

REGIONAL DISTRICT OF NANAIMO

**REGULAR BOARD MEETING
TUESDAY, AUGUST 27, 2013
7:00 PM**

(RDN Board Chambers)

A D D E N D U M

PAGES

- 2. LATE DELEGATIONS** (requires motion)
- 2 **Sunny Mangat, Mangat Environmental Solutions Inc.**, RGS and OCP Amendment Application No. PL2011-060 – Baynes Sound Investments.
- 5. COMMUNICATIONS/CORRESPONDENCE**
- 3-4 **Lynn Wood, Oceanside Hospice Society**, re Proposed UBCM motion to amend Hospital District Act (All Directors – One Vote).
- 5-6 **Sharon Todd**, re Traffic on Wembley Road (All Directors – One Vote).
- 8. ADMINISTRATOR’S REPORTS**
- 7-12 **Packaging and Printed Paper – Response to MMBC Financial Incentives Offer** (All Directors – One Vote).
- 11. NEW BUSINESS**
- 13-15 **Pages 78, 87, and 139 of Regular Agenda** – *A production issue rendered pages 78, 87, and 139 of the Regular Agenda blank on certain digital devices. These pages have been appended here for convenience.*

Re RGS and OCP Amendment Application No. PL2011-060 – Baynes Sound Investments

From: Sunny Mangat

Sent: Saturday, August 24, 2013 11:38 AM

To: O'Halloran, Matt

Subject: Board meeting aug 27 2013

Could you please my name for the presentation to the board regarding BSI's presentation. Please schedule after other BSI's presentation if possible.

Sunny Mangat

Mangat Environmental Solutions Inc.



August 25, 2013

Mr. Joe Stanhope
Board Chair
Director, Area G

Dear Mr. Stanhope:

I am writing to ask your support for a motion that will be tabled at the Union of BC Municipalities annual convention September 16 - 20, 2013.

We are excited about this opportunity for the Regional District of Nanaimo to work towards partnership with the Vancouver Island Health Authority to support the provision of excellent end of life and grief care for our whole community!

We are asking that The Regional District of Nanaimo support a motion to be put forth by the Cowichan Valley Regional District moving the following:

WHEREAS hospice societies provide important, caring and cost effective end-of-life services for the dying and their families;

AND WHEREAS the Provincial Hospital District Act prohibits Regional Hospital Districts from requisitioning funds to support hospices and partnering with Provincial Health Authorities on hospice service delivery;

NOW THEREFORE BE IT RESOLVED that the Hospital District Act be amended to provide enabling legislation authorizing Regional Hospital Districts to requisition funds to support the capital and operating costs of hospice societies and centres located within a Regional Hospital District.

As you may know, Oceanside Hospice staff and volunteers cared for 665 people from our community last year. These are people living with advancing illness, their family caregivers and people grieving the death of someone they love.

It's a path we'll all walk someday.... Let us share the journey.

210 Crescent Road W., Qualicum Beach, British Columbia V9K 1J9

Ph: 250.752.6227 • Fx: 250.752.6257 • Email: info@oceansidehospice.com • www.oceansidehospice.com





Hospice care in our community is funded primarily by community members through donations, fundraising events, corporate donations, and the United Way. We apply for BC Government Gaming funding annually. In addition hospice volunteers added \$100,000 value to our community based on a \$16.50 per hour valuation of their time and expertise contributions.

Having ongoing operational funding will ensure our efforts can be increasingly client centered, rather than focused on fundraising for sustainability.

I urge you to vote in support of this motion, which if adopted and acted upon by the province will permit our region to show its commitment to caring, appropriate and affordable end of life and grief care for all residents.

Thank you for making a difference!

Sincerely,

A handwritten signature in cursive script that reads "Lynn Wood".

Lynn Wood
Executive Director
Oceanside Hospice Society

It's a path we'll all walk someday.... Let us share the journey.

210 Crescent Road W., Qualicum Beach, British Columbia V9K 1J9

Ph: 250.752.6227 • Fx: 250.752.6257 • Email: info@oceansidehospice.com • www.oceansidehospice.com



----- Original Message -----

From: jstanhope@shaw.ca

To: [Sharon Todd](#)

Sent: Friday, August 23, 2013 4:04 PM

Subject: Re: Wembley Road

Ms Todd:

I share your concerns over Wembley, especially speeding, hidden driveways, and lack of sidewalks. However roads, sidewalks, speed limits and subdivision approvals (hidden driveways), in all BC's Electoral Areas are the responsibility of the Ministry of Transportation and Infrastructure (MOTI), I have notified MOTI of these concerns in the past and I will notify MOTI again as well as our new MLA.

I've had RDN staff pass on your concerns to RCMP SS Hunter and I'm sure he will have an RCMP presence on Wembley.

Joe Stanhope

----- Original Message -----

From: [Sharon Todd](#)

To: jstanhope@shaw.ca

Cc: michelle.stilwell.mla@leg.bc.ca ; planning@rdn.bc.ca

Sent: Friday, August 23, 2013 11:10 AM

Subject: Wembley Road

Dear Mr. Stanhope,

I am one of your constituents living on the very busy, very under-patrolled and much too fast Wembley Road. We have lived on this road since 2010, and we are just about a block and a half up the road from Oceanside Middle School, so students of the school have no choice but to use Wembley Road to walk to school every day. I have 2 small children, and am lucky enough to live on one of the properties with a long driveway, set far back from the busy road, so my children can play on our property well away from the traffic of Wembley Road.

I was actually very pleased to see the new residential developments springing up on our road, because I was sure that as part of this increased density and addition of many more hidden driveways on this road, there would certainly be either traffic-calming measures put in place, or the speed limit would be lowered, or maybe the police would think about putting some speed traps somewhere other than the school zone at least once per year. I'm dismayed to find that none of these measures are planned. We have no sidewalks. There is barely a shoulder on the one side of the road, so this is where all the school children walk to school, and when I walk the dog or take the children anywhere at all, we have to use this narrow strip of pavement to get there.

The posted speed limit of 50 kilometers per hour is not that fast - if anyone at all obeyed it, the road might not be that dangerous. I am a stay at home Mom, and in the entire 3 years that we have lived here, I have never seen even one speed trap anywhere other than in the school zone. There is very good policing at all the 4 way stops in our area - this is why people are generally very good at stopping at them. But people know there are never going to be police on the thoroughfare that is Wembley Road, so 80km per hour is totally the norm on this road. I

know this because I have a completely hidden driveway, so it is with great caution that I pull my car out. Even so, I have looked both ways, started to pull out, and had cars fly over the blind hill in the time it took me to turn my head the other way. That's fast.

Knowing this, and knowing that children ride their bikes to and from school on this road every day, I just can't understand why this situation has been ignored. The road is terribly busy, terribly fast, traveled by children every day, dotted with hidden driveways, no sidewalks, and no speed patrols - this is just crazy to me. I know children have died on this road. I know that with the new developments, one crosswalk was put in. And I know that not one car has ever stopped to let my children and I cross the road at this marked, signposted crosswalk because every single one of them is simply going too fast to even think about it. This morning I had to run across the road pushing the stroller after we had flagged down one side of the traffic to let us cross, yet the other side failed to even slow down at all.

Every year, the RCMP sends exactly one Speedwatch patrol of volunteers right before the school year starts to show drivers their clocked speed, and I am eternally grateful for that one day per year when the traffic actually slows to below the speed limit. But I am so sick of walking down that road with my heart in my throat, watching my children and knowing that all they have to do is trip over a pebble to be mowed down by the cars that drive at highway speeds just 2 feet away from the only path we can walk on. Is this the best we can do, and the best we can expect? All of these residential developments added should be just the opportunity to try and protect our communities and make them a safe place where we can, at a very minimum, be able to walk down the street - shouldn't they?

I'm happy to escalate this matter if need be - I'll write as many letters as you ask me to, and I'll do whatever it takes to get just even the tiniest improvement here, I just need to know where to start and what to do. I don't want the next kid mowed down on this road to be my child, but I certainly couldn't live with myself knowing that I look out my window at this accident waiting to happen every single day and I did nothing, especially if it was a student of Oceanside Middle School.

Thank you for your time regarding this matter, Mr. Stanhope. I hope there is something we can do as residents and as a community to fix it somehow before it becomes another tragedy.

Kind Regards,

Sharon Todd



RDN REPORT		
CAO APPROVAL 		
EAP		
COW		
AUG 23 2013		
RHD		
BOARD	✓	
		DATE:

MEMORANDUM

TO: Carey McIver
Manager of Solid Waste Services

August 22, 2013

FROM: Jeff Ainge
Zero Waste Coordinator

FILE: 5380-20-STEWS

SUBJECT: Packaging and Printed Paper – Response to the MMBC Financial Incentives Offer

PURPOSE

To seek Board direction in responding to the financial incentives offered by Multi-Material British Columbia to collect packaging and printed paper from residents as required under the Provincial Recycling Regulation.

BACKGROUND

In July 2013, the Regional Board received a report as well as a staff presentation on the financial incentives offered by Multi-Material British Columbia (MMBC) to collect residential packaging and printed paper as required under the Provincial Recycling Regulation.

In May 2011, the BC Government amended the Recycling Regulation (the Regulation) to include packaging and printed paper (PPP) generated by the residential sector. This amendment shifts financial and administrative responsibility for managing these materials from local governments to the producers of packaging and printed paper. This transfer of responsibility is intended to improve the recovery of PPP in BC as well as incent producers of PPP to incorporate environmental considerations into the design of their products. In other words, the ultimate goal is to generate less waste.

To meet the requirements of the Regulation, a not-for-profit agency, Multi-Material British Columbia, (MMBC) was formed to develop and implement a residential stewardship plan for PPP. The Province approved the MMBC stewardship plan in April 2013. This stewardship plan must be implemented by May 2014.

That shift of financial responsibility does not mean that consumers will not pay for the cost to recycle the products that they purchase. Under the PPP stewardship program, recycling fees will be included in the cost of products. Although these will be invisible fees, they will be designed to reflect the full cost of collection and processing of PPP. Consequently, those who consume more products (and associated packaging) will pay more for PPP collection and processing as a result of their purchasing compared with those who consume less of these products, which is truly a user pay system.

The approved plan splits the delivery of the stewardship program into two elements: PPP collection services (from residential and multi-family households, as well as depots) and PPP processing services. MMBC’s approach to collecting PPP is to provide opportunities for those currently collecting PPP to continue collecting it under contract to them. Accordingly, MMBC has offered local governments which were providing residential PPP curbside collection in November 2012 a collection incentive to continue providing PPP collection service after May 2014.

MMBC will also be offering a collection incentive to qualified private companies and not-for-profit organizations to provide collection of PPP from multi-family buildings and to operate depots to accept residential PPP.

Letter of Offer to the RDN for Curbside Collection Services

Single Family Curbside Collection

As reported to the Board in July, MMBC is offering the Regional District of Nanaimo (RDN) a financial incentive of \$34 per year for each household serviced with curbside collection of PPP (i.e. curbside recycling collection).

Additional "top up" allowances of \$0.75 and \$2.50 per household per year are being offered to cover Resident Education Materials and Service Administration respectively.

Multi-Family Centralized Collection

The Regional District's collection program does not include multi-family buildings in curbside service so we have not been offered a collection incentive by MMBC for this housing sector. The majority of PPP is already banned from disposal at the landfill so the commercial haulers who provide service to the multi-family housing sector already collect and divert that material. Staff have met with and advised private haulers of the pending changes along with the financial incentives on offer to them from MMBC. Staff encouraged the haulers to engage in discussions about the incentives and service levels with MMBC.

Depot Collection Services

The MMBC offer to the RDN also includes incentives for depot collection of residential PPP at the Regional Landfill and Church Road Transfer Station. The current PPP collection service at these disposal facilities is provided as a convenience to customers with mixed loads of garbage, organics and recyclables.

The depot collection incentive would require the installation of additional collection bins at both solid waste facilities for film plastic and Styrofoam. MMBC is offering the incentive for residential PPP only, yet the majority of material received at the facilities is from the commercial sector (corrugated cardboard) and represents less than 2% of the material accepted at the facilities annually. The space limitations, along with the savings associated with ceasing the subsidies to other depots collecting non-refundable glass containers, and the fact there are private and not-for-profit depots willing to accept those materials leads staff to recommend that the RDN has no alternative but to decline this incentive. Consequently this incentive will not be discussed further in this report.

A response to the MMBC incentives offered is required by September 16, 2013.

ALTERNATIVES

1. Accept the financial incentive offer to become a curbside collection service provider.
2. Decline the financial incentive offer to become a curbside collection service provider.
3. Receive the Packaging and Printed Paper Response to MMBC Financial Incentives Report and provide staff with alternate direction.

FINANCIAL IMPLICATIONS

Alternative 1

The MMBC incentive offer for the RDN to continue the curbside collection program is \$34 per household. This is a reasonable offer in that it will cover the PPP collection cost (currently \$32 paid to the collection contractor). Based on our current serviced house count of 27,280 homes (as at July 2013) this incentive is worth \$927,520. The top-up incentives of \$2.50 per household for Service Administration and \$0.75 per household for Resident Education Materials would contribute a further \$88,660 to the program budget revenue.

The 2013 Curbside Collection program budget is a \$4 million utility fully funded by user fees (no taxation is levied to provide this service). The total value of the financial incentive to be a curbside collection service provider of residential PPP under contract to MMBC would exceed \$1 million. The annual utility bill (user fee) for the residential collection customer would be reduced by the amount of the collection incentive.

MMBC does not anticipate reviewing or adjusting the value of the incentives prior to 2017. The RDN curbside collection contract with BFI Canada Inc. (BFI) however includes a fee adjustment clause to reflect consumer price index increases for labour, equipment and fuel. It is possible that the \$34 per household collection incentive will not cover the full amount of PPP collection by 2017. If that is the case the shortfall is likely to be minimal (in the \$3-\$4 per household range by 2017 if there was a 3% annual CPI increase over the span of 2013 to 2017).

Alternative 2

Local governments who currently provide curbside collection of PPP may decline the MMBC financial incentive and cease collecting PPP altogether, in which case MMBC will implement a competitive procurement process to provide curbside service in that jurisdiction.

Under Alternative 2, by declining the incentive the RDN could continue collecting residential PPP through to the end of the current collection contract first term (March 31, 2015). The RDN would not be in a position to offset the annual utility bill by the amount of the collection incentive. In effect this would mean for the duration of this period the resident is paying twice for the recovery and recycling of the PPP materials; first at time of purchase and again through the utility bill.

At the completion of the current collection contract's first term in 2015, at which time MMBC would take over curbside collection of PPP, the RDN would need to issue a request for proposals to select a collector for the collection of garbage and food waste only. This scenario would generate considerable disruption for residents, and would possibly not result in any savings over current collection costs.

LEGAL IMPLICATIONS

Alternative 1

By accepting the incentive offered the RDN becomes a contractor to MMBC, and our current collection contractor becomes a sub-contractor. The RDN's current five-year collection contract with BFI runs to March 31, 2015. As per the current contract language, the RDN will review the contract in the fifth year and reserves the right to extend the contract for a further five years on the same terms and conditions. The current contract grants BFI ownership of the recyclable materials once they are placed at the curb for collection and BFI is solely responsible for the processing and sale of the materials, and retains all monies received from the sale of recyclable materials (or takes any losses).

Under Alternative 1, for the RDN to enter into a contract to collect PPP and receive financial incentives from MMBC, the RDN and BFI will have to amend the current collection contract to de-couple the collection aspect from the processing of curbside PPP by May 2014. Staff has discussed this issue with BFI, and in exchange for that concession BFI and staff propose that the contract extension option be applied in advance of 2015. BFI has given written agreement in principle to this, meaning the contract with them can be amended to reflect the changed circumstances around PPP collection, processing and reporting requirements.

Alternative 2

If the Board chooses Alternative 2, the RDN is not in a position to break the current collection contract so would continue collecting PPP without being a MMBC collector. Prior to the end of the current collection contract term (March 31, 2015), the RDN would initiate a Request for Proposal process in 2014 to select a qualified collector of garbage and food waste to be in place for April 1, 2015. MMBC would also be required to select a qualified collector under contract to them to begin PPP collection from April 1, 2015.

STAFFING IMPLICATIONS

The annual Curbside Collection budget includes a temporary 0.5 FTE position to assist with program operations and administration since the implementation of the green bin in 2010. As indicated in previous reports to the Board, adding food waste collection to the curbside program did result in the need for additional administrative support.

Under Alternative 1, acceptance of the \$2.50 per household Service Administration top-up amount can be channeled into funding this as a full-time staff position at no additional cost to the region's program customers. Such a position would ensure the new contract obligations of tracking and reporting PPP collection performance, responding to resident enquiries, and monitoring sub-contractor performance would be met with no reduction in focus to the other program areas. If the incentive is not accepted, a part-time staffing position will still be required but there will be no additional funding to cover it.

CUSTOMER SERVICE IMPLICATIONS

The intent of the MMBC stewardship plan is that there should be no reduction in service levels for residents currently receiving curbside collection of PPP. The service currently provided to the residents sees PPP being collected every-other-week along with the residential food waste in a split packer collection truck.

By accepting the incentive (Alternative 1), aside from new materials being accepted in curbside recycling there should be no changes at the curb or to collection scheduling. This alternative also means curbside collection customers will see their utility fee reduced.

Declining the incentive (Alternative 2) and continuing to collect PPP until 2015 means the program's customers would not benefit from a reduced utility fee, and in fact would be paying twice for recycling of PPP materials during that period. Ceasing to collect PPP triggers MMBC to select a PPP collector, thereby creating system inefficiencies. From April 2015 there would be RDN contracted trucks on the road for garbage and food waste, and MMBC's trucks collecting PPP. The current collection program of split-packer trucks with associated labour, fuel and GHG emission efficiencies, along with single collection calendars and a central point-of-contact for enquiries would be lost resulting in confusion and frustration for residents.

Prior to the implementation of the new stewardship program in May 2014 MMBC will take responsibility for province-wide promotion to alert and inform residents of the new program. Solid Waste staff will work with MMBC to ensure an approved consistent message is incorporated into our curbside program newsletters, and that staff is able to respond to enquiries regarding new materials being accepted.

SUSTAINABILITY IMPLICATIONS

Under the Recycling Regulation, MMBC is required to recover 75% of all the PPP supplied into BC households within a reasonable time frame. Although the current province wide recovery rate is estimated by MMBC to be between 50% and 57%, their aspiration is to have all residential PPP effectively collected and recycled. Work done as part of the RDN Solid Waste Management Plan review process indicates that 76% of residential PPP is already recovered through local collection programs in the RDN.

As previously stated, the ultimate goal of the BC Recycling Regulation is to reduce waste generation. The ultimate result of the new Plan should not only increase material recovery but also reduce waste generation and disposal rates as producers begin to design, produce and market products that eliminate unnecessary packaging, and create packaging that has been designed for recycling and reuse.

SUMMARY

Under the Packaging and Printed Paper (PPP) Stewardship Plan, the stewardship agency Multi Material British Columbia (MMBC) approach to collecting PPP is to provide opportunities for those currently collecting PPP (such as local governments) to collect PPP from May 2014 under contract to them. The RDN has received the MMBC offer of two financial incentives for the depot collection at the two solid waste facilities and for curbside collection.

The depot collection incentive would require the installation of additional collection bins at both solid waste facilities for film plastic and Styrofoam. MMBC is offering the incentive for residential PPP only, yet the majority of material received at the facilities is from the commercial sector. The space limitations, along with the savings associated with ceasing to provide collection and transfer subsidies to other depots collecting non-refundable glass containers, and the fact there are private and not-for-profit depots willing to accept those materials leads staff to recommend this particular incentive be declined.

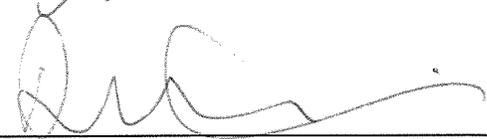
The second incentive offer is to become a curbside collector of residential PPP under contract to MMBC. The value of the financial incentive would exceed \$1 million annually. The annual utility bill (user fee) for the residential collection customer would be reduced by the amount of the collection incentive. Staff has met with MMBC to discuss details with them to ensure the proposed change in recycling collection does not detract from the current service provided. In order for the RDN to accept the curbside collection financial incentive the current collection contractor (BFI Canada Inc.) would have to relinquish ownership of the PPP materials set out at the curb. In exchange for this concession, BFI would accept the contract term being extended earlier. Staff is recommending the curbside collection incentive be accepted.

RECOMMENDATIONS

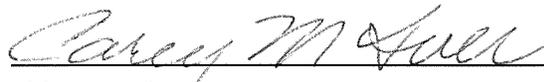
1. That the Board direct staff to respond to Multi-Material BC accepting the Curbside Collector financial incentive offer and indicating interest in entering into a contract to become a collection service provider under the approved stewardship plan.
2. That the Board direct staff to enter into negotiations with BFI Canada Inc. to amend the current collection contract to apply the five-year extension early and to de-couple PPP collection from processing.
3. That the Board direct staff to respond to Multi-Material BC declining the Depot Collection financial incentive.



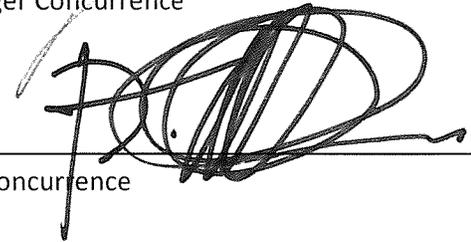
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

**Attachment 2
Terms and Conditions**

The following sets out the terms and conditions of Development Permit Application No. PL2013-077:

Conditions of Approval

1. The dwelling unit shall be sited and constructed generally in accordance with the site plan and stated building elevations prepared by Sims Associates Land Surveying Ltd. and received July 22, 2013, attached as Attachment 3.
2. The Lands shall be developed in accordance with the geotechnical report prepared by Lewkowich Engineering Associates Ltd. and dated August 14, 2013.
3. The Lands shall be developed in accordance with the Erosion and Sediment Control Plan prepared by Lewkowich Engineering Associates Ltd. and dated June 19, 2013.
4. Staff shall withhold the issuance of this permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Hazards Assessment report prepared by Lewkowich Engineering Associates Ltd. (dated August 14, 2013), on the subject property title, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood hazards.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Public Consultation Implications

As noted above, the Board approved the Consultation Plan in July 2013, following a decision to support a review of the Application. The Consultation Plan identifies opportunities for the public to provide informed feedback on the proposed amendment. The Plan was based upon the Applicant providing information by July 31, 2013. The Applicant failed to provide the required information by July 31, 2013, and although some information has been provided as of August 15, 2013, information continues to be outstanding or inadequate for water, wastewater, watershed protection and other items.

A failure to meet the July 31, 2013, deadline means that the schedule of actions in the Consultation Plan approved by the Board cannot be achieved and a new Plan with a revised timeline will have to be considered by the Board in order to proceed with public consultation.

Attempting to proceed with the public consultation in the absence of key information will cause frustration on the part of community members and lead to increased costs for the RDN associated with having to repeat consultation activities as information becomes available. Staff recommends that the RDN first receive all the outstanding information prior to approving a new Consultation Plan.

SUMMARY/CONCLUSIONS

Following the April 23, 2013, motion of the Board to support a review of the RGS and OCP amendment application in Deep Bay and subsequent approval of the related Consultation Plan the Applicant has been unable to provide the RDN with all of the required information by their own deadline of July 31, 2013.

The Consultation Plan approved by the Board is based on the RDN receiving all the required information from the Applicant by July 31, 2013. As this has not happened, meeting the schedule for the actions in the Consultation Plan is no longer achievable and a new one will need to be approved should the RDN Board wish to proceed with public consultation activities. The Board originally supported a review of the Application without establishing a firm deadline for the Applicant to provide information. The subsequent adoption of the Consultation Plan did not specifically state whether there would be any consequences for failing to meet the established deadline.

Moving forward, staff recommends that the Board extend the deadline for providing all the outstanding information as deemed sufficient by RDN staff to September 19, 2013, and clearly state that the consequences of failing to meet this deadline will be that the Board will consider withdrawing support for a review of the application and not proceed through the RGS and OCP amendment process.

In light of the information presented in this report staff recommends the Board choose Alternative 1.

BCIMC Correspondence Re: PL2012-096 & PL2012-097

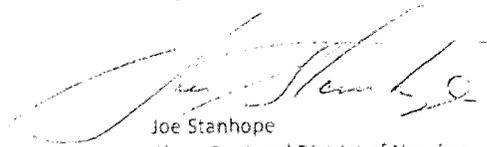
July 30, 2013

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there is support for the two zoning amendment applications and the approval process will unfold subject to the legal requirements of the *Local Government Act*.

If you have any questions or if we can provide you with any additional information please do not hesitate to contact Geoff Garbutt, General Manager of Strategic and Community Development directly at 250 390-6510 or by email at ggarbutt@rdn.bc.ca.

Regards,



Joe Stanhope
Chair, Regional District of Nanaimo

cc: RDN Board Directors
Paul Thorpefsson, Chief Administrative Officer, RDN
Geoff Garbutt, General Manager of Strategic & Community Development, RDN
Russell Tibbles, Vice President, Development & Operations - Fairwinds