

**REGIONAL DISTRICT OF NANAIMO**

**REGULAR BOARD MEETING  
TUESDAY, FEBRUARY 23, 2016  
7:00 PM**

***(RDN Board Chambers)***

**A G E N D A**

**PAGES**

- 1. CALL TO ORDER**
- 2. DELEGATIONS**  
  
Tracy Samra, City Manager, and Richard Harding, Director, Parks, Recreation & Environment, re City of Nanaimo Update.  
  
9 Joanne Ferreiro, re Lot 8, Horne Lake Road.
- 3. BOARD MINUTES**  
  
10-24 Minutes of the Regular Board meeting held Tuesday, January 26, 2016 (All Directors – One Vote).
- 4. BUSINESS ARISING FROM THE MINUTES**
- 5. COMMUNICATION/CORRESPONDENCE**  
  
(All Directors – One Vote)  
  
25-42 Tracy Samra, City Manager, City of Nanaimo, re District 68 Sports Field and Recreation Services Agreement.
- 6. UNFINISHED BUSINESS**
- 7. STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS**
  - 7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE**  
  
43-44 Minutes of the Electoral Area Planning Committee meeting held Tuesday, February 9, 2016 (For Information) (All Directors – One Vote).

**DEVELOPMENT PERMIT**

**Development Permit Application No. PL2016-004 – Electoral Area ‘G’** (Electoral Area Directors, except EA ‘B’ – One Vote).

*That Development Permit No. PL2016-004 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Attachments 2 to 4.*

**OTHER**

**Agriculture Bylaw and Policy Updates Project – Zoning Amendments 1st and 2nd Reading – Bylaws No. 500.402 and 1285.26** (Electoral Area Directors, except EA ‘B’ – One Vote).

*That Agriculture Bylaw and Policy Updates Project – Zoning Amendments 1st and 2nd Reading – Bylaws No. 500.402 and 1285.26 be referred back to staff for refinement.*

**7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE**

45-51 Minutes of the Committee of the Whole meeting held Tuesday, February 9, 2016 (For Information) (All Directors – One Vote).

**COMMUNICATION/CORRESPONDENCE**

(All Directors – One Vote)

**Mary Polak, Minister of Environment, re Request for Local Government Input – Climate Action and Climate Leadership Plan.**

*That the correspondence from Mary Polak, Minister of Environment, regarding a request for local government input on the Climate Action and Climate Leadership Plan be received.*

**James A. Lettic, Nanoose Bay Activities and Recreation Society, re Estimate of Costs for Building Upgrades.**

*That the correspondence from James A. Lettic, Nanoose Bay Activities and Recreation Society, regarding estimate of costs for building upgrades be received.*

**Mayor Henry Braun, City of Abbotsford, re Downloading of DNA Analysis Costs.**

*That the correspondence from Mayor Henry Braun, City of Abbotsford, regarding the downloading of DNA analysis costs be received.*

**FINANCE**

**2016-2020 Financial Plan.**

(Parksville, Qualicum Beach, Electoral Areas 'F', 'G', 'H' – Weighted Vote)

1. *That the Financial Plan not assume an expansion of the pool and that funds for Ravensong be lowered to maintenance levels and a reserve contribution after the current loan is paid off.*

(All Directors – One Vote)

2. *That the Board receive the report on the 2016 Budget as amended and the 2016 to 2020 Financial Plan.*
3. *That the Board provide any additional direction for changes related to completion of the 2016 to 2020 Financial Plan and direct staff to prepare the financial plan bylaw on that basis.*

**2016 Proposed Budget External Requests for Funding.**

(Electoral Areas 'A', 'B', 'C' – Weighted Vote)

1. *That the Board provide an additional \$2,500 to the current \$7,500 in funding received annually under the Southern Restorative Justice/Victim Services Service Area to the Nanaimo RCMP Victim Services.*

(Nanaimo, Lantzville, Electoral Areas 'A', 'B', 'C' – Weighted Vote)

2. *That the Board provide an additional \$6,500 to the current \$11,000 in funding received under the D68 Search & Rescue Service to the Nanaimo Marine Rescue Society.*

(All Directors – Weighted Vote)

3. *That the Board direct staff to look at using Regional Sustainability Reserve Funds to provide \$15,000 to the Nanaimo Aboriginal Society to use towards the cost of the Passive House construction project.*

(All Directors – Weighted Vote)

4. *That the Board provide \$15,000 in funding to the Nanaimo Travellers Lodge for the Eden Gardens facility.*

## **STRATEGIC AND COMMUNITY DEVELOPMENT**

### **LONG RANGE PLANNING**

#### **Update on Use of Island Health Homelessness Funding (All Directors – One Vote).**

1. *That the report be received for information.*
2. *That staff be directed to forward the update on Use of Homelessness Funding to Island Health with a letter thanking them for providing funding.*

### **BUILDING, BYLAW, AND EMERGENCY PLANNING**

#### **Emergency Management Agreement Renewal (All Directors – Weighted Vote).**

*That the Emergency Management Agreement between the Regional District of Nanaimo, the City of Nanaimo, the District of Lantzville, the City of Parksville, the Town of Qualicum Beach, and the Qualicum, Nanoose and Snuneymuxw First Nations be renewed for a term beginning January 1, 2016 to May 1, 2021.*

## **RECREATION AND PARKS**

### **PARKS**

#### **Coombs to Parksville Rail Trail Project Update (All Directors – One Vote).**

*That the staff recommendation to proceed to tender for the Station Road to Church Road phase of the Coombs to Parksville Rail Trail with a tender upgrade for the Church Road to City of Parksville phase, be referred to the Regional Parks and Trails Select Committee.*

#### **E&N Rail Trail – Deferred Road Crossing Compliance Memorandum of Understanding (All Directors – Weighted Vote).**

*That the Deferred Road Crossing Compliance (Alberni Line Rail Trail) Memorandum of Understanding with the Island Corridor Foundation be approved and executed.*

#### **Oakdowne Community Park Licence of Occupation Renewal (Electoral Area 'H') (All Directors – Weighted Vote).**

*That the Regional District accept the Province of BC's 30-year Licence of Occupation offer for Oakdowne Community Park in Electoral Area 'H'.*

**REGIONAL AND COMMUNITY UTILITIES**

**WATER AND UTILITY**

52-55 **Region-Wide Watering Restrictions Framework.**

(All Directors – One Vote)

1. *That the Board support the adoption of the proposed region-wide standard watering restrictions framework in the major water service areas in our region.*
2. *That "Regional District of Nanaimo Water Use Regulation Amendment Bylaw No. 1654.02, 2016" be introduced and read three times.*

(All Directors – One Vote / 2/3)

3. *That "Regional District of Nanaimo Water Use Regulation Amendment Bylaw No. 1654.02, 2016" be adopted.*

**WASTEWATER**

56-59 **Bylaw No. 975.63 – Pump & Haul Bylaw Amendment to Include Lot C, District Lot 9, Plan 1832, Except Those Parts in Plans 11274, 14223, and 14909, Newcastle Land District (Electoral Area 'G') (All Directors – One Vote).**

1. *That "Regional District of Nanaimo Pump & Haul Local Service Establishment Bylaw No. 975, 1995" be amended to include Lot C, District Lot 9, Plan 1832, Except Those Parts in Plans 11274, 14223, and 14909, Newcastle Land District (Electoral Area 'G').*
2. *That "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.63, 2016" be introduced and read three times.*

**ADVISORY, SELECT COMMITTEE AND COMMISSION**

**Solid Waste Management Select Committee (All Directors – One Vote)**

*That the minutes of the Solid Waste Management Select Committee meeting held Wednesday, December 2, 2015, be received for information.*

**Solid Waste Management Plan Review Update** (All Directors – One Vote)

*That staff be directed to prepare a report recommending amendments to the Terms of Reference of the Solid Waste Management Select Committee to add the responsibility of providing advice and recommendations to the Board regarding Solid Waste Services operations, in addition to its current role as it relates to the Solid Waste Management Plan review process.*

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Proposed Amendment to Boundary between Electoral Areas ‘F’ and ‘G’** (All Directors – One Vote).

*That the Board refer the issue of Electoral Area boundaries that were affected by the construction of the inland highway to staff, specifically the cutoff of Electoral Area ‘G’ and Electoral Area ‘F’ that were raised by the delegation, and the report to include other Electoral Areas that have similar problems that are not necessarily limited to being bisected by the inland highway.*

**Memorial for Crew of WWII B-25 Mitchell Bomber.**

(All Directors – One Vote)

1. *That the Regional District of Nanaimo become the “owner of record” of a plaque and interpretive board dedicated to the memory of the five Royal Canadian Air Force crew that perished on Mt. Whympers on May 29, 1944.*

(All Directors – Weighted Vote)

2. *That the Regional District of Nanaimo enter into a site stewardship agreement with the Royal Canadian Air Force Association, 808 Wing Nanaimo, for the ongoing stewardship and maintenance of the plaque and interpretive board dedicated to the memory of the five Royal Canadian Air Force crew that perished on Mt. Whympers on May 29, 1944.*

**Holden Creek Restoration** (All Directors – One Vote).

*That staff be directed to provide assistance and direction to Jessie James on the appropriate authority to undertake restoration of Holden Creek.*

**8. SCHEDULED STANDING, ADVISORY, AND SELECT COMMITTEES**

**Regional Parks and Trails Select Committee**

60-62 Minutes of the Regional Parks and Trails Select Committee meeting held Tuesday, February 16, 2016 (For Information) (All Directors – One Vote).

63-69 **Nanaimo River Bridge Equestrian Accessibility Report** (All Directors – Weighted Vote).

*That the design and development of the multi-use bridge crossing over the Nanaimo River, within the Morden Colliery Regional Trail, incorporate equestrian accessibility (in addition to pedestrian, cyclist and wheelchair accessibility) in response to current community recreational needs and public support.*

70-73 **Event Permit Framework for Mount Benson Regional Park Report** (All Directors – Weighted Vote).

1. *That the 2016-2021 Event Permit Framework for Mount Benson Regional Park be approved.*
2. *That staff advance the dialogue with running race event user groups in 2016 to expedite the race route timeline in the Event Permit Framework for Mount Benson Regional Park.*

**Regional Parks and Trails 2016 Budget and 5 year Financial Plan** (All Directors – Weighted Vote).

*That the Kennedy Hall repair and upgrade at Moorecroft Regional Park be removed from the Five Year Financial Plan, the Moorcroft Regional Park Information Kiosk be funded by donations and the potential acquisition cost for the Option to Purchase Lands on Notch Hill be moved to 2021.*

**Coombs to Parksville Rail Trail Project Update** (All Directors – Weighted Vote).

*That staff proceed to tender for the Station Rd. to Church Rd. phase of the Coombs to Parksville Rail Trail with a tender upgrade for the Church Rd. to City of Parksville phase.*

**Regional Parks Parcel Tax Acquisition and Capital Development** (All Directors – Weighted Vote).

*That the Regional Parks Service Bylaw 1231 be amended to increase the parcel tax for regional parks acquisitions and capital development by one dollar per year for the next seven years commencing in 2016.*

**9. ADMINISTRATOR'S REPORTS**

74-80                    **2016 Service Area Tax Requisition Amendment Bylaws** (All Directors – One Vote).

81-85                    **Electoral Area 'B' Transit Contribution Assent Voting Results** (All Directors – One Vote).

**10. ADDENDUM**

**11. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**12. NEW BUSINESS**

**13. IN CAMERA**

*That pursuant to Sections 90 (1) (a), (c), (e), (g), (i), and (j), and 90 (2) (b) of the Community Charter the Committee proceed to an In Camera Meeting for discussions related to Board appointments, employee relations, land acquisition and disposition, litigation, solicitor-client privilege, third-party business interests, and inter-governmental negotiations.*

**14. ADJOURNMENT**



**Re: Lot 8, Horne Lake Road**

From: Joanne Ferreiro

Sent: Friday, January 22, 2016 9:57 AM

Subject: Request to Address Board Feb 23

Thank you for the information you shared with me in our phone call the other day. Here is the e mail you suggested I send, requesting time in front of the Board at their meeting on February 23 to address our concerns about Lot 8, Horne Lake Road

I understand standard time allowed is 10 minutes so we will plan our presentation accordingly.

Would you please confirm our appointment and advise where the meeting will take place and when we should be there.

Many thanks,

Joanne Ferreiro

Royal LePage Parksville - Qualicum Beach Realty

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGULAR BOARD MEETING  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, JANUARY 26, 2016 AT 7:00 PM IN THE  
RDN BOARD CHAMBERS

In Attendance:

Director B. Veenhof	Chairperson
Director C. Haime	Deputy Chairperson
Director A. McPherson	Electoral Area A
Director H. Houle	Electoral Area B
Director M. Young	Electoral Area C
Director B. Rogers	Electoral Area E
Director J. Fell	Electoral Area F
Director J. Stanhope	Electoral Area G
Alternate	
Director G. Fuller	City of Nanaimo
Director J. Hong	City of Nanaimo
Director J. Kipp	City of Nanaimo
Director W. Pratt	City of Nanaimo
Director I. Thorpe	City of Nanaimo
Director B. Yoachim	City of Nanaimo
Alternate	
Director S. Powell	City of Parksville
Director T. Westbroek	Town of Qualicum Beach

Regrets:

Director B. McKay	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director M. Lefebvre	City of Parksville

Also in Attendance:

D. Trudeau	Interim Chief Administrative Officer
R. Alexander	Gen. Mgr. Regional & Community Utilities & Solid Waste
G. Garbutt	Gen. Mgr. Strategic & Community Development
T. Osborne	Gen. Mgr. Recreation & Parks
J. Harrison	Director of Corporate Services
W. Idema	Director of Finance
D. Pearce	A/Director of Transportation Services
J. Hill	Mgr. Administrative Services
C. Golding	Recording Secretary

**CALL TO ORDER**

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

The Chairperson welcomed Alternate Directors Powell and Fuller to the meeting.

**DELEGATIONS**

**Jack Van Roie, re Sale of Consignments at Five Star Auto Sales.**

Jack Van Roie shared his contributions to his community through the selling of consignment vehicles.

**BOARD MINUTES**

**Minutes of the Inaugural Board meeting held Tuesday, December 8, 2015.**

- 16-001 MOVED Director Stanhope, SECONDED Director Houle, that the minutes of the Inaugural Board meeting held Tuesday, December 8, 2015, be adopted.

CARRIED

**COMMUNICATION/CORRESPONDENCE**

**Lois Wendy Burns, re Development Variance Permit Application No. PL2015-170 – 1542 Madrona Drive, Electoral Area 'E'.**

- 16-002 MOVED Director Pratt, SECONDED Director Houle, that the correspondence from Lois Wendy Burns regarding Development Variance Permit Application No. PL2015-170 – 1542 Madrona Drive, Electoral Area 'E', be received.

CARRIED

**Helen Shove, re Development Variance Permit Application No. PL2015-170 – 1542 Madrona Drive, Electoral Area 'E'.**

- 16-003 MOVED Director Pratt, SECONDED Director Houle, that the correspondence from Helen Shove regarding Development Variance Permit Application No. PL2015-170 – 1542 Madrona Drive, Electoral Area 'E', be received.

CARRIED

**Mayor Marc Lefebvre, City of Parksville, re Goose Control Program 2016.**

- 16-004 MOVED Director Pratt, SECONDED Director Houle, that the correspondence from Mayor Marc Lefebvre, City of Parksville, regarding the Goose Control Program 2016 be received.

CARRIED

**Lois Wendy Burns, re Development Variance Permit Application No. PL2015-170 – 1542 Madrona Drive, Electoral Area 'E'.**

- 16-005 MOVED Director Pratt, SECONDED Director Houle, that the correspondence from Lois Wendy Burns regarding Development Variance Permit Application No. PL2015-170 – 1542 Madrona Drive, Electoral Area 'E', be received.

CARRIED

**Strata Council, Owners of Strata Plan VIS 5160, re Development Permit with Variance Application No. PL2015-153 – 2462 Shady Lane (Horne Lake), Electoral Area ‘H’.**

- 16-006 MOVED Director Pratt, SECONDED Director Houle, that the correspondence from Strata Council, Owners of Strata Plan VIS 5160, regarding Development Permit with Variance Application No. PL2015-153 – 2462 Shady Lane, (Horne Lake), Electoral Area ‘H’ be received.

CARRIED

**D.E. Reiffenstein on behalf of J. M. Rollans, re Development Permit with Variance Application No. PL2015-148 – Island Highway West, Electoral Area ‘H’.**

- 16-007 MOVED Director Pratt, SECONDED Director Houle, that the correspondence from D.E. Reiffenstein on behalf of J. M. Rollans regarding Development Permit with Variance Application No. PL2015-148 – Island Highway West, Electoral Area ‘H’, be received.

CARRIED

**Doug Dickson, re Development Permit with Variance Application No. PL2015-148 – Island Highway West, Electoral Area ‘H’.**

- 16-008 MOVED Director Pratt, SECONDED Director Houle, that the correspondence from Doug Dickson regarding Development Permit with Variance Application No. PL2015-148 – Island Highway West, Electoral Area ‘H’, be received.

CARRIED

**H.L. Madden, re Development Variance Permit Application No. PL2015-167 and Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement Subdivision Application No. PL2015-081 – 1577 Brynmarl Road, Electoral Area ‘E’.**

- 16-009 MOVED Director Pratt, SECONDED Director Houle, that the correspondence from H.L. Madden regarding Development Variance Permit Application No. PL2015-167 and request for relaxation of the minimum 10% perimeter frontage requirement Subdivision Application No. PL2015-081 – 1577 Brynmarl Road, Electoral Area ‘E’, be received.

CARRIED

**UNFINISHED BUSINESS**

**Bylaws No. 867.07 and 1049.08 – Inclusion of 2 Parker Road Properties into the Nanoose Bay Peninsula Water Service Area, Electoral Area ‘E’.**

- 16-010 MOVED Director Rogers, SECONDED Director Haime, that Nanoose Bay Peninsula Water Service Area Amendment Bylaw No. 867.07, 2015 be adopted.

CARRIED

- 16-011 MOVED Director Rogers, SECONDED Director Powell, that Nanoose Bay Bulk Water Supply Local Service Area Amendment Bylaw No. 1049.08, 2015 be adopted.

CARRIED

**Bylaw No. 1170.04 – Inclusion of 868 Shorewood Drive into the San Pareil Water Supply Local Service Area, Electoral Area ‘G’.**

- 16-012 MOVED Director Stanhope, SECONDED Director Thorpe, that San Pareil Water Supply Local Service Area Amendment Bylaw No. 1170.04, 2015 be adopted.

CARRIED

**STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES & RECOMMENDATIONS**

**Board Appointments.**

- 16-013 MOVED Director Rogers, SECONDED Director Young, that the Board approve the 2016 appointments to Advisory Committees and Commissions, and the Board of Variance as follows:

That Angela Davies, Jim Fiddick, John O'Connor, and Andrew Thornton be appointed to the Electoral Area 'A' Parks, Recreation and Culture Commission for terms ending December 31, 2017.

That Bruce Erickson, Rick Heikkila, and Judith Wilson be appointed to the East Wellington/Pleasant Valley Parks & Open Space Advisory Committee for terms ending December 31, 2017.

That Marlene Caskey and Debbie Mitchell be appointed to the Nanoose Bay Parks & Open Space Advisory Committee for terms ending December 31, 2017.

That Alfred Jablonski and Barbara Smith be appointed to the Electoral Area 'F' Parks & Open Space Advisory Committee for terms ending December 31, 2017.

That Michael Foster and Roderick Horte be appointed to the Electoral Area 'G' Parks & Open Space Advisory Committee for terms ending December 31, 2017.

That Nancy Robertson and Dagmar Seydel be appointed to the Electoral Area 'H' Parks & Open Space Advisory Committee for terms ending December 31, 2017.

That Garry Laird, Keith Wilson, Richard Thompson, and Catherine Watson be appointed to the Agricultural Advisory Committee for terms ending December 31, 2017.

That Ted Malyk be appointed to the District 69 Recreation Commission for a term ending January 1, 2019.

That Bruce Erickson, John O'Connor, Edward Yewchin, and Leigh Mathews be appointed to the Grants-in-Aid Advisory Committee for terms ending December 31, 2016.

That Harriet Rueggeberg and Peter Law be appointed as General Public Representatives and that M. Anne Fiddick, be appointed as the Environment Community Representative for the Drinking Water and Watershed Protection Technical Advisory Committee for terms ending December 31, 2017.

That Douglas Holme be appointed to the Board of Variance for a term ending December 31, 2018.

CARRIED

- 16-014 MOVED Director Pratt, SECONDED Director Stanhope, that Mayta Ryn be appointed as a Regional Agricultural Representative to the Agricultural Advisory Committee for a term ending December 31, 2016.

CARRIED

**ELECTORAL AREA PLANNING COMMITTEE**

**Minutes of the Electoral Area Planning Committee meeting held Tuesday, January 12, 2016.**

- 16-015 MOVED Director Stanhope, SECONDED Director Fell, that the minutes of the Electoral Area Planning Committee meeting held Tuesday, January 12, 2016, be received for information.

CARRIED

***DEVELOPMENT PERMIT***

**Development Permit Application No. PL2015-164 – Electoral Area ‘H’.**

- 16-016 MOVED Director Stanhope, SECONDED Director Fell, that Development Permit Application No. PL2015-164 to permit the construction of two dwelling units and two detached accessory buildings be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

***DEVELOPMENT PERMIT WITH VARIANCE***

**Development Permit with Variance Application No. PL2014-147 – 5370 Gainsberg Road, Electoral Area ‘H’.**

- 16-017 MOVED Director Stanhope, SECONDED Director Fell, that Development Permit with Variance Application No. PL2014-147 to permit the construction of a new residential dwelling, retaining wall, repair of an existing deck, and to vary the interior side setback from 2.0 m to 0.4 m be approved subject to the conditions outlined in Attachment 2.

CARRIED

**Development Permit with Variance Application No. PL2015-153 – 2462 Shady Lane (Horne Lake), Electoral Area ‘H’.**

- 16-018 MOVED Director Stanhope, SECONDED Director Pratt, that Development Permit with Variance Application No. PL2015-153 to recognize the siting of an existing deck and to permit the installation of a permanent deck cover on the existing deck be approved subject to the conditions outlined in Attachments 2 to 5.

CARRIED

Chair Veenhof passed the Chair to Director Haime.

**Development Permit with Variance Application No. PL2015-148 – Island Highway West, Electoral Area ‘H’.**

Helen Simms spoke in support of the application.

- 16-019 MOVED Director Veenhof, SECONDED Director Rogers, that Development Permit with Variance Application No. PL2015-148 to reduce the watercourse setback for a footbridge over Nash Creek and increase the maximum height for a dwelling unit, be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

Chair Veenhof assumed the Chair.

**Development Permit with Variance Application No. PL2015-126 – 5469 Island Highway West, Electoral Area ‘H’.**

- 16-020 MOVED Director Stanhope, SECONDED Director Young, that Development Permit with Variance Application No. PL2015-126 to legalize the siting of the existing carport, and permit additions to the dwelling and fence, be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

**Development Permit with Variance Application No. PL2015-155 – Electoral Area ‘A’.**

- 16-021 MOVED Director McPherson, SECONDED Director Fell, that Development Permit with Variance Application No. PL2015-155 to permit the construction of an industrial building be approved subject to the conditions outlined in Attachments 2 to 5.

CARRIED

***DEVELOPMENT VARIANCE PERMIT***

**Development Variance Permit Application No. PL2015-170 – 1542 Madrona Drive, Electoral Area ‘E’.**

- 16-022 MOVED Director Rogers, SECONDED Director McPherson, that Development Variance Permit Application No. PL2015-170 to recognize the siting of a nonconforming dwelling unit and permit the construction of a freestanding deck be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

**Development Variance Permit Application No. PL2015-157 – 674 Hawthorne Rise, Electoral Area ‘G’.**

- 16-023 MOVED Director Stanhope, SECONDED Director Fell, that Development Variance Permit Application No. PL2015-157 to reduce the interior side lot line setback from 2.0 metres to 1.2 metres and to reduce the other lot line setback from 5.0 metres to 1.75 metres to allow the construction of an accessory building be approved subject to the conditions outlined in Attachment 2.

CARRIED

**Development Variance Permit Application No. PL2015-145 – 1304, 1304A & 1306 Alberni Highway, Electoral Area ‘F’.**

- 16-024 MOVED Director Fell, SECONDED Director McPherson, that Development Variance Permit Application No. PL2015-145 to vary the setback requirements for ten micro wind turbines from 4.6 m to 0.46 m from the front lot line and from 4.6 m to 1.3 m from the interior lot line be approved subject to the conditions outlined in Attachment 3.

CARRIED

***OTHER***

**Development Permit and Site-Specific Exemption Application No. PL2015-116 – 5497 Deep Bay Drive, Electoral Area ‘H’.**

- 16-025 MOVED Director Stanhope, SECONDED Director McPherson, that Development Permit and Site Specific Exemption to the Floodplain Management Bylaw Application No. PL2015-116 to permit the replacement of an existing single wide manufactured home with a double wide manufactured home be approved subject to the terms and conditions outlined in Attachments 2 and 3.

CARRIED

**Temporary Use Permit Application No. PL2015-152 – 1410 Alberni Highway, Electoral Area ‘F’.**

- 16-026 MOVED Director Fell, SECONDED Director McPherson, that Temporary Use Permit Application No. PL2015-152 to permit "Outdoor Sales" use on a portion of the subject property be approved subject to the conditions outlined in Attachment 3.

CARRIED

**Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in Relation to Subdivision Application No. PL2015-045 – 1110 & 1120 Keith Road, Electoral Area ‘H’.**

- 16-027 MOVED Director Stanhope, SECONDED Director Fell, that the request to relax the minimum 10% perimeter frontage requirements for the proposed remainder of Lot 24 in relation to Subdivision Application No. PL2015-045 be approved.

CARRIED

**Development Permit Application No. PL2015-129 and Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement Subdivision Application No. PL2015-137 – 1032 Robertson Boulevard, Electoral Area ‘G’.**

- 16-028 MOVED Director Stanhope, SECONDED Director Fell, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 15 in relation to subdivision application PL2015-137 be approved.

CARRIED

- 16-029 MOVED Director Stanhope, SECONDED Director Fell, that Development Permit Application No. PL2015-129 to permit a 54 lot subdivision be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

**Development Variance Permit Application No. PL2015-167 and Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement Subdivision Application No. PL2015-081 – 1577 Brynmarl Road, Electoral Area ‘E’.**

- 16-030 MOVED Director Rogers, SECONDED Director Young, that Development Variance Permit Application No. PL2015-167 to increase the permitted parcel depth for proposed Lot 2 from 40% to 41.5% of the length of the perimeter of the parcel be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

- 16-031 MOVED Director Rogers, SECONDED Director Young, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 2 in relation to Subdivision Application No. PL2015-081 be approved.

CARRIED

**COMMITTEE OF THE WHOLE STANDING COMMITTEE**

**Minutes of the Committee of the Whole meeting held Tuesday, January 12, 2016.**

- 16-032 MOVED Director Thorpe, SECONDED Director Stanhope, that the minutes of the Committee of the Whole meeting held Tuesday, January 12, 2016, be received for information.

CARRIED



**COMMUNICATION/CORRESPONDENCE**

**Steve Gordon, Ministry of Forests, Lands & Natural Resource Operations, re Species at Risk Implementation Plans and Engagement Sessions.**

- 16-033 MOVED Director Stanhope, SECONDED Director Rogers, that the correspondence from Steve Gordon, Ministry of Forests, Lands & Natural Resource Operations, regarding species at risk Implementation Plans and engagement sessions be received.

CARRIED

**Anthony Danks, Ministry of Environment, re Proposed New Spill Response Regime.**

- 16-034 MOVED Director Stanhope, SECONDED Director Rogers, that the correspondence from Anthony Danks, Ministry of Environment, regarding a proposed new spill response regime be received.

CARRIED

**MNP, re Regional District of Nanaimo Audit Service Plan – Year Ending December 31, 2015.**

- 16-035 MOVED Director Stanhope, SECONDED Director Rogers, that the correspondence from MNP, regarding the Regional District of Nanaimo Audit Service Plan for the year ending December 31, 2015 be received.

CARRIED

**Peter Ronald, Union of BC Municipalities, re 2016 Asset Management Planning Program – Grant Approval Terms and Conditions.**

- 16-036 MOVED Director Stanhope, SECONDED Director Rogers, that the correspondence from Peter Ronald, Union of BC Municipalities, regarding the 2016 Asset Management Planning Program – Grant Approval Terms and Conditions be received.

CARRIED

**Al Richmond, Union of BC Municipalities, re Gas Tax Agreement Community Works Fund Payment.**

- 16-037 MOVED Director Stanhope, SECONDED Director Rogers, that the correspondence from Al Richmond, Union of BC Municipalities, regarding the Gas Tax Agreement Community Works Fund payment be received.

CARRIED

**Wayne Pritchard, Ducks Unlimited Canada, re Request for Support for Vancouver Island Workshop.**

- 16-038 MOVED Director Stanhope, SECONDED Director Rogers, that the correspondence from Wayne Pritchard, Ducks Unlimited Canada, regarding a request for support for a Vancouver Island Workshop be received.

CARRIED

**R.K. Weir, Town of Qualicum Beach, re French Creek Water Service Area.**

- 16-039 MOVED Director Stanhope, SECONDED Director Rogers, that the correspondence from R.K. Weir, Town of Qualicum Beach, regarding the French Creek Water Service Area be received.

CARRIED

**Trevor Wicks re Englishman River Water Service Board Review Proposal.**

- 16-040 MOVED Director Stanhope, SECONDED Director Rogers, that the correspondence from Trevor Wicks regarding the Englishman River Water Service Board review proposal be received.

CARRIED

**Douglas O'Brien and Teresa O'Brien, re Appointment to Englishman River Water Service Management Board.**

- 16-041 MOVED Director Stanhope, SECONDED Director Rogers, that the correspondence from Douglas O'Brien and Teresa O'Brien regarding an appointment to the Englishman River Water Service Management Board be received.

CARRIED

**STRATEGIC AND COMMUNITY DEVELOPMENT**

**BUILDING, BYLAW, AND EMERGENCY PLANNING**

**Animal Control and Licensing Amendment Bylaw No. 939.04, 2016.**

- 16-042 MOVED Director Pratt, SECONDED Director Young, that "Animal Control and Licensing Amendment Bylaw No. 939.04, 2016" be introduced and read three times.

CARRIED

- 16-043 MOVED Director Pratt, SECONDED Director Powell, that "Animal Control and Licensing Amendment Bylaw No. 939.04, 2016" be adopted.

CARRIED

**Animal Control Amendment Bylaw No. 941.06, 2016.**

- 16-044 MOVED Director Fell, SECONDED Director Young, that "Animal Control Amendment Bylaw No. 941.06, 2016" be amended by deleting the words "licensed dog" and replacing them with "dog with owner identification", and by deleting the words "unlicensed dog" and replacing them with "dog without owner identification".

CARRIED

- 16-045 MOVED Director Fell, SECONDED Director Stanhope, that "Animal Control Amendment Bylaw No. 941.06, 2016" be introduced and read three times.

CARRIED

- 16-046 MOVED Director Fell, SECONDED Director Stanhope, that "Animal Control Amendment Bylaw No. 941.06, 2016" be adopted.

CARRIED

**CORPORATE SERVICES**

**ADMINISTRATION**

**Local Government Liaison – Public Health Act.**

- 16-047 MOVED Director Pratt, SECONDED Director Westbroek, that the Regional District of Nanaimo Chief Administrative Officer be appointed as the local government liaison in accordance with Section 83 of the *Public Health Act*.

CARRIED

- 16-048 MOVED Director Pratt, SECONDED Director Westbroek, that the Regional District of Nanaimo send notice of the designation of the local government liaison to Island Health by way of the local Medical Health Officer.

CARRIED

**RECREATION AND PARKS**

**RECREATION**

**Meadowood Community Recreation Centre Alternative Construction Options.**

- 16-049 MOVED Director Stanhope, SECONDED Director Young, that the Regional District of Nanaimo issue a Design/Build Tender for a building in the amount of \$450,000 for the Meadowood Community Recreation Centre to be situated within the Meadowood Community Park southeast of Dashwood Fire Hall #62 (Meadowood Fire Hall).

CARRIED

**PARKS**

**Mount Benson Regional Park Conservation Covenant and Termination of Contribution Agreement.**

- 16-050 MOVED Director Pratt, SECONDED Director Thorpe, that the Section 219 Conservation Covenant in favour of the Nanaimo and Area Land Trust Society and the Cowichan Community Land Trust Society be approved and registered on title for Mount Benson Regional Park.

CARRIED

- 16-051 MOVED Director Pratt, SECONDED Director Thorpe, that the 2006 Regional District of Nanaimo - Nanaimo and Area Land Trust Society Contribution Agreement for Mount Benson Regional Park be terminated.

CARRIED

**FINANCE**

**Bylaw No. 1739 – A Bylaw to Authorize Preparation of 2016 Parcel Tax Rolls.**

- 16-052 MOVED Director Rogers, SECONDED Director Powell, that "2016 Parcel Tax Assessment Roll Bylaw No. 1739, 2016", be introduced and read three times.

CARRIED

- 16-053 MOVED Director Rogers, SECONDED Director Powell, that "2016 Parcel Tax Assessment Roll Bylaw No. 1739, 2016" be adopted.

CARRIED

**Approval of Signing Authorities for General Banking and Investments.**

- 16-054 MOVED Director Westbroek, SECONDED Director McPherson, that the signing authorities for general banking services and financial instruments reflect the following officer positions:

Chairperson	William Veenhof
Deputy Chairperson	Colin Haime
Interim Chief Administrative Officer	Dennis Trudeau
Director of Finance	Wendy Idema
Manager, Accounting Services	Tiffany Moore
Senior Accountant	Manvir Manhas

CARRIED

- 16-055 MOVED Director Westbroek, SECONDED Director McPherson, that the foregoing authorizations extend to accounts in the name of the Regional District of Nanaimo.

CARRIED

**2016 Gas Tax Transfer and Community Works Fund Program Update.**

16-056 MOVED Director Westbroek, SECONDED Director Haime, that the report on the use of Community Works Funds be received for information.

CARRIED

16-057 MOVED Director Rogers, SECONDED Director Stanhope, that the Community Works Funds program project lists attached as Schedules A and B be approved and that staff be authorized to continue work on the projects as needed.

CARRIED

**ADVISORY, SELECT COMMITTEE AND COMMISSION**

**Electoral Area 'G' Parks and Open Space Advisory Committee.**

**Minutes of the Electoral Area 'G' Parks and Open Space Advisory Committee meeting held Wednesday, November 4, 2015.**

16-058 MOVED Director Stanhope, SECONDED Director Kipp, that the minutes of the Electoral Area 'G' Parks and Open Space Advisory Committee meeting held Wednesday, November 4, 2015, be received for information.

CARRIED

**Little Qualicum (Dashwood) Hall.**

16-059 MOVED Director Stanhope, SECONDED Director Kipp, that staff be requested to prepare a report outlining the options and costs for the upgrade or rebuild of the Little Qualicum Hall.

CARRIED

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

**Minutes of the Electoral Area 'A' Parks, Recreation, and Culture Commission meeting held Wednesday, November 18, 2015.**

16-060 MOVED Director McPherson, SECONDED Director Thorpe, that the minutes of the Electoral Area 'A' Parks, Recreation, and Culture Commission meeting held Wednesday, November 18, 2015, be received for information.

CARRIED

**Grants-in-Aid.**

16-061 MOVED Director McPherson, SECONDED Director Thorpe, that the following Electoral Area 'A' Recreation Grants-in-Aid be approved:

<b>Organization</b>	<b>Description</b>	<b>Amount</b>
Cedar Family of Community Schools	For funding toward equipment for a 10 week youth empowerment program for girls in 3rd to 7th grade through fun and interactive physical activities.	\$739.74
Cedar Community Association	To purchase 32 chairs and cart to use for events at the Cedar Hall and their community activities.	\$2,128.00

CARRIED

**District 69 Recreation Commission.**

**Minutes of the District 69 Recreation Commission meeting held Thursday, November 19, 2015.**

- 16-062 MOVED Director Westbroek, SECONDED Director Pratt, that the minutes of the District 69 Recreation Commission meeting held Thursday, November 19, 2015, be received for information.

CARRIED

***BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS***

**Nanaimo Aboriginal Centre – Passive House Project Grant.**

- 16-063 MOVED Director Pratt, SECONDED Director McPherson, that the Regional District of Nanaimo contribute a one-time grant of \$15,000 to the Nanaimo Aboriginal Centre for the Passive House project.

CARRIED

**Nanaimo Aboriginal Centre – Support In Principle for Passive House Project.**

- 16-064 MOVED Director Pratt, SECONDED Director Thorpe, that the Regional District of Nanaimo supports in principle the Nanaimo Aboriginal Centre Passive House project.

CARRIED

**Ducks Unlimited Canada – Request for Support for Vancouver Island Workshop.**

- 16-065 MOVED Director Kipp, SECONDED Director Young, that the Regional District of Nanaimo contribute \$1,000 to Ducks Unlimited Canada in support of the Vancouver Island Workshop.

CARRIED

**Nanaimo and Area Land Trust Core Funding.**

- 16-066 MOVED Director Thorpe, SECONDED Director Powell, that the Board provide a \$30,000 grant to the Nanaimo and Area Land Trust.

CARRIED

***NEW BUSINESS***

**HandyDART Service for Electoral Area 'B' Residents.**

- 16-067 MOVED Director Houle, SECONDED Director Westbroek, that staff provide an analysis of establishing handyDART service for Electoral Area 'B' residents with trips starting from the Gabriola Ferry Terminal in Nanaimo.

CARRIED

**SCHEDULED STANDING, ADVISORY, AND SELECT COMMITTEES**

**Arrowsmith Water Service Management Board.**

**Minutes of the Arrowsmith Water Service Management Board meeting held Wednesday, December 9, 2015.**

- 16-068 MOVED Director Powell, SECONDED Director Westbroek, that the minutes of the Arrowsmith Water Service Management Board meeting held Wednesday, December 9, 2015, be received for information.

CARRIED

**Minutes of the Arrowsmith Water Service Management Board meeting held Thursday, December 17, 2015.**

- 16-069 MOVED Director Powell, SECONDED Director Westbroek, that the minutes of the Arrowsmith Water Service Management Board meeting held Thursday, December 17, 2015, be received for information.

CARRIED

**AWS 2016-2020 Financial Plan.**

- 16-070 MOVED Director Stanhope, SECONDED Director Rogers, that the Regional District of Nanaimo adopt its portion of the 2016-2020 Financial Plan as outlined in Table 2 attached to the December 7, 2015 report.

CARRIED

**Englishman River Water Service Management Board.**

**Minutes of the Englishman River Water Service Management Board meeting held Wednesday, December 9, 2015.**

- 16-071 MOVED Director Stanhope, SECONDED Director Powell, that the minutes of the Englishman River Water Service Management Board meeting held Wednesday, December 9, 2015, be received for information.

CARRIED

**ERWS 2016-2020 Financial Plan.**

- 16-072 MOVED Director Stanhope, SECONDED Director Rogers, that the Regional District of Nanaimo adopt its portion of the 2016-2020 Financial Plan as outlined in Table 2 attached to the December 7, 2015 report.

CARRIED

**ADMINISTRATOR'S REPORTS**

**Board Appointments to Standing, Select, Advisory and Scheduled Standing Committees.**

- 16-073 MOVED Director Westbroek, SECONDED Director Stanhope, that the appointments to the 2016 Regional District of Nanaimo Standing Committees be received for information.

CARRIED

- 16-074 MOVED Director Westbroek, SECONDED Director Stanhope, that the appointments to the 2016 Regional District of Nanaimo Select Committees be received for information.

CARRIED

- 16-075 MOVED Director Westbroek, SECONDED Director Stanhope, that the appointments to the 2016 Regional District of Nanaimo Scheduled Standing Committees be received for information.

CARRIED

- 16-076 MOVED Director Westbroek, SECONDED Director Stanhope, that the recommendations for appointments to the 2016 Regional District of Nanaimo Advisory Committees and Commissions be endorsed.

CARRIED

**2015 Departmental Activities and Accomplishments.**

- 16-077 MOVED Director Yoachim, SECONDED Director Pratt, that the Board receive the summary of activities and departmental accomplishments for the Regional District of Nanaimo for 2015.

CARRIED

**Emergency Management Agreement Renewal.**

This item was withdrawn.

**AVICC Resolution – Rainwater as a Potable Resource.**

- 16-078 MOVED Director Westbroek, SECONDED Director Powell, that the attached resolution regarding *Rainwater as a Potable Water Source* be adopted and forwarded to the Association of Vancouver Island and Coastal Communities (AVICC) for consideration at the 2016 Annual General Meeting and Convention.

CARRIED

**Zoning Amendment Application No. PL2015-025 – Electoral Area ‘H’ – Bylaw 500.400 – Third Reading.**

- 16-079 MOVED Director Stanhope, SECONDED Director Rogers, that the report of the Public Hearing held on December 1, 2015 for "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.400, 2015" be received.

CARRIED

- 16-080 MOVED Director Stanhope, SECONDED Director Rogers, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.400, 2015" be read a third time.

CARRIED

**Comments on Emergency Program Act Discussion Paper.**

- 16-081 MOVED Director McPherson, SECONDED Director Stanhope, that the Board direct staff to submit the attached Regional District of Nanaimo *Submission Re: Emergency Program Act Discussion Paper* to the Minister of State for Emergency Preparedness.

CARRIED

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Goose Control Program.**

- 16-082 MOVED Director Powell, SECONDED Director Westbroek, that the Board support the request from the City of Parksville that the Regional District of Nanaimo include in 2016, and if necessary, 2017 and 2018 operational budgets, funding in the amount of \$12,000 (a 1/3 shared cost) per year for a cull program and other Canada Goose management initiatives for the City of Parksville and surrounding areas.

CARRIED

- 16-083 MOVED Director Powell, SECONDED Director Westbroek, that the Board direct staff to write to the federal Minister of Environment and Climate Change to request legislative amendments to allow the use of culled migratory birds for human or animal consumption with a copy to the Federation of Canadian Municipalities requesting their support for this initiative.

CARRIED

**NEW BUSINESS**

**Roberton Boulevard within Electoral Area 'G'.**

- 16-084 MOVED Director Stanhope, SECONDED Director Fell, that the Ministry of Transportation and Infrastructure be requested to recognize the uniquely urban nature of Roberton Boulevard within Electoral Area 'G' and take immediate action to install traffic calming measures, reduce the speed limit and install improved facilities for cyclists and pedestrians within the Roberton Boulevard road allowance and within French Creek area as a whole; and further, that Staff be directed to meet with the Ministry of Transportation and Infrastructure as soon as possible to discuss all possible solutions to address the issues in this area.

CARRIED

**IN CAMERA**

- 16-085 MOVED Director Pratt, SECONDED Director Haime, that pursuant to Sections 90 (1) (c), (e) and (j) of the *Community Charter* the Board proceed to an In Camera Meeting, for discussions related to labour relations, land acquisitions and third-party business interests.

CARRIED

TIME: 8:32 PM

**RISE AND REPORT**

**Englishman River Water Service (ERWS).**

- 16-086 MOVED Director Lefebvre, SECONDED Director Rogers, that staff be directed to proceed, in partnership with the City of Parksville, with a lot line adjustment of Lot 1, Plan 21736 and Lot 4, Plan 49409 to reflect the new Lots A and B as outlined on Attachment 1 of the report.

CARRIED

- 16-087 MOVED Director Lefebvre, SECONDED Director Rogers, that the Board approve the sale of the Regional District of Nanaimo's interest in the new Lot A as outlined in Attachment 1 attached to the report for an amount not to exceed \$226,200.00.

CARRIED

- 16-088 MOVED Director Lefebvre, SECONDED Director Rogers, that the Board approve the Regional District of Nanaimo's 14% ownership in the new Lot B as outlined on Attachment 1, attached to the report.

CARRIED

**ADJOURNMENT**

MOVED Director Pratt, SECONDED Director Stanhope, that this meeting be adjourned.

CARRIED

TIME: 9:12 PM

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CHAIRPERSON

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CORPORATE OFFICER





2016-FEB-10

File No.: 0400-50  
tosborne@rdn.bc.ca

Mr. Tom Osborne, GM, Recreation and Parks Services  
Regional District of Nanaimo and Parks Department  
830 West Island Highway  
Parksville, BC V9P 2X4

Dear Mr. Osborne:

RE: District 68 Sports Field and Recreation Services Agreement

Pursuant to the D68 Sports Field and Recreation Services Agreement dated 2011-MAY-06 between the Regional District of Nanaimo and the City of Nanaimo, I write to confirm that the City intends to honour its commitments under the Agreement.

The City does not propose to amend the Agreement at this time.

I understand that Richard Harding advised that Council had adopted a motion to recess committee/commission work until 2016-APR-30 so that City staff may focus on the Core Services Review.

While s.9.1 speaks to condition precedent that the parties shall maintain a Parks, Recreation and Culture commission established by bylaw, I draw your attention to the fact that the City has and continues to do so.

While "PARKS, RECREATION AND CULTURE COMMISSION BYLAW 2006 NO. 7020" requires regular monthly meetings, we kindly request your consent to a brief recess. The Chair, Councillor Ian Thorpe, and Richard Harding, Director, Parks, Recreation and Environment, will remain available to discuss emerging issues.

We are of the opinion that a letter of consent is preferable to a formal amendment.

Sincerely,

Tracy Samra, LL.B., LL.M.  
City Manager

TS/jdk

cc: Councillor Ian Thorpe  
Richard Harding, Director, Parks, Recreation and Environment

**DISTRICT 68 SPORTS FIELD & RECREATION SERVICES AGREEMENT**

THIS AGREEMENT made this 6 day of May, 2011

BETWEEN:

**REGIONAL DISTRICT OF NANAIMO**  
6300 Hammond Bay Rd.  
Nanaimo BC  
V9T 6N2  
("Regional District")

OF THE FIRST PART

AND:

**CITY OF NANAIMO**  
455 Wallace Street  
Nanaimo, BC  
V9R 5J6  
("Nanaimo")

OF THE SECOND PART

**WHEREAS:**

- A. The Regional District established by Bylaw 1059 a service for pleasure, recreation and other community use known as the Southern Community Recreation Service which has as its participants the District of Lantzville and Electoral Areas A, B and C;
- B. By Agreement dated the 7th day of February, 1997 between Nanaimo and the Regional District, Nanaimo has provided access to Sports Fields (as defined herein) and recreational facilities and programs as a service to members of the general public residing within the District of Lantzville and Electoral Areas A, B and C;
- C. The Regional District wishes Nanaimo to continue providing access to Sports Fields and recreational services to members of the public residing outside of the boundaries of Nanaimo and within the boundaries of the District of Lantzville and Electoral Areas A, B and C;
- D. The Regional District and Nanaimo wish to continue to permit the Regional District to have an ongoing voice in recreation service provision through, among other things, participation by representatives of the Regional District on a Parks, Recreation and Culture Commission established by Nanaimo;

**NOW THEREFORE** in consideration of the premises and mutual covenants and agreements contained in this Agreement, the parties covenant and agree as follows:

## 1.0 DEFINITIONS

In this Agreement:

- 1.1 **"Non-shareable costs"** shall generally mean the development of a new Sports Field or Recreation Facility and/or an upgrade to an existing Sports Field or Recreation Facility costing more than \$10,000 including but not limited to the construction of facilities or improvements, or the addition, replacement, repair or extension of fences, roofs, seating, irrigation systems, wells, drainage, lighting, backstops, goalposts, time clocks or similar game display signage or sod replacement.
- 1.2 **"Commencement Date"** means January 1, 2011.
- 1.3 **"Cost of Operation and Maintenance"** means:
- (a) in relation to Sports Fields, the Net Costs for Sports Fields for the items set out in Schedule "A";
  - (b) in relation to Nanaimo Recreation Facilities, the Net Costs for Nanaimo Recreation Facilities for the items set out in Schedule "B";
- but does not include Non-shareable costs or debt;
- 1.4 **"Electoral Areas"** means that portion of the Regional District included within the boundaries of Electoral Areas A, B, and C;
- 1.5 **"District 68"** means that portion of the Regional District included within the boundaries of Nanaimo, Lantzville and Electoral Areas A, B, and C;
- 1.6 **"Lantzville"** means the District of Lantzville;
- 1.7 **"Nanaimo"** means the City of Nanaimo;
- 1.8 **"Nanaimo Recreation Facilities"** means:
- (a) Beban Park;
  - (b) Bowen Park;
  - (c) Nanaimo Aquatic Centre;
  - (d) Nanaimo Ice Centre.
- 1.9 **"Net Cost"** means prior year actual expenditures for the Cost of Operation and Maintenance less cost recovery from fees and charges imposed for the use of Nanaimo Recreation Facilities and Sports Fields;
- 1.10 **"Participating Areas"** means Nanaimo, Lantzville and Electoral Areas A, B, and C of the Regional District of Nanaimo;
- 1.11 **"Recreation Services"** means recreation and community services offered at Nanaimo Recreation Facilities to residents of the Regional District Areas and Lantzville;

- 1.12 “**Regional District**” means the Regional District of Nanaimo;
- 1.13 “**Regional District Areas**” means that portion of the Regional District included within the boundaries of Lantzville, Electoral Areas A, B, and C;
- 1.14 “**Sports Field**” means land developed for the playing of baseball, softball and soccer and other sport activities which is owned and operated by either Nanaimo or the Regional District Areas and includes the following:

City of Nanaimo:

- a) Beban Park;
- b) Bowen West;
- c) McGirr Park;
- d) Elaine Hamilton Park;
- e) May Bennett Park;
- f) Caledonia Park;
- g) Robins Park;
- h) Gyro Park;
- i) Harewood Park;
- j) Pleasant Valley Park;
- k) Serauxmen Sports Fields; and
- l) Comox Field.

Regional District of Nanaimo:

- a) Rollo McClay (EA ‘B’); and,
- b) Extension Sports Field (EA ‘C’).

Any Sports Field within Nanaimo, or the Regional District, which meets the criteria to be considered a Sports Field under Section 5.0;

- 1.15 “**Sports Field Services**” means:
- (a) operation and maintenance of Sports Fields in District 68; and
  - (b) permitting access to and use of Sports Fields by residents of the Participating Areas.
- 1.16 “**Term**” means the period of time from the Commencement Date to December 31, 2025.

## 2.0 INTERPRETATION

2.1 A reference in this Agreement to:

- (a) the singular includes the plural and the plural includes the singular, unless the context otherwise requires;
- (b) the masculine, feminine or neuter includes a reference to the masculine, feminine or neuter, unless the context otherwise requires.

2.2 The headings of paragraphs, articles and sections of this Agreement are for convenience of reference only, do not form part of this Agreement and are not to be used in the interpretation of this Agreement.

2.3 This Agreement is to be governed and construed in accordance with the laws of the Province of British Columbia.

2.4 If any paragraph, article or section of this Agreement is declared or held invalid for any reason, the paragraph, article or section may be severed from the Agreement without affecting the validity of the remainder of the Agreement.

**3.0 SERVICES**

3.1 The Parties covenant and agree with each other to provide Sports Field Services during the Term of the Agreement.

3.2 Nanaimo covenants and agrees to provide Recreation Services during the Term of the Agreement.

**4.0 PAYMENT**

4.1 Commencing with 2011, payment to Nanaimo shall be made in accordance with the following:

(a) Cost share calculation:

Each party shall share in the Cost of Operation and Maintenance of Sports Fields and/or Recreation Services based on the percentage of use established by averaging data from the three most recent usage surveys. Surveys shall be conducted once every five (5) years with the next survey to be completed on or before October 30<sup>th</sup>, 2015, as set out in Section 6.0.

(b) Payment to Nanaimo:

Total costs reported by Nanaimo for cost sharing purposes	\$ xxxx
Less: the share calculated for Nanaimo under the formula in 4.1(a) above	\$( xxx )
Net amount payable to Nanaimo	\$ xxx

4.2 Annual Budget

(1) For the purpose of calculating annual contribution amounts under Section 4.1(b), in each year during the Term of this Agreement, Nanaimo and the Regional District respectively, shall provide to each other, on or before January 31st a statement of actual Costs of Operation and Maintenance compared to budget for the prior year ending December 31<sup>st</sup>. The costs to be shared shall consist of prior year actual costs of Nanaimo, budgeted current year Regional District costs net of any prior year surplus or deficit as reported by the Regional District for Sports Fields in the Regional District Areas.

(2) For the purposes of preparing the Regional District's financial plan, Nanaimo shall also provide to the Regional District annually along with the budget information in 4.2(1) above an estimate of the Cost of Operation and Maintenance for Sports Fields and Recreation Facilities for the subsequent five year period.

4.3 Payment Due Date

The amount payable to Nanaimo under 4.1(b) shall be remitted on or before August 2<sup>nd</sup> in each year during the Term of this Agreement.

4.4 Debt

The cost of providing the Services under this Agreement is a debt owed to the party providing the Service.

**5.0 NEW SPORTS FIELDS/CITY RECREATION FACILITIES**

5.1 The Participating Areas shall use best efforts to agree which Sports Fields shall be included in the inventory of Sports Fields by November 30<sup>th</sup> of each year.

5.2 Where a new Sports Field or Recreation Facility within Nanaimo is added under this agreement the Cost of Operation and Maintenance for the first year shall be the average Cost of Operation and Maintenance for all Sports Fields or Recreation Facilities as the case may be, for the prior year. After the first year, the Cost of Operation and Maintenance shall be as reported by the Nanaimo under Section 4.2(1).

5.3 Where a new Sports Field within the Regional District Areas is added under this agreement the Cost of Operation and Maintenance for the first year shall be the average Cost of Operation and Maintenance for all Sports Fields in the Regional District Areas for the prior year. After the first year the Cost of Operation and Maintenance shall be as reported in the Regional District accounts under Section 4.2.

5.4 Where a new Recreation Facility is constructed, it shall not form part of this Agreement until a survey conducted pursuant to Section 4.1(a) is undertaken which demonstrates that 10% or more of the population from the Regional District Areas is attending public sessions at the facility.

**6.0 SURVEY**

6.1 The usage survey of Recreation Facilities and Sportsfields shall be:

- (a) conducted by the Regional District on or before October 31<sup>st</sup> in the years 2015, 2020 and 2025.
- (b) the survey shall collect street addresses for the purposes of identifying the participating area as follows:
  - (i) for aquatic centres the survey shall be based on drop-in public attendance, program registrations and group rentals
  - (ii) for ice arenas the survey shall be based on the addresses provided from team registrations and program registrations
  - (iii) for Sports Fields the survey shall be based on the addresses provided from team registrations
- (c) the data for aquatic centres shall be weighted as 50% from drop-in attendance, 40% from program registrations and 10% from facility rentals.
- (d) the data for arenas shall be weighted as 90% from team registrations and 10% from program registrations.

**7.0 INDEMNITY**

7.1 A party to this Agreement (hereinafter called the “**Supplying Party**”) that provides the Services to another party to this Agreement (herein after called the “**Receiving Party**”), shall indemnify, defend and save harmless the Receiving Party and its elected and appointed officers, employees, agents, successors and assigns from all manner of actions, causes of action, suits, debts, losses, liabilities, costs, expenses, claims and demands whatsoever (collectively “**Liability**”) arising out of any wrongful act, omission or negligence on the part of the Supplying Party, its elected or appointed officers, employees, agents, successors and assigns arising out of the Services provided under this Agreement., except to the extent of a wrongful act, or the Liability is caused by the omission in negligence of the Receiving Party.

**8.0 PAYMENT RATES**

8.1 The Parties acknowledge and agree that payments under Section 4.1 represent a fair and reasonable reimbursement of the costs of the Sports Field Services and Recreation Services to be provided under this Agreement.

**9.0 COVENANTS OF THE PARTIES**

9.1 It is a condition precedent to the obligations of the Parties under this Agreement that:

- (a) during the Term, Nanaimo shall maintain a Parks, Recreation and Culture Commission established by bylaw, with a composition, procedures, duties and powers as outlined in Schedule “C”; and
- (b) user or other rates shall not be charged, either directly or indirectly, for the use of Sports Fields or Recreation Services to residents of another Participating Area in excess of rates payable by or on terms other than those offered to residents of the Participating Area in which the Sports Fields are located or the Recreation Services are provided.

9.2 Nanaimo and the Regional District Areas shall consult with each other with respect to the planning and co-ordination of future Sports Field and Recreation Facility development.

**10.0 MISCELLANEOUS**

**10.1 Waivers**

The failure at any time of either party to enforce any of the provisions of this Agreement or to require at any time performance by the other party of any such provision shall not constitute or be construed to constitute a waiver of such provision, nor in any way to affect the validity of this Agreement or any parts thereof, or the right of either party thereafter to enforce each and every provision of this Agreement.

**10.2 Statutory Powers**

Nothing in this Agreement is to be interpreted as affecting or restricting the exercise by Nanaimo, Lantzville or the Regional District of any statutory power, duty or function, which may be fully exercised as if this Agreement had not been executed by the parties.

10.3 Modification

No waiver, modification or amendment of any of the provisions of this Agreement shall be binding unless it is in writing and signed by the duly authorized representatives of both parties.

10.4 Assignment

No assignment of this Agreement shall be made by either party without the written consent of the other. A party's consent to assign will not release or relieve the party from its obligations to perform all the terms, covenants and conditions that this Agreement requires a party to perform and the party requesting the assignment shall pay the other party's reasonable costs incurred in connection with the party's request for consent.

10.5 Survival

The articles, sections, subsections and paragraphs providing for the limitation of, waiver of, or protection against liability of the parties hereto shall survive termination, cancellation or expiration of this Agreement.

10.6 Notice

All notices and demands required or permitted to be given hereunder shall be in writing and may be delivered personally, sent by facsimile or may be mailed by first class, prepaid registered mail to the addresses set forth below. Any notice delivered or sent by facsimile shall be deemed to have been given and received at the time of delivery. Any notice mailed as aforesaid shall be deemed to have been given and received on the expiration of 5 business days after it was posted, addressed as follows:

Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2  
Attention: General Manager, Recreation and Parks Services

City of Nanaimo  
455 Wallace Street  
Nanaimo, BC V9R 5J6  
Attention: City Clerk

or to such other address or addresses as may from time to time be provided in writing by the parties hereto. If there shall be, between the time of mailing and the actual receipt of a notice, a mail strike, slow down or other labour dispute which might affect the delivery of that notice by the mails, then the notice shall only be affected if actually received by the person to whom it was mailed.

10.7 Independent Contractor

Where a party to this Agreement (hereinafter called the "Supplying Party") provides Sports Field Services to another party to this Agreement (herein after called the "Receiving Party"), the Supplying Party shall be deemed to be an independent contractor and not the agent of the Receiving Party. Any and all agents, servants or employees of the Supplying Party or other persons, while engaged in the performance of any work or services required to be performed by one of the under this Agreement, shall not be considered employees of the Receiving Party and any and all claims that may or might arise on behalf of the Supplying Party, their agents, servants or employees as a



consequence of any act or omission on behalf of the Supplying Party, its agents, servants, employees or other person, shall not be the obligation or responsibility of the Receiving Party. The Receiving Party, their agents, servants or employees, respectively, shall be entitled to none of the rights, privileges or benefits of employees of the Supplying Party except as otherwise may be stated in this Agreement.

10.8 Entire Agreement

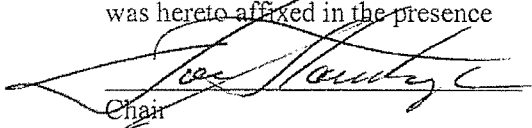
This Agreement shall constitute the entire agreement between the parties and shall supersede all prior written or unwritten negotiations, understandings and agreements.


10.9 Arbitration

All disputes arising out of or in connection with this Agreement, or in respect of any defined legal relationship associated therewith or derived therefrom, may at the instance of either party, be referred to a Court of competent jurisdiction or to arbitration by delivery of a Notice of Arbitration in writing. If the parties cannot agree on a choice of arbitrator then each party may appoint an arbitrator and the two arbitrators so appointed must appoint a third arbitrator failing which the third arbitrator must be appointed by a Judge of the Supreme Court of British Columbia. Arbitration will be governed by the Commercial Arbitration Act (British Columbia). The place of arbitration shall be Nanaimo, British Columbia, Canada and the costs shall be borne equally by the parties.

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

The Corporate Seal of the  
**REGIONAL DISTRICT OF NANAIMO**  
was hereto affixed in the presence

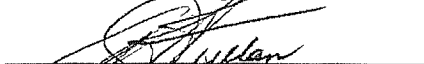
  
Chair

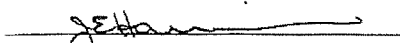
  
Officer Responsible for Corporate  
Administration

of its authorized signatories:

	Initial	Date
Content (Mgr)	DB	APR 24, 2011
Approved (GM)	[Signature]	APRIL 21, 2011
Legal Form (SMCA)	[Signature]	29/04
Authority (CAO)	[Signature]	May 5/11

The Corporate Seal of the  
**CITY OF NANAIMO**  
was hereto affixed in the presence  
of its authorized signatories:

  
Mayor  
John Ruttan, Mayor

  
Officer Responsible for Corporate  
Administration  
Joan Harrison  
Manager of Legislative Services

## SCHEDULE "A"

### Costs of Sports Field Operation and Maintenance

Labour - includes wages and benefits;

Equipment - means all equipment involved in the maintenance or operation of Sports Fields, including lawnmowers and vehicles and includes costs of operating plus an amount for depreciation calculated in accordance with standard municipal accounting practices;

Materials - means all materials required to maintain and operate Sports Fields, including grass seed and fertilizer;

Field Houses - means change room and washroom facilities at each park and includes facility costs (cleaning, supplies, lighting, heating, etc.)

Water - means costs related to the irrigation of Sports Fields;

Electricity - for the operation of field lights at Sports Fields which are illuminated;

Fleet Maintenance - means the cost of repairing and maintaining vehicles used by parks staff at the facilities, which is reasonably attributable to operation and maintenance of Sports Fields, including depreciation calculated in accordance with standard municipal accounting practices;

Vandalism - means annual costs for removing the effects of vandalism or repairing vandalized property;

Garbage Collection - means collection of litter from Sports Fields;

Departmental Overhead - means the following administrative costs attributable to Sports Fields operation and maintenance:

- salaries of parks maintenance administrative staff
- staff training
- staff meetings
- costs related to operation of parks works yard
- other miscellaneous costs incidental to Sports Fields (e.g. photocopying, office supplies, office equipment rental, advertising, bank charges, etc.)

Costs attributed to Sports Field Operation and Maintenance do not include the construction of structures or improvements.

## SCHEDULE "B"

### Beban Park, Bowen Park, Nanaimo Aquatic Centre and Nanaimo Ice Centre Costs of Operation and Maintenance

Facilities – means all buildings, structures, swimming pools, arenas, play fields, etc. located at Bowen Park, Beban Park or the Nanaimo Aquatic Centre.

Labour – includes wages and benefits;

Equipment – means all equipment involved in the maintenance or operation of the Facilities, including lawnmowers and vehicles and includes costs of operating plus an amount for depreciation calculated in accordance with Nanaimo's usual accounting practices;

Materials – means all materials required to maintain and operate the Facilities;

Utilities – means all utility costs required to operate the Facilities including, but not limited to: telephones, water fees, sewer fees, electricity, gas and oil.

Building Maintenance – means all costs that are required to maintain the Facilities in good operating condition, e.g. painting, flooring, HVAC, plumbing and electrical repairs, security, janitorial supplies;

Fleet Maintenance – means the cost of repairing and maintaining vehicles used by parks staff at the facilities, which is reasonably attributable to operation and maintenance of Nanaimo Recreation Facilities, including depreciation calculated in accordance with Nanaimo's usual accounting practices;

Vandalism – means costs for removing the effects of vandalism or repairing vandalized property;

Garbage Collection – means collection of garbage from the Facilities;

Program Costs – means those costs incurred for the provision of recreational programs to the public at the Facilities. Costs may include contract staff and recreation supplies.

Departmental Overhead – means the following administrative costs of the Parks and Recreation Service of the City of Nanaimo attributable to the operation and maintenance of the Facilities;

- Salaries of parks and recreation administrative staff
- Staff training
- Staff meetings
- Costs related to the operation of the parks works yard
- Other miscellaneous costs incidental to the Nanaimo Recreation Facilities Service (e.g. photocopying, office supplies, office equipment rental, advertising, bank charges, etc.)

Costs of Sports Field Operation and Maintenance do not include construction of structures or improvements.

**SCHEDULE "C"**

**Composition, Procedures, Duties and Powers of  
Parks, Recreation and Culture Commission**

**"PARKS, RECREATION AND CULTURE COMMISSION BYLAW 2006 NO. 7020"**

*Consolidated Version*

2011-FEB-15

Includes Amendments: 7020.01, 7020.02, 7020.03

CITY OF NANAIMO

BYLAW NO. 7020

A BYLAW TO ESTABLISH A PARKS, RECREATION AND CULTURE COMMISSION

---

WHEREAS the Council of the City of Nanaimo may, pursuant to Section 143(1) of the *Community Charter*, establish Commissions;

WHEREAS the Council of the City of Nanaimo has deemed it appropriate to establish a Parks, Recreation and Culture Commission;

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the "PARKS, RECREATION AND CULTURE COMMISSION BYLAW 2006 NO. 7020".

PART I - GENERAL

2. Interpretation

In this Bylaw unless the context requires otherwise:

"Director of Parks, Recreation and Culture"	means the person duly appointed as such from time to time, and includes any person appointed or designated by the Director to act on their behalf.
"Member"	means a member of the Parks, Recreation and Culture Commission.
"Council"	means the City Council of the City of Nanaimo.
"Commission"	means the Parks, Recreation and Culture Commission.

3. The Role of the Commission

The role of the Commission is to provide policy advice to Council for the planning, development and the provision of City Parks, Recreation and Culture services and facilities.

4. Quorum

A quorum of the Commission shall be six (6) members; a quorum of the Parks Committee shall be three (3) members; a quorum of the Recreation Program and Facilities Committee shall be three (3) members; a quorum of the Cultural Committee shall be six (6) members.

5. Appointment of Members

The Commission shall consist of twelve (12) members, each appointed by Council as follows:

- (a) three (3) members of Council;
- (b) five (5) "at large" members who shall each be a resident of the City of Nanaimo;
- (c) one (1) member nominated from each of three (3) Electoral Areas of the Regional District of Nanaimo and one (1) member from the District of Lantzville who participate in the Nanaimo Recreation Centre function.

6. Terms of Appointment

- 6.1 All appointments to the Commission shall be for a term of three (3) years without remuneration.
- 6.2 The Mayor will appoint a member of Council as Chair. The Chair shall serve a three (3) year term, with successive terms at the pleasure of the Mayor. The other two Council representatives will serve on a rotating basis as Acting Chair in the absence of the Chair. (Bylaw 7020.01)
- 6.3 Every member shall continue to hold office until a successor is appointed.
- 6.4 Council may, by an affirmative vote of not less than two-thirds (2/3) of the Council members, remove a member of the Commission from office at any time.
- 6.5 Upon the resignation, the removal from office, or the death of any member during their term of office, Council shall appoint a successor in accordance with the provisions by which the vacating member was appointed.

7. Inaugural Meeting

7.1 The Commission shall meet for its Inaugural meeting, at 7:00 p.m. on the fourth Wednesday of April following the Municipal Election. (Bylaw 7020.03)

7.2 At the Inaugural meeting of the Commission, the members shall from amongst their number appoint, by resolution, persons to serve on the:

- (a) Parks Committee (5 Commission members)
- (b) Recreation Committee (5 Commission members)
- (c) Cultural Committee (4 Commission members)

and representatives to other Committees as deemed appropriate. (Bylaw 7020.02)

7.3 At the Inaugural meeting, or any regular meeting of the Commission, the Commission may appoint Committees as it deems necessary.

8. Notice of Regular Commission Meetings

8.1 On the Friday afternoon prior to a regular meeting of Commission, the Commission Secretary will have available for members to pick up at the Parks, Recreation and Culture administration office, a meeting agenda setting out all items for consideration.

8.2 At least 72 hours before a regular meeting of Commission, the Commission Secretary will post notice of the time, place and date of the meeting by way of posting an agenda at the Parks, Recreation and Culture administration office.

9. Location and Time of Regular Commission Meetings

9.1 Regular meetings of the Commission shall be held at least once (1) in each month excluding August and December, on the fourth Wednesday, at 7:00 p.m. in the Bowen Complex Conference Room, unless otherwise specified.

9.2 Prior to the beginning of each year, a tentative Commission meeting schedule shall be produced and posted at the Parks, Recreation and Culture administration office and on the City's website.

10. Attendance of Public at Meetings

- 10.1 Except where the provision of Section 90(1) or (2) of the *Community Charter* apply, all Commission meetings shall be open to the public.
- 10.2 Where the Commission wishes to close a meeting to the public, it may do so by adopting a resolution in accordance with Section 92(a) and (b) of the *Community Charter*.

PART II – MEETINGS

11. The Chair

- 11.1 The Chair, when present, shall preside at all meetings of the Commission using Roberts Rules of Order to govern the meeting.
- 11.2 Where the Chair, or either Acting Chair, is not present at the time appointed for a meeting of Commission, the Commission shall by resolution appoint an Acting Chair for that meeting.
- 11.3 Every question submitted to a meeting shall be decided by a majority of the members present.

12. Delegations

- 12.1 All delegations requesting permission to appear before the Commission shall submit a written request, including a written synopsis clearly outlining their topic of concern.
- 12.2 Requests to appear as a delegation shall be submitted to the Commission Secretary by 1:00 p.m. on the Wednesday preceding the meeting for inclusion on the Commission agenda. These delegates will be allocated 10 minutes.
- 12.3 Requests to appear as a delegation received after 1:00 p.m. on the Wednesday, but prior to 1:00 p.m. on the Tuesday preceding the meeting, shall be included on the Late Correspondence Agenda, and allocated 10 minutes.

13. Correspondence

The deadline for the public to submit items to the Commission Secretary for inclusion on the Commission agenda shall be 1:00 p.m. on the Wednesday preceding the meeting. Items of correspondence received after that time will be included on the Late Correspondence Agenda.



14. Opening Procedures

- 14.1 Call Meeting to Order - At the hour set for a meeting to commence, and provided that a quorum is present, the Chair shall call the meeting to order.
- 14.2 Lack of Quorum - Should there be no quorum present within fifteen minutes after the time appointed for the meeting to commence, the Chair shall ask the Secretary to record the names of the members present and then adjourn the meeting.

15. Order of Business

- 15.1 The following headings and order of business shall be used:
- Presentations
  - Adoption of Minutes
  - Introduction of Late Items
  - Adoption of Late Correspondence Agenda
  - Receiving of Delegations
  - Chairman's Report
  - Receiving of Correspondence
  - Reports of Standing Committees
  - Director's Report
  - Committee/Commission Representative Reports
  - Items of General Information
  - Unfinished Business
  - Other Competent Business
  - Media Question Period
  - Public Question Period
  - Establish Next Meeting Dates
  - Adjournment
- 15.2 Notwithstanding the provisions under Section 15.1, it shall always be in order for the Commission to vary the order in which business on the Agenda shall be dealt with by a majority vote of the members present.

16. Special Meetings

- 16.1 A notice of the day, hour and place of a special meeting of the Commission, being a meeting other than a regular or adjourned meeting, shall be given at least 24 hours before the time of meeting by posting a copy of the notice at the regular Commission meeting place and by leaving one copy for each member of the Commission at the place to which they have directed notices to be sent. Notice may be waived by unanimous vote of all members of the Commission. Each copy of the notice shall be signed by the Chair or the Director of Parks, Recreation and Culture.
- 16.2 Any five (5) members of the Commission may, in writing, request the Chair to call a special meeting.

- 16.3 Where the Chair, within 24 hours after receiving the request, refuses or neglects to call the special meeting to be held within seven (7) days after they received the request, or where the Chair is absent, five (5) or more members of the Commission may call a special meeting and they shall sign the notice.
17. Minutes
- 17.1 Minutes of the proceedings of the Commission shall be legibly recorded in a minute book. The minutes shall be certified as correct by the Director of Parks, Recreation and Culture and signed by the Chair or other member presiding at the meeting or at the next meeting at which they are adopted.
- 17.2 The minutes shall be open for inspection by any person who may make copies and extracts at all reasonable times on payment each time of \$0.25 per page or as specifically provided for under Section 194(1)(c) of the *Community Charter*.
- 17.3 Section 17.2 does not apply to minutes of a special meeting from which persons were excluded under Section 10.
18. Unless otherwise stated in this bylaw, "COUNCIL PROCEDURE BYLAW 2005 NO. 7007" and all amendments thereto shall apply to meetings of the Commission.

PART III – REPEAL

19. "PARKS, RECREATION AND CULTURE COMMISSION BYLAW 2002 NO. 5564" and all amendments thereto are hereby repealed.

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, FEBRUARY 9, 2016 AT 6:30 PM IN THE  
RDN BOARD CHAMBERS

In Attendance:

Director J. Stanhope	Chairperson
Director A. McPherson	Electoral Area A
Director M. Young	Electoral Area C
Director B. Rogers	Electoral Area E
Director J. Fell	Electoral Area F
Director B. Veenhof	Electoral Area H

Also in Attendance:

D. Trudeau	Interim Chief Administrative Officer
R. Alexander	Gen. Mgr. Regional & Community Utilities & Solid Waste
G. Garbutt	Gen. Mgr. Strategic & Community Development
T. Osborne	Gen. Mgr. Recreation & Parks
J. Harrison	Director of Corporate Services
J. Hill	Mgr. Administrative Services
P. Thompson	Mgr. Long Range Planning
C. Golding	Recording Secretary

**CALL TO ORDER**

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

**ELECTORAL AREA PLANNING COMMITTEE MINUTES**

**Minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, January 12, 2016.**

MOVED Director McPherson, SECONDED Director Veenhof, that the minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, January 12, 2016, be adopted.

CARRIED

**DEVELOPMENT PERMIT**

**Development Permit Application No. PL2016-004 – Electoral Area ‘G’.**

MOVED Director Veenhof, SECONDED Director Rogers, that Development Permit No. PL2016-004 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

**OTHER**

**Agriculture Bylaw and Policy Updates Project – Zoning Amendments 1st and 2nd Reading – Bylaws No. 500.402 and 1285.26.**

MOVED Director Veenhof, SECONDED Director Young, that Agriculture Bylaw and Policy Updates Project – Zoning Amendments 1st and 2nd Reading – Bylaws No. 500.402 and 1285.26 be referred back to staff for refinement.

CARRIED

**ADJOURNMENT**

MOVED Director Veenhof, SECONDED Director Rogers, that this meeting be adjourned.

CARRIED

TIME: 6:33 PM

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CHAIRPERSON

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CORPORATE OFFICER

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE REGULAR COMMITTEE OF THE WHOLE MEETING  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, FEBRUARY 9, 2016 AT 7:00 PM IN THE  
RDN BOARD CHAMBERS**

In Attendance:

Director B Veenhof	Chairperson
Director C. Haime	Deputy Chairperson
Director A. McPherson	Electoral Area A
Director H. Houle	Electoral Area B
Director M. Young	Electoral Area C
Director B. Rogers	Electoral Area E
Director J. Fell	Electoral Area F
Director J. Stanhope	Electoral Area G
Director B. Bestwick	City of Nanaimo
Director J. Hong	City of Nanaimo
Director J. Kipp	City of Nanaimo
Director W. Pratt	City of Nanaimo
Director I. Thorpe	City of Nanaimo
Director B. Yoachim	City of Nanaimo
Alternate	
Director S. Powell	City of Parksville
Alternate	
Director B. Luchtmeijer	Town of Qualicum Beach

Regrets:

Director B. McKay	City of Nanaimo
Director M. Lefebvre	City of Parksville
Director T. Westbroek	Town of Qualicum Beach

Also in Attendance:

D. Trudeau	Interim Chief Administrative Officer
R. Alexander	Gen. Mgr. Regional & Community Utilities & Solid Waste
G. Garbutt	Gen. Mgr. Strategic & Community Development
T. Osborne	Gen. Mgr. Recreation & Parks
J. Harrison	Director of Corporate Services
W. Idema	Director of Finance
J. Hill	Mgr. Administrative Services
C. Golding	Recording Secretary

## **CALL TO ORDER**

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

The Chairperson welcomed Alternate Directors Powell and Luchtmeijer to the meeting.

## **DELEGATIONS**

### **Bill Dawson, BC Assessment, re 2016 Assessment Roll.**

Bill Dawson provided a visual presentation to accompany his summary of assessment rolls for the Regional District electoral areas and municipalities.

### **Robert Grose, Nanaimo Travellers Lodge, re New 130 bed residence for compassionate dementia care.**

Robert Grose provided an overview of the Eden Gardens facility currently under construction that will provide improved facilities and compassionate dementia care, and asked the Board to sponsor a community.

### **Michel Morin, Nanaimo Marine Rescue Society, re Financial support.**

Mike Banning provided an update of how funds have been utilized over the past year and asked the Board to increase funding for 2016 to \$17,500 to support ongoing training, equipment and capital needs.

### **Rod Szasz, re Memorial for crew of WWII B-25 Mitchell Bomber.**

Rod Szasz provided the history of the WWII B-25 Mitchell Bomber which crashed in the Nanaimo watershed in 1944 and asked the Board to enter into a site stewardship agreement with the Royal Canadian Air Force Association and agree to become the owner of record of a memorial plaque and interpretive board dedicated to the five Royal Canadian Air Force crew that perished.

### **Ron Chiovetti, re Proposed amendment to boundary between Electoral Areas 'F' and 'G'.**

Ron Chiovetti presented a request to amend the boundaries of Electoral Areas 'F' and 'G' to redesignate six properties to create a more natural division based on use, and asked the Board to pass a motion supporting an amendment to the boundary.

### **Jessie James, re Holden Creek Restoration**

Jessie James shared her concerns about the condition of Holden Creek including a decline in fish spawning and damage to properties due to flooding and asked for the Board's support in moving forward with the restoration of Holden Creek.

## **COMMITTEE OF THE WHOLE MINUTES**

### **Minutes of the Committee of the Whole meeting held Tuesday, January 12, 2016.**

MOVED Director Stanhope, SECONDED Director Thorpe, that the minutes of the Committee of the Whole meeting held January 12, 2016, be adopted.

CARRIED

## **COMMUNICATION/CORRESPONDENCE**

**Mary Polak, Minister of Environment, re Request for Local Government Input – Climate Action and Climate Leadership Plan.**

MOVED Director Houle, SECONDED Director Stanhope, that the correspondence from Mary Polak, Minister of Environment, regarding a request for local government input on the Climate Action and Climate Leadership Plan be received.

CARRIED

**James A. Lettic, Nanoose Bay Activities and Recreation Society, re Estimate of Costs for Building Upgrades.**

MOVED Director Houle, SECONDED Director Stanhope, that the correspondence from James A. Lettic, Nanoose Bay Activities and Recreation Society, regarding estimate of costs for building upgrades be received.

CARRIED

**Mayor Henry Braun, City of Abbotsford, re Downloading of DNA Analysis Costs.**

MOVED Director Houle, SECONDED Director Stanhope, that the correspondence from Mayor Henry Braun, City of Abbotsford, regarding the downloading of DNA analysis costs be received.

CARRIED

## **FINANCE**

W. Idema provided a summary of the 2016 – 2020 Financial Plan including recent updates to the 2016 Budget, tax requisitions and significant capital and operational impacts over the next 5 years.

**2016-2020 Financial Plan.**

MOVED Director Stanhope, SECONDED Director Fell, that the proposed increase of \$9 million in borrowing for the Ravensong Pool expansion go to referendum.

WITHDRAWN

MOVED Director Fell, SECONDED Director Stanhope, that the Financial Plan not assume an expansion of the pool and that funds for Ravensong be lowered to maintenance levels and a reserve contribution after the current loan is paid off.

CARRIED

MOVED Director Stanhope, SECONDED Director Pratt, that the Board receive the report on the 2016 Budget as amended and the 2016 to 2020 Financial Plan.

CARRIED

MOVED Director Stanhope, SECONDED Director Pratt, that the Board provide any additional direction for changes related to completion of the 2016 to 2020 Financial Plan and direct staff to prepare the financial plan bylaw on that basis.

CARRIED

**2016 Proposed Budget External Requests for Funding.**

MOVED Director Houle, SECONDED Director Thorpe, that the Board provide an additional \$2,500 to the current \$7,500 in funding received annually under the Southern Restorative Justice/Victim Services Service Area to the Nanaimo RCMP Victim Services.

CARRIED

MOVED Director Bestwick, SECONDED Director Pratt, that the Board provide an additional \$6,500 to the current \$11,000 in funding received under the D68 Search & Rescue Service to the Nanaimo Marine Rescue Society.

CARRIED

MOVED Director Pratt, SECONDED Director Fell, that the Board direct staff to look at using Regional Sustainability Reserve Funds to provide \$15,000 to the Nanaimo Aboriginal Society to use towards the cost of the Passive House construction project.

CARRIED

MOVED Director Young, SECONDED Director Pratt, that the Board provide \$15,000 in funding to the Nanaimo Travellers Lodge for the Eden Gardens facility.

CARRIED

## **STRATEGIC AND COMMUNITY DEVELOPMENT**

### **LONG RANGE PLANNING**

#### **Update on Use of Island Health Homelessness Funding.**

MOVED Director Powell, SECONDED Director Stanhope, that the report be received for information.

CARRIED

MOVED Director Powell, SECONDED Director Stanhope, that staff be directed to forward the update on Use of Homelessness Funding to Island Health with a letter thanking them for providing funding.

CARRIED

### **BUILDING, BYLAW, AND EMERGENCY PLANNING**

#### **Emergency Management Agreement Renewal.**

MOVED Director Stanhope, SECONDED Director Powell, that the Emergency Management Agreement between the Regional District of Nanaimo, the City of Nanaimo, the District of Lantzville, the City of Parksville, the Town of Qualicum Beach, and the Qualicum, Nanoose and Snuneymuxw First Nations be renewed for a term beginning January 1, 2016 to May 1, 2021.

CARRIED

### **RECREATION AND PARKS**

#### **PARKS**

#### **Coombs to Parksville Rail Trail Project Update.**

MOVED Director McPherson, SECONDED Director Hong, that the staff recommendation to proceed to tender for the Station Road to Church Road phase of the Coombs to Parksville Rail Trail with a tender upgrade for the Church Road to City of Parksville phase, be referred to the Regional Parks and Trails Select Committee.

CARRIED

#### **E&N Rail Trail – Deferred Road Crossing Compliance Memorandum of Understanding.**

MOVED Director Stanhope, SECONDED Director Fell, that the Deferred Road Crossing Compliance (Alberni Line Rail Trail) Memorandum of Understanding with the Island Corridor Foundation be approved and executed.

CARRIED



**Oakdowne Community Park Licence of Occupation Renewal (Electoral Area 'H').**

MOVED Director Stanhope, SECONDED Director Young, that the Regional District accept the Province of BC's 30-year Licence of Occupation offer for Oakdowne Community Park in Electoral Area 'H'.

CARRIED

**REGIONAL AND COMMUNITY UTILITIES**

**WATER AND UTILITY**

**Region-Wide Watering Restrictions Framework.**

MOVED Director Stanhope, SECONDED Director Young, that the Board support the adoption of the proposed region-wide standard watering restrictions framework in the major water service areas in our region.

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that "Regional District of Nanaimo Water Use Regulation Amendment Bylaw No. 1654.02, 2016" be introduced and read three times.

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that "Regional District of Nanaimo Water Use Regulation Amendment Bylaw No. 1654.02, 2016" be adopted.

CARRIED

**WASTEWATER**

**Bylaw No. 975.63 – Pump & Haul Bylaw Amendment to Include Lot C, District Lot 9, Plan 1832, Except Those Parts in Plans 11274, 14223, and 14909, Newcastle Land District (Electoral Area 'G').**

MOVED Director Stanhope, SECONDED Director Young, that "Regional District of Nanaimo Pump & Haul Local Service Establishment Bylaw No. 975, 1995" be amended to include Lot C, District Lot 9, Plan 1832, Except Those Parts in Plans 11274, 14223, and 14909, Newcastle Land District (Electoral Area 'G').

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.63, 2016" be introduced and read three times.

CARRIED

**ADVISORY, SELECT COMMITTEE AND COMMISSION**

**Solid Waste Management Select Committee.**

**Minutes of the Solid Waste Management Select Committee meeting held Wednesday, December 2, 2015.**

MOVED Director McPherson, SECONDED Director Haime, that the minutes of the Solid Waste Management Select Committee meeting held Wednesday, December 2, 2015, be received for information.

CARRIED

**Solid Waste Management Plan Review Update.**

MOVED Director McPherson, SECONDED Director Young, that staff be directed to prepare a report recommending amendments to the Terms of Reference of the Solid Waste Management Select Committee to add the responsibility of providing advice and recommendations to the Board regarding Solid Waste Services operations, in addition to its current role as it relates to the Solid Waste Management Plan review process.

CARRIED

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Proposed Amendment to Boundary between Electoral Areas 'F' and 'G'.**

MOVED Director Stanhope, SECONDED Director Fell, that the Board refer the issue of Electoral Area boundaries that were affected by the construction of the inland highway to staff, specifically the cutoff of Electoral Area 'G' and Electoral Area 'F' that were raised by the delegation, and the report to include other Electoral Areas that have similar problems that are not necessarily limited to being bisected by the inland highway.

CARRIED

**Memorial for Crew of WWII B-25 Mitchell Bomber.**

MOVED Director Thorpe, SECONDED Director Pratt, that the Regional District of Nanaimo become the "owner of record" of a plaque and interpretive board dedicated to the memory of the five Royal Canadian Air Force crew that perished on Mt. Whympere on May 29, 1944.

CARRIED

MOVED Director Thorpe, SECONDED Director Pratt, that the Regional District of Nanaimo enter into a site stewardship agreement with the Royal Canadian Air Force Association, 808 Wing Nanaimo, for the ongoing stewardship and maintenance of the plaque and interpretive board dedicated to the memory of the five Royal Canadian Air Force crew that perished on Mt. Whympere on May 29, 1944.

CARRIED

**Holden Creek Restoration.**

MOVED Director McPherson, SECONDED Director Fell, that staff be directed to provide assistance and direction to Jessie James on the appropriate authority to undertake restoration of Holden Creek.

CARRIED

**NEW BUSINESS**

**Directors' Roundtable.**

Directors provided updates to the Board.

**IN CAMERA**

MOVED Director Young, SECONDED Director Haime, that pursuant to Sections 90 (1) (c), (e), (g), (i), and (j), and 90 (2) (b) of the *Community Charter* the Committee proceed to an In Camera Meeting for discussions related to employee relations, land disposition, litigation, solicitor-client privilege, third-party business interests, and inter-governmental negotiations.

CARRIED

TIME: 10:26 PM

**ADJOURNMENT**

MOVED Director Young, SECONDED Director Hong, that this meeting be adjourned.

CARRIED

TIME: 11:15 PM

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CHAIRPERSON

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CORPORATE OFFICER

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1654.02**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO WATER  
USE REGULATION BYLAW. NO. 1654, 2012**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend “Regional District of Nanaimo Water Use Regulation Bylaw No. 1654, 2012”;

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 “Regional District of Nanaimo Water Use Regulation Amendment Bylaw No. 1654.02, 2016”.

**2. Amendments**

“Regional District of Nanaimo Water Use Regulation Bylaw No. 1654, 2012” is amended as follows:

- (1) By amending Section 1, the definition of “Water Rate” shall be replaced with **“Water Rate”** means an amount levied under Schedule ‘A’ of Bylaw No. 1655, cited as “Regional District of Nanaimo Water Services Fees & Charges Bylaw No. 1655, 2012”.
- (2) By amending the title of Section 7 from “Water Conservation Levels” to “Watering Restriction Stages”;
- (3) By amending Sections 7(1), 7(2), 7(3), 7(4), 7(5), and 7(8) to change the words “Water Conservation Level” to “Watering Restriction Stage”;
- (4) By amending Section 7(1) to the following: Watering Restriction Stage 1 will automatically be in effect for the months of April and October in any year;
- (5) By amending Section 7(2) to the following: Watering Restriction Stage 2 will automatically be in effect for the months of May, June, July, August, and September in any year;
- (6) By deleting Schedule ‘A’ and replacing it with the Schedule ‘A’ attached to and forming part of this bylaw.

Introduced and read three times this \_\_\_\_ day of \_\_\_\_\_, 2016.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Officer

## **SCHEDULE 'A'**

### **1. WATERING RESTRICTION STAGE 1 – Night Watering Only**

During the months of April and October, no person shall:

- (a) Use a sprinkler to water a lawn or garden growing on a property except between the hours of 7:00 pm to 7:00 am daily;
- (b) Wash a vehicle, boat, trailer, window or house (siding) except by using a hand-held container or a hose equipped with a shutoff device

### **2. WATERING RESTRICTION STAGE 2 – Every Other Day Watering**

During the months of May, June, July, August, and September, no person shall:

- (a) Use a sprinkler to water a lawn or garden growing on a property with:
  - (i) An even-numbered address except on even-numbered days between the hours of 7:00 am to 10:00 am or 7:00 pm to 10:00 pm, and for no more than 2 hours per day;
  - (ii) An odd-numbered address except on odd-numbered days between the hours of 7:00 am to 10:00 am or 7:00 pm to 10:00 pm, and for no more than 2 hours per day;
  - (iii) An address on Pylades Drive except on even-numbered days between the hours of 7:00 am to 10:00 am or 7:00 pm to 10:00 pm, and for no more than 2 hours per day;
  - (iv) An address on Bissel Road or Ingram Road except on odd-numbered days between the hours of 7:00 am to 10:00 am or 7:00 pm to 10:00 pm, and for no more than 2 hours per day;
  - (v) An odd-numbered address from 1027 to 1117 Surfside Drive, or an odd-numbered address from 927 to 935 McFeely Drive, except on Tuesday, Friday or Sunday between the hours of 7:00 am to 10:00 am or 7:00 pm to 10:00 pm, and for no more than 2 hours per day;
  - (vi) An odd-numbered address from 985 to 1021 Surfside Drive, or an even-numbered address from 982 to 1010 Surfside Drive, except on Monday, Wednesday or Saturday between the hours of 7:00 am to 10:00 am or 7:00 pm to 10:00 pm, and for no more than 2 hours per day;
  - (vii) An odd-numbered address from 965 to 977 Surfside Drive, or an odd-numbered address from 939 to 959 McFeely Drive, or an even-numbered address from 954 to 976 Surfside

Drive, except on Tuesday, Thursday and Sunday between the hours of 7:00 am to 10:00 am or 7:00 pm to 10:00 pm, and for no more than 2 hours per day;

- (b) Wash a vehicle, boat, trailer, window or house (siding) except by using a hand-held container or a hose equipped with a shutoff device;

### 3. WATERING RESTRICTION LEVEL 3 – VOLUNTARY HEIGHTENED WATER USE REDUCTIONS

If the Manager of Water Services gives notice that a reduction in water use is necessary requiring Watering Restriction Level 3, all persons are encouraged to voluntarily reduce domestic water use in an effort to avoid a comprehensive watering ban.

### 4. WATERING RESTRICTION LEVEL 4 – COMPREHENSIVE WATERING BAN

If the Manager of Water Services gives notice that a reduction in water use is necessary requiring Watering Restriction Level 4, no person shall:

- (a) Water lawns or boulevards at any time including newly seeded or sodded lawns;
- (b) Water flowers, shrubs or ornamental trees except by using a hand-held container or a hose equipped with a shutoff device, and only between the hours of 7:00 am to 10:00 am, or 7:00 pm to 10:00 pm ;
- (c) Wash a vehicle, boat, trailer, window, or house (siding) unless for safety reasons (i.e. boat trailer brakes);
- (d) Wash a sidewalk or driveway unless prior to the application of a product such as paint, preservative, stucco, or preparation of a surface prior to paving;
- (e) Fill a fountain, pool or hot tub;
- (f) Obtain a new lawn watering permit;

### 5. EXEMPTIONS

- (a) A person who has installed a new lawn, either newly seeded or new sod, may apply to the Regional District of Nanaimo Water Services Department for a permit which will allow the new lawn to be sprinkled outside of permitted days, but within restricted hours. The permit shall be conspicuously displayed at the premises for which it was issued.
- (b) New sod or newly seeded lawn may be sprinkled for 14 days after installation, provided a permit pursuant to Subsection (a) has been issued for the premises at which the new lawn has been installed.
- (c) After expiration of a permit issued under Subsection (a), a person may apply for a may obtain subsequent permits under Subsection (a).
- (d) Permits may not be issued or be valid during Watering Restriction Stage 2, Stage 3 or Stage 4, at the discretion of the Manager of Water Services.
- (e) A person may water new trees and shrubs during installation and for the following 24 hours. Afterwards the watering must comply with Watering Restriction Levels.

- (f) A person may water vegetable gardens or fruit trees at any day and time.
- (g) A person may water flowers, shrubs, and ornamental trees at any day and time in Stage 1, Stage 2, or Stage 3 if using a hand-held container or a hose equipped with a shutoff device;
- (h) A person may use micro-irrigation or drip-irrigation as follows:
  - (i) Any day and any time during Watering Restriction Stage 1, Stage 2 and Stage 3;
  - (ii) Any day during Watering Restriction Stage 4, but only between the hours of 7:00 am to 10:00 am, or 7:00 pm to 10:00 pm;
  - (iii) Micro-irrigation and drip-irrigation consist of water delivered to the root zone of a plant and use less than 20 gallons per hour at less than 25 PSI;
  - (iv) Soaker hoses and weeper hoses are not considered to be micro-irrigation or drip-irrigation;
- (i) Commercial enterprises which require water use to facilitate normal business activities (i.e. power washing companies, window washing companies, car dealerships, car washes, nurseries, turf farms, tree farms, etc.) are exempt from all Watering Restriction Stages;
- (j) Commercial properties may vary hours of use with written permission from the Manager of Water Services. Requests for variations to this regulation must be made annually;
- (k) Public service premises and utilities may vary hours of use as required to accomplish maintenance and upkeep of public installations;
- (l) School and municipal playing fields may vary hours of use as required to accomplish maintenance and upkeep of fields;
- (m) Private wells are not subject to Regional District of Nanaimo watering restrictions.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 975.63

A BYLAW TO AMEND THE BOUNDARIES OF THE  
PUMP & HAUL LOCAL SERVICE

WHEREAS the Regional District of Nanaimo established a Pump and Haul Service pursuant to Bylaw No. 975, cited as “Regional District of Nanaimo Pump & Haul Local Service Establishment Bylaw No. 975, 1995”;

AND WHEREAS the Board of the Regional District of Nanaimo has been petitioned by the property owner to expand the boundaries of the service area to include the land legally described as:

Lot C, District Lot 9, Plan 1832, Except Those Parts in Plans 11274, 14223, and 14909, Newcastle Land District;

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 for all purposes as “Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.63, 2016”.

**2. Amendment**

“Regional District of Nanaimo Pump & Haul Local Service Establishment Bylaw No. 975, 1995” is amended by deleting Schedule ‘A’ and replacing it with the Schedule ‘A’ attached to and forming part of this bylaw.

Introduced and read three times this                      day of                      2016.

Adopted this                      day of                      2016.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
CORPORATE OFFICER



Schedule 'A' to accompany "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.63, 2016".

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Chairperson

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Corporate Officer

**BYLAW NO. 975.63**

**SCHEDULE 'A'**

**Electoral Area 'B'**

1. Lot 108, Section 31, Plan 17658, Nanaimo Land District.
2. Lot 6, Section 18, Plan 17698, Nanaimo Land District.
3. Lot 73, Section 31, Plan 17658, Nanaimo Land District.
4. Lot 26, Section 12, Plan 23619, Nanaimo Land District.
5. Lot 185, Section 31, Plan 17658, Nanaimo Land District.
6. Lot A, Section 31, Plan VIP84225, Gabriola Island, Nanaimo District
7. Lot 120, Section 31, Plan 17658, Nanaimo Land District.
8. Lot 108, Section 12, Plan 23435, Nanaimo Land District.
9. Lot 75, Section 13, Plan 21531, Nanaimo Land District.
10. Lot 85, Section 18, Plan 21586, Nanaimo Land District.
11. Lot 14, Section 21, Plan 5958, Nanaimo Land District.
12. Lot 108, Section 13, Plan 21531, Nanaimo Land District.
13. Lot 84, Sections 12 & 13, Plan 21531, Nanaimo Land District.
14. Lot 72, Section 13, Plan 21531, Nanaimo Land District.
15. Lot 61, Section 18, Plan 21586, Gabriola Island, Nanaimo District.

**Electoral Area 'E'**

1. Lot 1, District Lot 72, Plan 17681, Nanoose Land District.
2. Lot 17, District Lot 78, Plan 14212, Nanoose Land District.
3. Lot 32, District Lot 68, Plan 26680, Nanoose Land District.
4. Lot 13, Block E, District Lot 38, Plan 13054, Nanoose Land District.
5. Lot 13, District Lot 78, Plan 25828, Nanoose Land District.
6. Lot 28, District Lot 78, Plan 15983, Nanoose Land District.
7. Lot 23, District Lot 78, Plan 14212, Nanoose Land District.
8. Lot 23, District Lot 78, Plan 28595, Nanoose Land District.
9. Lot 53, District Lot 78, Plan 14275, Nanoose Land District.
10. Lot 12, District Lot 8, Plan 20762, Nanoose Land District.
11. Lot 57, District Lot 78, Plan 14275, Nanoose District.
12. Lot 18, District Lot 78, Plan 19688, Nanoose District.

**Electoral Area 'F'**

1. Lot 2, District Lot 74, Plan 36425, Newcastle Land District.

**Electoral Area 'G'**

1. Lot 28, District Lot 28, Plan 26472, Nanoose Land District.
2. Lot 1, District Lot 80, Plan 49865, Newcastle Land District.
3. Lot C, District Lot 9, Plan 1832, Except Those Parts in Plans 11274, 14223, and 14909, Newcastle Land District.

**Electoral Area 'H'**

1. Lot 22, District Lot 16, Plan 13312, Newcastle Land District.
2. Lot 29, District Lot 81, Plan 27238, Newcastle Land District.
3. Lot 46, District Lot 81, Plan 27238, Newcastle Land District.
4. Lot 9, District Lot 28, Plan 24584, Newcastle Land District.
5. Lot 41, District Lot 81, Plan 27238, Newcastle Land District.
6. Lot 20, District Lot 16, Plan 13312, Newcastle Land District.
7. Lot 1, District Lot 40, Plan 16121, Newcastle District.
8. Lot 27, Plan 16121, District Lot 40, Newcastle Land District.

**District of Lantzville**

1. Lot 24, District Lot 44, Plan 27557, Wellington Land District.
2. Lot 1, District Lot 85, Plan 15245, Wellington Land District.

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE  
REGIONAL PARKS AND TRAILS SELECT COMMITTEE MEETING  
HELD ON TUESDAY FEBRUARY 16, 2016 AT 12:00 PM  
IN THE RDN COMMITTEE ROOM

**Attendance:** Director Colin Haime, Chair, District of Lantzville  
Director Maureen Young, Electoral Area 'C'  
Director Alec McPherson, Electoral Area 'A'  
Director Bob Rogers, Electoral Area 'E'  
Director Ian Thorpe, City of Nanaimo  
Director Teunis Westbroek, Town of Qualicum Beach  
Director Marc Lefebvre, City of Parksville  
Alternate Director Jack McLean

**Staff:** Tom Osborne, General Manager of Recreation and Parks  
Dennis Trudeau, Interm Chief Administrative Officer  
Wendy Idema, Director of Finance  
Wendy Marshall, Manager of Park Services  
Ann-Marie Harvey, Recording Secretary

**Also in Attendance:** Director Bill Veenhof, RDN Board Chairperson  
Director Houle, Electoral Area 'B'

**Regrets:** Director Julian Fell, Electoral Area 'F'

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**CALL TO ORDER**

Chair Haime called the meeting to order at 12:00pm.

**MINUTES**

MOVED Director Westbroek, SECONDED Director Lefebvre that the Minutes of the Regular Regional Parks and Trails Select Committee meeting held October 20<sup>th</sup>, 2015 be adopted.

CARRIED

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

MOVED Director Thorpe, SECONDED Director Westbroek that the following Communication/Correspondence be received:

T. Osborne, RDN to Department of Fisheries and Oceans – Licensing, **RE: Oyster Harvesting Concerns**

K. Fulton, NCC to T. Osborne, RDN, **RE: Conservation Covenant Agreement with NCC**

CARRIED

**REPORTS**

**Monthly Update of Community and Regional Parks and Trails Projects –Nov 2015 – Jan 2016**

Ms. Marshall answered questions from the directors regarding items in the report.

MOVED Director McPherson, SECONDED Director Lefebvre that the Monthly Update of Community and Regional Parks and Trails Projects –Nov 2015 – Jan 2016 be received.

CARRIED

#### **Nanaimo River Bridge Equestrian Accessibility Report**

MOVED Director McPherson, SECONDED Director Young that the design and development of the multi-use bridge crossing over the Nanaimo River, within the Morden Colliery Regional Trail, incorporate equestrian accessibility (in addition to pedestrian, cyclist and wheelchair accessibility) in response to current community recreational needs and public support.

CARRIED

#### **Event Permit Framework for Mount Benson Regional Park Report**

MOVED Director Westbroek, SECONDED Director Thorpe that the 2016-2021 Event Permit Framework for Mount Benson Regional Park be approved.

CARRIED

MOVED Director Westbroek, SECONDED Director Rogers that staff advance the dialogue with running race event user groups in 2016 to expedite the race route timeline in the Event Permit Framework for Mount Benson Regional Park.

CARRIED

#### **BUSINESS ARISING FROM THE COMMUNICATIONS/CORRESPONDENCE/DELEGATONS**

NONE

#### **NEW BUSINESS**

##### **Road Access to Mount Benson Summit**

MOVED Director Rogers, SECONDED Director Young that staff examine enhanced access to Mt. Benson to allow for more community members to reach the summit.

DEFEATED

MOVED Director Westbroek SECONDED Director Lefebvre that the information be received.

CARRIED

##### **Regional Parks and Trails 2016 Budget and 5 year Financial Plan.**

That the Kennedy Hall repair and upgrade at Moorecroft Regional Park be removed from the Five Year Financial Plan, the Moorcroft Regional Park Information Kiosk be funded by donations and the potential acquisition cost for the Option to Purchase Lands on Notch Hill be moved to 2021.

CARRIED

##### **Coombs to Parksville Rail Trail Project Update**

MOVED Lefebvre, SECONDED Director McLean that staff proceed to tender for the Station Rd. to Church Rd. phase of the Coombs to Parksville Rail Trail with a tender upgrade for the Church Rd to City of Parksville phase.

CARRIED

**IN CAMERA**

MOVED Director Lefebvre, SECONDED Director Rogers that pursuant to Section 90(1) (e) of the Community Charter the Committee proceed to an In Camera Committee meeting to consider items related to land and legal issues.

Time: 1:50pm

CARRIED

**RISE AND REPORT**

**Regional Parks Parcel Tax Acquisition and Capital Development**

MOVED Director McPherson, SECONDED Director Young that the Regional Parks Service Bylaw 1231 be amended to increase the parcel tax for regional parks acquisitions and capital development by one dollar per year for the next seven years commencing in 2016.

CARRIED

**ADJOURNMENT**

MOVED Director Lefebvre, SECONDED Director Rogers that the meeting be adjourned at 2:21pm.

CARRIED

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Chairperson

**TO:** Wendy Marshall  
Manager of Parks Services

**DATE:** February 3, 2016

**FROM:** Lesya Fesiak  
Parks Planner

**MEETING:** RPTSC – February 16, 2016

**FILE:**

**SUBJECT:** Nanaimo River Bridge Equestrian Accessibility - Morden Colliery Regional Trail

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#### RECOMMENDATION

That design and development of the multi-use bridge crossing over the Nanaimo River, within the Morden Colliery Regional Trail, incorporate equestrian accessibility (in addition to pedestrian, cyclist and wheelchair accessibility) in response to current community recreational needs and public support.

#### PURPOSE

To provide information on and recommendations regarding an equestrian-accessible design option for the future multi-use bridge crossing over the Nanaimo River within the Morden Colliery Regional Trail.

#### BACKGROUND

The Morden Colliery Regional Trail (MCRT) is a 4km-long corridor of Provincial Crown Land, located between Morden Colliery Historic Provincial Park and Hemer Provincial Park. The RDN has managed the MCRT for multi-use recreational trail use (including equestrian use) since 1995, under a License of Occupation from the Province of British Columbia.

Because there is currently no bridge crossing over the Nanaimo River—although historically a rail bridge did exist—the MCRT currently consist of two disjointed segments: a 1km-long south segment and a 2km long north segment. Bridge construction and trail development would complete the MCRT network, thereby creating a continuous 4km-long active transportation link between the communities of Cedar and South Wellington.

On October 28, 2014, the Regional Board approved an updated Feasibility Study for a proposed multi-use bridge crossing over the Nanaimo River within the Morden Colliery Regional Trail (See Appendix I - Project Location). The approved study provided the RDN with an assessment of an older feasibility study (completed in 1999 by Greame and Murray Engineering) as well as updated bridge design and accessibility options, information on required bridge spans and current cost estimates for bridge and trail construction.

At the time of study approval, the following two Board resolutions were carried:

1. *That subsequent design and assessment work proceed under the Steel Truss Bridge option.*
2. *That the equestrian accessible bridge option be vetted through local residents and equestrian groups prior to subsequent design work in order to ensure public support and user demand in consideration of higher construction and maintenance costs.*

Community consultation regarding the equestrian-accessible bridge option was carried out from December 2015 to February 1, 2016. An Open House event was held on December 2, 2015 at the Cedar Heritage Centre with 90 attendees and a Public Survey was available from December 1, 2015 to February 1, 2016 with 147 respondents.

Survey results indicate reasonable community support for an equestrian accessible bridge. Out of 147 respondents, 99 (or 67%) were in favour of an equestrian accessible bridge, despite higher estimated costs. Approximately 35% of respondents identified themselves as members of an equestrian group, and 38% of respondents noted their current equestrian use on completed sections of the MCRT (mainly from Cedar Road to Hemer Provincial Park). Key survey findings are summarized below.

SURVEY DATA	NUMBER OF RESPONSES	PERCENTAGE OF RESPONSES
Number of respondents who currently frequent sections of the MCRT for equestrian use	56 out of 147	38%
Number of respondents who support equestrian use on the future MCRT trail and bridge	99 out of 147	67%
Number of respondents who acknowledge membership in an equestrian group	51 out of 147	35%

### Bridge and Trail Design

The proposed bridge crossing over the Nanaimo River within the Morden Colliery Regional Trail (MCRT) consists of two separate steel-truss bridges over two separate channels of the Nanaimo River (See Appendix II – Bridge Conceptual Design). Bridge specifications and estimated costs are outlined below.

<b>Bridge Design</b>	steel truss
<b>Bridge Accessibility</b>	pedestrian, cyclist, wheelchair, equestrian (optional)
<b>Span Lengths</b>	90m – west span; 84m – east span
<b>Deck Width</b>	2.1m
<b>Deck Elevation</b>	200 year flood level (Q200) =10.75m; bridge deck 1.5m above Q200 levels
<b>Total Cost (two bridges)</b>	\$1,473,000 pedestrian, cyclist and wheelchair \$1,623,000 pedestrian cyclist, wheelchair and equestrian

Trail construction within an undeveloped section of the Morden Colliery Regional Trail (a 1km stretch from the Nanaimo River to Cedar Road) will be completed in conjunction with bridge development. The new trail will be similar in design to existing sections of trail (2m wide with gravel surfacing).

In addition to higher construction and long-term maintenance costs, equestrian use on future sections of MCRT, including the proposed multi-use bridge crossing over the Nanaimo River, may conflict with other authorised trail uses (including cycling, wheelchair and stroller access). Horse excrement left on trails by



equestrians, which is currently an issue on the north section of the MCRT (from Cedar Road to Hemer Provincial Park), will need to be dealt with and managed in cooperation with the equestrian community.

## **ALTERNATIVES**

1. That design and development for the two proposed multi-use, steel-truss bridges over the Nanaimo River include equestrian accessibility, in addition to pedestrian, cyclist and wheelchair accessibility, due to public support and current user demand.
2. That design and development for two proposed multi-use steel-truss bridges exclude equestrian accessibility and include only pedestrian, cyclist and wheelchair accessibility.

## **FINANCIAL IMPLICATIONS**

The cost of bridge construction for two steel-truss, multi-use bridges is estimated at \$1,473,000 for a pedestrian, cyclist and wheelchair accessible bridge and \$1,623,000 to accommodate equestrian use. The estimates include a 30% contingency.

Although there is a nominal construction cost difference between the bridge accessibility types (with an estimated increase of \$150,000 to accommodate equestrian use), an equestrian accessible option has implications for higher long-term maintenance costs. The updated bridge Feasibility Study (Herold Engineering, 2014) recommends thick, wood decking, which is necessary for an equestrian crossing. The wood decking, which is estimated at \$80,000 for two bridge spans, needs to be replaced every 10 years, on average. Several RDN bridges use metal mesh surfacing (not wood decking) which require minimal maintenance and repair; however, these are not equestrian accessible.

Associated trail construction along a 1km-long, undeveloped section of MCRT (from the Nanaimo River to Cedar Road) is estimated at \$250,000. The new trail will be 2m-wide with compacted gravel surfacing to accommodate pedestrian, cyclist, wheelchair and equestrian use. Equestrian trail use will increase the rate of wear on gravel surfacing with implications for higher long-term maintenance costs.

Project development (including future operational costs) will be funded through the Regional Parks and Trails Function. The preliminary 2015-2020 Financial Plan has \$1,975,000 allocated within the Regional Parks and Trails Capital Budget for bridge and trail construction. It is anticipated that \$1,675,000 will come from Regional Parks reserves and the remaining \$300,000 will need to be secured through applicable grant funding. Project design options and estimated costs have been presented to RDN residents through website postings, letters to neighbouring landowners, a public open house and a survey; despite higher construction and maintenance costs, there is reasonable public support for equestrian accessible bridge and trail development (67%, as per survey results).

## **STRATEGIC PLAN IMPLICATIONS**

A multi-use bridge over the Nanaimo River was identified in the 2001 Area 'A' Community Trails Study, the 2005 Regional Parks and Trails Plan, and the 2009 Area 'A' Active Transportation Plan. With the development of a bridge crossing over the Nanaimo River, and a trail connector between the communities of South Wellington and Cedar, the Morden Colliery Regional Trail will function as a true green highway, helping to reduce greenhouse gas emissions from automobile use while promoting active transportation in the local community. It will enhance recreational opportunities for a variety of users in

both the local and the regional community, including pedestrians, cyclists, wheelchair users, and equestrians.

### SUMMARY/CONCLUSIONS

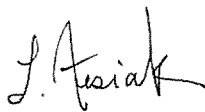
On October 28, 2014, the Regional Board approved an updated Feasibility Study completed by Herold Engineering for a proposed multi-use bridge crossing over the Nanaimo River within the Morden Colliery Regional Trail. At that time, the Board directed staff to consult with the community regarding an equestrian accessible bridge option in order to assess public support and user demand in consideration of higher estimated construction and maintenance costs.

An equestrian accessible bridge option was vetted through the community by way of a public Open House (December 2, 2015) and a Public Survey (December 2015 to February 2016). Open House feedback and public survey results indicate reasonable community support for an equestrian bridge (67% according to survey results). The MCRT is a favourable route for equestrians with 38% of survey respondents noting their current equestrian use on developed sections of the MCRT (mainly the 2km-long north section from Cedar Road to Hemer Provincial Park).

Project development (including future operational costs) will be funded through the Regional Parks and Trails Function. The preliminary 2015-2020 Financial Plan has \$1,975,000 allocated within the Regional Parks and Trails Capital Budget for bridge and trail construction. It is anticipated that \$1,675,000 will come from Regional Parks reserves and the remaining \$300,000 will need to be secured through applicable grant funding.

Equestrian accessibility will increase bridge construction costs by an estimated \$150,000 (\$1,623,000 with equestrian accessibility versus \$1,473,000 without). There are further implications for higher long-term maintenance cost associated with equestrian use on the future trail and bridges due to material requirements and increased rate of wear.

Staff recommend that the design and development for the two proposed multi-use, steel-truss bridges over the Nanaimo River include equestrian accessibility, in addition to pedestrian, cyclist and wheelchair accessibility, due to public support and current user demand.



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Report Writer



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Manager Concurrence



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G.M. Concurrence

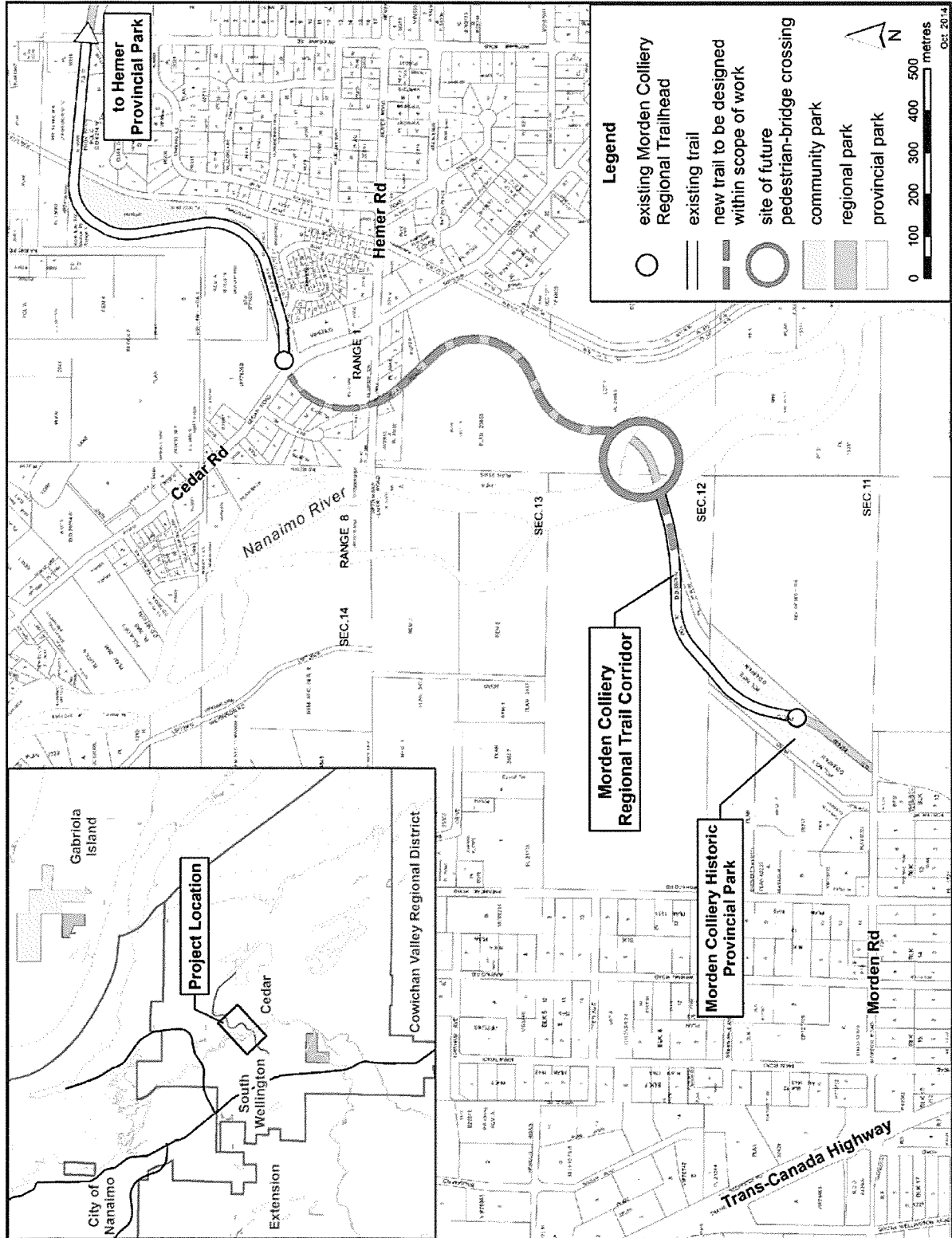


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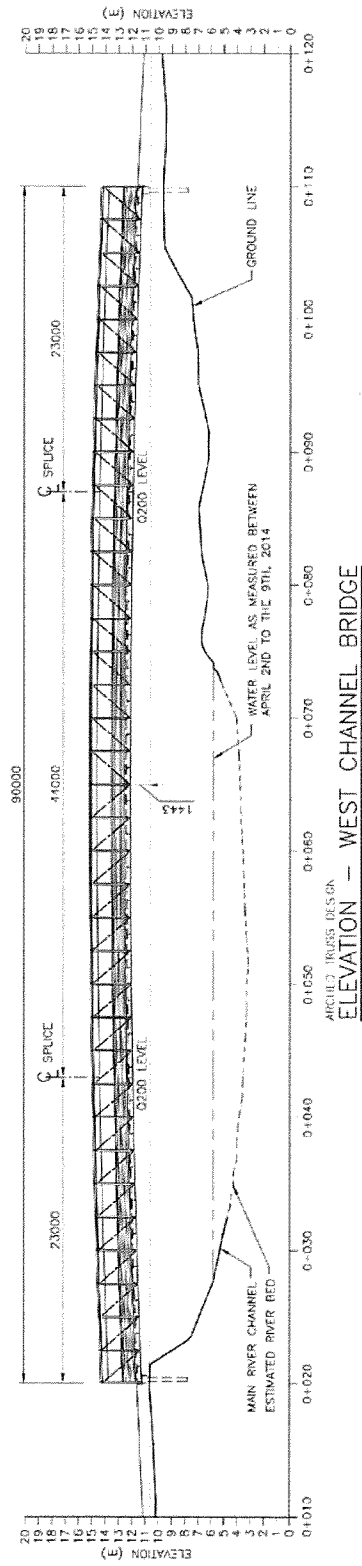
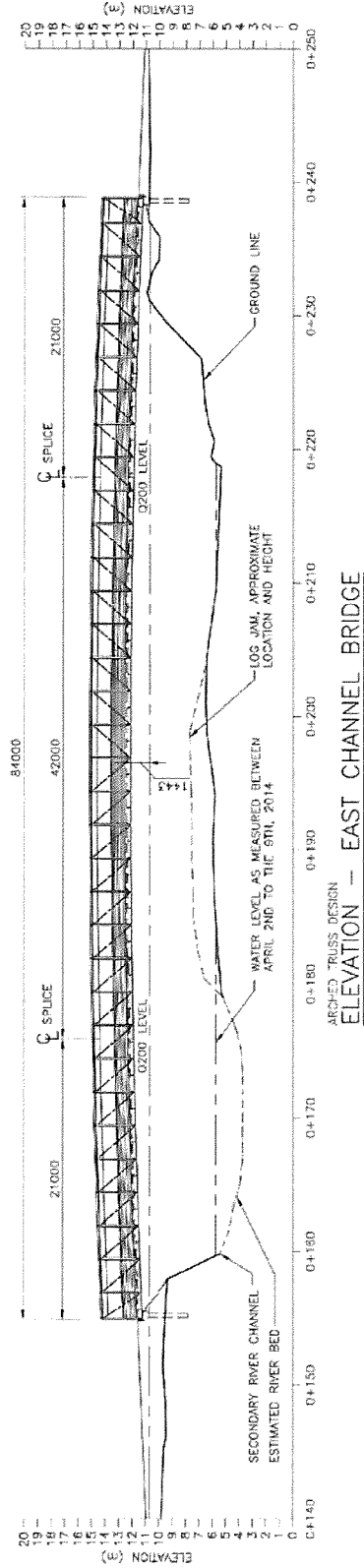
C.A.O. Concurrence



Appendix I – Project Location Map



Appendix II – Bridge Conceptual Design



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**TO:** Wendy Marshall  
Manager of Parks Services

**DATE:** February 3, 2016

**FROM:** Joan Michel  
Parks and Trails Coordinator

**MEETING:** RPTSC – February 16, 2016

**FILE:**

**SUBJECT:** Event Permit Framework for Mount Benson Regional Park

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**RECOMMENDATION**

That the 2016-2021 Event Permit Framework for Mount Benson Regional Park be approved.

**PURPOSE**

To review the state of development at Mount Benson Regional Park (MBRP) and provide a framework to guide the permitting of community events up the mountain over the next five years.

**BACKGROUND**

In 2015 staff received two requests for running events in Mount Benson Regional Park. Staff identified many issues and did not approve the permit applications. The issue was discussed at the October meeting of the Regional Parks and Trails Select Committee and in November 2015 the Regional Board passed the following motion.

*That this matter be referred to staff:*

*That the Regional District of Nanaimo not permit race requests to use the Mount Benson Regional Parks trail system at this time due to trail degradation and parking issues.*

The RDN acquired MBRP in 2006 in partnership with the Nanaimo and Area Land Trust for purposes of conservation and recreation. In late 2008, work began on the park's first management plan. Following broad public consultation, the Board approved a plan that confirmed a long-term park vision for MBRP and provided development priorities and management actions for the 2010-2020 period.

A priority action identified in the MBRP management plan was to establish a public access route to the park. By 2013, agreements were concluded with the Province and the City of Nanaimo to secure the 1.8 km Witchcraft Lake Regional Trail (WLRT) including a RDN funded City-built floating boardwalk over the lake, parking area along the side of Benson View Road and a kiosk. The Regional Trail from Witchcraft Lake through the Crown woodlot to MBRP is a rough steep course rising over 400 m. The WLRT is the only public route to MBRP and the summit of Mount Benson, located outside the park. The GPS-ing of MBRP and WLRT is completed and trail signs including emergency location information installed throughout. The park conservation covenant was developed and then approved at the January 26, 2015 Regional Board Meeting.

Over the past ten years public use of this park has grown steadily attracting both residents and visitors to the area. Individual traditions of summiting Mount Benson on Mother's Day and Canada Day have become community traditions that regularly attract large numbers of hikers. Increased user demand is putting strain on the existing infrastructure including the trails and parking area. The trails are still in very rough condition and they are showing wear. The parking facility on Benson View Drive regularly overflows and additional roadside space for parking will be pursued in 2016.

The first event applications concerning MBRP, both running events, were addressed by staff in 2015. One event aimed to fundraise for Nepalese earthquake victims, and the other for African charities and Runners of Compassion. The second application looked to initiate an annual "Benson Grind" event, in the spirit of Vancouver's popular Grouse Grind course. Both applications envisaged tie-in with Westwood Lake Park, since neither MBRP nor WLRT offer suitable facilities for staging events. One application offered permitted access through private forest lands next to the Regional Park.

Staff explored event ideas with the applicants. Many issues relating to route, staging arrangements, parking, and trail condition were identified. Of greatest concern was the ability of park trails to bear up under the concentrated pounding of a running event, and the safety of runners and other trail users. With no easy resolution in sight, applicants were told in September that it would not be possible to conclude event permits in 2015.

Lessons learned by other coastal jurisdictions managing popular mountainside trails show it doesn't take long to develop significant and costly problems. The Grouse Grind was a rough wilderness trail 20 years ago with no local government investment until 2007. Now, it is a heavily managed 2.9 km one-way route up over 2000 plus engineered stone steps, open just four months of the year, serving around half a million users annually, and with an annual operating budget of approximately \$200,000. The course is one-way going up in order to eliminate the worst of foot pounding as well as to reduce congestion. The inherent fragility of the steep mountain landscape combined with wet climate makes it very difficult to maintain high-use trails on the BC coast. It doesn't take much use before a trail turns into a stream, and then a bigger stream as users try to climb around the problem.

Event permit request demand to utilize Mount Benson is growing steadily. To help ensure the sustainable development of MBRP trails for everyone over the long term, the following framework is proposed to guide Mount Benson event planning until the matter can be reviewed more thoroughly during next update of the MBRP Management Plan, due in 2020-21.

### **Event Permit Framework for Mount Benson Regional Park**

#### **2016-2017**

- Identify a mountain event route that includes staging from Westwood Lake; makes permitted use of private forest lands on the east and south sides of MBRP; maximizes use of old logging road bed, is one-way going up and on narrow trails; and avoids heavily used trails and the WLRT to minimize impact these trails and with other park visitors.
- Evaluate MBRP trail conditions along the proposed event route and identify any works needed to stabilize trail for both general and event use, especially where there are water courses. Undertake any works as budget permits.

#### 2017-2020

- Work with interested event applicants and the City of Nanaimo on staging one running event in 2018, ideally after summer fire season has ended and before intense fall rains start. Evaluate the impact of the completed event on MBRP trail conditions and if sustainable, permit one running event per year along the route for the next two years.

#### 2020-2021

- Through the scheduled update of the MBRP Management Plan which includes public consultation, review park use and best management practices and set out a 10-year trail improvement plan that will support a sustainable network of trails at MBRP that can weather general use as well as a limited number of annual events.

### **ALTERNATIVES**

1. That the 2016-2021 Event Permit Framework for Mount Benson Regional Park be approved.
2. That the 2016-2021 Event Permit Framework for Mount Benson Regional Park not be approved and alternate direction be provided.

### **FINANCIAL IMPLICATION**

Working with event applicants, examining the existing trails and identifying route options can be carried out by parks staff with assistance of the volunteer park warden. The 2016 Regional Parks Operations budget has funds for general maintenance and development of MBRP that can be used for minor trail improvements. Any larger trail upgrades required to support events would be included in the 2017 budget.

### **STRATEGIC PLAN IMPLICATIONS**

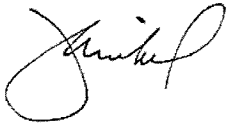
The Strategic Plan directs staff to develop parks and trails as guided by management plans. The 2010-2020 Management Plan for MBRP instructs the RDN to i) provide recreational and educational opportunities that are compatible with the ecological values of MBRP and its sensitive habitats, and ii) take a long-term approach to improving accessibility to the Park and its viewpoints.

### **SUMMARY/CONCLUSIONS**

Mount Benson Regional Park was acquired in 2006 for conservation and recreation purposes. Since acquisition, multiple upgrades to the park have taken place including the creation of the Witchcraft Lake Regional Trail. Over the last 10 years use of the park has increased and the rough trails up the mountain are already showing considerable wear. Recent requests to permit running events in the park have been turned down because this additional use would unduly strain an already fragile asset, and planning and forethought are required for a safe event with minimal impact to the park and other visitors.

Evidence from other coastal jurisdictions is clear that costly trail problems take little time to develop on our wet mountainsides. A framework to guide event permitting over the 2016-2021 period is proposed that would see a sustainable event route identified with a view to limiting impact on the Regional Park while not interfering with regular use. The matter would then be reviewed as part of the next update of the park management plan, due in 2020-21.





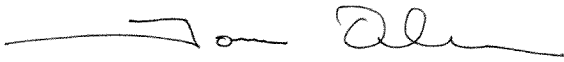
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Report Writer



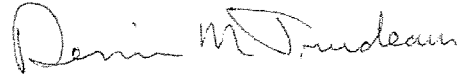
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Manager Concurrence



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G.M. Concurrence



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C.A.O. Concurrence



RDN REPORT		
CAO APPROVAL		<input checked="" type="checkbox"/>
EAP	<input type="checkbox"/>	<input type="checkbox"/>
COW	<input type="checkbox"/>	<input type="checkbox"/>
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RHD	<input type="checkbox"/>	<input type="checkbox"/>
BOARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<b>DATE:</b>

**MEMORANDUM**

**TO:** Wendy Idema  
Director of Finance

**DATE:** February 4, 2016

**FROM:** Manvir Manhas, Senior Accountant

**MEETING:** February 23, 2016 BOARD

**FILE:**

**SUBJECT:** 2016 Service Area Tax Requisition Amendment Bylaws

**RECOMMENDATION:**

1. That "Crime Prevention and Community Justice Support Service Amendment Bylaw No. 1479.02, 2016" be introduced and read three times and forwarded to the Inspector of Municipalities for approval.
2. That "Electoral Area 'E' Community Parks Local Service Amendment Bylaw No. 803.06, 2016" be introduced and read three times.
3. That "Electoral Area 'F' Community Parks Local Service Amendment Bylaw No. 804.08, 2016" be introduced and read three times.
4. That "Electoral Area 'H' Community Parks Local Service Amendment Bylaw No. 806.07, 2016" be introduced and read three times and forwarded to the Inspector of Municipalities for approval.

**PURPOSE:**

To introduce bylaws to amend the tax requisition limits for the Crime Prevention and Community Justice Support and Electoral Area 'E', 'F' and 'H' Community Parks services.

**BACKGROUND:**

As budgets are prepared each year, staff review the requisitions in relation to the establishing bylaws. Generally speaking, changes in property assessments provide room for additional taxation as operating budgets change over time. However, depending on the extent of changes to the activities in an operating budget, the limit may be exceeded and require amendment. The four services noted above have reached their maximum limits and require bylaw amendments at this time.

If an amendment to an establishing bylaw increases the requisition limit by less than or equal to 25 percent over five years, the bylaw does not require the approval of the Inspector. After five years from establishment, the baseline date is five years before the date of the proposed amendment.

Electoral Area 'E' and 'F' Community Parks bylaw amendments are within the 25 percent over five year threshold and therefore will not require the approval of the Inspector.

The Crime Prevention and Community Justice Support Service requisition was already increased by 25% in 2014 and therefore requires the Inspector approval. The 2016 bylaw amendment 1479.02 amends the requisition limit to accommodate potential yearly increases as per the 2016-2020 Financial Plan.

Electoral Area 'H' Community Parks requisition was also increased by 25% in 2015 and requires Inspector approval for the current amendment. The 2016 bylaw amendment 806.07 amends the requisition limit as per the direction from the Electoral Area 'H' Director for a Community Trails Project and is reflected in the 2016-2020 Financial Plan.

**ALTERNATIVES:**

1. Approve the bylaws as presented.
2. Amend the bylaws for a lower requisition limit and approve the amended bylaws.

**FINANCIAL IMPLICATIONS:**

Alternative 1

The table below shows the options for amending these bylaws. The recommended limit does not obligate the Board to adopt budgets with the maximum amount noted in the bylaw - it does however provide the ability to draft future budgets which reflect the wishes of the community.

Service	Current Limit	Amended Limit
Crime Prevention and Community Justice Support Service (Appendix A)	greater of \$112,065 or \$0.0125 per thousand of net taxable values	greater of \$150,000 or \$0.0154 per thousand of net taxable values
Electoral Area 'E' Community Parks (Appendix B)	greater of \$116,700 or \$0.0676 per thousand of net taxable values	greater of \$153,945 or \$0.0845 per thousand of net taxable values
Electoral Area 'F' Community Parks (Appendix C)	greater of \$135,185 or \$0.1442 per thousand of net taxable values	greater of \$183,805 or \$0.1802 per thousand of net taxable values
Electoral Area 'H' Community Parks (Appendix D)	greater of \$153,275 or \$0.1712 per thousand of net taxable values	greater of \$200,000 or \$0.2145 per thousand of net taxable values

Alternative 2

Other than the Crime Prevention and Community Justice Support Service and Electoral Area 'H' Community Parks, a reduced requisition limit has no immediate financial implications. If a future budget approval exceeded the bylaw limit it can be amended at that time. The Crime Prevention and Community Justice Support Service shows a requisition of \$122,300 for 2016 and the current limit is


\$121,409. The Electoral Area 'H' Community Parks require approximately \$200,000 requisition for 2016 with the current limit at \$159,637.

**SUMMARY/CONCLUSIONS:**

Four services have been identified as reaching their taxation limits in 2016. Bylaw amendments are required for these services and staff recommend revising the bylaws to a maximum requisition limit indicated in the table presented under Alternative 1. The recommended limit does not obligate the Board to adopt budgets with the maximum amount noted in the bylaws - it does however provide the ability to draft future budgets which reflect the wishes of the community. Staff recommend adopting the bylaws as presented.



Report Writer



Director of Finance



C.A.O. Concurrence

Attachment 1

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1479.02

A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO  
CRIME PREVENTION AND COMMUNITY JUSTICE SUPPORT SERVICE  
ESTABLISHMENT BYLAW NO. 1479, 2006

WHEREAS the Board of the Regional District of Nanaimo wishes to amend "Crime Prevention and Community Justice Support Service Establishment Bylaw No. 1479, 2006";

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 "Crime Prevention and Community Justice Support Service Amendment Bylaw No. 1479.02, 2016".

2. Amendment

"Crime Prevention and Community Justice Support Service Establishment Bylaw No. 1479, 2006" is amended as follows:

(1) By deleting Section 6 and substituting it with the following:

"In accordance with the *Local Government Act*, the maximum amount that may be requisitioned for the Service is the greater of:

(a) \$150,000 (One Hundred and Fifty Thousand Dollars), or;

(b) the amount obtained by multiplying the net taxable value of lands and improvements within the Service Area by a property tax value rate of \$0.0154 per thousand dollars of assessment."

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Received the approval of the Inspector of Municipalities this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
CORPORATE OFFICER

**Attachment 2**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 803.06**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO  
ELECTORAL AREA 'E' COMMUNITY PARKS LOCAL SERVICE  
ESTABLISHMENT BYLAW NO. 803, 1990**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend "Electoral Area 'E' Community Parks Local Service Establishment Bylaw No. 803, 1990";

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 'E' Community Parks Local Service Amendment Bylaw No. 803.06, 2016".

**2. Amendment**

"Electoral Area 'E' Community Parks Local Service Establishment Bylaw No. 803, 1990" is amended as follows:

(1) By deleting Section 4 and substituting it with the following:

"In accordance with the *Local Government Act*, the maximum amount that may be requisitioned for the Service is the greater of:

(a) \$153,945 (One Hundred and Fifty Three Thousand Nine Hundred and Forty Five Dollars),  
or;

(b) the amount obtained by multiplying the net taxable value of lands and improvements within the Service Area by a property tax value rate of \$0.0845 per thousand dollars of assessment."

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
CORPORATE OFFICER

**Attachment 3**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 804.08**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO  
ELECTORAL AREA 'F' COMMUNITY PARKS LOCAL SERVICE  
ESTABLISHMENT BYLAW NO. 804, 1990**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend "Electoral Area 'F' Community Parks Local Service Establishment Bylaw No. 804, 1990";

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 'F' Community Parks Local Service Amendment Bylaw No. 804.08, 2016".

**2. Amendment**

"Electoral Area 'F' Community Parks Local Service Establishment Bylaw No. 804, 1990" is amended as follows:

(1) By deleting Section 4 and substituting it with the following:

"In accordance with the *Local Government Act*, the maximum amount that may be requisitioned for the Service is the greater of:

(a) \$183,805 (One Hundred and Eighty Three Thousand Eight Hundred and Five Dollars), or;

(b) the amount obtained by multiplying the net taxable value of lands and improvements within the Service Area by a property tax value rate of \$0.1802 per thousand dollars of assessment."

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
CORPORATE OFFICER

**Attachment 4**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 806.07**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO  
ELECTORAL AREA 'H' COMMUNITY PARKS LOCAL SERVICE  
ESTABLISHMENT BYLAW NO. 806, 1990**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend "Electoral Area 'H' Community Parks Local Service Establishment Bylaw No. 806, 1990";

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 'H' Community Parks Local Service Amendment Bylaw No. 806.07, 2016".

**2. Amendment**

"Electoral Area 'H' Community Parks Local Service Establishment Bylaw No. 806, 1990" is amended as follows:

(1) By deleting Section 4 and substituting it with the following:

"In accordance with the *Local Government Act*, the maximum amount that may be requisitioned for the Service is the greater of:

(a) \$200,000 (Two Hundred Thousand Dollars), or;

(b) the amount obtained by multiplying the net taxable value of lands and improvements within the Service Area by a property tax value rate of \$0.2145 per thousand dollars of assessment."

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Received the approval of the Inspector of Municipalities this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
CORPORATE OFFICER





RDN REPORT		
CAC APPROVAL		MS
EAP		
COW		
FEB 17 2016		
RHD		
BOARD	✓	

**STAFF REPORT**

**TO:** Joan Harrison  
Director of Corporate Services

**DATE:** February 17, 2016

**FROM:** Jacquie Hill  
Manager of Administrative Services

**MEETING:** Board – February 23, 2016

**FILE:** 4200-20-2016 Assent Voting

**SUBJECT:** Electoral Area ‘B’ Transit Contribution Assent Voting Results

**RECOMMENDATIONS**

1. That the Electoral Area ‘B’ Transit Contribution Assent Voting results be received for information.
2. That "Gabriola Island Transit Contribution Service Establishment Bylaw No. 1734, 2015" be adopted.

**PURPOSE**

To present the results of the Electoral Area ‘B’ Transit Contribution Assent Voting and to bring forward Bylaw No. 1734 for consideration of adoption.

**BACKGROUND**

The Electoral Area ‘B’ Transit Contribution Assent Voting conducted on February 13, 2016, passed with 66.9% of the vote. As assent of the electors has been obtained, the Board may now proceed to adopt Bylaw No. 1734 (Attachment 1). A summary of the declaration of official results is attached for information (Attachment 2), which shows the determination of official results as declared by voting pursuant to s. 146 of the *Local Government Act*, and includes a compilation of the information contained on the ballot accounts for the assent voting.

**ALTERNATIVES**

1. To receive the report and adopt Bylaw No. 1734 as presented.
2. To receive the report and provide alternative direction.

**FINANCIAL IMPLICATIONS**


The cost for the service contribution has already been accounted for in the 2016 Budget and the 2016 - 2020 Financial Plan.

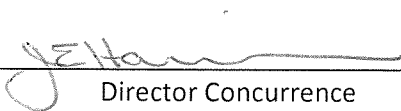
**STRATEGIC PLAN IMPLICATIONS**


Adoption of the transit contribution bylaw supports the Board's strategic goal to "continue to work collaboratively with BC Transit, municipalities, the public, and *other stakeholders* to provide and enhance transit service and access."

**CONCLUSION**

Gabriola Island Transit Contribution Service Establishment Bylaw No. 1734 received assent of the electors on February 13, 2016, and is being brought forward for consideration of adoption. A summary of the declaration of official results showing the determination of official results as declared by voting pursuant to the *Local Government Act* is provided for information.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
Director Concurrence

  
\_\_\_\_\_  
CAO Concurrence

# Attachment 1

## REGIONAL DISTRICT OF NANAIMO

### BYLAW NO. 1734

#### A BYLAW TO ESTABLISH THE GABRIOLA ISLAND TRANSIT CONTRIBUTION SERVICE

WHEREAS under section 796 of the *Local Government Act* a Regional District may operate any service the Board considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to establish a contribution service for the purpose of providing a contribution towards transit on Gabriola Island;

AND WHEREAS the approval of the Inspector of Municipalities has been obtained under section 801 of the *Local Government Act*; and

AND WHEREAS participating area approval in the participating area has been obtained under section 801.2 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 for all purposes as the "Gabriola Island Transit Contribution Service Establishment Bylaw No. 1734, 2015".

**2. Service**

The service established by this Bylaw is the Transit Contribution Service (the "**Service**") for the purpose of providing a contribution towards a system of public transit in the Service Area.

**3. Boundaries**

The boundaries of the service area are Electoral Area 'B' (the "**Service Area**").

**4. Participating Area**

The Participating Area for the Service is Electoral Area 'B'.

**5. Cost Recovery**

As provided in section 803 of the *Local Government Act*, the annual cost of providing the Service shall be recovered by one or more of the following:

- (a) property value taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
- (b) fees and charges imposed under section 363 of the *Local Government Act*;

- (c) revenues raised by other means authorized by the *Local Government Act* or another Act;
- (d) revenues received by way of agreement, enterprise, gift, grant or otherwise.

**6. Maximum Requisition**

In accordance with section 800.1(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the Service is the greater of:

- (a) Two Hundred and Fifty Thousand (\$250,000.00) Dollars; or
- (b) the amount equal to the amount that could be raised by a property value tax rate of \$0.25 per \$1,000.00 applied to the net taxable value of land and improvements in the Service Area.

Introduced and read three times this 29th day of September, 2015.

Received the approval of the Inspector of Municipalities this 2nd day of December, 2015.

Participating area approval under section 801.2 of the *Local Government Act* obtained this 13th day of February, 2016.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Officer

## Attachment 2

Regional District of Nanaimo

Assent Voting: Gabriola Island Transit Contribution Service Establishment Bylaw No. 1734, 2015  
Electoral Area 'B'

### Declaration of Official Results

Voting Place:	Yes	No	Total Votes Cast
Advance Voting #1 Wednesday, February 3, 2016 - Gabriola Elementary School (Room #212)	190	59	249
Advance Voting #2 Wednesday, February 10, 2016 - Gabriola Elementary School (Room #212)	164	84	248
Mail Ballot Voting	19	29	48
General Voting Day Saturday, February 13, 2016 - Gabriola Elementary School (Gymnasium)	557	288	845
<b>Total Number of Valid Votes Cast</b>	<b>930</b>	<b>460</b>	<b>1390</b>
<b>% of Vote</b>	<b>66.9%</b>	<b>33.1%</b>	
<b>Total Number of Ballots Cast</b>	<b>1,390</b>		
<b>Total Number of Ballots Accepted Without Objection</b>	<b>1,390</b>		
<b>Number of Spoiled Ballots that were replaced</b>	<b>2</b>		
<b>Total Number of Ballots Used</b>	<b>1,392</b>		
<b>Total Number on Voters List (not including new registrations)</b>	<b>3,544</b>		
<b>New Registrations</b>	<b>131</b>		
<b>Total Eligible Voters</b>	<b>3,675</b>		
<b>Voter Turnout</b>	<b>37.8%</b>		

This determination of official assent voting results was made by the Chief Election Officer on Wednesday, February 17, 2016 at 9:00 am and is based on the ballot accounts as amended or prepared by the Chief Election Officer.

  
 \_\_\_\_\_  
 Chief Election Officer