation between elected officials and front-line enforcement staff is essential to an administratively fair bylaw enforcement system. (see attachment #2 – excerpt from the guide).

ALTERNATIVES

1. Direct staff to undertake a review of regular bylaws and procedures to address gaps that may exist in bylaw enforcement services in the electoral areas.
2. Provide alternate direction to staff.

¹ <https://bcombudsperson.ca/documents/bylaw-enforcement-best-practices-guide-local-governments>

FINANCIAL IMPLICATIONS

The cost of bylaw enforcement in the Regional District of Nanaimo is apportioned and charged to the specific service areas in which the costs relate (i.e. noise, animal control, planning). Changes in service levels may have an impact on the tax requisition for the service. Should the Board endorse the staff recommendation, the financial implications of service level adjustments will be included in a future report for the Board's consideration.

STRATEGIC PLAN IMPLICATIONS

Reporting on bylaw enforcement activity and service gaps in the RDN enhances regional governance by providing Area Directors with information on key community issues and trends within each Electoral Area and the region overall.



Tom Armet
tarmet@rdn.bc.ca
March 4, 2019

Reviewed by:

- G. Garbutt, General Manager, Strategic and Community Development and Acting Chief Administrative Officer

Attachments

1. Case breakdown by Electoral Area
2. Excerpt: *Bylaw Enforcement Best Practices Guide for Local Government*

Electoral Area A					
FILE TYPE	2014	2015	2016	2017	2018
Animal Control	3	6	5	3	1
Building Regulations	1	2	3	0	2
Burning	0	0	2	0	1
Development Permit	0	0	0	5	10
Dwelling Check	0	0	0	3	1
Fireworks	0	1	5	0	0
Illegal Dumping	2	2	4	19	7
Information	0	0	0	0	2
Land Use	28	30	28	27	22
Noise	23	18	25	18	11
Nuisance	1	0	1	0	1
Other	2	20	25	17	11
Parks	0	0	0	2	3
Signs	0	0	0	0	2
Traffic	0	0	0	0	0
Unsightly	7	10	8	7	9
Grand Total	67	89	106	101	83

Electoral Area B					
FILE TYPE	2014	2015	2016	2017	2018
Animal Control	2	4	1	0	1
Building Regulations	1	1	0	1	0
Burning	0	0	0	1	0
Development Permit	0	0	0	0	0
Dwelling Check	0	0	0	6	0
Fireworks	0	0	0	0	0
Illegal Dumping	0	0	3	1	0
Information	0	0	0	0	1
Land Use	1	3	1	0	0
Noise	13	12	13	14	15
Nuisance	0	0	1	0	4
Other	1	21	21	3	2
Parks	0	0	1	2	3
Signs	0	0	0	0	0
Traffic	0	0	0	0	0
Unsightly	3	4	3	9	5
Grand Total	21	45	44	37	31

Electoral Area C					
FILE TYPE	2014	2015	2016	2017	2018
Animal Control	1	4	4	2	4
Building Regulations	4	3	0	1	0
Burning	0	3	1	0	0
Development Permit	0	0	0	9	4
Dwelling Check	0	0	0	0	2
Fireworks	0	0	0	1	0
Illegal Dumping	2	40	16	24	16
Information	0	2	0	0	1
Land Use	12	8	13	12	12
Noise	5	3	6	2	8
Nuisance	1	0	0	0	1
Other	4	17	15	10	5
Parks	1	1	3	0	1
Signs	0	0	0	0	0
Traffic	0	0	0	0	0
Unsightly	8	10	9	3	7
Grand Total	38	91	67	64	61

Electoral Area E					
FILE TYPE	2014	2015	2016	2017	2018
Animal Control	3	2	2	2	3
Building Regulations	1	3	2	0	0
Burning	0	2	2	1	3
Development Permit	0	0	0	8	10
Dwelling Check	0	0	2	0	1
Fireworks	0	0	1	0	0
Illegal Dumping	0	8	4	11	16
Information	0	1	0	1	1
Land Use	11	18	14	26	28
Noise	5	10	6	6	4
Nuisance	0	0	2	0	0
Other	3	17	20	12	11
Parks	2	1	2	4	5
Signs	7	0	4	6	2
Traffic	0	0	0	0	0
Unsightly	7	3	7	2	4
Grand Total	39	65	68	79	88

Electoral Area F					
FILE TYPE	2014	2015	2016	2017	2018
Animal Control	4	7	4	2	1
Building Regulations	4	4	0	2	1
Burning	1	0	1	1	1
Development Permit	0	0	0	5	11
Dwelling Check	0	0	1	7	3
Fireworks	0	0	0	0	0
Illegal Dumping	1	15	11	16	10
Information	0	0	0	0	0
Land Use	15	22	18	21	25
Noise	2	3	1	0	0
Nuisance	1	0	0	1	2
Other	5	25	29	10	14
Parks	0	0	0	0	4
Signs	0	0	0	1	2
Traffic	0	0	0	0	0
Unsightly	1	2	0	0	0
Grand Total	34	78	65	66	74

Electoral Area G					
FILE TYPE	2014	2015	2016	2017	2018
Animal Control	6	6	10	4	4
Building Regulations	0	1	1	1	1
Burning	1	7	7	4	1
Development Permit	0	0	3	5	12
Dwelling Check	0	0	1	2	2
Fireworks	0	1	0	1	0
Illegal Dumping	3	7	3	11	13
Information	0	1	0	0	1
Land Use	20	19	11	21	22
Noise	9	17	2	4	7
Nuisance	1	0	0	1	2
Other	0	20	20	17	14
Parks	0	0	0	0	1
Signs	2	2	0	2	0
Traffic	0	0	0	0	0
Unsightly	5	12	5	11	15
Grand Total	47	93	63	84	95

Electoral Area H					
FILE TYPE	2014	2015	2016	2017	2018
Animal Control	1	4	3	1	3
Building Regulations	0	3	0	0	2
Burning	0	3	0	2	1
Development Permit	0	0	0	5	7
Dwelling Check	0	0	2	6	4
Fireworks	0	0	0	0	0
Illegal Dumping	2	11	10	13	7
Information	0	0	0	0	1
Land Use	12	8	11	13	21
Noise	0	3	0	0	0
Nuisance	1	1	0	1	0
Other	4	27	25	3	10
Parks	0	0	1	1	0
Signs	0	1	1	0	0
Traffic	0	0	0	0	0
Unsightly	2	7	5	2	5
Grand Total	22	68	58	47	61

Lantzville					
FILE TYPE	2014	2015	2016	2017	2018
Animal Control	0	1	0	1	2
Building Regulations	1	3	1	0	1
Burning	2	0	0	1	0
Development Permit	0	0	0	0	3
Dwelling Check	0	0	0	0	0
Fireworks	0	0	0	0	0
Illegal Dumping	0	9	5	8	10
Information	0	0	0	0	1
Land Use	11	8	4	14	9
Noise	11	6	4	4	10
Nuisance	0	0	0	1	0
Other	1	8	7	6	8
Parks	0	0	0	0	0
Signs	0	0	6	0	1
Traffic	1	0	2	5	13
Unsightly	1	3	1	1	3
Grand Total	28	38	30	41	61

found that the resident deliberately set himself up to challenge the city and that he had baited staff with his extreme and self-interested interpretations of city bylaws.²¹

This case shows that as long as actions are authorized and appropriate, it is not unreasonable for local governments to persist with enforcement even in the face of refusal or hostility from a resident.

In another case, a resident alleged in court that bylaw enforcement officers were excessively persistent, as well as “arrogant, hostile, and inappropriate” when inspecting her secondary suite. The court noted that this behaviour, for which there was no evidence, was likely a consequence of the defendant’s refusal to grant the bylaw officers access to the suite as they were legally entitled to have. This refusal, the court noted, provided a justifiable reason for the city’s persistence in enforcement.²²

These cases demonstrate the importance of distinguishing between enforcement actions that are necessary and reasonable (but a resident may vehemently disagree with) and those that are clearly beyond the authority of local government enforcement staff. Persisting in multiple attempts to enforce is not unreasonable if such action is both authorized and necessary.

Individuals who contact our office with a complaint rarely assert that a bylaw enforcement officer abused his or her power. More frequently, individuals complain that they were treated poorly by local government staff. Individuals may be angry, frustrated or rude when dealing with local government staff. Fairness is not just about the process followed in making decisions – it also involves communicating about the process and resulting decisions in an appropriate and respectful way.

Treating people well in an enforcement context can help resolve conflicts, encourage voluntary compliance and shape positive public perceptions of a local government. Written standards of conduct are a useful tool to outline the professionalism that local governments expect of their bylaw enforcement staff. For example, one local government’s website describes professional conduct expectations for bylaw enforcement staff, emphasizing accountability, impartiality, integrity, protection, respectfulness and service.²³ Such standards can also prevent bylaw enforcement officers from inadvertently acting outside the scope of their authority.

Best Practice: Standards of Conduct

Council and senior local government officials establish and make public standards of conduct for bylaw enforcement staff.

The Role of Council in the Enforcement Process

When we spoke with bylaw enforcement staff, managers and chief administrative officers as we were developing this guide, we heard concerns about council members becoming personally involved in bylaw enforcement investigations on behalf of residents, and directing bylaw enforcement staff to take a specific course of action.

As discussed in previous sections, council establishes overall priorities for enforcement, enacts bylaws, and adopts bylaw enforcement policies and standards of conduct for bylaw enforcement staff. Council may also provide direction on

²¹ *Prince George (City) v. Reimer*, 2010 BCSC 118.

²² *Burnaby (City) v. Oh*, [2010] B.C.J. No. 2857.

²³ Town of Creston, “Bylaw Compliance” <<http://www.creston.ca/2169/Bylaw-Compliance>>.

specific types of bylaw enforcement issues. For example, council may direct its enforcement staff to prioritize enforcement of certain bylaws, or to issue warnings rather than tickets for specific categories of violations.

Within this framework, everyday enforcement decisions are delegated to staff. Defining and maintaining separation between council and front-line enforcement staff is essential to an administratively fair bylaw enforcement system. It is important for council members to be aware of how their own actions can affect the fairness of an enforcement process. This means that while council sets policy and provides general direction on enforcement priorities, its individual members should not become directly involved in enforcement action by directing enforcement against specific residents, groups or businesses, or by directing that enforcement action not occur in a particular circumstance. Rather, individual enforcement decisions should be made by delegated bylaw enforcement staff or contractors.²⁴

It can be difficult for council members to remain a step removed from the day-to-day enforcement process when they are a main point of contact for members of the public who have complaints or who have been the subject of enforcement. It is understandable that council members want to be responsive to the concerns of those who elected them. In such situations, it is certainly appropriate for a member of council to seek assurance that bylaw enforcement staff have fairly responded to a person's concerns.

However, even if motivated by good intentions, council members should not advocate either publicly or privately for a particular result in a specific case. Doing so can create the appearance of bias, particularly if council later hears an appeal on the same matter after bylaw enforcement action is taken. Moreover, any action by a council member that is motivated by favouritism or personal animosity toward an individual may be perceived as an improper use of discretion.²⁵ Each member of council should strive to remain uninvolved in a specific bylaw enforcement decision unless and until the matter is put on the agenda for the entire council to consider.

Best Practices: The Role of Council

Council and senior local government officials develop a written policy to clearly define the separate roles of bylaw enforcement staff, council as a whole and individual members of council.

Local government policy clearly articulates that council members are not to be involved in day-to-day bylaw enforcement decisions.

²⁴ The City of Toronto Ombudsman has investigated concerns about elected local government officials interfering with the work of local government staff. In one investigation, the Ombudsman found that the Mayor's office was improperly directing security staff at city hall and was not following its own policy: Office of the Ombudsman, *Ombudsman Report: An Investigation into Toronto City Hall Security*, April 2015 <<http://ombudstoronto.ca/ombudsman-report-investigation-toronto-city-hall-security>>. In another investigation, the Ombudsman found that the Mayor's office directly influenced the public appointment process that resulted in inadequate vetting: Office of the Ombudsman, *An Investigation into the Administration of the Public Appointments Policy*, 25 September 2012 <<http://ombudstoronto.ca/sites/default/files/Final%20Report%20September%2025%20Post.pdf>>.

²⁵ Office of the Ombudsperson, *Code of Administrative Justice 2003*, Public Report No. 42, British Columbia Legislative Assembly, March 2003, 15 <<https://www.bcombudsperson.ca/sites/default/files/Public%20Report%20No%20-%2042%20Code%20of%20Administrative%20Justice.pdf>>.

TO: Committee of the Whole **MEETING:** March 12, 2019

FROM: Joan Michel
Parks and Trails Coordinator

SUBJECT: Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Wildfire Response Agreement 2019-2022

RECOMMENDATION

That the 2019-2022 Wildfire Response Agreement with the Ministry of Forest, Lands, Natural Resource Operations and Rural Development be approved for execution.

SUMMARY

The RDN's 2016-2019 Wildfire Response Agreement with the BC Wildfire Service at the Ministry of Forest, Lands, Natural Recourse Operation and Rural Development (FLNRO) expires 31 March 2019, and the Province is requesting RDN approval of a 2019-2022 agreement – see Attachment 1.

The agreement provides for fire-fighting at RDN owned or managed parks situated outside local fire protection areas and therefore not served by fire departments. In return for an annual fee from the RDN, the BC Wildfire Service undertakes to provide necessary wildfire-fighting services at parks detailed in the agreement.

The existing 2016-2019 Wildfire Response Agreement covers wildfire-fighting services for 16 RDN parks representing 1,769 hectares, at a cost to the RDN of \$1,000 per year. The Province's updated agreement for the 2019-2022 term contains minor language changes from the existing agreement and stipulates an annual fee to the RDN of \$1,100 per year for the Province's services. Park area covered and RDN responsibilities are unchanged.

The RDN has statutory responsibility for fire-fighting on lands it owns or manages under Crown licence or lease. Since 2008, the RDN has used the Province's wildfire response agreements to manage this responsibility for lands not otherwise served by fire departments. Most industrial and other large landowners in the Province such as Island Timberlands and TimberWest also rely on wildfire response agreements. In the absence of such an agreement, the RDN would need to develop and maintain its own fire fighting capacity, or identify and engage with private sector fire fighters willing to fight fires at remote parks on a fee for service basis. In either case, and cost aside, it would not be possible to replace the capacity, services and commitments on offer from the Province through its wildfire response agreement program.

BACKGROUND

Landowners and managers have statutory obligation under the laws of British Columbia with respect to wildfire prevention, detection, control and suppression. For example, if intending to use a chainsaw for trail maintenance in a back country park, Parks Services staff must have the appropriate resources on hand to carry out initial suppression and control of a fire sparked by chain saw use. The RDN's obligation under the Wildfire Response Agreement is to undertake control as best practical until relieved by the Province.

Following the Okanagan wildfires in 2003, the Province engaged with local government and large back country landowners on improved coordination and management of wildfires. In 2008, the BC Wildfire Service implemented the wildfire response agreement program. Under these agreements, the Province assesses the risk and cost of suppressing wildfire on Crown lands as well as privately held lands not served by fire departments, takes into account any landowner contribution of fire-fighting resources, and assesses the landowner an annual fee to pay for the Province's commitment to take primary responsibility for wildfire control and suppression on the privately held or managed lands.

The RDN has participated in the wildfire response agreement program since its inception in 2008. The BC Wildfire Service has the expertise, infrastructure and response resources needed to prevent, detect, control and extinguish wildfires across the land in a coordinated and organized manner. The wildfire response agreement program maximizes use of all available landowner wildfire fighting resources and integrates those resources within the greater Wildfire Service operation in order to protect valuable public and private land assets. The agreement does not relieve landowners and managers of their statutory obligations with regard to wildfire, but recognizes the practical limitations of individual fire fighting capacity and the public's interest in containing the spread of wildfire. The primary target of the agreement is the industrial sector, and both Island Timberlands and TimberWest operate under wildfire response agreements with the Province. These agreements do not address structural fires, which remain the landowner's responsibility.

There has been no instance of wildfire in a park since the wildfire response agreement program was initiated. The RDN contributes to wildfire prevention by restricting campfires to its two campground parks, applying campfire and smoking bans during periods of high wildfire risk, communicating repeatedly about the risk of fire, and avoiding work in the woods during periods of high fire risk. Parks Services maintains a close working relationship with Coastal Fire Centre staff based in Errington who regularly visit RDN parks, help evaluate risk, and use RDN parks for wildfire risk management and fire fighting practice. At Horne Lake Regional Park where park structures and vehicles would not be addressed directly under the Wildfire Response Agreement, the RDN Parks Division maintains portable generator, water pumps, hoses and other tools for use by Park Operator personnel and RDN staff in the event of fire involving park buildings and lakefront campgrounds. The Horne Lake Park Operator has prepared an Emergency Response Plan, which has been reviewed by RDN Emergency Services and includes a section on fire.

Beyond the Wildfire Response Agreement, the RDN carries a \$2,000,000 per incident fire-fighting endorsement under its Municipal Insurance Association Liability Protection Agreement. This endorsement satisfies requirements set down by forest companies licensing RDN use of private lands for regional trail. The endorsement would come into effect in the event that it can be proved that the RDN or its authorized trail users were responsible for starting a wildfire along licensed trail.

ALTERNATIVES

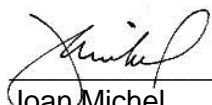
1. That the Board authorize execution of the 2019-2022 Wildfire Response Agreement.
2. That the Board provide alternative direction.

FINANCIAL IMPLICATIONS

The \$1,100 annual fee associated with the Wildfire Response Agreement is covered in the annual Regional Parks Operating budget.

STRATEGIC PLAN IMPLICATIONS

Focus On Service And Organizational Excellence - We View Our Emergency Services As Core Elements Of Community Safety



Joan Michel
jmichel@rdn.bc.ca
February 13, 2019

Reviewed by:

- C. Morrison, Manager, Emergency Services
- W. Marshall, Manager, Parks Services
- T. Osborne, General Manager, Recreation and Parks Services
- P. Carlyle, Chief Administrative Officer

Attachments:

1. Wildfire Response Agreement 2019 - 2022



Wildfire Response Agreement

FILE NO: 950-20/41111

THIS AGREEMENT DATED FOR REFERENCE THE
21ST DAY OF JANUARY, 2019.

AGREEMENT DESCRIPTION: Fire Response Services Provided in British Columbia by the Province

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, as
represented by the **MINISTER OF FORESTS, LANDS, NATURAL RESOURCE OPERATIONS
AND RURAL DEVELOPMENT**

**BC WILDFIRE SERVICE
MINISTRY OF FORESTS, LANDS, NATURAL RESOURCE OPERATIONS
AND RURAL DEVELOPMENT**

By mail to:
**P.O. Box 9502 Stn. Prov. Govt.
Victoria, British Columbia
V8W9C1**

Or by hand to:
**2957 Jutland Road, 2nd Floor
Victoria, British Columbia
V8T5J9**

**Phone Number: (778) 974-5709
Facsimile Number: (250) 387-5685
Ministry Representative: Laurence Bowdige
E-mail Address: Laurence.Bowdige@gov.bc.ca**

(the "Province")

AND:

**REGIONAL DISTRICT OF NANAIMO
RECREATION & PARKS
830 W. Island Highway
Parksville, British Columbia
V9P2X4**

**Phone Number: (250) 248-3252
Facsimile Number: (250) 248-3294
Regional District Representative: Wendy Marshall
E-mail Address: wmarshall@rdn.bc.ca**

(the "Regional District")

referred herein to as "the Parties".

WHEREAS:

- A. The Regional District owns or administers certain private or public lands in the Province of British Columbia primarily for the management, use and preservation of the forest, land and water resources through sustainable forest and ecological stewardship activities;
- B. The Regional District has valuable assets that it wishes to protect from destruction by wildfire;
- C. The Regional District has certain statutory obligations under the laws of British Columbia with respect to wildfire prevention, detection, control and suppression;
- D. The Province, through the BC Wildfire Service has significant fire management expertise and fire suppression responsibilities on Crown lands and other private lands, and has therefore developed significant infrastructure and response resources to prevent, detect, control and extinguish wildfires;
- E. The Regional District wishes the Province to provide fire response services, in addition to those provided by local governments and other agencies, to protect its land and assets as well as key public environmental values;
- F. The Parties wish to enter into this Wildfire Response Agreement that constitutes a cost sharing agreement for the purpose of Section 28 of the *Wildfire Regulation*; and
- G. Each Party acknowledges the contributions of the other in preventing, detecting, and fighting wildfires and wishes to work co-operatively to meet common fire prevention goals.

NOW THEREFORE, the Parties agree as follows:

1. DEFINITIONS

In this document, the following words have the following meanings, unless the context dictates otherwise:

- a) **“Act”** means the [Wildfire Act](#) (British Columbia) as it may be amended or replaced from time to time;
- b) **“Agreement”** means the agreement between the Parties as set out herein;
- c) **“Amending Document”** means a written document signed by both Parties amending the terms of this Agreement;
- d) **“Annual Fee”** means the fee paid by the Regional District to the Province at the beginning of each Year for the Services;
- e) **“Annual Preparedness Plan”** means a document completed by the Regional District submitted on an annual basis to the Province prior to the fire season outlining operational and logistical considerations of the Regional District such as Regional District contacts, duty rosters, planned activities on the Lands and resources that may be available upon request of the Province;
- f) **“Business Day”** means a day, other than a Saturday, Sunday or statutory holiday, on which Provincial government offices are open for normal business in British Columbia;
- g) **“Fire”** means:
 - i. an unplanned fire occurring on forest or grass lands, burning forest vegetation, trees, grass, brush, heath, scrub, peat lands (wildfire); or
 - ii. an open fire set in accordance with Part 4 of the Wildfire Regulation which spreads beyond the area authorized for burning (wildfire); or
 - iii. a fire which does not spread to forest or range lands, or beyond the area authorized for burning if set under Regulation, but is now not in compliance with the Regulation (nuisance fire);
- h) **“Fire Management Plan”** means a plan developed by the Regional District to provide support to decision makers for integrated wildland fire response and resource management activities;
- i) **“Fire Response”** means all activities associated with responding to a Fire with appropriate Resources following the discovery or receipt of a report of a Fire;

- j) **“Fire Suppression”** means all activities concerned with controlling and extinguishing a Fire following its detection;
- k) **“Lands”** means the specified public and private lands (on which physical structures may exist) owned and/or managed by the Regional District and specifically identified to the Province as specified in this Agreement;
- l) **“Ministry Representative”** means the Ministry of Forests, Lands, Natural Resource Operations and Rural Development staff person appointed, or such other person as the Province may substitute at any time and immediately notify the Regional District in writing, to serve as the primary contact between the Province and the Regional District in connection with this Agreement;
- m) **“Patrol”** means to inspect a Fire perimeter to prevent escape of the Fire and/or to travel a given route to inspect, prevent, detect and suppress Fires;
- n) **“Regulation”** means the [Wildfire Regulation](#) (British Columbia) as it may be amended or replaced from time to time;
- o) **“Resources”** means the personnel and equipment available, or potentially available, for assignment to incidents or Fires;
- p) **“Services”** means the Fire Response services provided by the Province on or related to the Lands pursuant to this Agreement;
- q) **“Year”** means the twelve-month period from April 1st to March 31st.

2. TERM

- 2.01 This Agreement will take effect on the date of its execution.
- 2.02 The term of this Agreement shall end on March 31st, 2022 unless terminated by either Party in accordance with Section 6.01 of this Agreement.

3. SERVICES

- 3.01 When a Fire is discovered by or made known to the Province and threatens or has the potential to threaten the Lands, or is burning on the Lands, the Province will use its best efforts in accordance with Sections 8 and 9 of the *Act* to provide the Services to protect the Lands to the same extent and priority as on Crown lands or other lands within the jurisdiction of the Province, subject to the purposes of this Agreement, standard priority procedures and availability of Resources within British Columbia.
- 3.02 When a Fire is burning on the Lands, the Province and the Regional District will cooperate to control, suppress and extinguish it, subject to statutory obligations and responsibilities, and the terms and conditions of this Agreement.
- 3.03 At its own expense, the Province will recruit Resources within or outside British Columbia as deemed necessary by it to provide the Services.
- 3.04 When there is high current or forecasted demand on provincial Resources, the Province will prioritize the allocation and positioning of Resources, and may delay, limit, suspend or withdraw Fire Response on a Fire considered, by the Province, to be a lower priority.
- 3.05 In accordance with Ministry of Forests, Lands, Natural Resource Operations and Rural Development Policy 9.1, the Province may delay, limit, suspend or withdraw Fire Response when a Fire is located in an area, or is displaying fire behaviour, that may make it impracticable or unsafe for firefighting Resources.
- 3.06 As soon as possible following the discovery or report of a Fire, the Province will:
 - a) advise the Regional District of the Fire on the Lands and the action taken; and,
 - b) on request of the Regional District, provide supporting information regarding Fires affecting or threatening the Lands.
- 3.07 Once a Fire referred to in Section 3.01 above is extinguished, the Province may conduct an investigation and may compensate the owner of private land in accordance with Section 15 of the *Regulation* for

damage caused by the Province to the private land in carrying out fire control, or may rehabilitate land damaged by fire control in accordance with Section 17 of the *Regulation*.

- 3.08 During periods when the risk of a Fire starting and spreading is minimal (typically November to February inclusive) it is understood by the Parties that the Province has limited Resources available to respond to Fires.
- 3.09 The Province is not mandated nor does it have the skills, equipment or training to respond to non-wildfires such as those involving structures, vehicles, landfills, hazardous materials and coal or coal seams. The Province may respond at a safe distance from non-wildfires to protect the forest and range resources.
- 3.10 The Province may provide the Regional District with additional services at the Regional District's request.
- 3.11 The Province and the Regional District will meet at least once per Year to review the Year's activity.

4. OBLIGATIONS OF THE REGIONAL DISTRICT

- 4.01 The Regional District will:
 - a) where a Fire is discovered on the Lands, carry out fire control as per the *Act*, *Regulation* and Ministry of Forests, Lands, Natural Resource Operations and Rural Development Policy 9.1 as amended from time to time;
 - b) as soon as possible, advise the Province of any actions taken on a fire;
 - c) on the request of the Province and when available, provide a fire information report for the fire;
 - d) in addition to their statutory obligations and responsibilities and on the request of the Province, provide resources as identified in Schedule B to assist the Province in Fire Suppression and Patrol on the Fire. Such efforts on the part of the Regional District will be at no cost to the Province and shall not relieve the Regional District or the Province of their responsibilities as required by legislation or as contemplated by this Agreement;
 - e) notify the Province if a new industrial use is initiated upon the Lands, or if it becomes aware of any specific hazards on the Lands; and
 - f) provide, at minimum on an annual basis, an Annual Preparedness Plan as described in Schedule C or a fire pre-organization plan if available.
- 4.02 In consultation with the Province, the Regional District will use its best efforts to assist the Province in securing Resources for use in Fire Suppression on the Lands. These Resources are in addition to the statutory obligations and responsibilities of the Regional District, and the Regional District Resources described in Schedule B. Compensation for these additional Resources will be paid by the Province as outlined in the *Act*, the *Regulation*, Ministry Policy, and operating procedures and guidelines established by the Province.
- 4.03 The Regional District will assist and co-operate with the Province in any investigations including fire origin and cause investigations, settlements and claims related to this Agreement.
- 4.04 The Regional District will use all reasonable efforts to encourage its officers, directors, employees, sub-contractors and agents to provide the assistance described in Section 4.03.
- 4.05 The Regional District will, upon execution of this Agreement, provide the Province with maps in digital form (or other such format as agreed upon by the Parties) and written descriptions of the Lands.
- 4.06 Before April 1st of any subsequent Year, the Regional District will advise the Ministry Representative of any changes to the Lands and provide the Province with revised maps in digital form (or other such format as agreed upon by the Parties) and written descriptions of the Lands. The Province will, using the revised maps of the Lands, determine the extent of any changes to the Lands, and may prepare an Amending Document.
- 4.07 The Regional District may develop a Fire Management Plan that identifies critical values at risk to wildland fire on the Lands and areas where wildland fire may be beneficial or detrimental on the Lands. The plan should be reviewed and revised by the Regional District on an annual basis to identify changes

that may occur on the Lands. Where the Regional District has identified that this plan has been completed, a copy will be provided to the Province upon request.

5. ANNUAL FEE FOR PROVINCIAL WILDFIRE SERVICES

- 5.01 In consideration of the Province providing the Services, the Regional District will pay to the Province an Annual Fee equal to \$1,100 for the Lands as specified in this Agreement.
- 5.02 On execution of this Agreement, the Regional District will pay the Annual Fee to the Province in advance of the Services rendered within 30 days of transmission of the invoice from the Province to the Regional District.
- 5.03 The Annual Fee under Section 5.01 represents the total and final amount owing from the Regional District to the Province for the Services provided in each Year, regardless of the number, cause or origin of Fires that occur on the Lands, provided the Regional District or its officers, directors, employees, agents or subcontractors did not wilfully cause or contribute to the start or spread of a Fire through its own acts or omissions. In the event that the Regional District or its officers, directors, employees, agents or subcontractors, through their acts or omissions did wilfully cause or contribute to the start or spread of a Fire, the Province shall be entitled to seek cost recovery and/or administrative penalties from the Regional District in accordance with Section 25 or 27 of the *Act*.
- 5.04 Before April 1st of any subsequent Year, the Province will, using the revised maps and written descriptions of the Lands as described in Section 4.06, determine the extent of any changes to the Lands. A new Annual Fee may be determined by the Province whereby the Province will prepare an Amending Document.
- 5.05 Where any additional services are provided by the Province at the Regional District's request under Section 3.10 of this Agreement, the Province and the Regional District will agree on the services and fees for the additional works and the Regional District will compensate the Province for each individual project at the completion of the project.

6. TERMINATION

- 6.01 Either Party may terminate this Agreement for any reason, by giving written notice to the other Party before January 31st in any Year, and will be effective as of March 31st of that Year.
- 6.02 The termination of this Agreement shall not affect any:
 - a) provisions of this Agreement that are implied or expressed to operate or have effect after the termination; and
 - b) right or obligation of a Party arising under this Agreement before the termination of this Agreement.

7. MISCELLANEOUS

- 7.01 No change to this Agreement is effective unless the change is made in the form of an Amending Document.
- 7.02 Each Schedule attached to this Agreement forms an integral part of this Agreement as if set out in length in the body of this Agreement.
- 7.03 The Regional District may assign its rights under this Agreement to any subsequent owner of all or any portion of the Lands provided that such subsequent owner agrees in writing with the Province to be bound by the terms of this Agreement.
- 7.04 This Agreement shall be binding upon and shall enure to the benefit of the Province and the Regional District and their respective successors and assigns.
- 7.05 Any notice or document contemplated by this Agreement, to be effective, must be in writing and delivered as follows:
 - a) hand delivered to the Party or the specified Party representative, in which case it will be deemed to be received on the day of its delivery; or

- b) by prepaid post to the Party's address specified on the first page of this Agreement, in which case if mailed during any period when normal postal services prevail, it will be deemed to be received on the fifth Business Day after its mailing; or
 - c) delivered by courier service to the Party's address specified on the first page of this Agreement, in which case it will be deemed received on the fifth Business Day after collection by the courier service; or
 - d) by facsimile or electronic transmission to the specified facsimile number or email address on the first page of this Agreement, in which case it will be deemed to be received on the day of transmittal unless transmitted after the normal business hours of the addressee or on a day that is not a Business Day, in which cases it will be deemed to be received on the next following Business Day.
- 7.06 Nothing in this Agreement is to be construed as interfering with or fettering the exercise of discretion of any government decision maker.
- 7.07 Time is of the essence in this Agreement.
- 7.08 This Agreement will be governed by and construed in accordance with the laws of British Columbia.

8. EXECUTION AND DELIVERY

- 8.01 This Agreement may be entered into by a separate copy of this Agreement being executed by, or on behalf of, each Party and that executed copy being delivered to the other Party by a method provided for in Section 7.05 or any other method agreed to by the Parties.

The Parties have duly executed this Agreement as follows.

SIGNED AND DELIVERED on behalf of the Province by an authorized representative of the Province.	SIGNED AND DELIVERED by or on behalf of the Regional District (or by an authorized signatory of the Regional District if a corporation.)
Ian Meier A/Executive Director BC Wildfire Service	Tom Osborne General Manager Recreation and Parks Department
Dated this ____ day of _____, 2019.	Dated this ____ day of _____, 2019.

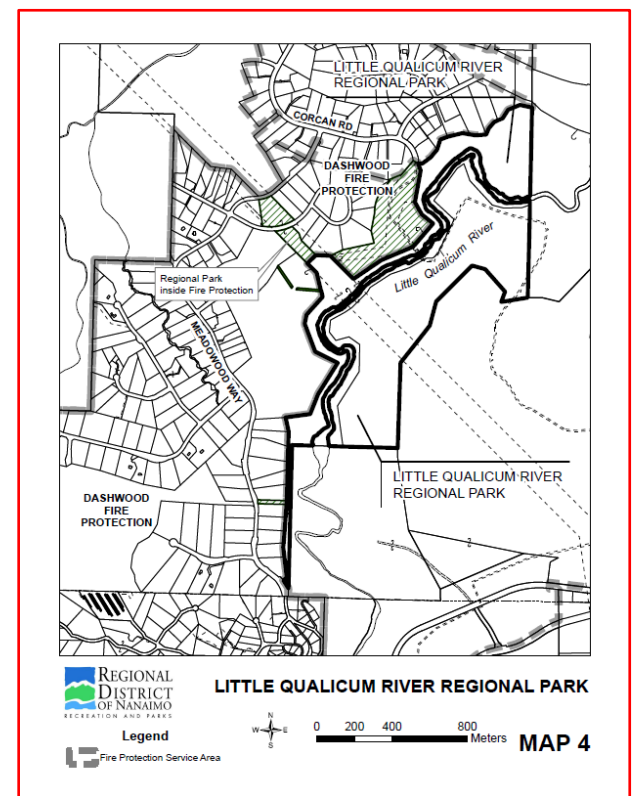
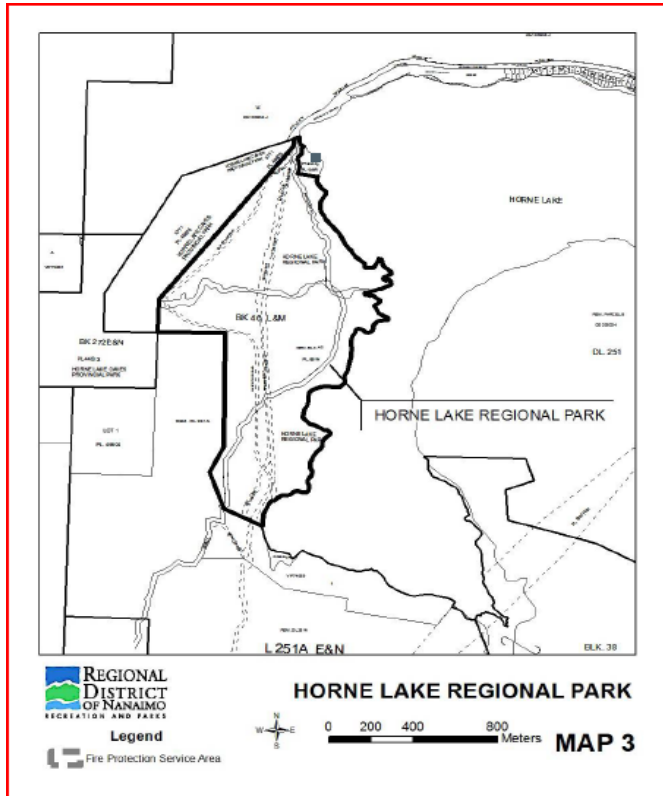
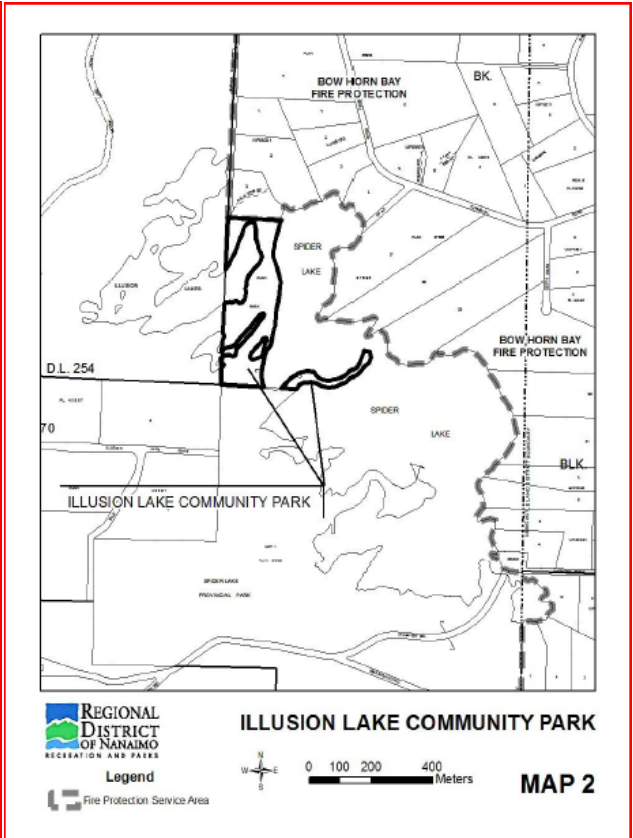
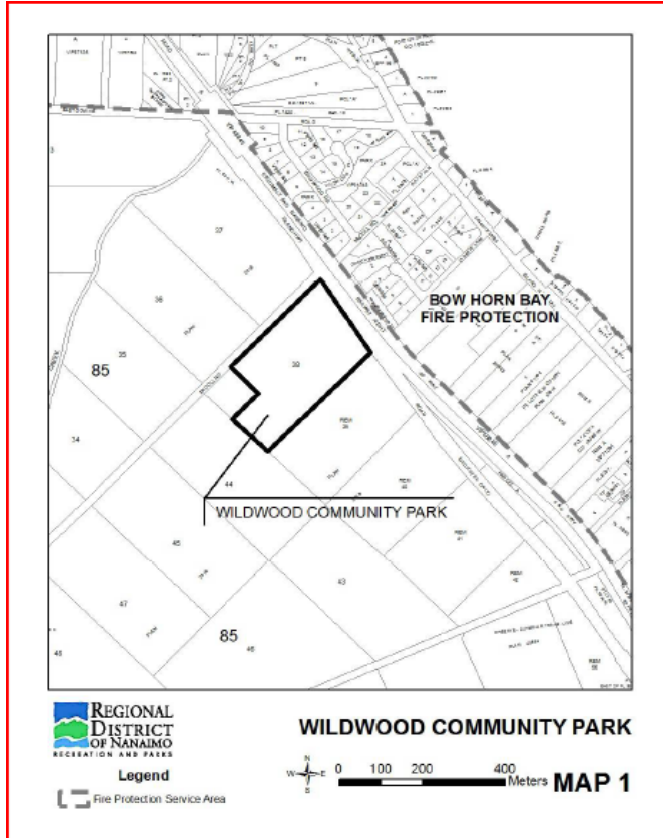


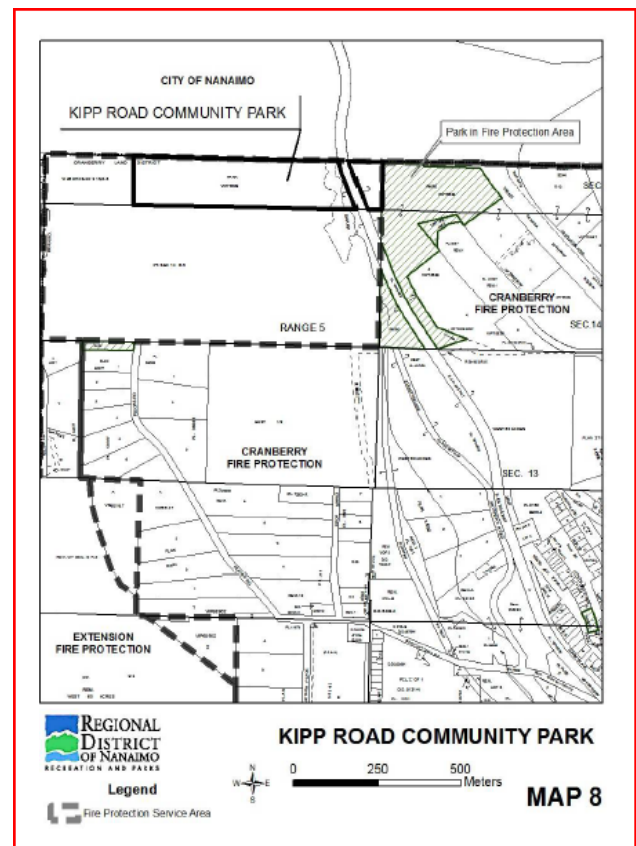
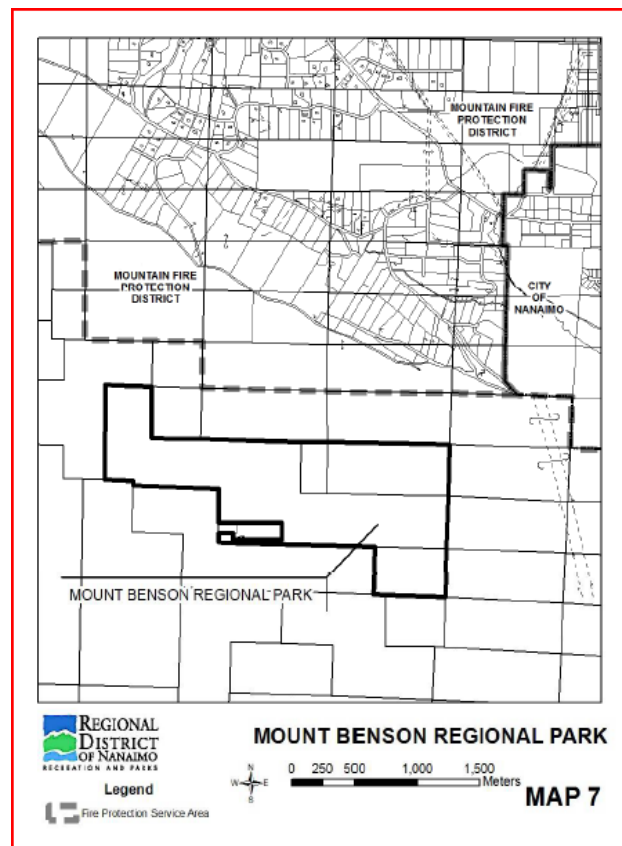
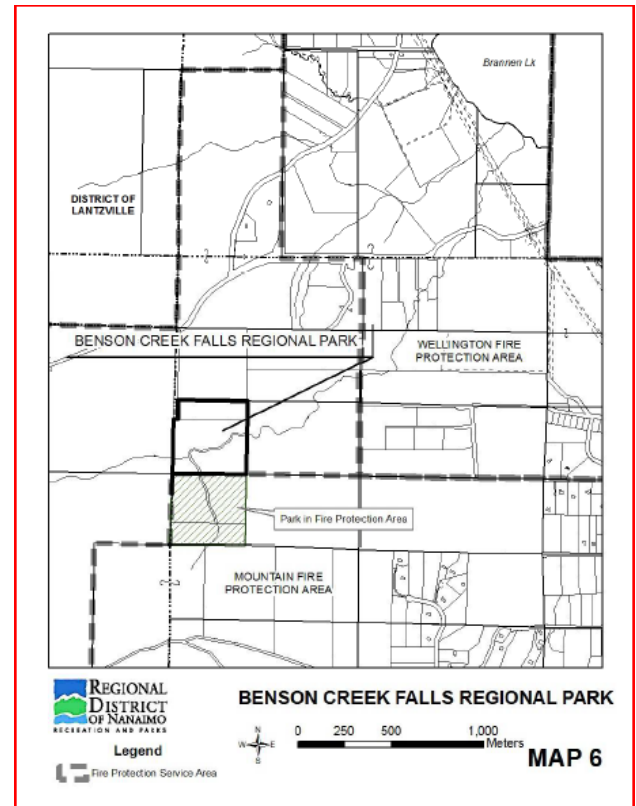
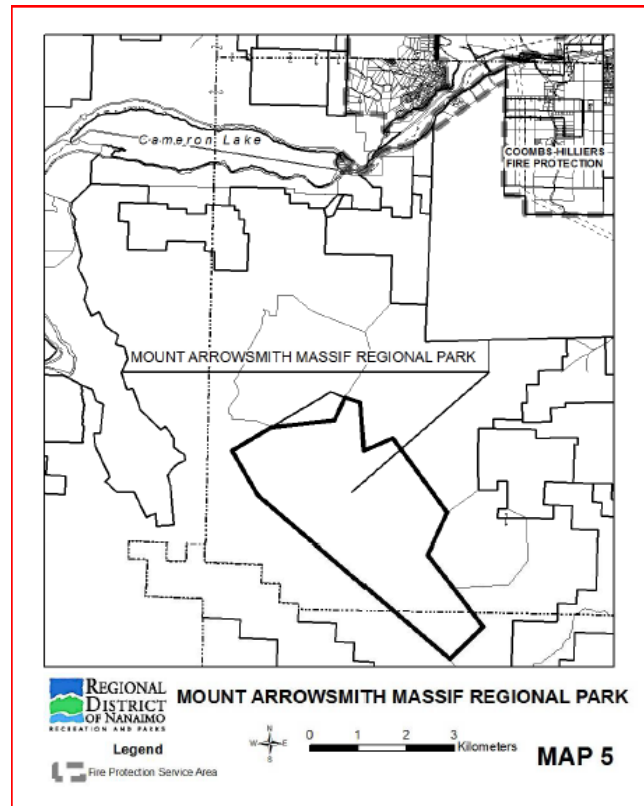
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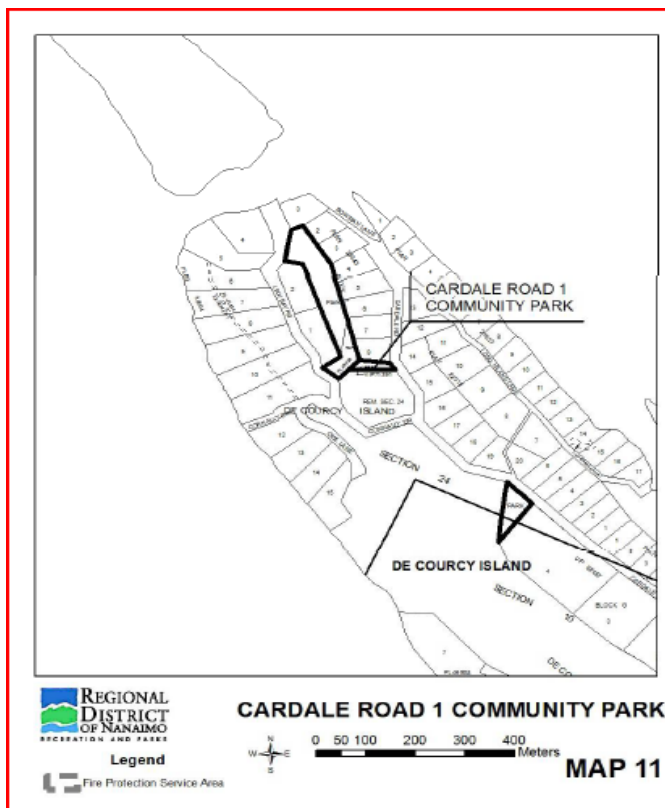
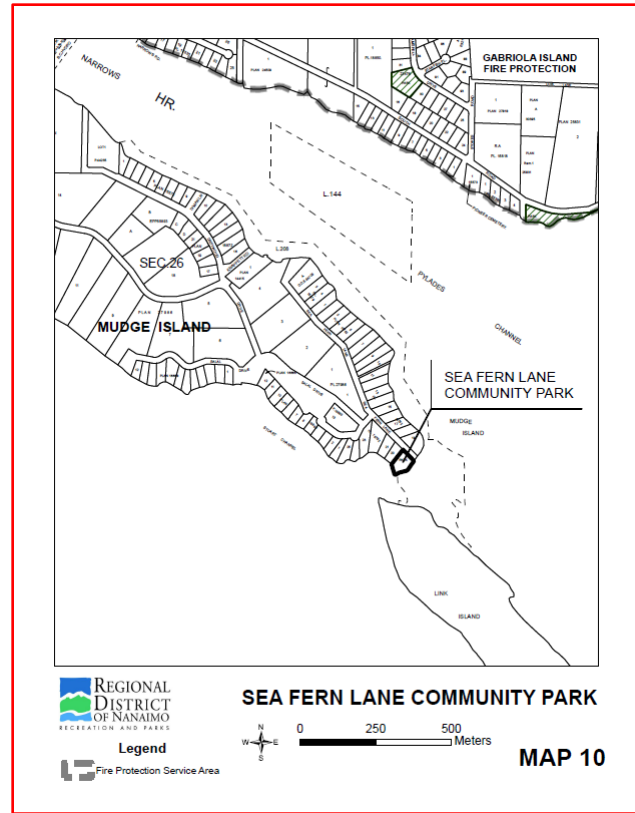
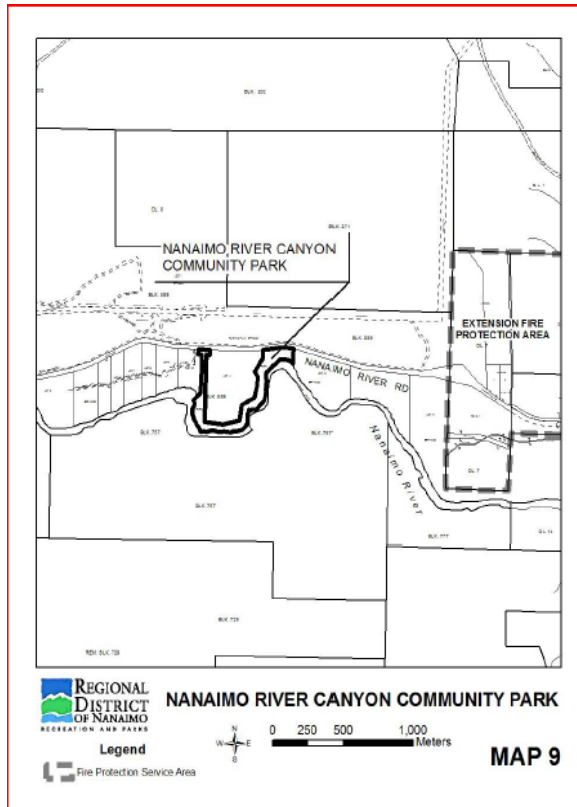
Schedule A Regional District Lands Maps

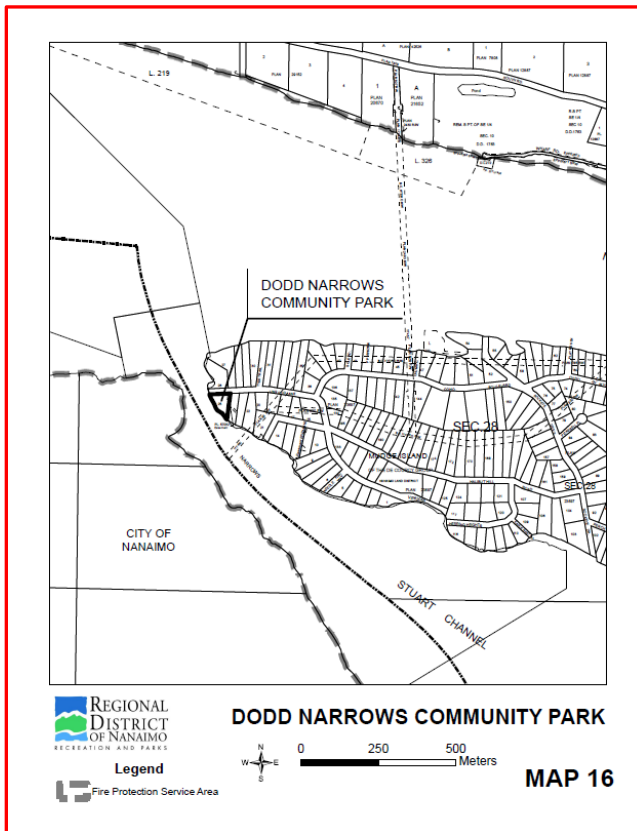
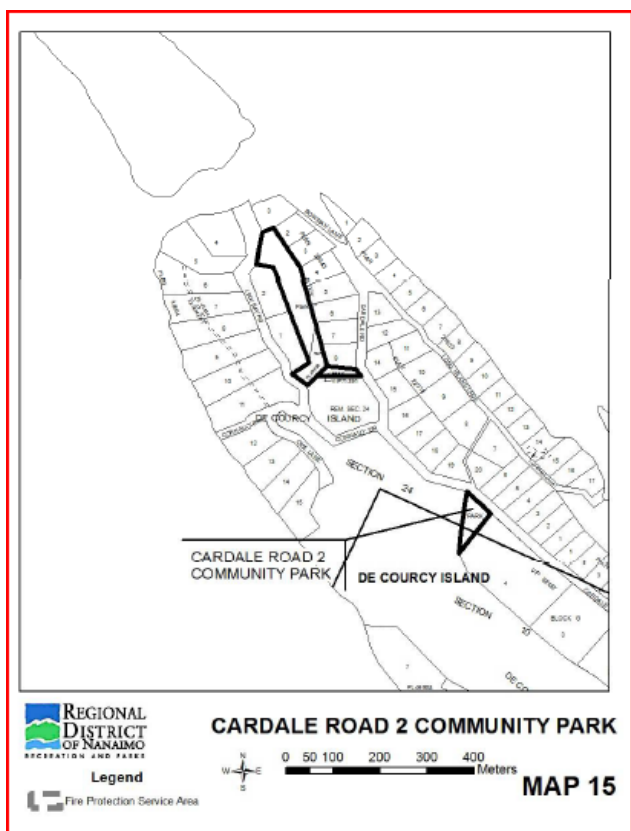
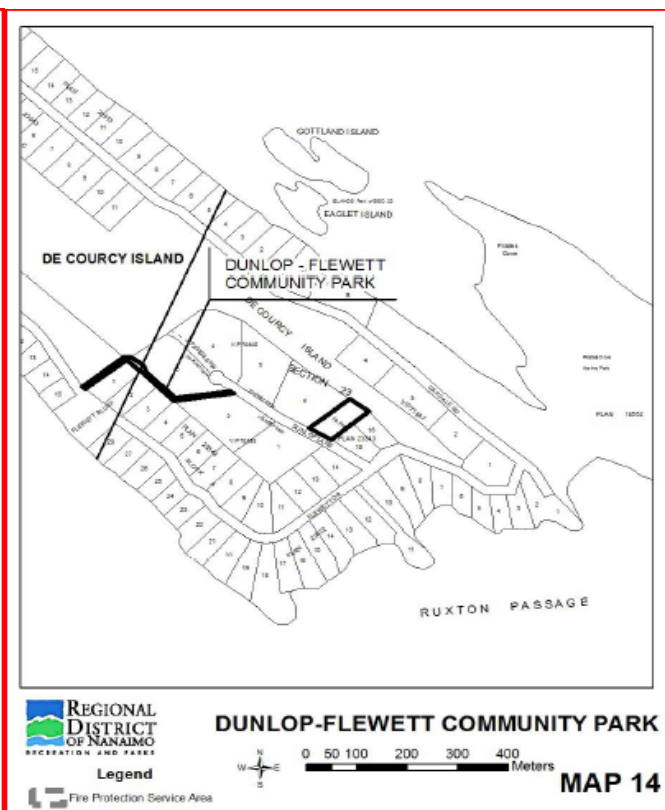
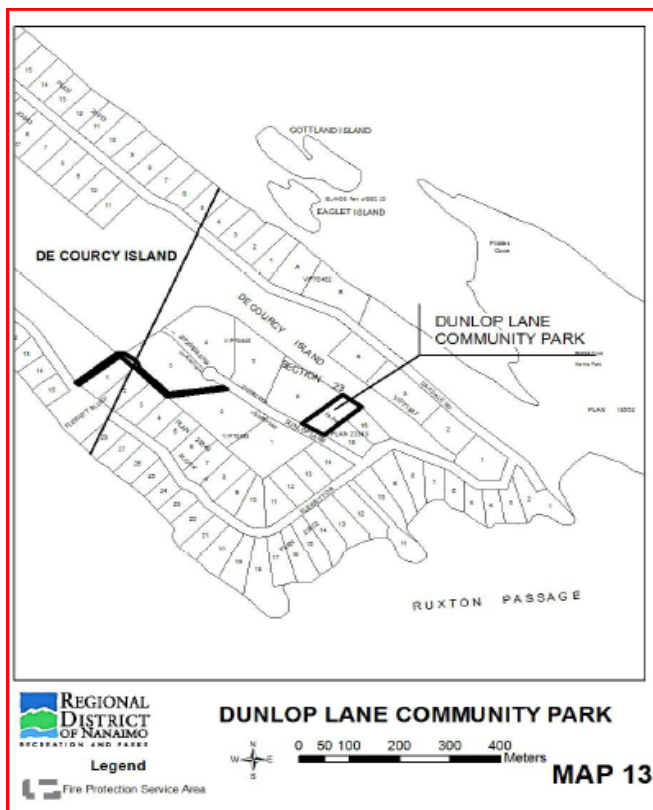
Operating Area (Park/Trail Name)	Map Number
Wildwood Community Park	1
Illusion Lake Community Park	2
Horne Lake Regional Park	3
Little Qualicum River Regional Park	4
Mount Arrowsmith Massif Regional Park	5
Benson Creek Falls Regional Park	6
Mount Benson Regional Park	7
Kipp Road Community Park	8
Nanaimo River Canyon Community Park	9
Sea Fern Lane Community Park	10
Cardale Road 1 Community Park	11
Link Bay Road Community Park	12
Dunlop Lane Community Park	13
Dunlop-Flewett Community Trail	14
Cardale Road 2 Community Park	15
Dodd Narrows Community Park	16

Total area of the Lands within this Agreement is 1,769 hectares.











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Schedule B Regional District Resources

1. **In addition to their statutory obligations and responsibilities** the Regional District will provide the Resources identified in this Schedule, as requested by the Province, for Fire Suppression and Patrol, during periods when there is a risk of a Fire starting and spreading.
2. The Regional District Resources will be made available as and when required by the Province, at no cost to the Province.
3. The Regional District Resources must meet the applicable requirements as indicated in the WorkSafeBC Occupational Health and Safety Regulation, Policies, Guidelines and WCB Standards.
4. The Province will direct the Regional District Resources (excluding the Site Representative) regarding the type and duration of Fire Suppression activities to be undertaken on a Fire.
5. Where Regional District Lands are dispersed over a broad geographic area, Regional District Resources may be identified applicable to specific operations or geographic areas.
6. Personnel
 - a) Site Representative(s) **must** be identified:
 A Site Representative is an individual authorized to act on behalf of and make decisions for the Regional District with respect to Fire Response operations and activities.
 A Primary Site Representative will be identified by the Regional District for all Fires and will be available during periods when there is a risk of a Fire starting or spreading and able to respond to the site of a Fire when requested by the Province. Where an Annual Preparedness Plan is submitted to the Province, alternative Site Representatives with names, applicable dates and contact information may be identified to the Province in place of the Primary Site Representative.

Primary Site Representative	24 Hour Telephone Contact
RDN Emergency Program	(778) 762-3553
Alternate Contact #1 Catherine Morrison, Manager Emergency Services	(250) 713-2057
Alternate Contact #2 Doug Gardiner, Fire & Rescue Service Coordinator	(250) 802-6670
Bill Woodhouse Horne Lake Regional Park ONLY	(250) 927-4790



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Schedule C

Annual Preparedness Plan Content

1. The Regional District will prepare an Annual Preparedness Plan that provides the Province with information about the Regional District that may assist the Province in its Fire Response operations, and will be provided to the Province prior to the fire season.
2. Updates to the Annual Preparedness Plan may be requested by the Province monthly or as determined by the Province.
3. The following is a framework that may be used and provides suggestions regarding plan content.

Brief Description of the Area Under Agreement

- Location
- Geographic considerations such as significant physical separation of parcels of land

Personnel

- Duty rosters and standby personnel
- Availability of Site Representatives (including whether this will be 24/7 during the fire season or for specified hours)
- Fire crews and equipment, the dates of availability and the marshalling point(s)

Operational Considerations

- Identification of active operating areas and when the operations will be undertaken including:
 - Harvesting (including the location of any high-lead operations)
 - Road building and / or road deactivation (including blasting operations)
 - Site preparation
 - Reforestation
 - Stand treatments such as brushing, weeding, pruning
- Location of contractors and / or contracted equipment that may aid in fire suppression
 - Estimate of when they may be operating on the Lands
- If available, operational overview maps showing the planned location of high risk activities
- Location of equipment caches

Transportation Considerations

- Location of any barges, ferries or other water vessels that may aid in the ground transport of fire suppression personnel and equipment
 - Estimate of when this equipment may be available
- Location of any locked gates
 - Availability of keys
 - New gates established on the Lands and availability of new keys



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Schedule D

Digital Data Limited Use Agreement

Subject to the *Freedom of Information and Protection of Privacy Act*, the Regional District agrees to share the digital data identified in this Agreement with the Province for the ongoing purpose of implementing the Wildfire Response Agreement between the Regional District and the Province.

The provision of the digital data is subject to the following conditions:

1. Supplied data not in the public domain is provided without warranty and is the sole and exclusive property of the Regional District. The Province and contractors operating on behalf of the Province do not acquire any right, title or interest in or to the data or any portion of it or to any intellectual property or other proprietary rights related to it.
2. The Regional District data will be used only for projects undertaken by the Province unless the Regional District gives permission otherwise.
3. The Regional District's digital data will not be shared with any parties other than the Province or contractors working on behalf of the Province without the Regional District's consent.
4. The Province will ensure that all of the data and copies are stored in a secure place while in its possession, custody or control and that metadata identifying the limited use rights to the data is appended to the data.
5. Only generalized hard copy maps, generalized digital plotter files, generalized digital graphic files (such as TIFF, JPEG or PDF format files), or generalized data tables of any spatial analyses containing the Regional District's version of this data may be shared with individuals and organizations not working on behalf of the Province.
6. The Province will ensure that individuals or contractors acting on behalf of the Province are aware of, and agree in writing to, the conditions in this Agreement.

TO: Committee of the Whole**MEETING:** March 12, 2019**FROM:** Duncan Taylor
Manager, Engineering Services**FILE:** 5330-20-FCPCC EXPAN IV**SUBJECT:** French Creek Pollution Control Centre, Engineering Services

RECOMMENDATION

That the Board approve an additional \$222,172 (excluding GST) to AECOM Engineering Services contract for Thickener Facility Upgrade engineering and Landscape Architecture design.

SUMMARY

In July 2018, the Board approved the award of Detailed Engineering Services for the French Creek Pollution Control Centre (FCPCC) Stage IV Expansion and Odour Control Upgrade Project to AECOM with a contract value of \$2,506,980 (excluding GST).

At the start of the Detailed Engineering, two key tasks were undertaken for effective project design and execution:

1. Technical Design Peer Review of the preliminary design to verify design concepts and project direction.
2. Constructability Review, where the design is analyzed from a constructability aspect.

These review processes identified two additional tasks that should be included in the current detailed engineering assignment.

1. Sludge Thickener Facility Upgrade to support increased plant capacity; and
2. Landscape analysis and design recommendations to minimize the visual impact from Highway 19A.

The cost of these additional engineering services is \$ 222,172 excluding GST.

BACKGROUND

The FCPCC Stage IV Expansion will be designed to provide adequate treatment capacity for the service population to the year 2035 and it is anticipated that the expansion will be fully commissioned by early 2022. In addition, the existing plant is also in need of many upgrades to improve efficiency and replace failing infrastructure.

A process selection report for the FCPCC Stage IV Expansion was completed in 2012. This assignment provided a conceptual design and high-level cost estimate for the project. This information was used in the preliminary design assignment which the RDN Board awarded to AECOM in 2017. The preliminary design provided details and refinement of the project scope, updated engineering cost and identified future upgrades beyond the Stage IV Expansion.

In 2018, after an RFQ process, the RDN Board approved the award of the Detailed Engineering, Tendering and Construction Management Services for the Stage IV Expansion to AECOM.

At the start of the Detailed Engineering Phase of this project, two key tasks required for effective project design and execution were undertaken:

1. Technical Design Peer Review of the preliminary design to verify the design concepts and project direction.
2. Constructability Review, where the design is analyzed from a constructability aspect.

These review processes have identified several items that will improve operational and construction efficiency which will be addressed in the detailed engineering scope currently underway. The review also identified two tasks that should be considered and added to the Detailed Engineering Assignment:

1. Advancing the engineering of the Sludge Thickener Facility Upgrade which is currently identified later in our 10 year capital plan. This project will assist with solids processing capacity in the existing plant.
2. Landscape analysis and design recommendations to minimize the visual impact from Highway 19A due to the facility expansion and optimize the landscaping budgeted in the construction phase.

Sludge Thickener Facility Upgrade – Sludge thickening is a critical process unit for a conventional activated sludge wastewater treatment facility. Inadequate thickening will affect the overall plant performance by reducing the volume solids processed through the digesters. The Preliminary Engineering Phase of the project identified the need for additional sludge thickening capacity at a date behong the Stage IV Upgrade Project.

A peer review by wastewater process specialists has concluded that the schedule for this work be accelerated and included in the current Stage IV Expansion Project to eliminate process capacity limitations prior to year 2035.

Landscape Analysis and Design – The initial phase of the constructability review process has been completed. This process analyzes the design from a construction aspect to identify areas of optimization that will result in efficient construction methods and ultimately ensure that construction costs and construction scope changes are minimized.

As part of this process, preliminary construction sequencing and tree clearing schedules were reviewed. The facility expansion borders Highway 19A without a substantial vegetation buffer between the facility and this road. It is proposed that the development of a planting plan by a Landscape Architect be completed prior to the removal of any natural vegetation. This will expedite rehabilitation of vegetation along the project boundary to blend in with the existing natural vegetation.

AECOM Canada Ltd. calculated the cost associated with these additional tasks (excluding GST.)

• Thickener Facility Upgrade Engineering	\$188,172
• Landscape Analysis Design	\$ 14,000
• Contingency (10%)	<u>\$ 20,000</u>
Total	\$222,172

This amounts to a 9% increase to the current Stage IV Expansion project Detailed Engineering contract with AECOM.

ALTERNATIVES

1. Approve an additional \$222,172 (excluding GST) to the AECOM Engineering Services Contract for Thickener Facility Upgrade Engineering and Landscape Architecture design.
2. Defer the Thickener Facility Upgrade Engineering and Landscape Architecture design to a future plant upgrade project.

FINANCIAL IMPLICATIONS

Alternative 1

The increase of \$222,172 to the engineering assignment and estimated \$1,300,000 in construction costs for an additional thickener will be covered by the project contingency and not increase the overall \$32,960,000 project budget.

Alternative 2

Deferring spending of \$222,172 for additional engineering design on this project will introduce:

- a. higher future construction costs and process capacity limitations.
- b. risk of invasive plant species taking hold and affecting the visual image of the facility.

STRATEGIC PLAN IMPLICATIONS

The design and construction of the FCPCC Stage IV Expansion Project and Odour Control Upgrades directly supports the Board Strategic Priority to Focus on Organizational Excellence. This priority states that the RDN will deliver efficient, effective and economically viable services that meet the needs of the region, including funding infrastructure in support of our core services employing asset management focus.

This project supports the strategic priority to Focus on Economic Health and recognizes the importance of wastewater in supporting economic and environmental health.



Duncan Taylor
Manager, Engineering Services
dtaylor@rdn.bc.ca
20/02/2019

Reviewed by:

- S. De Pol, Director, Water & Wastewater Services
- R. Alexander, General Manager, Regional and Community Utilities
- G. Garbutt, Acting Chief Administrative Officer

TO: Solid Waste Management Select Committee **MEETING:** March 5, 2019

FROM: Meghan Ebueza
Solid Waste Planner **FILE:** 5360-01

SUBJECT: Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation
Bylaw No. 1784

RECOMMENDATIONS

Please note: The recommendation was varied by the Committee as follows:

- 3. That when approval is received from the Ministry of Environment of the Solid Waste Management Plan, that staff prepare a financial plan to coincide with the Plan to reduce solid waste.**
1. That the “Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019” be introduced and read three times;
2. That the “Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019” be adopted.

SUMMARY

The proposed Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019 (Tipping Fee Bylaw) is intended to replace the current Bylaw No. 1531 that establishes tipping fees and outlines the Regional District Solid Waste Management Facilities conditions of use. The proposed Tipping Fee Bylaw provides clearer definitions, and revises tipping fees and penalties. Due to the extensive redrafting of the current Bylaw it is appropriate to repeal rather than amend Bylaw No. 1531.

BACKGROUND

The Regional District of Nanaimo’s (RDN) Solid Waste Services operates two Solid Waste Management Facilities, the Regional Landfill and Church Road Transfer Station. The Tipping Fee Bylaw sets out the RDN Solid Waste Management Facilities conditions of use, tipping fee rates, and penalties.

Solid Waste Management Plan

The new Solid Waste Management Plan (SWMP) was adopted by the RDN Board in 2018 and is currently awaiting approval from the BC Minister of Environment. The SWMP calls for a diversion rate of 90% over the next 10 years. Increased diversion will extend the life of the landfill and decrease the annual tipping fee revenue generated at both RDN Solid Waste Management Facilities. Tipping fee revenue primarily finances solid waste services. Due to fixed

costs, the operational costs of the Regional Landfill and Church Road Transfer Station only reduce nominally with a decrease in waste received. It is therefore necessary to increase tipping fees and/or increase taxation to offset revenues lost with reduced waste volumes. The proposed tipping fee increases are consistent with cost increases communicated to the public in the development of the SWMP.

Tipping Fee Bylaw Changes

The proposed Bylaw No. 1784 (Attachment 1) replaces the current Bylaw No. 1531 (Attachment 2).

Tipping fee revenue funds RDN Solid Waste Management Facility operations and Zero Waste programs that promote diversion throughout our region. The base tipping fee for municipal solid waste has remained at \$125 per tonne since the last tipping fee increase in 2013. The base tipping fee for municipal solid waste is proposed to increase to \$130 per tonne. Current base tipping fee rates for neighbouring regional districts are \$130 and \$140 per tonne (Attachment 3 for fee comparison with neighbouring jurisdictions).

It is proposed that the new fees will become effective on July 1, 2019. If the Bylaw is approved, Solid Waste Services will broadly communicate the change to give the public and businesses advance notice of the rate increase.

Format Changes

The proposed title change provides a more informative description of what the Tipping Fee Bylaw entails as the main role of this Bylaw is the establishment of tipping fees and solid waste disposal regulation at RDN Solid Waste Management Facilities.

Current Title *Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1531, 2007*

New Title *Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019*

Formatting of the Tipping Fee Bylaw has been updated to meet the current standard requirements for RDN Bylaws.

Definitions

Definitions were updated to fall in line with similar regional district bylaws on Vancouver Island and across BC. The updated definitions make the Tipping Fee Bylaw easier to interpret.

Violations

Enforcement tools from the existing Bylaw have been retained and are:

- The ability for the RDN to cost recover expenses related to the cleanup of any waste received in contravention of the Bylaw;
- The ability to prohibit a person who contravenes the Bylaw from using the Solid Waste Management Facilities; and
- The ability to impose a fine for contravention of the Bylaw ranging from \$200 to \$2,000.

Proposed Changes to Tipping Fees (effective July 1, 2019)

Table 1 outlines the proposed changes to Tipping Fees.

Table 1. Proposed Changes to Tipping Fees

Material	Unit of Measure	Current Tipping Fee	Proposed Tipping Fee
Municipal Solid Waste	Per Tonne	\$125	\$130
Minimum Flat Rate	Varies	\$6	\$8
Surcharge per Mattress ¹	Per Unit	\$10 flat rate	\$15
Wood Waste	Per Tonne	\$250	\$260
Gypsum	Per Tonne	\$250	\$260
Corrugated Cardboard - Commercial	0-50kg	\$6	\$20
	Per Tonne	\$55	\$250
Contaminated Soil ²	Per Tonne	\$125	\$130
Controlled Waste	Per Tonne	\$250	\$260
Food Processing Waste	Per Tonne	\$250	\$260
Steel Cable	0-50kg	N/A	\$25
Grit and Screenings	Per Tonne	\$125	\$260
Bio Solids	Per Tonne	\$125	\$260
Pumpings - Paint Filter Test Passed	Per Tonne	\$250	\$130
Pumpings - Paint Filter Test Failed	Per Tonne	\$250	\$260

Penalties

The current Bylaw No. 1531 defines offences that are charged at a higher tipping fee rate for municipal solid waste and organic waste loads containing recyclables.

The SWMP proposes to increase education regarding waste diversion and to transition to a higher level of enforcement. The new Tipping Fee Bylaw sets penalties for loads containing contaminants at a level to encourage behavioural changes (i.e. diversion of materials). Table 2 and Table 3 outline the proposed penalties.

Table 2. Penalties – Municipal Solid Waste

Penalties – Municipal Solid Waste*		Per Load
a.	<i>Municipal Solid Waste</i> containing <i>Recyclable Materials</i> or <i>Prohibited Waste</i> 0-50kg	\$5
b.	<i>Municipal Solid Waste</i> containing <i>Recyclable Materials</i> or <i>Prohibited Waste</i>	20%

¹ Proposed Tipping Fee includes per unit fees for mattresses, box springs and/or hide-a-beds

² Means soil with concentrations of contaminants greater than those listed in the Contaminated Sites Regulation or soils containing waste material.

	50kg or greater	Surcharge
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*Penalties for **Municipal Solid Waste** loads are based on visual identification of **Recyclable Material** or **Prohibited Waste** in excess of 15% of the load.

Table 4. Penalties – Organic Waste

Penalties – Organic Waste		Per Load
a.	Organic Waste containing non-organic material 0-50kg	\$5
b.	Organic Waste containing Municipal Solid Waste , recyclables or Prohibited Waste 50kg or greater	20% Surcharge

ALTERNATIVES

1. That the “Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019” be introduced and read three times; and
2. That the “Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019” be adopted.
3. That the Board receive the report titled “Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019” and provide alternate direction to staff.

FINANCIAL IMPLICATIONS

RDN Solid Waste Management Facilities and Zero Waste programs, excluding curbside collection, are funded primarily through tipping fees with taxation only contributing 7.3% of Solid Waste program revenues. For comparison, solid waste services revenues for 2015 by Association of Vancouver Island and Coastal Communities ranges from 0% to 162% taxation with an average of 53% taxation³ Budgeted operating expenditures, exclusive of the residential curbside collection utility have increased by \$926,000 from 2013 to 2019. Approximately \$500,000 of this increase can be attributed to increased expenditures for organics processing, and, the 2019 budget includes an increase of \$510,000 for new or expanded programs under the Solid Waste Management Plan.

Year over year changes in the economy, including value of the Canadian dollar, employment rates, and construction activity, dramatically affect the amount of waste generated, making it difficult to predict tipping fee revenues with accuracy. Based on current estimates, the proposed tipping fee increase will add approximately \$400,000 annually to tipping fee revenue. Introduction of the increase in July of this year will add about \$200,000 to 2019 revenues increasing the forecast contribution to reserves from \$1,500,000 to \$1,700,000. The reserve has been established to fund future facility capital expenditures including major equipment purchases, expansion of the landfill gas system and site closure. Furthermore, the 2019 budget

³ Extrapolated from *Association of Vancouver Island and Coastal Communities : The State of Waste Management*, September 2015, Table 4, Tetra Tech EBA

includes a \$200,000 transfer to the landfill post-closure reserve which will bring the total reserve value to approximately \$2,280,000. The landfill currently has 24 years of remaining site life and an estimated post-closure cost liability of about \$12,000,000.

STRATEGIC PLAN IMPLICATIONS

Focus On Service And Organizational Excellence - As We Invest In Regional Services We Look At Both Costs And Benefits - The RDN Will Be Effective And Efficient

Changes to tipping fee rates as discussed in this report are consistent with the “user pay” recovery of operating costs, are still at a level that promotes waste diversion and encourages private waste innovation, and therefore, are consistent with the Board approved RDN Solid Waste Management Plan 2018. The proposed tipping fees are in line with other Regional District tipping fee rates within the Association of Vancouver Island Coastal Communities.



Meghan Ebueza
mebueza@rdn.bc.ca
February 14, 2019

Reviewed by:

- L. Gardner, Manager, Solid Waste Services
- R. Alexander, General Manager, RCU
- J. Bradburne, Finance
- P. Carlyle, Chief Administrative Officer

Attachments

1. Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019
2. Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1531, 2007
3. AVICC Current Tipping Fee Rates 2018

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1784**

**A BYLAW TO ESTABLISH TIPPING FEE AND SOLID WASTE DISPOSAL REGULATION AT REGIONAL DISTRICT OF
NANAIMO SOLID WASTE MANAGEMENT FACILITIES**

WHEREAS the Regional District of Nanaimo has, pursuant to Solid Waste Disposal Local Service Establishment Bylaw No. 792, established a service for the disposal of waste and noxious, offensive or unwholesome substances;

AND WHEREAS the Regional District of Nanaimo is empowered to establish a scale of fees payable for depositing solid waste at Solid Waste Management Facilities;

AND WHEREAS the Regional District of Nanaimo operates Solid Waste Management Facilities for disposal of solid waste, and maintains a system to collect, remove, and dispose of Residual Solid Waste; and

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

1. TITLE

This bylaw may be cited as “Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019”.

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

- | | |
|---------------------------|---|
| “Asbestos” | means waste that falls under one or more of the following categories: <ul style="list-style-type: none">a. Waste containing friable asbestos fibres or asbestos dust as defined in the Hazardous Waste Regulation;b. Gypsum that meets one of the following conditions:<ul style="list-style-type: none">i. manufactured prior to December 31, 1990 and has no analytical results that confirm it is non-Asbestos containing; orii. manufactured on or after January 1, 1991 without one of the following identifiers to qualify as recyclable Gypsum: barcode, date stamp or web address; |
| “Bio Solids” | means stabilized, dewatered treatment plant sludge resulting from the treatment of municipal liquid waste; |
| “Biomedical Waste” | means waste as defined in the Hazardous Waste Regulation as Biomedical Waste; |
| “Bulky Waste” | means items 5 metres in length or 5 cubic metres in volume; |

“Burnt Demolition Waste”	means waste extinguished for 21 days or waste with a letter from a recognized municipal, local or volunteer fire department stating the material is suitably extinguished for Disposal ;
“Clean Soil”	means soil with concentrations of contaminants less than those listed in the Contaminated Sites Regulation and soils not containing other waste materials;
“Contaminated Sites Regulation”	means the Contaminated Sites Regulation, B.C. Regulation 395/96, enacted under the Environmental Management Act ;
“Contaminated Soil”	means soil with concentrations of contaminants greater than those listed in the Contaminated Sites Regulation or soils containing waste material;
“Controlled Waste”	means a material, substance or object listed in Schedule ‘A’ which may create health hazards, nuisances or environmental pollution and may or may not be disposed of through Special Handling ;
“Commercial”	means originating from businesses or institutional facilities, including but not limited to, the following businesses and facilities: <ul style="list-style-type: none">a) food wholesalers/distributors,b) food and beverage stores,c) hospitals,d) nursing and other residential care facilities,e) community food services,f) accommodation services with food services,g) food services and drinking places,h) educational facilities with food services,i) other facilities generating compostable organic material, andj) multi-family residences;
“Construction/Demolition Waste”	means waste produced from the construction, renovation, deconstruction and demolition of buildings, and other structures, but does not include Hazardous Waste or Recyclable Material ;
“Corrugated Cardboard”	means Recyclable Paper consisting of 3 or more layers of craft paper material and having smooth exterior liners and a corrugated or rippled core, but excluding containers which are impregnated with blood, grease, oil, chemicals, food residue, wax; or have polyethylene, polystyrene, foil or other non-paper liners; or are contaminated with a material which renders the Corrugated Cardboard not marketable;
“Dead Animal”	means the carcass or part of the carcass of an animal that requires Special Handling as per Schedule ‘B’ excluding Hazardous Waste and Specified Risk Material ;

“Disposal”	means leaving solid waste at Solid Waste Management Facilities , for the purpose of landfilling, composting or recycling;
“Drums”	means plastic or Metal barrels larger than 50 litres capacity;
“Dusty Material”	means material that can become airborne when being deposited or managed at Solid Waste Management Facilities , including, but not limited to: sawdust, insulation, foundry dust, ash and soot;
“Environmental Management Act”	means the <i>Environmental Management Act</i> (British Columbia), as amended, and any successor legislation and any regulations thereunder;
“Food Processing Waste”	means pre-consumer food waste that is unsuitable for composting;
“Garden Waste”	means uncontaminated vegetation removed from gardens, lawns, shrubs and trees and includes pruning from shrubs and trees to a maximum diameter of 75 mm and excludes Invasive Plant Species ;
“General Manager”	means a person appointed to the position of General Manager of the Regional District of Nanaimo or designate;
“Grit and Screenings”	means material and debris captured by screens or deposited in the collection or treatment of sewer systems;
“Gypsum”	includes, but is not limited to, new construction off-cuts or scraps and old wallboard that has been painted, covered in wallpaper, vinyl, ceramic tile, and lath and plaster and is removed during renovation and demolition, and excludes any material containing Asbestos ;
“Hazardous Waste”	means any chemical compound, mixture, substance or article defined as Hazardous Waste in the Hazardous Waste Regulation ;
“Hazardous Waste Regulation”	means Hazardous Waste Regulation, BC Reg. 63/88 enacted under the Environmental Management Act ;
“Invasive Plant Species”	means Garden Waste not accepted for composting and which may require Special Handling at the Regional District Landfill;
“Land Clearing Waste”	means stumps, tops, limbs and whole trees generated from the clearing of land and the small scale harvesting of merchantable timber but does not include Garden Waste ;
“Liquid”	means any portion of material that passes through and drops from a paint filter using the Paint Filter Test ;

“Mattress”	means a large, rectangular pad used as a bed or on a bed frame and include all sizes of mattresses, box-springs or foam sleeping pads;
“Manager”	means the person appointed to the position of Manager, Solid Waste Services within the Regional District ;
“Medical Facility Waste”	means Municipal Solid Waste originating from a hospital or health care facility that does not contain Biomedical Waste and does not require Special Handling ;
“Metal”	means recyclable ferrous and non-ferrous metallic materials but does not include ozone depleting substances (ODS) containing units unless properly certified as having refrigerants professionally removed or motor vehicle bodies and farm implements;
“Municipal Solid Waste”	means refuse that originates from residential, commercial or institutional sources or refuse specified to be included in the Regional District’s Solid Waste Management Plan pursuant to the Environmental Management Act ;
“Netting”	means fishing net, or similar type of netting material;
“Offence”	means the action of violating the Regional District’s solid waste management facility bylaw or solid waste management plan, as amended from time to time;
“Offensive Behaviour”	means aggressive, abusive, harassing, belligerent, threatening behavior, use of foul language or not following directions of Regional District staff directions;
“Organic Waste”	<p>means compostable organic material including raw and cooked food waste from a Commercial or residential premise and includes but is not limited to:</p> <ul style="list-style-type: none">a) fruits and vegetables,b) meat, fish, shellfish, poultry and bones thereof,c) dairy products,d) bread, pasta and baked goods,e) tea bags, coffee grounds and filters,f) soiled paper plates and cups,g) soiled paper towels and napkins,h) soiled waxed paper,i) food soiled cardboard and paper,j) egg shells, andk) waxed cardboard;

“Out of Region Waste”	means Municipal Solid Waste that originates outside the administrative boundaries of the Regional District unless otherwise specified in this bylaw;
“Paint Filter Test”	means the SW-846 Test Method 9095B: Paint Filter Liquids Test as outlined by the US Environmental Protection Agency;
“Prohibited Waste”	means a waste prohibited from Disposal under Schedule ‘C’;
“Pumpings”	means dewatered Liquid and semi-solid materials collected by a vector truck or pump and transported by vector truck, tanker truck or other container to the solid waste facility;
“Recyclable Material”	means materials that can be managed through existing recycling programs and for which a commercial market exists;
“Recyclable Paper”	means recyclable fibers, including: newspapers and inserts, magazines, telephone directories, catalogues, all office papers, envelopes, boxboard, paper bags and junk mail. It does not include: paper contaminated with food or grease, paper napkins, paper towels, tissue paper, composite paper products (e.g. paper adhered to plastic and/or Metal such as tetrapaks), gable-top containers (e.g. milk cartons), waxed cardboard, wax paper, photographs and carbon paper;
“Recyclable Plastic Containers”	means empty HDPE and LDPE plastic containers including milk jugs, margarine and yogurt containers and dish soap and laundry detergent bottles. Excluded are containers made of foam plastic such as Styrofoam, containers that held motor oil, Metal bottle lids or caps, and Metal attachments;
“Recycling Regulation”	means the Recycling Waste Regulation BC 449/2004 enacted under the Environmental Management Act ;
“Regional District”	means the Regional District of Nanaimo;
“Residual Solid Waste”	means that portion of Municipal Solid Waste for which no management option exists except landfilling at a Solid Waste Management Facilities but does not include Prohibited Waste under Schedule ‘C’;
“Resource Recovery Facility Waste”	means Residual Solid Waste from a Resource Recovery Facility having a Waste Stream Management License or is otherwise authorized in writing by the General Manager ;
“Roll-off Bin”	means an interchangeable container that can be separated from a hauling truck through the use of a mechanism integrated into the frame of the hauling truck;

<i>“Roofing Material”</i>	means asphalt singles, tar and gravel, torch-on and felts used in roofing construction;
<i>“Solid Waste Management Facilities”</i>	means the <i>Regional District</i> Landfill and Church Road Transfer Station, and other facilities the <i>Regional District</i> may establish from time to time. Solid Waste Management Facilities includes both the singular and plural;
<i>“Special Handling”</i>	means material handling that includes but is not limited to unloading assistance, review of test results, extra excavation, trenching, grinding, chipping, lining, extra cover or materials that pose an increased exposure risk;
<i>“Specified Risk Material”</i>	means any waste containing the Specified Risk Material as defined in the federal Fertilizers Regulations (C.R.C., c. 666), as amended from time to time, including material from the skull, brain, trigeminal ganglia, eyes, tonsils, spinal cord and dorsal root ganglia of cattle aged 30 months or older, or material from the distal ileum of cattle of all ages;
<i>“Stewardship Materials”</i>	means any waste or recyclable materials included and defined in an approved stewardship plan as defined in the <i>Recycling Regulation</i> ;
<i>“Superintendent”</i>	means the person appointed to the position of Superintendent, Scale and Transfer Services in the <i>Regional District</i> ;
<i>“Surcharge”</i>	means the amount charged by the <i>Regional District</i> , in addition to the applicable Tipping Fee;
<i>“Tires”</i>	means all rubber tires excluding bicycle tires;
<i>“Treasurer”</i>	means the Director of Finance of the <i>Regional District</i> or her or his authorized agent;
<i>“Wood Waste”</i>	means wood products such as dimensional lumber, plywood, particle board, fibre board, oriented strand board, pallets, crating, wood fencing, wood shingles or wooden doors and may be contaminated with coatings or other materials that has been separated from other <i>Construction/Demolition Waste</i> ;
<i>“Unsecured Load”</i>	means that a load that is not properly secured, either with a tarpaulin cover or tie-down apparatus to prevent any of the load escaping, or falling off of the haul vehicle.

3. CONDITIONS OF USE

- 3.1. No person shall deposit **Municipal Solid Waste** at **Solid Waste Management Facilities**, except in accordance with this bylaw.
- 3.2. No person shall deposit **Prohibited Waste** at **Solid Waste Management Facilities**.
- 3.3. All persons must adhere to **Special Handling** procedures as listed in Schedule 'B' prior to **Disposal** of **Controlled Waste** at **Solid Waste Management Facilities**.
- 3.4. Any load containing **Dusty Material** must be securely bagged prior to **Disposal**.
- 3.5. No person shall salvage or remove material deposited at **Solid Waste Management Facilities**.
- 3.6. No person shall leave their vehicle unattended at **Solid Waste Management Facilities** unless approved by the **Superintendent** or **Manager**.
- 3.7. Any person arriving at **Solid Waste Management Facilities** for **Disposal** shall proceed directly to the weigh scale and then leave the **Solid Waste Management Facilities** without delay after unloading.
- 3.8. Persons entering **Solid Waste Management Facilities** do so at their own risk. The **Regional District** accepts no liability whatsoever for damage and/or injury to persons or property at the **Solid Waste Management Facilities**.
- 3.9. Children under 13 years of age, and pets shall not be permitted at the **Solid Waste Management Facilities** except inside a vehicle.
- 3.10. No person shall deposit **Out of Region Waste** at a **Solid Waste Management Facilities**.
- 3.11. Despite Section 3.10, the Board may authorize deposit of **Municipal Solid Waste** from another regional district upon request from their regional district Board of Directors.
- 3.12. **Disposal** of waste in the active face area or designated areas at **Solid Waste Management Facilities** requires all persons, with exception of the self-haul drop-off areas, to comply with Work Safe BC Occupational Health and Safety Regulation, Policy and Guidelines, Part 8 Personal Protective Clothing and Equipment.
- 3.13. **Offensive Behaviour** is not permitted at **Solid Waste Management Facilities** and may result in removal and future expulsion from the sites.

4. SCHEDULES

For the purpose of this bylaw, Schedule 'A' through Schedule 'E' are attached to and form part of this bylaw.

5. FEES AND VIOLATIONS

- 5.1. Any person depositing **Municipal Solid Waste** at **Solid Waste Management Facilities** shall pay to the **Regional District** the applicable fees set out in Schedule 'A' and Schedule 'E'.
- 5.2. No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 5.3. Any person who contravenes this bylaw, by doing any act which the bylaw forbids, or omitting to do any act which the bylaw requires is guilty of an **Offence** and is liable, on summary conviction, to a fine of not less than TWO HUNDRED DOLLARS (\$200.00) and not more than TWO THOUSAND DOLLARS (\$2,000.00). A separate **Offence** shall be deemed to be committed upon each day during and in which the contravention occurs or continues.
- 5.4. The **General Manager** and/or **Manager** may prohibit a person who contravenes this bylaw from depositing **Municipal Solid Waste** at **Solid Waste Management Facilities**.
- 5.5. Any waste received in contravention of this bylaw or instructions provided by the **Regional District** at the **Solid Waste Management Facilities** may be subject to a cost recovery fees for contamination cleanup, **Special Handling** and/or **Disposal**.

6. REPEAL

"Regional District of Nanaimo Solid Waste Management Bylaw No. 1531, 2007" and any amendments thereto are hereby repealed.

7. EFFECTIVE DATE

Introduced and read three times this ____ day of _____ 2019.

Adopted this ____ day of _____ 2019.

CHAIR

CORPORATE OFFICER

Schedule 'A' to accompany "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019"

Chair

Corporate Officer

Schedule 'A'

Fees and Procedures for use of **Solid Waste Management Facilities** effective July 1, 2019.

1.	Solid Waste, excluding <i>Controlled Waste</i>	Flat Rate	51 kg or greater
a.	Municipal Solid Waste	\$8.00/0-50kg	\$130.00/tonne
b.	Medical Facility Waste	\$8.00/0-50kg	\$130.00/tonne
c.	Resource Recovery Facility Waste	\$8.00/0-50kg	\$130.00/tonne
d.	Roofing Material (asphalt/tar/gravel)	\$8.00/0-50kg	\$130.00/tonne
e.	Construction/Demolition Waste	\$8.00/0-50kg	\$130.00/tonne
f.	Weighing service	\$20.00	
g.	Surcharge for <i>Unsecured Loads</i>	\$20.00	
h.	Surcharge per <i>Mattress</i>	\$15.00/unit	

2.	Recyclables	Flat Rate	51 kg or greater
a.	Organic Waste	\$8.00/0-50kg	\$110.00/tonne
b.	Garden Waste	\$8.00/0-100kg	\$55.00/tonne
c.	Wood Waste	\$8.00/0-50kg	\$260.00/tonne
d.	Gypsum	\$8.00/0-50kg	\$260.00/tonne
e.	Metal , metal appliances with ODS (ozone depleting substance)	\$8.00/0-500kg	\$55.00/tonne
f.	Corrugated Cardboard – Residential	\$8.00/0-50kg	\$55.00/tonne
g.	Corrugated Cardboard – Commercial	\$20.00/0-50kg	\$250.00/tonne
h.	Miscellaneous recyclables including: household plastics, metal food and beverage containers and vehicle batteries.	\$8.00 flat rate	
i.	Surcharge for ODS containing appliances	\$15.00/unit	

3.	Controlled Waste	Flat Rate	51 kg or greater
a.	Contaminated Soil	\$8.00/0-50kg	\$130.00/tonne
b.	Controlled Waste including large Dead Animals	\$8.00/0-50kg	\$260.00/tonne
c.	Food Processing Waste		\$260.00/tonne
d.	Steel cable	\$25.00/0-50kg	\$500.00/tonne
e.	Asbestos	\$30.00/0-50kg	\$500.00/tonne
f.	Grit and Screenings	\$8.00/0-50 kg	\$260.00/tonne
g.	Bio Solids	\$8.00/0-50 kg	\$260.00/tonne
h.	Pumpings – Paint Filter Test (Passed)	\$8.00/0-50 kg	\$130.00/tonne
i.	Pumpings – Paint Filter Test (Failed)	\$8.00/0-50 kg	\$260.00/tonne

4. Every person who disposes of waste for landfilling at **Solid Waste Management Facilities** that contains **Recyclable Material** or **Prohibited Waste** must pay a penalty as defined in the table below:

Penalties – Municipal Solid Waste *		Per Load
a.	Municipal Solid Waste containing Recyclable Materials or Prohibited Waste 0-50kg	\$5
b.	Municipal Solid Waste containing Recyclable Materials or Prohibited Waste 50kg or greater	20% Surcharge

*Penalties for **Municipal Solid Waste** loads are based on visual identification of **Recyclable Material** or **Prohibited Waste** in excess of 15% of the load.

5. Every person who disposes of **Organic Waste** at **Solid Waste Management Facilities** that contains non-organic material must pay a penalty as defined in the table below:

Penalties – Organic Waste		Per Load
a.	Organic Waste containing non-organic material 0-50kg	\$5
b.	Organic Waste containing Municipal Solid Waste , recyclables or Prohibited Waste 50kg or greater	20% Surcharge

6. Any load containing **Prohibited Waste** will be charged all costs and expenses associated with any removal and/or clean-up of the **Prohibited Waste** in addition to the tipping fees and any applicable penalty.
7. Penalties are in addition to the per tonne rate posted for the material type.
8. Where the fee is based on weight, it shall be based on the difference in weight between loaded weight and the empty weight of the vehicle.
9. All fees payable under this Bylaw shall be paid to the **Regional District** in cash, debit or credit card prior to leaving the **Solid Waste Management Facilities**.
10. Notwithstanding Section 9 of this Schedule, any person disposing of **Municipal Solid Waste** at **Solid Waste Management Facilities** on a regular basis may apply in writing to the **Regional District** for credit and if the **Treasurer** is satisfied of the credit worthiness of the person, he or she may grant credit to that person, in which case payment of fees shall be made and the credit extended on the conditions of the application;
11. In addition to Section 10 of this Schedule, any amount outstanding thirty (30) days after the invoice date shall bear interest at the rate of one and one-quarter percent (1.25%) per month.

Schedule 'B' to accompany "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019"

Chair

Corporate Officer

Schedule 'B'

Solid waste acceptable for **Disposal**, which may require **Special Handling** includes but is not limited to:

Material	Specifications
Asbestos	<ul style="list-style-type: none"> - 24 hour notice required for appointments. - Asbestos must be placed in a 6-mil plastic bag, sealed and placed in a second 6 mil plastic bag and sealed.
Bio Solids	<ul style="list-style-type: none"> - Must be dewatered.
Bulky Waste	<ul style="list-style-type: none"> - Not permitted for Disposal at Church Road Transfer Station without approval from Superintendent.
Burnt Demolition Waste	<ul style="list-style-type: none"> - Waste extinguished for 21 days or with letter from recognized municipal, local or volunteer fire department stating material is suitably extinguished for Disposal.
Contaminated Soil	<ul style="list-style-type: none"> - Pre-approval required. - Site restrictions apply.
Creosote Wood Waste	<ul style="list-style-type: none"> - Pieces to be no longer than 8-feet. - 24 hour notice required.
Dead Animals	<ul style="list-style-type: none"> - 24 hour notice required for large animals.
Drums – Plastic	<ul style="list-style-type: none"> - Lids must be off. - 45 gallon Drums to be cut in half. - Must be crushed, shredded or similarly reduced in volume to the maximum practical extent.
Dusty Material	<ul style="list-style-type: none"> - Only acceptable if securely bagged.
Food Processing Waste	<ul style="list-style-type: none"> - Call Landfill in advance for approval.
Grit and Screenings	<ul style="list-style-type: none"> - Must be dewatered.
Invasive Plant Species	<ul style="list-style-type: none"> - Follow Disposal procedures as per BC Inter-Ministry Invasive Species Working Group.
Lead Painted Wood Waste	<ul style="list-style-type: none"> - Hazardous Waste screening and approval required for Commercial haulers and/or large quantities.
Mattress or Hide-A-Bed	<ul style="list-style-type: none"> - Surcharge in addition to tipping fee.
Netting	<ul style="list-style-type: none"> - Notify scale house, special Disposal required.
Pumpings	<ul style="list-style-type: none"> - Must be dewatered.
Steel Cables	<ul style="list-style-type: none"> - Must be 2 metre lengths or shorter.

Schedule 'C' to accompany "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019"

Chair

Corporate Officer

Schedule 'C'

Materials denoted by an X in the table below are not accepted at the following ***Solid Waste Management Facilities***:

<i>Prohibited Waste</i>	<i>Regional District Landfill</i>	<i>Church Road Transfer Station</i>
<i>Biomedical Waste</i>	X	X
<i>Bulky Waste</i>		X
<i>Burnt Demolition Waste</i>		X
<i>Clean Soil</i>	X	X
Concrete or asphalt pieces, or rocks greater than 0.03m or 70kg	X	X
<i>Contaminated Soil</i>		X
Creosote <i>Wood Waste</i>		X
<i>Dead Animals</i>		X
<i>Gypsum</i>	X	
<i>Hazardous Waste</i>	X	X
<i>Land Clearing Waste</i>	X	X
<i>Liquids</i>	X	X
Motor vehicle bodies and farm implements	X	X
<i>Municipal Solid Waste</i> that is on fire or smoldering	X	X
<i>Organic Waste</i>	X	
<i>Recyclable Material</i> delivered in <i>Roll-Off Bins</i> or volume greater than 3 cubic meters	X	X

Schedule 'D' to accompany "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019"

Chair

Corporate Officer

Schedule 'D'

The following ***Recyclable Materials*** are not accepted for landfilling at a ***Solid Waste Management Facilities*** and includes but is not limited to:

Commercial Organic Waste

Compressed Gas Containers

Corrugated Cardboard

Garden Waste

Gypsum

Metal

Recyclable Paper

Recyclable Plastic Containers

Stewardship Materials

Wood Waste

Tires

Schedule 'E' to accompany "Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019"

Chair

Corporate Officer

Schedule 'E'

Fees and procedures for use of the **Regional District** Landfill for disposing of **Municipal Solid Waste** and **Controlled Waste** which originates from the Cowichan Valley Regional District, are:

1.	Controlled Waste originating from the Cowichan Valley Regional District	Flat rate 0-50kg	51 kg or greater
a.	Asbestos	\$30.00	\$600.00/tonne
b.	Dead Animals	\$20.00	\$300.00/tonne
c.	Invasive Plant Species	\$20.00	\$300.00/tonne

2.	Solid waste under the direct control of the Cowichan Valley Regional District*	Tonne Rate
a.	Municipal Solid Waste	Tonne rate includes a 20% Surcharge over the current Schedule 'A' rate

*Solid waste acceptance is contingent upon:

1. Prior written notice from Cowichan Valley Regional District to the **General Manager** explaining the reasons for, and the anticipated duration, of contingency landfilling;
2. The **General Manager's** acknowledgement of acceptance; and,
3. Any conditions the **General Manager** may specify with respect to the duration, requirements regarding acceptance or reporting.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1531

(Consolidated for convenience only to include up to 1531.08)

A BYLAW TO PROVIDE FOR THE REGULATION OF SOLID WASTE MANAGEMENT FACILITIES

WHEREAS the Regional District of Nanaimo has, pursuant to Solid Waste Disposal Local Service Establishment Bylaw No. 792, established the disposal of waste and noxious, offensive or unwholesome substances as a service;

AND WHEREAS the Regional District of Nanaimo is empowered to establish a scale of charges payable for depositing Residual Solid Waste at a Solid Waste Management Facility;

AND WHEREAS the Regional District of Nanaimo has, pursuant to *Waste Stream Management Licensing Bylaw No. 1386*, adopted to regulate the management of Municipal Solid Waste within the Regional District of Nanaimo pursuant to Section 25(3) of the *Environmental Management Act*;

AND WHEREAS the District operates Solid Waste Management Facilities for disposal of Residual Solid Waste and maintains a system to collect, remove and dispose of Residual Solid Waste and compels persons to make use of such system and the District wishes to regulate the Solid Waste Management Facilities and to establish a scale of charges payable by persons using the Solid Waste Management Facilities and compelling payment of the charges so fixed.

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

1. DEFINITIONS

In this bylaw, unless the context otherwise requires:

“Biomedical Waste” means waste as defined in the *Hazardous Waste Regulation* (British Columbia) as biomedical waste;

“Commercial Organic Waste” means compostable organic material including raw and cooked food waste from a commercial premise and includes but is not limited to:

- a) fruits and vegetables
- b) meat, fish, shellfish, poultry and bones thereof
- c) dairy products
- d) bread, pasta and baked goods

- e) tea bags, coffee grounds and filters
- f) soiled paper plates and cups
- g) soiled paper towels and napkins
- h) soiled waxed paper
- i) food soiled cardboard and paper
- j) egg shells

“Commercial Premise” means businesses and institutional facilities including educational and health care facilities described by the North American Industry Classification System, Canada 2002, amended or replaced and any successor Classification System thereunder, that generates commercial organic waste and includes but is not limited to:

- a) food wholesalers/distributors
- b) food and beverage stores
- c) hospitals
- d) nursing and other residential care facilities
- e) community food services
- f) accommodation services with food services
- g) food services and drinking places
- h) educational services with food services
- i) other facilities generating compostable organic material

“Compostable Organic Material” means vegetative matter, food processing waste, garden waste, kitchen scraps, and other organic wastes that can be composted;

“Composting Facility” means a facility that composts organic matter that may include biosolids to produce compost and holds a valid Facility License;

“Controlled Waste” means Solid Waste requiring special handling at the Solid Waste Management Facilities, and includes but is not limited to:

- a) Asbestos, dry or slurry
- b) Large dead animals

- c) Steel cables
- d) Contaminated soil
- e) Wood Waste

Special handling includes extra excavation, trenching, grinding, chipping, lining, extra cover and using extraordinary means to cover with other Solid Waste;

“Construction/Demolition Waste” means waste produced from the construction, renovation, and demolition of buildings, and other structures, but does not include waste containing or contaminated with asbestos, creosote, PCB treatments, any special waste or wood waste;

“Corrugated Cardboard” means recyclable waste from industrial, commercial or institutional sources which includes, but is not limited to containers or materials used in containers consisting of 3 or more layers of kraft paper material and having smooth exterior liners and a corrugated or rippled core, but excluding containers which are impregnated with blood, grease, oil, chemicals, food residue, wax; or have polyethylene, polystyrene, foil or other non-paper liners; or are contaminated with a material which will render the corrugated cardboard not marketable;

“Disposal Area” means those parts of a Solid Waste Management Facility currently involved in the landfilling or deposit of Solid Waste;

“Drop Off Area” means those areas of Solid Waste Management Facilities or Licensed Facilities where bins are provided for deposit of Municipal Solid Waste;

“Environmental Management Act” means the *Environmental Management Act* (British Columbia), as amended or replaced and any successor legislation and any regulations thereunder;

“Facility License” means a facility license issued by the Regional District pursuant to Regional District of Nanaimo *Waste Stream Management Licensing Regulatory Bylaw No. 1386*;

“Garden Waste” means uncontaminated vegetation removed from gardens, lawns, shrubs and trees and includes pruning from shrubs and trees to a maximum diameter of 50 mm.;

“General Manager” means a person appointed to the position of General Manager of the Regional District of Nanaimo;

“Gypsum” includes, but is not necessarily limited to new construction off-cuts or scraps and old wallboard that has been painted, covered in wallpaper, vinyl, ceramic tile, and lath and plaster and is removed during renovation and demolition, but excludes wallboard covered with asbestos;

“Hazardous Waste” means waste as defined in the *Hazardous Waste Regulation* (British Columbia) as hazardous waste except asbestos waste;

“Household Plastic Containers” means empty HDPE and LDPE plastic containers from a residential premise including milk jugs, margarine and yogurt containers and dish soap and laundry detergent bottles. Excluded are containers made of foam plastic such as Styrofoam, containers that held chlorine or ammonia-based products, motor oil containers, metal bottle lids or caps, spray nozzle heads and metal attachments;

“Drums” means plastic or metal barrels larger than 50 litres capacity made for holding liquids;

“Ignitable” means ignitable as defined in the *Hazardous Waste Regulation* (British Columbia);

“Improperly covered or secured load” means that a load that is not properly secured, either with a tarpaulin cover or tie-down apparatus to prevent any of the load escaping, or falling off of the haul vehicle;

“Land Clearing Waste” means stumps, tops, limbs and whole trees generated from the clearing of land and the small scale harvesting of merchantable timber but does not include garden waste;

“Licensed Facility” means a facility holding a Facility License issued by the Regional District;

“Medical Facility Waste” means municipal solid waste originating from a hospital or health care facility that does not contain biomedical waste and does not require special handling;

“Metal” means recyclable ferrous and non-ferrous metallic materials which include, but are not limited to: sheet metal, siding, roofing, rebar, flashings, pipes, window frames, doors, furnaces, duct work, wire, cable, bathtubs, fencing, bicycle frames, automotive parts, machinery, appliances, garbage cans, metal furniture, tire rims and metal cans. It does not include metal that is incorporated into a product or packaging, such as a couch, that does not compose more than 50% of the product weight and that cannot be readily separated from the non-metallic components;

“Municipal Solid Waste” means refuse that originates from residential, commercial or institutional sources;

“Organic Waste” means compostable organic material including raw and cooked food waste from a commercial and residential premise and includes but is not limited to:

- a) fruits and vegetables
- b) meat, fish, shellfish, poultry and bones thereof
- c) dairy products
- d) bread, pasta and baked goods
- e) tea bags, coffee grounds and filters

- f) soiled paper plates and cups
- g) soiled paper towels and napkins
- h) soiled waxed paper
- i) food soiled cardboard and paper
- j) egg shells

“Prohibited Waste” means a waste prohibited from disposal under Schedule ‘C’ hereto;

“Radioactive Waste” means a nuclear substance as defined in the *Nuclear Safety and Control Act* (Canada) in sufficient quantity or concentration to require a license for possession or use under that Act and regulations made under that Act;

“Reactive Waste” means waste which:

- (a) is explosive, oxidizing, or so unstable that it readily undergoes violent change in the presence of air or water;
- (b) generates toxic gases, vapours or fumes by itself or when mixed with water; or
- (c) polymerizes in whole or in part by chemical action and causes damage by generating heat or increasing in volume;

as defined in the Special Waste Regulations of the *Waste Management Act* (British Columbia);

“Recyclable Paper” means recyclable fibers, including: newspapers and inserts, magazines, telephone directories, catalogues, all office papers, envelopes, boxboard, paper bags and junk mail. It does not include: paper contaminated with food or grease, paper napkins, paper towels, tissue paper, composite paper products (e.g. paper adhered to plastic and/or metal such as tetrapaks), gable-top containers (e.g. milk cartons), waxed cardboard, wax paper, photographs and carbon paper;

“Regional District” means the Regional District of Nanaimo;

“Residential Premise” means a single family dwelling unit or a multi-family dwelling unit including townhomes, apartments and mobile homes in mobile home parks;

“Residual Solid Waste” means that portion of Municipal Solid Waste for which no management option exists except disposal at the Solid Waste Management Facilities but does not include Prohibited Waste;

“Roll-off Bin” means an interchangeable container that can be separated from a hauling truck through the use of a mechanism integrated into the frame of the hauling truck;

“Solid Waste Management Facilities” means the Regional Landfill and Church Road Transfer Station, and other facilities the Regional District may establish from time to time;

“Stewardship Materials” means any waste or recyclable materials included in an approved stewardship plan as defined in the Recycling Regulation of the *Environmental Management Act* (British Columbia);

“Tires” means all rubber tires;

“Wood Waste” means wood waste from construction and/or demolition that has been separated from other construction/demolition waste. The wood may be painted, but cannot have tile, gypsum, glue, carpet, dirt or soil or other non-wood materials attached.

2. CONDITIONS OF USE

- 2.1 No person shall deposit Municipal Solid Waste at a Solid Waste Management Facility, except in accordance with this bylaw.
- 2.2 No person shall deposit a Prohibited Waste at a Solid Waste Management Facility.
- 2.3 At least 24 hours notice must be given to the General Manager prior to disposal of Controlled Waste.
- 2.4 Loads of Gypsum delivered in roll-off bins will not be accepted at the Church Road Transfer Station.
- 2.5 Loads of garden waste delivered in roll-off bins will not be accepted at the Regional Landfill or the Church Road Transfer Station.
- 2.6 Loads of wood waste delivered in roll-off bins will not be accepted at the Regional Landfill or the Church Road Transfer Station.
- 2.7 Loads of corrugated cardboard delivered in roll-off bins will not be accepted at the Regional Landfill or the Church Road Transfer Station.
- 2.8 No person shall salvage or remove material deposited at the Solid Waste Management Facilities.
- 2.9 No person shall loiter at the Solid Waste Management Facilities.
- 2.10 No person shall leave their vehicle unattended at the Solid Waste Management Facilities.
- 2.11 Any person entering the Solid Waste Management Facilities shall proceed directly to the weigh scale and then leave the Solid Waste Management Facilities without delay after unloading.
- 2.12 Persons entering the Solid Waste Management Facilities do so at their own risk. The Regional District accepts no liability whatsoever for damage and/or injury to persons or property at the Solid Waste Management Facilities.

- 2.13 Children under 13 years of age, and pets shall not be permitted at the Solid Waste Management Facilities except inside a vehicle.
- 2.14 No person shall deposit Municipal Solid Waste that does not originate from within the Regional District boundaries at a Solid Waste Management Facility.
- 2.15 Despite section 2.14, the Board may authorize deposit of Municipal Solid Waste from another regional district upon request from a regional district Board of Directors.

3. CHARGES

- 3.1 Every person depositing municipal solid waste at the Solid Waste Management Facilities shall pay to the District the applicable charges set out in Schedule 'A' hereto.
- 3.2 Notwithstanding 3.1, customer charge accounts may be established in accordance with Policies and Procedures in Schedule 'B'.

4. VIOLATIONS AND PENALTIES

- 4.1 No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 4.2 Every person who contravenes this bylaw, by doing any act which the bylaw forbids, or omitting to do any act which the bylaw requires is guilty of an offence and is liable, on summary conviction, to a fine of not less than TWO HUNDRED DOLLARS (\$200.00) and not more than TEN THOUSAND DOLLARS (\$10,000.00). A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues.
- 4.3 The General Manager may prohibit a person who contravenes this bylaw from depositing Municipal Solid Waste at the Solid Waste Management Facilities.
- 4.4 Any waste received in contravention of the bylaw or instructions provided by the RDN at the solid waste facilities may be subject to a cost recovery fee for contamination cleanup or proper disposal.

5. REPEAL

- 5.1 "Regional District of Nanaimo Solid Waste Management Bylaw No. 1428, 2005" is hereby repealed.

6. TITLE

- 6.1 This bylaw may be cited as “Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1531, 2007”.

Introduced and read three times this 27th day of November, 2007.

Adopted this 27th day of November, 2007.

CHAIRPERSON

SR. MGR., CORPORATE ADMINISTRATION

Chairperson

Sr. Mgr., Corporate Administration

Schedule 'A'

Charges and Procedures for use of Solid Waste Management Facilities effective April 1, 2016.

1.	Solid Waste, excluding Controlled Waste	Flat Rate	51 kg or greater
a.	Municipal solid waste, construction/demolition waste, roofing waste (asphalt/tar/gravel), medical facility waste, or material recovery facility waste	\$6.00/0-50kg	\$125.00/tonne
b.	Municipal solid waste (containing recyclables) with offence	\$6.00/0-50kg	\$250.00/tonne
c.	Construction/Demolition waste (containing recyclables) with offence	\$6.00/0-50kg	\$360.00
d.	Weighing service	\$20.00 flat rate	
e.	Surcharge for improperly covered or secured loads	\$20.00 flat rate	
f.	Surcharge for mattresses and hide-a-beds	\$10.00 flat rate	

2.	Recyclables	Flat Rate	51 kg or greater
a.	Organic waste	\$6.00/0-50kg	\$110.00/tonne
b.	Organic waste (containing mixed solid waste or recyclables) with offence	\$6.00/0-50kg	\$250.00/tonne
c.	Garden waste	\$6.00/0-100kg	\$55.00/tonne
d.	Wood waste including wood roofing	\$6.00/0-50kg	\$250.00/tonne
e.	Gypsum (Church Road Transfer Station only)	\$6.00/0-50kg	\$250.00/tonne
f.	Metal recycling, metal appliances with ODS (ozone depleting substance)	\$6.00/0-500kg	\$55.00/tonne
g.	Corrugated cardboard	\$6.00/0-50kg	\$55.00/tonne
h.	Miscellaneous recyclables including: household plastics, metal food and beverage containers, vehicle batteries and oil filters	\$6.00 flat rate	
i.	Surcharge for ODS containing appliances	\$15.00 flat rate	

3.	Controlled Waste	Flat Rate	51 kg or greater
a.	Contaminated soil, grit and screenings and bio-solids	\$6.00/0-50 kg	\$125.00/tonne
b.	Controlled waste (misc.) including large dead animals	\$6.00/0-50 kg	\$250.00/tonne
c.	Food processing waste and treatment works		\$250.00/tonne
d.	Steel cable		\$500.00/tonne
e.	Asbestos waste	\$30.00/0-50 kg	\$500.00/tonne

4. Any load containing Prohibited Waste will be charged all costs associated with any special handling or removal of the Prohibited Waste in addition to the volume rates above.
5. Where the charge is based on weight, it shall be based on the difference in weight between loaded weight and the empty weight of the vehicle.
6. In the event that the scales provided are not operational, weight shall be estimated by the Scale Clerk employed by the Regional District of Nanaimo.
7. All charges payable under this bylaw shall be paid prior to leaving the site.
8. Surcharges are in addition to the per tonne rate posted for the material type.

Chairperson

Sr. Mgr., Corporate Administration

Schedule 'B'

POLICIES AND PROCEDURES

Customer Charge Accounts and Collections

PURPOSE: To establish guidelines for the granting of customer credit and for the collection of customer accounts.

POLICY: Customer accounts will be established only in circumstances where the customer will be a regular user of Regional District services. All other requests for products and or services must be prepaid.

PROCEDURES:

- (1) Any individual or organization wishing to establish a charge account with the Regional District of Nanaimo shall complete an **Application for Credit** as provided by the Regional District.
- (2) Exemptions from (1) above will be limited to:
 - Province of British Columbia, departments or agencies clearly identified.
 - Government of Canada, departments or agencies clearly identified.
 - Other Municipalities, Regional Districts, Towns and Villages.
- (3) Completed **Applications for Credit** will be forwarded to the originating department for recommendation and then to the accounts receivable department for verification of references and credit history.
- (4) Verified **Applications** may be approved by either the General Manager, Finance & Information Services or Deputy Treasurer. The originating department and the customer will be advised of the approval date, and charges may be accepted immediately after the approval date.
- (5) Customer invoices will be generated monthly, and will be payable upon receipt by the customer.
- (6) Customers with accounts in arrears after 30 days will be contacted requesting payment within seven working days. Failure to remit within seven days will result in a rescinding of credit and the account will be C.O.D. only.
- (7) Upon full payment of all outstanding balances a customer account may be reinstated at the discretion of the General Manager, Finance & Information Services or Deputy Treasurer.
- (8) Any customer account falling 30 days past due a second time and which is not fully paid immediately (7 working days) upon request, will be placed on C.O. D. permanently.
- (9) Any variations or exceptions to the above noted policies and procedures must have the written approval of the General Manager, Finance & Information Services or Deputy Treasurer.
- (10) At the discretion of the General Manager, Finance & Information Services, customers with accounts in arrears after 60 days will be contacted and advised that they will not deposit any further solid waste on or at the Solid Waste Management Facilities until the charge and interest owing thereon is paid in full.

Chairperson

Sr. Mgr., Corporate Administration

Schedule 'C'

"Prohibited Waste"

The following gaseous liquids and municipal solid wastes are not acceptable for disposal at a Solid Waste Management Facility and include, but are not limited to:

1. At the Regional Landfill:
 - (i) Biomedical Waste;
 - (ii) Commercial Organic Waste;
 - (iii) Concrete or asphalt pieces, or rocks greater than 0.03m³ or 70 kg;
 - (iv) Corrugated Cardboard;
 - (v) Drums;
 - (vi) Garden Waste;
 - (vii) Gypsum;
 - (viii) Hazardous Waste;
 - (ix) Household Plastic Containers;
 - (x) Ignitable Wastes;
 - (xi) Land Clearing Waste;
 - (xii) Liquids, except as permitted herein;
 - (xiii) Metal;
 - (xiv) Motor vehicle bodies and farm implements;
 - (xv) Municipal Solid Waste that is on fire or smouldering;
 - (xvi) Radioactive Waste;
 - (xvii) Reactive Wastes;
 - (xviii) Recyclable Paper;
 - (xix) Stewardship Materials:
 - (xx) Special waste, as defined in the *Special Waste Regulation* (British Columbia) except asbestos ;
 - (xxi) Tires;
 - (xxii) Wood Waste

2. At Church Road Transfer Station:
- (i) Biomedical Waste;
 - (ii) Bulk loads of Demolition Waste 5m³ or greater
 - (iii) Burnt Demolition Waste;
 - (iv) Commercial Organic Waste;
 - (v) Concrete or asphalt pieces, or rocks greater than 0.03m³ or 70 kg;
 - (vi) Controlled Waste; except as animal carcasses by a government agency with written authorization from the General Manager;
 - (vii) Corrugated Cardboard;
 - (vi) Garden Waste;
 - (vii) Gypsum;
 - (viii) Hazardous Waste;
 - (ix) Household Plastic Containers;
 - (x) Ignitable Wastes;
 - (xi) Land Clearing Waste;
 - (xii) Liquids, except as permitted herein;
 - (xiii) Metal;
 - (xiv) Motor vehicle bodies and farm implements;
 - (xv) Municipal Solid Waste that is on fire or smouldering;
 - (xvi) Radioactive Waste;
 - (xvii) Reactive Wastes;
 - (xviii) Recyclable Paper;
 - (xix) Special waste, as defined in the *Special Waste Regulation* (British Columbia) except asbestos;
 - (xx) Stewardship Materials;
 - (xxi) Tires;
 - (xxii) Wood Waste.

Chairperson

Sr. Mgr., Corporate Administration

Schedule 'D'

Charges and procedures for use of Regional Landfill for disposing of Controlled Waste and Municipal Solid Waste which originates from the Cowichan Valley Regional District and the Comox Valley Regional District, effective July 1, 2017, are:

1.	Controlled waste originating Cowichan Valley RD	Flat rate	51 kg or greater
a.	Waste asbestos	\$30.00/0-50 kg	\$600.00/tonne
b.	Large dead animals	\$20.00/0-50 kg	\$300.00/tonne
c.	Invasive plant species	\$20.00/0-50 kg	\$300.00/tonne

2.	Solid waste under the direct control of the Cowichan Valley Regional District *	Tonne Rate
a.	Municipal solid waste	Tonne rate includes a 20% premium over the current Schedule 'A' rates

Solid waste acceptance is contingent upon:

- 1) Prior written notice from Cowichan Valley Regional District to the General Manager explaining the reasons for, and the anticipated duration, of contingency landfilling;
- 2) The General Manager's acknowledgement of acceptance; and,
- 3) Any conditions the General Manager may specify with respect to the duration, requirements regarding acceptance or reporting.

3.	Controlled waste originating Comox Valley RD**	Flat rate	51 kg or greater
a.	Waste asbestos	\$30.00/0-50 kg	\$600.00/tonne

**Asbestos waste acceptance is approved until December 31, 2017 with provision to extend the agreement for one year.

Various Regional District Solid Waste Tipping Fees, 2018

	Metro Vancouver Tipping Fee		Comox Valley Tipping Fee		Cowichan Valley Tipping Fee		Mount Waddington Tipping Fee		CRD Tipping Fee		District of Squamish Tipping Fee		qathet RD Tipping Fee		SCRD Tipping Fee		ACRD Tipping Fee	
MSW	Municipal Only	\$108/tonne	\$130/tonne		\$140/tonne		\$125/tonne		\$110/tonne ³		\$150/tonne		\$220/tonne		\$150/tonne		\$95.00/tonne	
	0 to .99 tonnes	\$142/tonne																
	1.0 to 8.99 tonnes	\$120/tonne																
	9.0 tonnes or more	\$90/tonne																
Minimum Tipping Fee for MSW	During Peak Hours	\$20/Load	0-100 kg \$6		0-25 kg \$5/load		\$3/garbage bag		\$10		\$5		\$5		\$5		\$8 or \$2.00/bag	
	Outside Peak Hours	\$10/Load																
Special Handling/ Controlled Waste	\$250/tonne, \$50 minimum		0-100 kg \$15		N/A		\$250/tonne		Minimum \$20		N/A		N/A		N/A		\$120/tonne	
			Per Load \$180/tonne						\$157/tonne ⁴									
Grits/Screenings/Septage/Sludge	N/A				N/A		\$72/tonne		\$157/tonne								\$120/tonne	
Mattresses	\$15/unit		N/A		\$10/unit		\$11/unit		Bin Fee \$10		\$20/unit		N/A		Dry \$10/unit Wet \$15/unit 5 or more \$15/unit Crib Mattress \$5/unit		N/A	
					Contaminated \$140/tonne ¹				\$110/tonne									
Asbestos	N/A		0-100 kg \$20		Do Not Accept		Securely Packaged \$125/tonne ²		Minimum \$20		\$250/tonne		\$650/tonne					
			In Region \$250/tonne Out of Region \$500/tonne				Non-Compliance \$325/tonne ²		\$157/tonne									
Gypsum	New - less than 1/2 tonne	\$150/tonne	0-100kg \$20		\$200/tonne		N/A		Uncontaminated Prohibited		\$290/tonne		\$220/tonne		\$265/tonne		\$120/tonne	
	Used - less than 1/2 tonne	\$200/tonne	Per Load \$225/tonne															
Contaminated Soil	N/A		N/A		Do Not Accept		In Region \$14/tonne Out of Region \$20/tonne		\$157/tonne		N/A		N/A		N/A		\$70/tonne plus treatment cost	
Commercial Recycling	N/A		0-100 kg \$6		N/A		N/A											
			Per Load \$60/tonne															
Wood Waste	\$95/tonne		0-100 kg \$6		Dirty \$140/tonne	\$28/tonne		Bin Fee \$10		Dirty \$85/tonne	Dirty	\$250/tonne		Clean \$170/tonne	N/A			
			Per Load \$120/tonne		Clean \$95/tonne			Per Load \$110/tonne		Clean \$65/tonne				Dirty \$265/tonne				

¹Plus \$10 surcharge per item²Plus handling costs³ \$10 Bin Fee if dropped off in the Public Drop-Off Area⁴ Some Controlled Waste Materials has different fees

TO: Solid Waste Management Select Committee **MEETING:** March 5, 2019

FROM: Meghan Ebueza
Solid Waste Planner **FILE:** 5360-01

SUBJECT: Out of Region Waste Disposal Request from qathet Regional District

RECOMMENDATION

The Board approve the request from the qathet Regional District to accept municipal solid waste from residents of Lasqueti Island at Regional District of Nanaimo Solid Waste Management Facilities with the following conditions:

- (1) municipal solid waste from Lasqueti Island will be charged the prevailing Regional District of Nanaimo municipal solid waste tipping fee rate plus a 20% premium;
- (2) acceptance will be approved until March 1, 2026; and
- (3) the Board direct staff to amend *Regional District of Nanaimo Solid Waste Management Bylaw No. 1531, 2007*, Schedule 'D' to include these conditions.

SUMMARY

On January 9, 2019, Chair Patrick Brabazon of the qathet Regional District (qRD) wrote to the Regional District of Nanaimo (RDN) requesting disposal of out-of-region residual waste from Lasqueti Island at the RDN Church Road Transfer Station (approximately 100 tonnes per year).

Lasqueti Island has a population of approximately 400 people year round with the population doubling in the summer. Municipal solid waste is currently disposed of at the small on-island landfill which under the Lasqueti Island Solid Waste Management Sub-Plan is slated to close in 2020. Consequently, Lasqueti residents will need to find an alternative waste disposal option following the landfill closure.

Lasqueti Island is geographically a challenge for the qRD to provide services as its logistical connection to services and amenities lies within the RDN at French Creek in Electoral Area G where passenger ferry and barge landing operations and facilities exist. Waste disposal at RDN Facilities is the most practical option for Lasqueti Island residents.

RDN Bylaw No. 1531 prohibits out of region waste disposal at RDN Solid Waste Management Facilities unless authorized by the RDN Board. Staff recommend approving the request in consideration of:

- the minor amount of waste generated on Lasqueti Island;
- the logistical challenges and lack of alternatives for managing the waste; and

- RDN tipping fee revenues cover disposal costs, and therefore, would not result in an additional burden placed on RDN taxpayers.

BACKGROUND

Lasqueti Island Solid Waste Management Sub-Plan

qRD recently updated its *Solid Waste Management and Resource Recovery Plan* inclusive of the Lasqueti Island Solid Waste Management Sub-Plan. The qRD Plan was approved by Minister of Environment in September 2018. The Lasqueti Island Landfill Closure Plan will be completed and submitted to the Minister of Environment in 2019 with physical closure to be completed in 2020.

The population of Lasqueti Island is estimated to be 399 full time residents (2016 census), with the population doubling in the summer. The annual per capita disposal rate is estimated to be 125 kg per person, which in comparison is less than half the RDN per capita disposal rate. The low waste generation rate is believed to be attributed to the following community characteristics:

- Nearly all kitchen waste is composted;
- Reuse and salvage of materials are widely practiced;
- The Island has passenger only ferry service;
- There are minimal opportunities on the island to practice consumerism;
- Most of the community places a high value on low impact living; and
- Many residents report taking residual waste off island rather than using the Lasqueti Landfill.

The 2018-2019 Lasqueti Island Solid Waste Management Sub-Plan schedule identifies the upgrade and operational improvements to the Lasqueti Island recycling centre to facilitate all possible recycling opportunities. This will enable the proposed municipal waste from Lasqueti Island to go to the RDN Church Road Transfer Station to be free of divertible materials inclusive of organics and recyclables. qRD's operational plan for transport of waste from Lasqueti to the Church Road Transfer Station has not yet been finalized. It is estimated that in total the municipal solid waste received will be approximately 100 tonnes annually.

During the Sub-Plan development Lasqueti residents reported that currently bags of residual waste are taken off island and disposed of within the RDN. The qRD has looked into another transportation and disposal option including a barging firm from Vancouver which passes by and services the island occasionally. The service is not frequent, not on any schedule and is not considered a reliable option for waste disposal.

Accepting Out of District Residual Waste

Conditions of use of the RDN Regional Landfill and Church Road Transfer Station are regulated by the *Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1531, 2007*. It enacts:

2.14 No person shall deposit Municipal Solid Waste that does not originate from within the Regional District boundaries at a Solid Waste Management Facility.

2.15 Despite section 2.14, the Board may authorize deposit of Municipal Solid Waste from another regional district upon request from a regional district Board of Directors.

The RDN Regional Landfill, which receives approximately 57,000 tonnes of waste per year, is expected to continue until approximately 2040. At an average annual rate of 100 tonnes of municipal solid waste received from Lasqueti Island, the site life would only be shortened by approximately two weeks. Accepting municipal solid waste from Lasqueti Island would help the RDN to track out of region waste and provide more accurate waste disposal numbers to both the RDN and qRD. Setting an expiry date of March 1, 2026 allows for both the qRD and RDN to review the annual municipal solid waste tonnage received at RDN Solid Waste Management Facilities from Lasqueti Island over a five year period and is an adequate period for qRD to set up a service. Any continuation beyond this time would be subject to qRD submitting a request and consideration by the RDN Board.

The staff recommendation is for a 20% surcharge over prevailing RDN municipal solid waste tipping fee to align with the precedent that has been established for taking other out-of region waste.

Should the Board approve the qRD request, *Regional District of Nanaimo Solid Waste Management Bylaw 1531, 2007, Schedule 'D'* will require an amendment to include these conditions.

ALTERNATIVES

1. The Board approve the request from the qathet Regional District to accept municipal solid waste from residents of Lasqueti Island at Regional District of Nanaimo Solid Waste Management Facilities with the following conditions:
 - (1) municipal solid waste from Lasqueti Island will be charged the prevailing RDN municipal solid waste tipping fee rate plus a 20% premium;
 - (2) acceptance will be approved until March 1st, 2026; and
 - (3) the Board direct staff to amend *Regional District of Nanaimo Solid Waste Management Bylaw No. 1531, 2007, Schedule 'D'* to include these conditions.
2. The Board does not approve the request from the qathet Regional District to accept municipal solid waste from residents of Lasqueti Island at Regional District of Nanaimo Solid Waste Management Facilities.
3. The Board provide alternate direction to staff.

FINANCIAL IMPLICATIONS

Tipping fees revenue fund both the cost of Solid Waste Management Facilities operations and maintenance, and Solid Waste programs in the RDN. The current municipal solid waste tipping fee rate recovers the cost of municipal solid waste disposal even for small loads. The RDN does have an agreement with the Cowichan Valley Regional District (CVRD) for accepting out of region municipal solid waste as an emergency contingency plan which sets the tipping fee rates at a 20% premium over the prevailing municipal solid waste tipping fee rate. It is recommended that municipal solid waste received from qRD Lasqueti Island be accepted and charged a 20% premium over the prevailing municipal solid waste tipping fee rate, similar to the CVRD, under a five year agreement start date pending the Lasqueti Island Landfill closure.

Based on the current municipal solid waste tipping fee rate plus a 20% premium, revenue that would be generated by accepting municipal solid waste from Lasqueti Island would be approximately \$15,000 per year.

STRATEGIC PLAN IMPLICATIONS

Focus On Relationships- We Look For Opportunities To Partner With Other Branches Of Government/Community Groups To Advance Our Region

The approval of this request would be collaborative approach between qRD and the RDN to manage residual solid waste from a geographic area hard to access by the qRD. This collaborative approach is in keeping with the Association of Vancouver Island and Coastal communities (AVICC) goal of working towards a cooperative long-term sustainable strategy for solid waste management on Vancouver Island.



Meghan Ebueza
mebueza@rdn.bc.ca
February 15, 2019

Reviewed by:

- L. Gardner, Manager, Solid Waste Services
- R. Alexander, General Manager, RCU
- P. Carlyle, Chief Administrative Officer

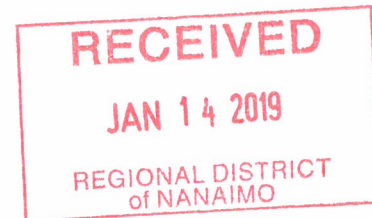
Attachment

1. Out of District Residual Waste Disposal Request Letter from qathet Regional District



January 9, 2019

Ian Thorpe, Board Chair
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2



Dear Chair Thorpe,

Re: OUT OF DISTRICT RESIDUAL WASTE DISPOSAL REQUEST

qathet Regional District (qRD) has recently updated its *Solid Waste Management and Resource Recovery Plan* inclusive of the Electoral Area 'E' (Lasqueti Sub Plan). The qRD Regional Board adopted the Plan on December 19, 2017 and the *Ministry of Environment and Climate Change Strategy* approved the Plan acknowledged by letter September 12, 2018. As well as other initiatives identified in the 2018-2019 Lasqueti Island Sub Plan schedule, the Plan specifies the following:

- Seek approval for disposal at out-of-district landfill,
- prepare landfill closure plan, and
- begin export of residual waste.

The Sub Plan also identifies the upgrade and operational improvements to the Lasqueti Island recycling centre to facilitate all possible recycling opportunities. This will enable the proposed residual waste to go to the Regional District of Nanaimo's (RDN) Regional Landfill, through this request, to be free of divertible materials inclusive of organics and recyclables. It is estimated that in total the residual waste will be approximately 100 tonnes annually. During the Sub Plan development Lasqueti residents reported that currently bags of residual waste are taken off island and disposed of within the Regional District of Nanaimo. This proposed agreement could capture that leakage and formalize the residual disposal flow allowing for an improved understanding of the waste to landfill per capita.



Area E Lasqueti Island, is geographically a challenge for the qRD as its logistical connection to services and amenities lies within the RDN at French Creek where passenger ferry and barge landing operations and facilities exist. It is interesting to note that the majority of waste generated on Lasqueti Island is a result of purchases made within the RDN.

Please accept this letter as a formal request to dispose of out of district residual waste at the RDN waste transfer facility located on Church Road and to receive the following information:

- Cost per tonne of residual waste disposal (tipping fee)
- List of banned materials
- A date that the RDN could implement receiving this out of district residual waste at Church Road
- Any related annual incremental increases over the next 10 years

Sincerely,

Patrick Brabazon, Chair

cc: Al Radke, CAO
Mike Wall, Manager of Strategic Initiatives and Asset Management
Larry Gardner, Manager of Solid Waste Services

TO: Transit Select Committee

FROM: Darren Marshall
Manager Transit Operations

MEETING: March 21, 2019

FILE: 2240 55 TEPD

SUBJECT: Licence of Occupation and Use

RECOMMENDATION

That the Regional District of Nanaimo enter into a licence of occupation and use with the City of Nanaimo and Seaspun Ferries Corporation for a portion of 1 Port Drive commencing April 7, 2019 and ending September 30, 2019.

SUMMARY

The Regional District of Nanaimo (RDN) requires this licence to use and occupy a portion of the 1 Port Drive and Statutory Right of Way shown outlined in black on the sketch plan Attachment "1" (Schedule "A") and comprised of a transit exchange constructed in accordance with the specifications and a temporary service trailer Attachment 1 (Schedule "B").

BACKGROUND

The City of Nanaimo is performing seismic upgrades to the Bastion Street Bridge starting mid-April 2019. These upgrades will include a complete closure to all vehicle traffic, excluding foot and bicycle traffic, for the duration of the construction. Transit Services has a constant need for transit buses to access the City's downtown.

The City of Nanaimo's 1 Port Drive site provides the necessary space and favorable geographical location to operate an efficient transit exchange. As a temporary location, this site will create a savings of approximately 1200 hours for the duration of the arrangement. The cost saving hours will be held by BC Transit in the RDN's reserves.

The RDN Transit system has operated in the downtown core in the past on Gordon Street and Port Place Centre's parking lot. In a recent study, the consultant recommended the 1 Port Drive is a viable exchange location and recommended a trial prior to a full commitment.

In consultation with the City of Nanaimo Transportation Department, they indicated that this area meets the City of Nanaimo's sustainable transportation travel modes.

ALTERNATIVES

1. That the Regional District of Nanaimo enter into a licence of occupation and use with the City of Nanaimo and Seaspans Ferries Corporation for a portion of 1 Port Drive commencing April 7, 2019 and ending September 30, 2019.
2. That alternative direction be provided.

FINANCIAL IMPLICATIONS

The financial authorization requested to occupy and use a portion of 1 Port Drive is \$1.00 per month for a six (6) month term.

The 1200 hour savings for operating at the downtown exchange at 1 Port Drive is approximately \$80,000 for the six (6) month term. The cost saving hours will be held by BC Transit in the RDN's reserves.

There are no construction cost to the RDN for this temporary exchange at 1 Port Drive. There are bus bay signs, and advertisement (cost shared with BC Transit) and a trailer rental for approximately \$650 per month (\$3,900 for the six (6) month term). These funds are included in the 2019 financial plan. Temporary upgrades for bus bays are being supplied by the City of Nanaimo.

STRATEGIC PLAN IMPLICATIONS

Focus On Service And Organizational Excellence - We Will Advocate For Transit Improvements And Active Transportation



Darren Marshall
dmarshall@rdn.bc.ca
March 12, 2019

Reviewed by:

- D. Pearce, Director, Transportation and Emergency Services
P. Carlyle, Chief Administrative Officer

Attachment

1. Licence of Occupation and Use.pdf

LICENCE OF OCCUPATION AND USE

THIS AGREEMENT DATED FOR REFERENCE THE ____ DAY OF _____, 2019.

BETWEEN:

CITY OF NANAIMO

455 Wallace Drive
Nanaimo, B.C. V9R 5J6

(hereinafter called the "**City**")

OF THE FIRST PART

AND:

REGIONAL DISTRICT OF NANAIMO

6300 Hammond Bay road
Nanaimo, BC V9T 6N2

(hereinafter called "**RDN**")

OF THE SECOND PART

SEASPAN FERRIES CORPORATION

7700 Hopcott Road
Delta, BC V4G 1B6

(hereinafter called "**Seaspan**")

OF THE THIRD PART

W H E R E A S :

- A. The City is the registered owner of certain lands commonly known as 1 Port Drive and legally described as:

PID 029-036-500

Lot A, Section 1, and Part of the Bed of the Public Harbour of Nanaimo, Nanaimo District, Plan EPP27507

(the "**Lands**");

- B. Seaspan is the registered owner of a Statutory Right of Way over the Lands with registration number EM109875 (the “**SRW**”);
- C. The RDN wishes to be granted this Licence to use and occupy that portion of the Lands and SRW shown outlined in black on the sketch plan attached hereto as Schedule "A" and comprised of a transit exchange constructed in accordance with the specifications attached hereto as Schedule “B” (the “**Transit Exchange**”) and a temporary service trailer (the “**RDN Trailer**”) (collectively referred to as the “**Licence Area**”) and the City and Seaspan have agreed;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the fee paid by the RDN to the City and Seaspan and in consideration of the premises and covenants and agreements contained in this Agreement, the City and Seaspan and the RDN covenant and agree with each other as follows:

1.0 RIGHT TO OCCUPY

- 1.1 The City and Seaspan (hereinafter collectively referred to as the “**Licensors**”), subject to the performance and observance by the RDN of the terms, conditions, covenants and agreements contained in this Agreement, and to earlier termination as provided in this Agreement, grants to the RDN a right by way of licence for the RDN, its elected officials, officers, employees, contractors, servants, agents, invitees and licensees to use the Licence Area for the purposes of installing, constructing, maintaining and using the Transit Exchange and RDN Trailer;
- 1.2 In addition to the rights granted at 1.1, the Licensors permit the RDN to grant to the general public a licence to occupy and use the Transit Exchange;
- 1.3 The Licensors grant to the RDN a right to cross the Lands for purpose of ingress and egress to the Licence Area.

2.0 RESERVATION OF RIGHTS

- 2.1 The Licensors reserve to themselves from the grant and the covenants made by it to the RDN under clause 1 above, the right for the Licensors, their elected officials, officers, employees, contractors, servants, agents, invitees and licensees to have full and complete access to the Licence Area to carry out any operations associated with the Licensors use of the Licence Area.

3.0 LICENSE FEE

- 3.1 In consideration of the right to use, the RDN shall pay to the Licensors a monthly licence fee calculated at the rate of \$1.00 per month. The receipt and sufficiency of which is hereby acknowledged.

4.0. TERM

- 4.1 The term of the License granted under this Agreement shall commence on the 7th day of April, 2019, and end on the 30th day of September, 2019, unless earlier terminated under this Agreement (the “**Term**”).

5.0 TAXES AND UTILITIES

- 5.1 The RDN shall pay all taxes, rates, duties and assessments whatsoever, whether federal, provincial, municipal or otherwise charged upon the RDN or the Licensors as a result of the RDN's occupation of or use of the Licence Area.
- 5.2 The RDN shall pay as they become due all water, electrical, sewer, garbage and other rates in respect of the Licence Area that are the result of the RDN's occupation of or use of the Licence Area.

6.0 CONSTRUCTION

- 6.1 The RDN shall not construct or place any buildings or structures or make any improvements on the Licence Area, unless it has:
- (a) obtained the Licensor's approval in writing to site plans, working drawings, plans, specifications and elevations; and
 - (b) obtained any necessary building permits authorizing the construction of the buildings and structures set out in the permits and the plans and specifications attached to it; and
 - (c) obtained all required inspections and the work shall be carried out at the cost of the RDN; and
 - (d) delivered final as-built drawings to the Licensors.
- 6.2 The RDN shall, at its cost, maintain any buildings, structures or improvements constructed or placed on the Licence Area during the Term.

7.0 INSURANCE

- 7.1 (a) The RDN will take out and maintain during the Term, a policy of general public liability insurance against claims for bodily injury, death or property damage arising out of the use of the Licence Area by the RDN in the amount of not less than five million dollars per single occurrence with such greater amount as may from time to time designate, naming the Licensors as an insured party thereto and shall provide the Licensors with a certified copy of such policy or policies;

- (b) all policies of insurance shall contain a clause requiring the insurer not to cancel or change the insurance without first giving the Licensors thirty days' prior written notice;
- (c) if the RDN does not provide or maintain or enforce the insurance required by this Agreement, the Licensors may take out the necessary insurance and pay the premium at a time and the RDN shall pay to the Licensors as additional fees the amount of the premium immediately on demand;
- (d) if both the Licensors and the RDN claim to be indemnified under any insurance required by this Agreement, the indemnity shall be applied first to the settlement of the claim of the Licensors and the balance, if any, to the settlement of the claim of the RDN.
- (e) the deductible on the policy shall not be more than five thousand dollars.

8.0 INDEMNIFICATION AND RELEASE

- 8.1 The RDN releases and will indemnify and save harmless the Licensors, it elected officials, officers, employees, contractors, servants, agents, and licensees from and against all lawsuits, damages, costs, expenses, fees or liability which the RDN or any of them or anyone else may incur, suffer or allege by reason of
- (a) the negligence, breach of contract or wrongful act by the RDN or its elected officials, officers, employees, contractors, servants, agents, invitees and licensees;
 - (b) the RDN or its elected officials, officers, employees, contractors, servants, agents, invitees and licensees using any building, structure or improvement built or placed by the RDN on the License Area;
 - (c) the RDN or its elected officials, officers, employees, contractors, servants, agents, invitees and licensees carrying on of any activity in relation to the use of the License Area.

9.0 BUILDERS' LIENS

- 9.1 The RDN will indemnify the Licensors from and against any liens for wages or materials or for damage to persons or property caused during the making of or in connection with any excavation, construction, repairs, alterations, installations and additions which the RDN may make or cause to be made on, in or to the Licence Area.

10.0 NOTICES

10.1 It is hereby mutually agreed:

Any notice required to be given under this Agreement shall be deemed to be sufficiently given if mailed from any government post office in the Province of British Columbia by prepaid registered mail or sent by email addressed as follows:

(i) if to the RDN:

Darren Marshall
6300 Hammond Road
Nanaimo, BC V9T 6N2
Email: dmarshall@rdn.bc.ca

(ii) if to the City:

Real Estate Section
455 Wallace Drive
Nanaimo, BC V9R 5J6
Email: realestate@nanaimo.ca

(iii) if to Seaspan:

Ian McIver
700 Hopcott Road
Delta, BC V4G 1B6
Email: ian.mciver@seaspan.com

or at the address a party may from time to time designate, then the notice shall be deemed to have been received forty-eight hours after the time and date of mailing or upon receipt if emailed. If, at the time of mailing the notice, the delivery of mail in the Province of British Columbia has been interrupted in whole or in part by reason of a strike, slow-down, lock-out or other labour dispute, then the notice may only be given by actual delivery of it or by email.

11.0 TERMINATION

11.1 If the RDN is in breach of this Agreement, and if the default continues after the giving of notice by the Licensors to the RDN, then the Licensors may terminate this Agreement and reenter the Licence Area and the rights of the RDN with respect to the Licence Area shall lapse and be absolutely forfeited.

12.0 FORFEITURE

- 12.1 The Licensors, by waiving or neglecting to enforce the right to forfeiture of this Agreement or the right of re-entry upon breach of this Agreement, does not waive the Licensor's rights upon any subsequent breach of the same or any other provision of this Agreement.

13.0 FIXTURES

- 13.1 That, unless the RDN, upon notice from the Licensors, removes them, the buildings, structures or improvements constructed on the Licence Area by the RDN shall at the termination of the Agreement, become the sole property of the Licensors at no cost to the Licensors.

14.0 REPAIRS BY THE LICENSORS

- 14.1 (a) If the RDN fails to repair or maintain the Licence Area or any building, structure or improvement on the Licence Area in accordance with this Agreement, the Licensors may, by its agents, employees or contractors, enter the Licence Area and make the required repairs or do the required maintenance and the cost of the repairs or maintenance shall be a debt due from the RDN to the Licensors.
- (b) In making the repairs or doing the maintenance, the Licensors bring and leave upon the Licence Area the necessary materials, tools and equipment and the Licensors shall not be liable to the RDN for any inconvenience, annoyance, loss of business or other injuries suffered by the RDN by reason of the Licensors effecting the repairs or maintenance.

15.0 TREE CUTTINGS, EXCAVATIONS AND HAZARDOUS SUBSTANCES

- 15.1 For the purposes of paragraph 15.2 below:

- (a) **“Contaminants”** means any pollutants, contaminants, deleterious substances, underground or above-ground tanks, asbestos materials, hazardous, corrosive, or toxic substances, special waste or waste of any kind, or any other substance which is now or hereafter prohibited, controlled, or regulated under Environmental Laws; and
- (b) **“Environmental Laws”** means any statutes, laws, regulations, orders, bylaws, standards, guidelines, permits, and other lawful requirements of any governmental authority having jurisdiction over the License Area now or hereafter in force relating any way to the environment, environmental assessment, health, occupational health and safety, or transportation of dangerous goods, including the principles of common law and equity.

15.2 The RDN covenants and agrees as follows:

- (a) not to use or permit to be used all or any part of the License Area for the sale, storage, manufacture, handling, disposal, use, or any other dealing with any Contaminants, without the prior written consent of the Licensors, which consent may be unreasonably withheld;
- (b) to strictly comply, and cause any person for whom it is in law responsible to comply, with all Environmental laws regarding the use and occupancy of the License Area;
- (c) to promptly provide to the Licensors a copy of any environmental site assessment, audit, report, or test results relating to the License Area conducted by or for the RDN at any time;
- (d) to promptly notify the Licensors in writing of any release of a Contaminant or any other occurrence or condition at the License Area or any adjacent property which could contaminate the License Area or subject the Licensors or the RDN to any fines, penalties, orders, investigations, or proceedings under Environmental laws (for clarity, this provision shall only apply where any member of the RDN has actual knowledge of the same);
- (e) on the expiry or earlier termination of this License, or at any time if requested by the Licensors or required by any governmental authority under Environmental Laws, to remove from the License Area all Contaminants, and to remediate by removal any contamination of the License Area or any adjacent property resulting from Contaminants, ***in either case solely where such Contaminant(s) had been brought onto, used at, or released from the License Area by the RDN or any person for whom it is in law responsible.*** The RDN shall perform these obligations promptly at its own cost and in accordance with Environmental Laws. All such Contaminants shall remain the property of the RDN, notwithstanding any rule of law of other provision of this License to the contrary and notwithstanding the degree of their affixation to the License Area; and
- (f) to indemnify the Licensors and its elected officials, appointed officers, employees, agents, successors, and assigns from any and all liabilities, actions, damages, claims, remediation cost recovery claims, losses, costs, orders, fines, penalties, and expenses whatsoever (including all legal and consultant's fees and expenses and the cost of remediation of the License Area and any adjacent property) arising from or in connection with:
 - (i) any breach of or non-compliance with the provisions of this paragraph 15.2 by the RDN; or

- (ii) any release of any Contaminants at or from the Licence Area as a result of the use and occupation of the Licence Area by the RDN or by any member of the RDN.

16.0 CLEAN UP

- 16.1 At the end of the Term, the RDN shall clean up the Licence Area and restore the Licence Area as reasonably as may be possible to the condition of the Licence Area prior to the commencement of the term of this Agreement.

17.0 REGULATIONS

- 17.1 The RDN will:

- (a) comply promptly at his own expense with the legal requirements of all authorities, including an association of fire insurance underwriters or agents, and all notices issued under them that are served upon the Licensors or the RDN;
- (b) indemnify the Licensors from all lawsuits, damages, loss, costs or expenses the Licensors may incur by reason of non-compliance by the RDN with legal requirements or by reason of any defect in the Licence Area or any injury to any person or to any personal property contained on the Licence Area. The RDN shall be responsible for any damage to the Licence Area occurring while the RDN is exercising its rights under this Agreement or if the RDN acknowledges and agrees that in the event that the Licence Area or any building, structure or improvement on the Licence Area is damaged, then the amount of the cost of repair, restoration shall be a debt due from the RDN to the Licensors.

18.0 NO COMPENSATION

- 18.1 The RDN shall not be entitled to compensation for any loss or injurious affection or disturbance resulting in any way from the termination of the Agreement or the loss of the RDN's interest in any building, structure or improvement built or placed on the Licence Area.

19.0 MISCELLANEOUS

- 19.1 (a) The RDN warrants and represents that the execution of this Agreement by RDN on behalf of a group or organization is a warranty and representation to the Licensors that the RDN has sufficient power, authority and capacity to bind the group or organization with its or her signature.
- (b) In consideration of being granted the use of the Licence Area, the RDN agrees to be bound by the terms and conditions of this Agreement and,

the RDN agrees to inform all responsible persons associated with the group or organization of the terms and conditions of this Agreement.

- (c) This Agreement shall not be interpreted as granting any interest in the Licence Area to the RDN.
- (d) Waiver of any default by a party shall not be interpreted or deemed to be a waiver of any subsequent default.

20.0 INTERPRETATION

- 20.1
- (a) Time is of the essence in this Agreement.
 - (b) That when the singular or neuter are used in this Agreement, they include the plural or the feminine or the masculine or the body politic where the context or the parties require.
 - (c) The headings to the clauses in this Agreement have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.
 - (d) The RDN may assign its rights under this Agreement with the prior written consent of the Licensors, not to be unreasonably withheld.
 - (e) That this Agreement shall enure to the benefit of, and be binding upon, the parties hereto and their respective heirs, executors, successors, administrators and permitted assignees.
 - (f) This Agreement shall be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
 - (g) All provisions of this Agreement are to be construed as covenants and agreements as though the word importing covenants and agreements were used in each separate paragraph.
 - (h) This Agreement constitutes the entire agreement between the parties with respect to the subject matter of the Agreement and contains all of the representations, warranties, covenants and agreements of the respective parties, and may not be amended or modified except by an instrument in writing executed by all parties. This Agreement supersedes all prior agreements, memoranda, and negotiations between the parties.

- (j) This agreement may be executed in counterpart and delivered by facsimile or other electronic transmission, and if so executed and delivered all such counterparts or executed facsimile or other electronic transmitted signed copies shall be read and construed together as if they formed one originally executed document.

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

CITY OF NANAIMO

Per: _____
Mayor

Per: _____
Corporate Officer

REGIONAL DISTRICT OF NANAIMO

Per: _____
Chair

Per: _____
Corporate Officer

SEASPAN FERRIES CORPORATION

Per: _____
Authorized Signatory

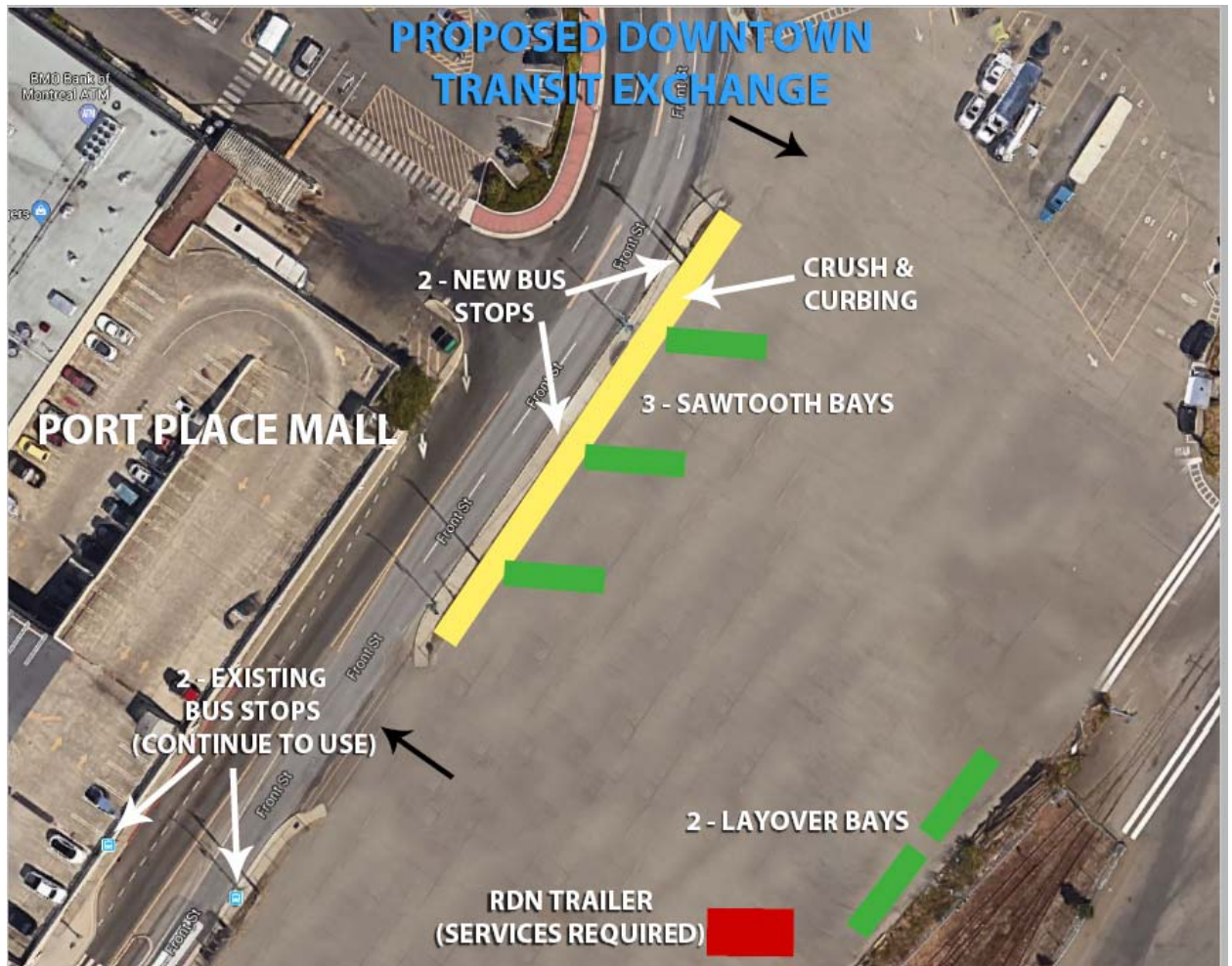
Per: _____
Authorized Signatory

Schedule "A"-Sketch Plan

1 PORT DRIVE - TEMPORARY BUS PAD



Schedule "B"-Transit Exchange Plan



TO: Regional District of Nanaimo Board **MEETING:** March 26, 2019

FROM: John Marcellus
Superintendent of Arena Services

SUBJECT: Oceanside Place Energy Upgrades and Chiller Replacement Tender Award

RECOMMENDATION

That the Board award the contract for the Oceanside Place Energy Upgrades and Chiller Replacement Project to Fraser Valley Refrigeration Ltd. for \$380,920 (excluding GST).

SUMMARY

The existing chiller at Oceanside Place requires replacement and the work involves a shutdown of the refrigeration plant from June to the end of July 2019. Due to regulatory requirements, life expectancy and cost analysis, the project was identified to be completed in 2019.

A Tender for the works closed on February 22, 2019. Accent Refrigeration Design, as the project consultant, has reviewed the tenders and recommends awarding the contract to Fraser Valley Refrigeration Ltd.

BACKGROUND

The existing shell and tube chiller at Oceanside Place is requiring replacement as it is nearing its life expectancy of 16-18 years. Industry statistics have shown that chillers of this type can last longer but typically start to show signs of failure in the last three to five years. The licensing and certification of the refrigeration plant at the facility is under the authority of Technical Safety BC (TSBC). TSBC has indicated that if the chiller is not replaced this year an additional inspection requiring the chiller to be opened and physically inspected will be required. Not only does this invasive inspection reduce the life of the chiller, the cost of the inspection is estimated at \$75,000. The existing chiller is original and was installed and put into service in September 2003. The refrigerant used is ammonia and the system operates with 1,200 pounds (544 kg.) of this compound.

In 2018 Accent Refrigeration Design conducted an assessment based upon the capacity requirements for operation of the refrigeration plant at Oceanside Place. Based upon the assessment a plate and frame chiller was recommended due to its life expectancy of between 20-25 years, low use of system refrigerant charge at 87 pounds (40 kg.), project costs and compliance with operating permit and regulations. The installation of new brine pumps with variable speed drives will allow greater ability to adjust operating parameters which will enable the refrigeration plant to operate more efficiently.

A public tender was issued on January 23, 2019 and closed on February 22, 2019 with the following results:

Table 1 – List of Bidders and Base Prices

Fraser Valley Refrigeration Ltd.	\$358,540 + GST
Georgia Strait Refrigeration	\$419,900 + GST
Cimco Refrigeration	\$435,500 + GST

The Tender included an optional separate price for the supply and installation of a pressure down vessel and associated works which allows the operator to remove the ammonia entirely from the refrigeration plant room by transferring it to a closed pressure vessel situated on the roof. The pressure down vessel will be used in the event of an ammonia leak or for maintenance and service work, if required. The value of this work is \$22,380 excluding GST.

Removal of the ice during the project (June - end of July 2019) will be required. Dry floor activities would continue during this period with ice scheduled to be available to the public August 5, 2019.

ALTERNATIVES

1. Award the tender for the Oceanside Place Energy Upgrades and Chiller Replacement Project to Fraser Valley Refrigeration Ltd. for \$380,920 + GST.
2. Not award the tender and the Board provide alternative direction to staff.

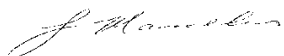
FINANCIAL IMPLICATIONS

Total value of the award recommendation is \$380,920 for both the work included in the Base Price and the Separate Price. The amount allocated for this project in the 2019 Budget for Oceanside Place is \$527,000.

This project is expected to realize a further decrease of 140,000 kWh of electricity annually from current operating expenditures. This is projected to lead to an annual energy savings of approximately \$12,000.

STRATEGIC PLAN IMPLICATIONS

Focus On Service And Organizational Excellence - We Will Fund Infrastructure In Support Of Our Core Services Employing An Asset Management Focus



John Marcellus
jmarcellus@rdn.bc.ca
March 8, 2019

Reviewed by:

- K. Felker, Manager, Purchasing
- D. Banman, Manager, Recreation Services
- J. Bradburne, Director of Finance
- T. Osborne, General Manager, Recreation and Parks
- P. Carlyle, Chief Administrative Officer

TO: Regional District of Nanaimo Board **MEETING:** March 26, 2019

FROM: Mike Chestnut
Superintendent of Aquatic Services

SUBJECT: Ravensong Aquatic Centre Mechanical Equipment Replacement Tender Award

RECOMMENDATION

That the Board award the contract for the Ravensong Aquatic Centre Mechanical Equipment Replacement Project to Archie Johnstone Plumbing and Heating Ltd. for \$699,250 (excluding GST).

SUMMARY

Equipment replacement in this project refers to the Ravensong Aquatic Centre's (RAC) air handling units #1 and #2 which are the main air/dehumidification and heat sources for the natatorium (main pool area). In 2016 both were identified as inefficient and reaching or surpassing their expected useful service lives. This equipment would be compatible and remain in use if a facility expansion were to move forward.

Detailed design of the required mechanical equipment replacement was completed by Rocky Point Engineering Services in 2018. This scope of work was tendered and came back over budget and then was reduced and re-tendered. Work removed from the original scope has been included within the five year Capital Plan and still scheduled to be completed. The Financial section of this report provides details on the work removed and the years the work is to be completed.

The amount budgeted for this project in the 2019 Financial Plan for the Aquatic Centre is \$920,000.

Rocky Point Engineering Services, as the project consultant, has reviewed the tender submitted and recommends awarding the contract to Archie Johnstone Plumbing and Heating Ltd.

BACKGROUND

The Ravensong Aquatic Centre provides aquatic services to the residents of District 69. As part of ongoing asset management and efforts for increased energy efficiencies, a mechanical review was conducted by Designed Air Systems (DAS) on behalf of the RDN in July of 2016. The report identified requirements for equipment replacement and upgrades to maximize operating efficiencies.

Detailed design of the recommendations from the DAS report were completed by Rocky Point Engineering and a tender for an extensive scope of work went out in November 2018. This tender closed on January 17, 2019, and a total of two tender responses were received. Both responses were compliant but over the budgeted amount.

The scope of work to be completed was then modified to include only prioritized mechanical needs for continued operation of Ravensong. Another public tender with the revised scope of work was issued on February 1, 2019 and closed March 5, 2019 with the following results;

\$699,250 + GST

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REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 805.07

**A BYLAW TO AMEND THE REQUISITION LIMIT IN THE
ELECTORAL AREA 'G' COMMUNITY PARKS LOCAL SERVICE
ESTABLISHMENT BYLAW NO. 805**

WHEREAS the Regional District of Nanaimo established the Electoral Area 'G' Community Parks Service pursuant to Bylaw No. 805 cited as "Electoral Area 'G' Community Parks Local Service Establishment Bylaw No.805, 1990";

AND WHEREAS the Regional District of Nanaimo 2019 to 2023 Financial Plan estimates that the requisition required for the service in 2019 will exceed the current maximum of \$176,720;

AND WHEREAS the Board of the Regional District of Nanaimo deems it desirable and expedient to increase the maximum requisition limit to that value established in year 2023 of the financial plan;

AND WHEREAS at least 2/3 of the service participants have consented to the adoption of this bylaw in accordance with section 349 of the *Local Government Act*;

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

1. Citation

This bylaw may be cited as "Electoral Area 'G' Community Parks Service Amendment Bylaw No. 805.07, 2019".

2. Amendment

"Electoral Area 'G' Community Parks Local Service Establishment Bylaw No.805, 1990" is amended as follows

(a) By deleting Section 4 and replacing it with the following:

4. The maximum amount that may be requisitioned for this service shall be the greater of:

- (a) The sum of Two Hundred and Twenty Thousand, Nine Hundred Thirty-Six Dollars (\$220,936), or;
- (b) The value obtained by applying a property tax rate of \$0.09327 per \$1,000 to the net taxable values of land and improvements in the service area

Introduced and read three times this 26th day of February, 2019.

Adopted this _____ day of _____, 2019.

CHAIR

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 813.55

**A BYLAW TO AMEND THE BOUNDARIES OF THE
FRENCH CREEK SEWER SERVICE**

WHEREAS the Regional District of Nanaimo established the French Creek Sewer Service pursuant to Bylaw No. 813, cited as “French Creek Sewerage Facilities Local Service Establishment Bylaw No. 813, 1990”;

AND WHEREAS the Board of the Regional District of Nanaimo has been petitioned by the property owners to extend the boundaries of the service area to include the land shown outlined in black on Schedule ‘A’ of this bylaw and legally described as:

- Lot 1, District Lot 81, Nanoose District, Plan 25321;

AND WHEREAS at least 2/3 of the service participants have consented to the adoption of this bylaw in accordance with the *Local Government Act*;

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

1. Amendment

“French Creek Sewerage Facilities Local Service Establishment Bylaw No. 813, 1990” is amended as follows:

By amending Schedule ‘A’ of Bylaw No. 813 to add the lands shown outlined in black on Schedule ‘A’ of this bylaw.

2. Citation

This bylaw may be cited for all purposes as “French Creek Sewerage Facilities Local Service Boundary Amendment Bylaw No. 813.55, 2018”.

Introduced and read three times this 22nd day of January, 2019.

Adopted this ____ day of _____, 2019.

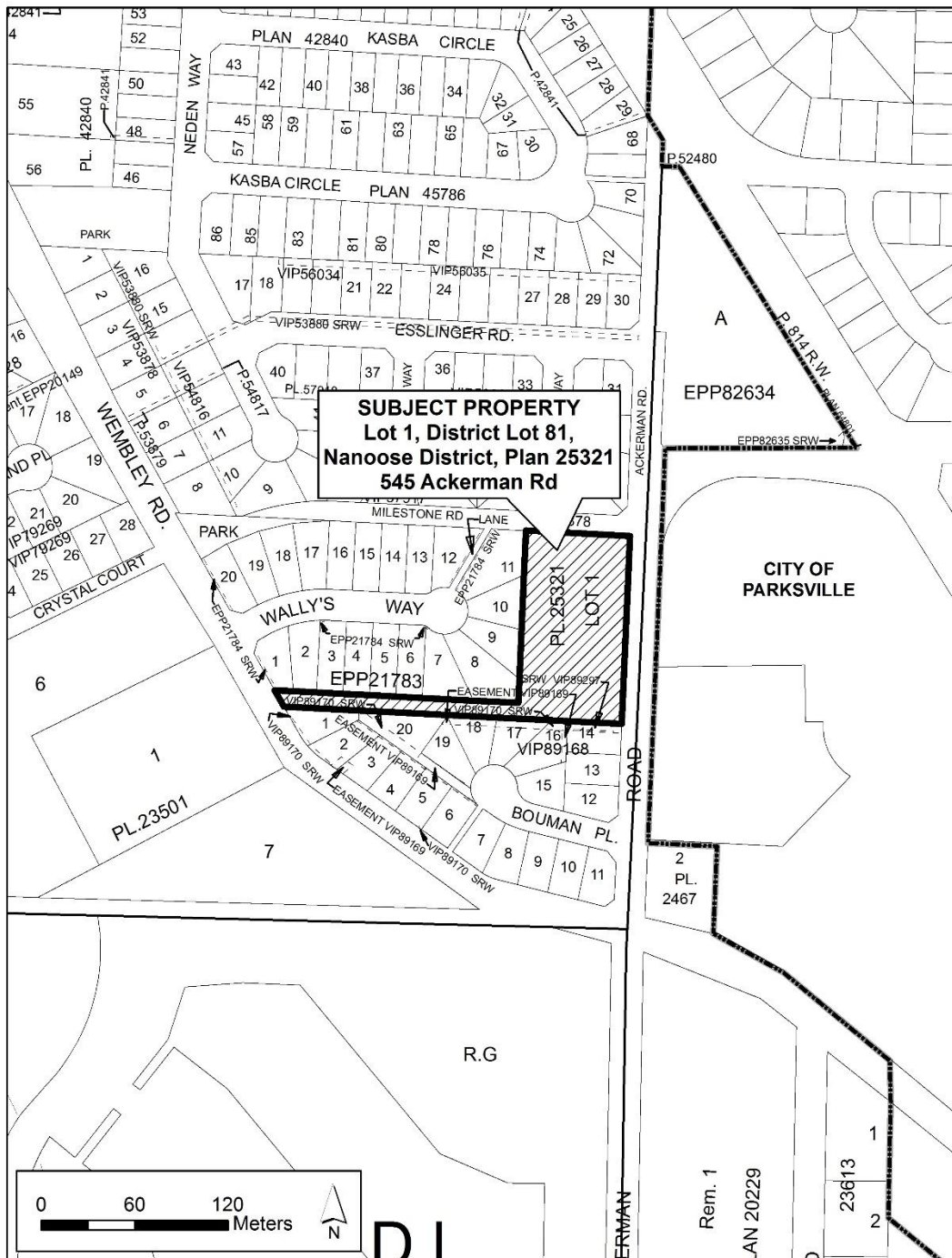
CHAIR

CORPORATE OFFICER

Schedule 'A' to accompany "French Creek Sewerage
Facilities Local Service Boundary Amendment Bylaw
No. 813.55, 2018"

Chair

Corporate Officer



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 889.73

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

WHEREAS the Regional District of Nanaimo established the Northern Community Sewer Service pursuant to Bylaw No. 889, cited as “Regional District of Nanaimo Northern Community Sewer Local Service Conversion Bylaw No. 889, 1993”;

AND WHEREAS the Board of the Regional District of Nanaimo has been petitioned by the property owners to extend the boundaries of the benefitting area of the service area to include the land shown outlined in black on Schedule ‘A’ of this bylaw and legally described as:

- Lot 1, District Lot 81, Nanoose District, Plan 25321;

AND WHEREAS at least 2/3 of the service participants have consented to the adoption of this bylaw in accordance with the *Local Government Act*;

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

1. Amendment

“Regional District of Nanaimo Northern Community Sewer Local Service Conversion Bylaw No. 889, 1993” is amended as follows:

By amending Schedule ‘A’ of Bylaw No. 889 to *add* the lands outlined in black on Schedule ‘A’ of this bylaw.

2. Citation

This bylaw may be cited for all purposes as “Regional District of Nanaimo Northern Community Sewer Local Service Boundary Amendment Bylaw No. 889.73, 2018”.

Introduced and read three times this 22nd day of January, 2019.

Adopted this ____ day of _____, 2019.

CHAIR

CORPORATE OFFICER

Corporate Officer



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1231.06

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
REGIONAL PARKS AND TRAILS SERVICE AREA
CONVERSION BYLAW NO. 1231**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend “Regional District of Nanaimo Regional Parks and Trails Service Area Conversion Bylaw No. 1231, 2001”;

AND WHEREAS at least 2/3 of the service participants have consented to the adoption of this bylaw in accordance with section 349 of the *Local Government Act*;

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

1. Citation

This bylaw may be cited as the “Regional District of Nanaimo Regional Parks and Trails Service Area Amendment Bylaw No. 1231.06, 2019”.

2. Amendment

“Regional District of Nanaimo Regional Parks and Trails Service Area Conversion Bylaw No. 1231, 2001” is amended as follows:

(1) By deleting Section 7 and substituting it with the following:

“The amount to be requisitioned under Subsection 4(e) shall be \$16.00 per taxable parcel.”

Introduced and read three times this 26th day of February, 2019.

Adopted this _____ day of _____, 2019.

CHAIR

CORPORATE OFFICER

TO: Committee of the Whole**MEETING:** February 12, 2019**FROM:** Dean Banman
Manager, Recreation Services**SUBJECT:** Oceanside Recreation and Sport Infrastructure Sub-Committee

RECOMMENDATIONS

1. That an Oceanside Recreation and Sport Infrastructure Sub-Committee be established to report to the District 69 Recreation Commission and the attached Terms of Reference be approved.
2. That the following infrastructure projects be given equal priority by the District 69 Recreation Commission and Oceanside Recreation and Sport Infrastructure Sub-Committee and that project planning, community review, cost estimate information and funding sources be completed:
 - a. Expansion to Ravensong Aquatic Centre;
Prepare a concept plan to advance the addition of a second 25m tank and expanded change rooms at the Ravensong Aquatic Centre.
 - b. Review and consideration of a rubberized track of up to eight (8) lanes;
Proceed with discussions with School District 69 (Qualicum), City of Parksville and Town of Qualicum Beach for a rubberized track, up to 8 lanes, to bring back for further review and consideration by the District 69 Recreation Commission and RDN Board.
 - c. A centralized land acquisition strategy for a future indoor/outdoor sport and recreation complex for Oceanside;
A centralized land acquisition strategy be developed and implemented for a future indoor/outdoor sport and recreation facility complex for the Oceanside area.

SUMMARY

In September 2018 the Board provided direction that an advisory sub-committee on recreation infrastructure in Oceanside be established per the following resolution:

18-384 - That a District 69 Recreation Commission Infrastructure Planning Sub-Committee be formed after the 2018 election.

Attachment 1 is the recommended Terms of Reference for a sub-committee to be known as the Oceanside Recreation and Sport Infrastructure Sub-Committee (ORSIS). This sub-committee would focus on priority initiatives provided to them and advise the District 69 Recreation Commission on recreation and sport infrastructure in Oceanside. The term of ORSIS would be from March 1, 2019 to February 29, 2020. If a recreation and sport infrastructure sub-committee is established by the Board, their work will be presented to the District 69 Recreation Commission for its consideration and recommendations to the Board.

Also in September 2018, the Board approved a series of resolution to proceed with planning for specific recreation infrastructure projects. The relevant Board resolutions with reference numbers are provided as follows:

18-381 - Rubberized Track

That staff move forward with discussions with School District 69 (Qualicum), City of Parksville and Town of Qualicum Beach for a rubberized track, up to 8 lanes, to bring back for further review and consideration by the District 69 Recreation Commission and RDN Board.

18-382 – Ravensong Pool Expansion

That staff proceed to prepare a concept plan to advance the addition of a second 25m tank and expanded change rooms at the Ravensong Aquatic Centre.

18-383 Confirmation of Multiplex Vision

That a centralized land acquisition strategy be developed and implemented for a future indoor/outdoor sport recreation facility complex for the Oceanside area.

A summary of all infrastructure projects identified through the Master Plan, including the three referenced above, can be found within the Recreation Services Master Plan for District 69 (Oceanside) Executive Summary (Attachment 2) and in complete detail within the Master Plan document.

BACKGROUND

As directed by the Board in September 2018, a Terms of Reference for the Oceanside Recreation and Sport Infrastructure Sub-Committee (ORSIS) has been developed. Reporting to the District 69 Recreation Commission, ORSIS would be tasked with recommending actions and providing detail for each of the three infrastructure projects prioritized by the Board. As per the Terms of Reference being recommended, ORSIS will provide advice on matters such as amenities, project scope and timelines. All recommendations will flow from ORSIS to the District 69 Recreation Commission for their consideration when making recommendations to the Board.

The Regional District of Nanaimo (RDN) initiated the development of an updated Recreation Services Master Plan for District 69 (Oceanside) in the fall of 2016 to be a strategic document used in mapping out the future provision of recreation services in Oceanside for the years 2019 - 2029. The Plan provides guidance in areas such as the RDN's role and responsibilities in recreation services and identifies potential opportunities and strategic approaches to recreation infrastructure.

The Plan was reviewed by both the District 69 Recreation Commission and Board through 2017 and 2018 and was approved on May 22, 2018 as follows:

18-192 - That the Recreation Services Master Plan for District 69 (Oceanside) 2019 - 2029 be approved as a guiding document.

When reviewing outcomes of the Master Plan further in September 2018, the Board approved recommendations from the Recreation Commission which includes resolutions 18-381 - Rubberized Track, 18-382 - Ravensong Pool Expansion, 18-383 - Multiplex Vision and 18-384 - Recreation Infrastructure Planning Sub-Committee. The resolutions noted are provided in full in the Summary section of this report.

The formation of a sub-committee aligns with a recommendation¹ in the Oceanside Recreation Services Master Plan that the RDN develop and implement a more specific community engagement framework. The Plan recommends use of working groups and sub-committees to provide feedback from both the general community and stakeholders on projects and initiatives.

ALTERNATIVES

1. That an Oceanside Recreation and Sport Infrastructure Sub-Committee be established and the attached Terms of Reference be used and the following three projects be given priority by the Sub-Committee and District 69 Recreation Commission:
 - a. Expansion to Ravensong Aquatic Centre.
 - b. Review and consideration of a rubberized athletics track of up to eight (8) lanes.
 - c. A centralized land acquisition strategy be developed and implemented for a future indoor/outdoor sport and recreation complex for Oceanside.
2. That the Terms of Reference for a recreation and sport infrastructure advisory sub-committee for Oceanside not be approved.
3. That alternate direction be provided.

FINANCIAL IMPLICATIONS

The 2019 Budget and Proposed Five Year Financial Plan includes service level increases to provide funding support to both the District 69 Recreation Commission and proposed ORSIS. The service level change summary for each of the three priorities as presented to the RDN Board at the December 4, 2018 Special Committee of the Whole Meeting are included as Attachment 3. On January 22, 2019 the Board made an amendment to the proposed 2019 Budget prior to final adoption. This amendment reduced the contribution to reserve amount for the Indoor / Outdoor Sport and Recreation Complex from \$200,000 to \$0 in 2019 and is noted in the table below. As work on this specific project progresses and the scope and cost is more clearly determined the Board may wish to continue contributions to reserves past 2023.

Service Level Changes Related to Recreation Infrastructure Projects

Area	New Service	2019 Budget	2020 - 2023 Budget
Ravensong Aquatic Centre	Pool Expansion Planning, Design, Referendum	\$290,000	To be determined subject to further analysis
Northern Community Recreation	Contribution to Reserves Indoor/Outdoor Sport and Recreation Complex	\$0	\$200,000 x 4 years
Northern Community Recreation	Professional Fees - Track Design and Planning, Other Oceanside Recreation Master Plan Initiatives	\$100,000	\$100,000 x 2 years

Grant funding opportunities will continue to be sought for any of the expenses listed. Tax requisition increases for Ravensong Aquatic Centre and Northern Community Recreation Services are projected to fund the expenses listed in the table above.

¹ Oceanside Recreation Services Master Plan 2019 -2029 recommendation #9

As each of three priority projects progress through their planning, separate reports and recommendations to the Board are anticipated. However, as the financial implications of each project have a collective impact on most² of the Oceanside communities, these projects will continue to be linked and presented collectively when required. Future RDN Financial Plans will be further refined and presented for consideration as additional information is known, such as the scope of the projects, costing and timing.

RDN Board Prioritized Recreation Capital Infrastructure Projects (September 2018)

Project	Priority	Potential Development Timing & Costs* (2019, \$M)			
		Immediate (1 – 2 Years)	Short Term (2 – 5 Years)	Medium to Long Term (5 – 10 Years)	Undetermined
Ravensong Aquatic Centre expansion. (Master Plan Recommendation #18)	1	\$8.6M – 10.9M ^A			
Rubberized athletics track of up to 8 lanes (Master Plan Recommendation #24)	2	\$0.5 – \$1M ^A			
New indoor/outdoor sport and recreation complex (Master Plan Recommendations #24, #26, #29, #23)	3				\$10M – \$30M ^A

A = Timing to be clarified through further planning and resourcing discussions.

** Capital cost escalation in B.C. is anticipated to range between 8 – 10% annually between 2018 – 2020.*

As such, these figures presented will require updating as future project planning occurs.

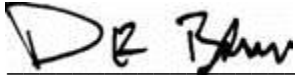
** Capital costs are based on preliminary estimates developed during the Master Plan process and require further detail depending on the scope of the project*

STRATEGIC PLAN IMPLICATIONS

Focus On Service And Organizational Excellence - We Recognize Community Mobility And Recreational Amenities As Core Services

Approving the terms of reference for a recreation and sport infrastructure advisory sub-committee, outlining priority projects to focus on and providing the funding resources through financial plans is consistent with the RDN Board's strategic priorities. Specifically these are; the focus on relationships (volunteerism, community partnerships), service and organizational excellence (funding infrastructure through asset management) and recognizing recreational amenities as core services.

² Electoral Area E does not fund Ravensong Aquatic Centre



Dean Banman

dbanman@rdn.bc.ca

January 30, 2019

Reviewed by:

- J. Bradburne, Director Finance
- T. Osborne, General Manager, Recreation and Parks
- P. Carlyle, Chief Administrative Officer

Attachments:

1. Terms of Reference - Oceanside Recreation Infrastructure Advisory Sub-Committee
2. Executive Summary - District 69 (Oceanside) Recreation Services Master Plan 2019 - 2029
3. Budget Project Sheets

ATTACHMENT 1

REGIONAL DISTRICT OF NANAIMO

DISTRICT 69 RECREATION COMMISSION OCEANSIDE RECREATION AND SPORT INFRASTRUCTURE SUB-COMMITTEE

TERMS OF REFERENCE

FEBRUARY 2019

1) PURPOSE

The primary role of the Oceanside Recreation and Sport Infrastructure Sub-Committee (ORSIS) will be to advise the District 69 Recreation Commission on the review and implementation of recreation and sport infrastructure in the Oceanside (District 69) area of the Regional District of Nanaimo.

The ORSIS will use the RDN District 69 (Oceanside) Recreation Services Master Plan 2019 - 2029 as its prime resource document in providing advice and recommendations.

This advice will help guide the future direction, philosophy, policies, priorities, and actions for the Regional District of Nanaimo's (RDN) provision of recreation and sport infrastructure in District 69, commonly referred to as Oceanside.

2) SUB-COMMITTEE ROLES AND RESPONSIBILITIES

The ORSIS will:

- review and become familiar with the RDN District 69 (Oceanside) Recreation Services Master Plan 2019 -2029;
- provide recommendations to the Board through the District 69 Recreation Commission relating to RDN recreation/sport infrastructure within Oceanside;
- participate on smaller ad-hoc committees and public discussions dealing with specific issues or tasks;
- provide advice and feedback on consultation activities;
- provide input and feedback on reports, discussion papers, and other documents prepared for the Sub-Committee's information;
- participate in site tours around Vancouver Island and the Lower Mainland of recreation and sport facilities;
- be formed on an as needed basis to provide focus on specific recreation or sport infrastructure (i.e. aquatic expansion, track and field, sport field);
- conclude when assigned tasks have been completed.

The rules of procedure for ORSIS shall be consistent with the rules of procedure for the District 69 Recreation Commission and RDN Board (Bylaw #1754 and Bylaw # 1777).

3) MEMBERSHIP CRITERIA/SELECTION

The Sub-Committee will consist of a minimum three (3) members from the District 69 Recreation Commission as follows;

- | | |
|----------|--|
| 1 member | RDN Board Director appointed to the District 69 Recreation Commission; |
| 1 member | Elected municipal appointee to the District 69 Recreation Commission from either Town of Qualicum Beach or City of Parksville; |
| 1 member | From an Electoral Area currently serving on the District 69 Recreation Commission. |

The ORSIS Chair will be elected from Sub-Committee members and serve a term of 6 months or until the Sub-Committee has provided their final recommendation(s), whichever occurs first.

Local community groups, teams, organizations and individuals will be invited to participate in discussions with ORSIS and the District 69 Recreation Commission on projects and initiatives of interest to them.

Sub-Committee membership will be expected to;

- Have the willingness and ability to commit to volunteering the necessary time to the Sub-Committee;
- Have an interest in helping meet the recreation and sport infrastructure needs of the Oceanside community as a whole;
- Have the willingness and ability to consider issues from all perspectives within the community;
- Have the willingness and ability to work towards consensus on issues being addressed by the Sub-Committee.

Staff members will be present in an advisory and support capacity.

4) TERM

This Sub-Committee would focus on priority initiatives provided and advise the District 69 Recreation Commission on recreation and sport infrastructure in Oceanside. The term of this Sub-Committee will be from March 1, 2019 to February 29, 2020.

Alternate member appointments will be approved by the Sub-Committee as required. No substitute members will be permitted. If a member must resign from the Sub-Committee, their position will be filled by other eligible District 69 Recreation Commission members.

Frequency of meetings will be based on need. Meetings are expected to be held mid-day Monday - Friday however when appropriate evening and weekend meetings may be held.

Members are expected to attend all Sub-Committee meetings and participate in public consultation activities.

5) DECISION MAKING

Sub - Committee recommendations will be made through the District 69 Recreation Commission to the RDN Board.

Sub-Committee recommendations will be made by consensus whenever possible. If necessary, votes may be taken and minority reports may be submitted to the Commission or Board in addition to the majority opinion.

ORSIS meetings will be open to the public. Delegations that wish to address the Sub-Committee must seek approval from the Sub-Committee through a written request. Acceptance of a delegate's request to speak to the Sub-Committee will be at the discretion of the Sub-Committee.

A number of recreation and sport infrastructure initiatives have been identified in the 2019 Oceanside Recreation Services Master Plan. Although the Sub-Committee may advise on a number of these initiatives, focus and priority will be given to initiatives that the Board has provided. To date these include:

- Development of a concept plan to advance the expansion of Ravensong Aquatic Centre;
- Development of a rubberized athletics track;
- Development of a centralized land acquisition strategic plan for the development of a future indoor/outdoor recreation and sport complex.

REGIONAL DISTRICT OF NANAIMO DISTRICT 69 (OCEANSIDE)

RECREATION SERVICES MASTER PLAN

APRIL 2018 FINAL

DOCUMENT #2 OF 2 (THE STATE OF RECREATION IN DISTRICT 69 RESEARCH REPORT HAS BEEN PUBLISHED AS A SEPARATE DOCUMENT.)





ACKNOWLEDGMENTS

The development of the Recreation Services Master Plan would not have been possible without the contributions of a number of individuals.

Project Steering Committee

Julian Fell, District 69 Recreation Commission Chair, EA 'F' RDN Director

Neil Horner, District 69 Recreation Commissioner, Town of Qualicum Beach Representative

Teresa Patterson, District 69 Commissioner, City of Parksville Representative

Reg Nosworthy, District 69 Commission, EA 'F' Representative

Regional District of Nanaimo Staff

Tom Osborne, General Manager, Recreation and Parks Services

Dean Banman, Manager of Recreation Services

John Marcellus, Superintendent of Arena Services

Hannah King, Superintendent of Recreation Program Services

Mike Chestnut, Superintendent of Aquatic Services

Ann-Marie Harvey, Administrative Associate, Recreation & Parks

Consulting Team

Stephen Slawuta, RC Strategies+PERC

Brian Johnston, RC Strategies+PERC

Ryan Schwartz, RC Strategies+PERC

Lauren Hawkins, RC Strategies+PERC

Paul Fast, HCMA Architecture + Design

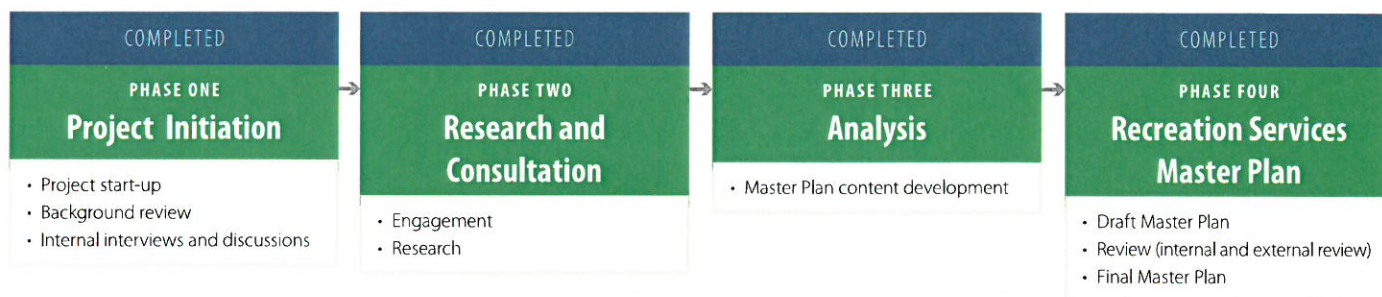
And most importantly all residents, community groups and stakeholders in District 69 that provided input during the project!

EXECUTIVE SUMMARY

OVERVIEW AND METHODOLOGY

The Regional District of Nanaimo has developed a new Recreation Services Master Plan to guide the future provision of recreation and related services in District 69 for the next 10 years. District 69 encompasses the City of Parksville, Town of Qualicum Beach and Electoral Areas E, F, G, and H. The last Recreation Services Master Plan was completed in 2006.

The project included four phases as illustrated by the graphic below.



Public and stakeholder input was a critical aspect of the Master Plan. The following chart outlines the broad array of methods used to collect this input.

Consultation Mechanism	Responses/ Participants
Resident Survey	1,687
Community Group Questionnaire	60
Stakeholder Interviews/Discussions	29 <i>(interviews/discussion sessions)</i>



EXECUTIVE SUMMARY

KEY ENGAGEMENT AND RESEARCH FINDINGS

The findings emerging from the engagement and other forms of research conducted (including trends and leading practices, analysis of utilization and financial data, population and demographics, and a review of current services) were used to develop the Master Plan. Identified below are key findings from the project engagement and research.

- There are generally high levels of satisfaction among residents with current recreation services and facilities (80% of households are satisfied with RDN provided recreation services and facilities; 28% are “very satisfied”).
- Recreational opportunities are highly valued and important to residents (97% of households indicated that recreation opportunities are important to their quality of life; 99% of households indicated that recreation opportunities are important to their community).
- Among **residents** in District 69 there is some demand for new or enhanced facilities to be developed (51% of households would like to see new or enhanced indoor facilities; 49% of households would like to see new or enhanced outdoor facilities and spaces).
 - » Top indoor priorities: indoor swimming pools; health and fitness centre; and a multi-purpose recreation centre.
 - » Top outdoor priorities: trails; natural parks and protected areas; picnic areas and passive parks.
- **User groups** identified some facility priorities, most often pertaining to their activity type. These priorities included enhanced outdoor sport fields (e.g. premium natural surface and artificial turf), track and field facilities and a new or enhanced aquatics facility.
- **Stakeholders** generally identified that the Ravensong Aquatics Centre is deficient and at capacity (which is supported by an analysis of available utilization data). However various perspectives exist on the best future course of action for indoor aquatics in District 69.
- Varying perspectives exist among stakeholders on whether future recreation amenities should be centralized or geographically balanced/dispersed.
- A number of community organizations expressed that a lack of youth “critical mass” is a barrier for some groups to growing programs.
- District 69 has an older population than provincial averages. However the region has diverse population and demographic characteristics.
- The impact and reach of RDN provided recreational programming continues to grow. In 2017, the RDN had over 7,000 program registrations and attendance exceeding 32,000. These figures have continued to increase over the past 4 – 5 years.
- An analysis of current recreation programming indicates that current offerings are well balanced (diverse offerings).
- While operational and day to day roles and responsibilities are well understood (among RDN and partners); less clarity exists around roles and responsibilities related to future facility planning and potential new development.
- Key trends in recreation: multi-use facilities, physical literacy, evolving nature of volunteerism, importance of partnerships, and social inclusion.



EXECUTIVE SUMMARY

MASTER PLAN RECOMMENDATIONS

The Master Plan provides thirty-four recommendations which have been organized into two areas:

Service Delivery and Programming (Section 4): The overall structure for delivering recreation opportunities and potential areas of service enhancement.

Infrastructure (Section 5): Strategies and priorities for the places and spaces that facilitate recreation activities.

The recommendations address both specific issues that were identified in the project Terms of Reference as well as others that emerged through the project research and engagement. Summarized as follows is an overview of the Master Plan recommendations contained herein.

Service Delivery and Programming Recommendations

The following seventeen Service Delivery and Programming Recommendations (Section 4: Recommendations 1 – 17) have been developed to provide strategic guidance for how recreation services are delivered in District 69. In some instances these recommendations suggest new initiatives or a shift in how services are delivered, while others are intended to re-embed or refresh practices that work well.

- **Recommendation #1:** The RDN should undertake a governance review for recreation service provision in District 69. This review should focus on: opportunities to maximize overall efficiency; establishing a refreshed mandate for all entities and bodies; and clarifying decision making roles and responsibilities.
- **Recommendation #2:** The RDN should sustain the current organizational model and delivery model for recreation services in District 69.
- **Recommendation #3:** RDN Recreation Services should continue delivering recreation opportunities using a combination of direct and indirect delivery methods and maintain the current balance of the two delivery methods. An updated Recreation Program Rationale Checklist has been developed to help evaluate specific program opportunities and identify potential delivery methods.
- **Recommendations #4 and 5:** Continue to place a priority on cross-sectoral collaborations and invest additional resources in this area.
- **Recommendation #6:** Work with local municipalities and School District 69 to clarify roles and responsibilities pertaining to future recreation planning and capital development.
- **Recommendation #7:** Allocate additional resources to community group capacity building.



EXECUTIVE SUMMARY

- **Recommendation #8:** Develop and implement a more specific engagement framework (to help guide future projects).
- **Recommendation #9:** Continue to strategically utilize project/initiative focused groups such as steering committees and “task forces” on an ad-hoc basis.
- **Recommendation #10:** Continue to prioritize diversity and balance in RDN provided recreation programming in District 69.
- **Recommendations #11, 12, and 13:** RDN provided recreation programming should continue to: prioritize diversity and balance of opportunities; focus on key areas including nature interaction and outdoor skill development for children and youth, activity camps for children/youth/teens, fitness and wellness programming for adults and seniors; continue to offer arts and culture as part of the program mix; and (where possible) leverage the expertise of local arts and cultural groups.
- **Recommendations #14 and 15:** Ensuring accessibility to recreation programming should continue to be a priority for the RDN. Suggested initiatives include: sustaining the Financial Assistance Program and Inclusion Support Program; increased focused on generating awareness of existing accessibility programs; and supporting the start-up of a KidSport chapter.
- **Recommendation #16:** Continue to place a priority on the marketing of recreation programs and opportunities in District 69. Suggested tactics include sustaining the dedicated staff position; development of a more consistent brand; and promoting both specific opportunities as well as the overall benefits of participation.
- **Recommendation #17:** Suggested strategic initiatives: Community Events Support Strategy; Older Adults/ Age Friendly; and Youth Recreation Strategic Plan.

Infrastructure Recommendations

The seventeen Infrastructure Recommendations (Section 5: Recommendations 18 – 34) are intended to both suggest approaches and priorities for future capital projects and identify opportunities to make the most optimal use of existing facilities and spaces. Provided as follows is a summary of the infrastructure recommendations.

Potential Capital Projects

The following chart summarizes the potential capital facility projects that may be pursued in future years. While potential development timing and prioritization has been identified, it is important to note that additional planning and refinement of these potential projects will be required before development process.

EXECUTIVE SUMMARY

Potential Capital Projects (Continued)

The prioritization and timing for the potential projects should also be considered approximate and will be subject to partner/stakeholder discussions, resourcing factors and opportunities, market dynamics (e.g. trends) and broader strategic priorities of the RDN and partner organizations.

Please Note: Immediate and short term planning steps (i.e. land acquisition, partner /stakeholder discussion, feasibility analysis, etc.) have been identified for all of the projects, including those which are considered medium to longer term. Please see Section 6 for further detail on the pre-requisite planning and action steps that are required for each project before development can occur.

Project	Priority	Potential Development Timing & Costs (2018, \$M)			
		Immediate (1 – 2 Years)	Short Term (2 – 5 Years)	Medium to Long Term (5 – 10 Year)	Undetermined
Future curling facility options. (Recommendations #20, 21)	1		\$1M ^A		\$4M – \$9M
Upgrades to the track at Ballenas Secondary School. (Recommendation #24)	2	\$0.5M – \$1M			
Ravensong Aquatic Centre expansion. (Recommendation #18—Option 1)	T3 ^B	\$8.6M ^C			
Ravensong Aquatic Centre expansion with 2 lanes added to main existing tank. (Recommendation #18—Option 2)	T3 ^B	\$10.9M ^C			
Consider a retrofit to an existing natural surface field to artificial turf. (Recommendation #24)	T3 ^B		\$1.5M – \$3M		
Leisure ice repurposing at Oceanside Place (only if deemed necessary). (Recommendation #30) ^D	T3 ^B				\$0.100M – \$1M
New indoor recreation and fitness space. (Recommendations #26, 29)	T4 ^B				\$10M – \$20M
Outdoor multi-use sport complex. (Recommendation #23)	T4 ^B				\$5M – \$10M

A Estimated cost to demolish the existing facility if required.

B The letter “T” in the priority column indicates a tied priority.

C Timing to be clarified through further planning and resourcing discussions.

D Only required if utilization can’t be increased in the existing configuration/use.



EXECUTIVE SUMMARY

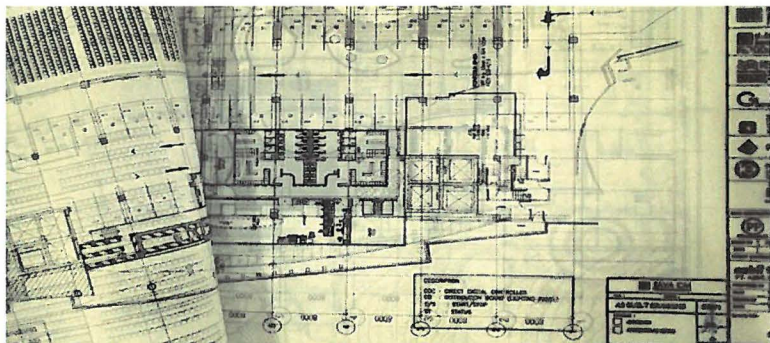
Additional Infrastructure Recommendations

Summarized as follows are the infrastructure recommendations that are intended to optimize current facilities and spaces, further explore/clarify the previously identified capital projects, or undertake other initiatives that do not have a direct or known capital cost.

- Work collaboratively with the City of Parksville and Town of Qualicum to determine the best long term course of action for curling infrastructure in District 69. (Recommendation #21)
- Work with partners in District 69 (City of Parksville, Town of Qualicum Beach, School District 69, and community sport organizations) to make better use of underutilized field spaces. (Recommendation #22)
- Identify opportunities to retrofit or upgrade existing outdoor facilities. (Recommendation #24)
 - * Upgrades to the track at Ballenas Secondary School and the potential repurposing of a natural surface field to artificial turf are identified in the previous capital project chart.
- Identify opportunities to integrate a dedicated medium scale (3,000 ft² to 5,000 ft²) fitness and wellness space into an existing facility. (Recommendation #25)
 - * Potentially to occur as part of a Ravensong Aquatic Centre expansion or retrofit of another facility space.
- Continue to place a priority on maximizing the use of current community facilities and spaces and ensuring that recreational opportunities are geographically well balanced. (Recommendation #27)
- Should expansion or the re-purposing of spaces occur at the Ravensong Aquatic Centre and/or Oceanside Place, opportunities to increase the programming capability and capacity of these facilities should be pursued. (Recommendation #28)
- Place a priority on maximizing the use of the leisure ice surface space based on highest and best use considerations. (Recommendation #30)
 - * As per the previous capital project chart, re-purposing may be considered if utilization cannot be increased.
- RDN Recreation Services should continue to be involved as a key stakeholder in future parks, trails, and open space planning. (Recommendation #31)
- Develop a sponsorship and naming policy and strategy. (Recommendation #32)
- Conduct a Recreation Facility Needs Assessment every 5 years and use the information collected to update the Recreation Services Master Plan and other pertinent strategic documentation. (Recommendation #33)
- Develop and implement a Facility Project Development Framework to outline a transparent and standardized process for evaluating major facility projects and initiatives. (Recommendation #34)

Suggested implementation timing and resource requirements are also identified in Section 6 for the above noted recommendations.

ATTACHMENT 3

2019 Details of Recommended New Services							Appendix B
New Service:	Ravensong Pool Expansion Planning, Design, Referendum (\$290,000)						
Division:	Recreation & Parks Services						
Service Area:	Electoral Areas F, G, H, Town of Qualicum Beach, City of Parksville						
Operating Plan Action #:	RP-S4-1.4 District 69 Recreation Services Master Plan – Develop implementation strategy						
	2018	2019	2020	2021	2022	2023	
Operating Budget:	N/A	290,000					
Admin Fee:			26,100	-	-	-	
Funding Sources:							
Operation Funded	N/A	290,000	26,100	-	-	-	
	N/A	290,000	26,100	-	-	-	
Scope:	This would finance the preliminary work in design and possible borrowing referendum in late 2019.						
							

New Service: Contribution to Reserves for Outdoor Sport Multi-Plex (Oceanside Recreation Master Plan) Board Resolution #18-383

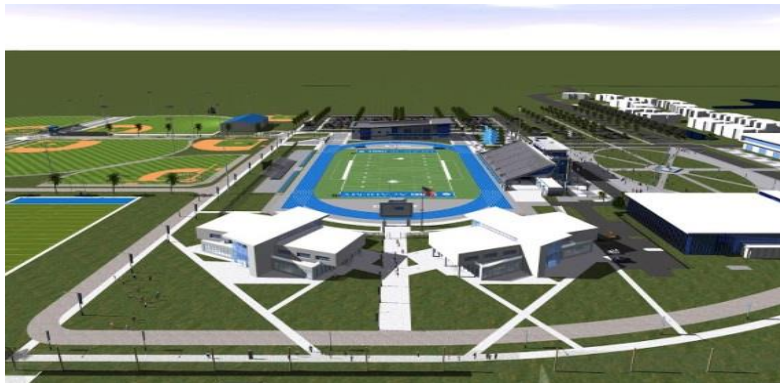
Division: Recreation & Parks Services

Service Area: Electoral Areas E, G, F, H, City of Parksville, Town of Qualicum Beach

Operating Plan Action #: RP-S4-1.4 District 69 Recreation Services Master Plan – Develop implementation strategy

	2018	2019	2020	2021	2022	2023
Operating Budget:	N/A	-	200,000	200,000	200,000	200,000
Admin Fee:		-	18,000	18,000	18,000	18,000
Funding Sources:						
Operation Funded	N/A	-	218,000	218,000	218,000	218,000
	N/A	-	218,000	218,000	218,000	218,000

Scope: This funding would begin to build reserve funds for future recreation infrastructure projects that do not include arena or aquatic services as they are separate service functions.



2019 Details of Recommended New Services

Appendix B

New Service: Professional Fees - track design, cross sectoral collaborations, community capacity building
Division: Recreation & Parks Services
Service Area: Electoral Areas E, F, G, H, Town of Qualicum Beach, City of Parksville
Operating Plan Action #: RP-S4-1.4 District 69 Recreation Services Master Plan – Develop implementation strategy

	2018	2019	2020	2021	2022	2023
Operating Budget:	N/A	100,000	100,000	100,000		
Admin Fee:			9,000	9,000	9,000	-
Funding Sources:						
Operation Funded	N/A	100,000	109,000	109,000	9,000	-
	N/A	100,000	109,000	109,000	9,000	-

Scope: Three RDN board resolutions #18-384, #18-383, #18-381 provide direction to staff on the review and start of implementing a number of large recreation infrastructure projects. This service level increase would provide the funding for the start of the planning of these projects as identified by the RDN Board - land acquisition strategy for indoor/outdoor sport and recreation facility complex, rubberized track, D69 sub-committee an recreation infrastructure.

