

**REGIONAL DISTRICT OF NANAIMO  
REGULAR BOARD MEETING  
AGENDA**

**Tuesday, August 22, 2017**

**7:00 P.M.**

**RDN Board Chambers**

*This meeting will be recorded*

**Pages**

- 1. CALL TO ORDER**
- 2. APPROVAL OF THE AGENDA**
- 3. ADOPTION OF MINUTES**  
(All Directors - One Vote)  
That the following minutes be adopted:
  - 3.1 Regular Board Meeting - July 25, 2017** 5
  - 3.2 Special Board Meeting - August 3, 2017** 16
- 4. DELEGATIONS - AGENDA ITEMS**
  - 4.1 Dianne Eddy, re Bowser Sewer Plan** 18
  - 4.2 Brian Field, re Development of Land in Bowser** 19
  - 4.3 Thomas Gates, re Stop the Marine Sewage Outfall Connected to the Bowser Village Sanitary Sewer Service Establishment Bylaw** 20
  - 4.4 Leanne Salter, re Secondary Outflow Proposal In Bowser** 21
- 5. CORRESPONDENCE**  
(All Directors - One Vote)  
That the following correspondence items be received for information:
  - 5.1 John Horgan, BC Premier, re 2017 UBCM Convention** 22
  - 5.2 Sara Huber, Agricultural Land Commission, re Application for Recreational Trail Use in the Agricultural Land Reserve** 23

5.3	<b>Michelle MacEwen, Gabriola Island Recycling Organization, re Funding Request for New Oil Container</b>	31
5.4	<b>Len Walker re Bowser Village Centre Wastewater Project</b>	33
5.5	<b>Greta and Peter Taylor re Bowser Village Sanitary Service Establishment Bylaw</b>	35
5.6	<b>Lisa Helps, Mayor, City of Victoria re Council Resolution Concerning Abandoned Vessels</b>	36
6.	<b>UNFINISHED BUSINESS</b>	
7.	<b>COMMITTEE MINUTES</b>	
	(All Directors - One Vote)	
	That the following minutes be received for information:	
7.1	<b>Executive Committee Meeting - July 25, 2017</b>	38
8.	<b>REPORTS</b>	
8.1	<b>Bowser Village Sanitary Sewer Service - Bylaws 1760, 1761 and 1765, 2017</b>	40
	(All Directors - One Vote)	
	1. That "Bowser Village Sanitary Sewer Service Establishment Bylaw No. 1760, 2017" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.	
	(All Directors - Weighted Vote)	
	2. That "Bowser Village Sanitary Sewer Loan Authorization Bylaw No. 1761, 2017" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.	
	(All Directors - One Vote)	
	3. That "Bowser Village Sanitary Sewer Service Development Cost Charge Bylaw No. 1765, 2017" be introduced, read three times, and forwarded to the Inspector of Municipalities for approval.	
	(All Directors - Weighted Vote)	
	4. That the RDN enter into the DCC Front-ender Agreement with participating developers, on or before September 5, 2017.	
8.2	<b>Nominations to the BC Ferry Authority Board of Directors</b>	102
	(All Directors - One Vote)	
	That the Regional District of Nanaimo participate in the 2017 nomination process for an appointment to the BC Ferry Authority Board of Directors.	

**8.3 Proposed Removal of One-Third Tax Exemption** 124

(All Directors - One Vote)

1. That the following resolution regarding the Proposed Removal of the One-Third Tax Exemption be adopted and forwarded to the Federation of Canadian Municipalities (FCM) for consideration at their next Board meeting and Annual Conference:

WHEREAS, the 2017 Federal Budget proposes to eliminate the one-third of Council and Board member remuneration that is currently non-taxable and designed to be reimbursement of expenses incurred by elected local government officials; and

WHEREAS, the impact of this change is that the full amount of local government elected officials' remuneration will now be subject to income taxes and Canada Pension Plan (CPP) contributions and, resultantly, may be considered a disincentive to the holding of public office;

THEREFORE BE IT RESOLVED, that the Federation of Canadian Municipalities lobby the Federal Government to rescind the proposal to remove the tax exemption on compensation for local government elected officials.

2. That the resolution regarding the Proposed Removal of the One-Third Tax Exemption also be forwarded to the Federal Minister of Finance William Morneau and Members of Parliament Sheila Malcolmson and Gord Johns.

**8.4 Fall 2017 Community Works Funded Projects Update** 127

(EA Directors - Weighted Vote)

That the Community Works Funds program project list included in Attachment 1 be approved and that staff be authorized to continue work on the projects as needed.

**8.5 Zoning Amendment – File No. PL2017-089 - Electoral Areas 'A', 'C', 'E', 'G' and 'H' - Amendment Bylaw 500.410, 2017 – Third Reading** 136

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

1. That the Board give third reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.410, 2017".

2. That the Board give third reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.411, 2017".

**8.6 Zoning Amendment Application No. PL2016-110 - 1682 Cedar Road, Electoral Area 'A' - Amendment Bylaw No. 500.408, 2017 – Adoption** 143

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

That the Board adopt "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.408, 2017".

**9. BYLAWS - WITH NO ACCOMPANYING REPORT**

**9.1 Southern Community Sewer Secondary Treatment Capital Improvements - Security Issuing Bylaw 1762 and Interim Financing Bylaw 1763 150**

(All Directors - Weighted Vote)

1. That "Southern Community Sewer Local Service Secondary Treatment Capital Improvements Security Issuing Bylaw No. 1762, 2017", be adopted.

2. That "Southern Community Sewer Local Service Secondary Treatment Capital Improvements Interim Financing Bylaw No. 1763, 2017", be adopted.

**10. BUSINESS ARISING FROM DELEGATIONS**

**11. NEW BUSINESS**

**12. IN CAMERA**

(All Directors - One Vote)

That pursuant to Sections 90 (1) (c), (e), (j), and (m) of the *Community Charter* the Board proceed to an In Camera meeting for discussions related to labour relations, land acquisition, third party business interests, and intergovernmental relations.

**13. ADJOURNMENT**

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

**Tuesday, July 25, 2017, 7:00 P.M.  
RDN Board Chambers**

In Attendance:	Director W. Veenhof	Chair
	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. McKay	City of Nanaimo
	Director B. Bestwick	City of Nanaimo
	Director G. Fuller	City of Nanaimo
	Director J. Hong	City of Nanaimo
	Director J. Kipp	City of Nanaimo
	Director B. Yoachim	City of Nanaimo
	Director M. Lefebvre	City of Parksville
	Director B. Colclough	District of Lantzville
	Director T. Westbroek	Town of Qualicum Beach
Regrets:	Director I. Thorpe	Vice Chair
Also in Attendance:	P. Carlyle	Chief Administrative Officer
	G. Garbutt	Gen. Mgr. Strategic & Community Development
	M. Mauch	A/GM Regional & Community Utilities
	T. Osborne	Gen. Mgr. Recreation & Parks
	D. Trudeau	Gen. Mgr. Transportation & Emergency Planning Services
	J. Harrison	Director of Corporate Services
	W. Idema	Director of Finance
	J. Holm	Mgr. Current Planning
	M. O'Halloran	A/Mgr. Administrative Services
	C. Golding	Recording Secretary

**APPROVAL OF THE AGENDA**

17- 379

It was moved and seconded that the agenda be approved as amended, to include items of correspondence.

CARRIED UNANIMOUSLY

**ADOPTION OF MINUTES**

**Regular Board Meeting - June 27, 2017**

17- 380

It was moved and seconded that the minutes of the Regular Board meeting held June 27, 2017, be adopted.

CARRIED UNANIMOUSLY

**CORRESPONDENCE**

**Receipt of Correspondence**

17- 381

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

Correspondence re Development Permit with Variance Application No. PL2016-188 and Lakes District and Schooner Cove Phased Development Agreement Amendment Agreement - 3521 Dolphin Drive, Electoral Area 'E'

Owners of Strata Plan - VIS 5160 re DVP Application No. PL2017-059 - 2226 South Lake Road, Electoral Area 'H'

Owners of Strata Plan - VIS 5160 re DVP Application No. PL2017 - 063 - 3036 Bay Road, Electoral Area 'H'

Jan Hastings, Nanaimo Recycling Exchange, re NRE need to relocate

Additional correspondence re Development Permit with Variance Application No. PL2016-188 and Lakes District and Schooner Cove Phased Development Agreement Amendment Agreement - 3521 Dolphin Drive, Electoral Area 'E'

CARRIED UNANIMOUSLY

**Business Arising from Correspondence**

17- 382

It was moved and seconded that the correspondence from Jan Hastings, Nanaimo Recycling Exchange, regarding Nanaimo Recycling Exchange need to relocate be referred to staff.

CARRIED UNANIMOUSLY

**REPORTS**

**Arrowsmith CPR Regional Trail – Island Timberlands Licence Renewal**

17- 383

It was moved and seconded that the Board accept Island Timberlands' offer to renew the 2000 Arrowsmith CPR Regional Trail non-exclusive licence for the period April, 1 2017 to March 31, 2019.

CARRIED UNANIMOUSLY

**Little Qualicum River Regional Park Bridge Upgrade Tender Award**

17- 384

It was moved and seconded that the Board cancel the tender without awarding a contract for the Little Qualicum River Regional Park Bridge Upgrade.

CARRIED UNANIMOUSLY

17- 385

It was moved and seconded that the Board direct staff to remove the existing Little Qualicum River Regional Park Bridge due to safety concerns.

CARRIED UNANIMOUSLY

17- 386

It was moved and seconded that the design and construction of a new bridge for the Little Qualicum River Regional Park be considered for inclusion in the 5-year Regional Parks Capital Plan.

CARRIED UNANIMOUSLY

**COMMITTEE MINUTES**

17- 387

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

Executive Committee Meeting - June 27, 2017

Committee of the Whole Meeting - July 11, 2017

Electoral Area Services Committee Meeting - July 11, 2017

Solid Waste Management Select Committee Meeting - July 17, 2017

CARRIED UNANIMOUSLY

**COMMITTEE RECOMMENDATIONS**

**Executive Committee**

**Community Grants Policy**

17- 388

It was moved and seconded that the Terms of Reference for the Community Grants Committee be approved.

CARRIED UNANIMOUSLY

17- 389

It was moved and seconded that the Community Grants Policy No. A1.30 be approved.

CARRIED UNANIMOUSLY

17- 390

It was moved and seconded that the Grants-in-Aid Advisory Committee be dissolved.

CARRIED UNANIMOUSLY

17- 391

It was moved and seconded that Grants-in-Aid Policy No. A1.28 be repealed.

CARRIED UNANIMOUSLY

17- 392

It was moved and seconded that an overall review of RDN Community Grant programs be included in the 2018 work plans.

CARRIED UNANIMOUSLY

**Directors' Remuneration**

17- 393

It was moved and seconded that the process and Terms of Reference for an independent review of the Regional District of Nanaimo's Directors' remuneration by a consultant be approved as amended to delete Cowichan Valley Regional District from the comparator group and add Comox Valley Regional District, and to include reference to remuneration for Alternate Directors.

CARRIED UNANIMOUSLY

17- 394

It was moved and seconded that the Executive Committee be appointed by the Board to review the consultant's report on remuneration and make a recommendation to the Board.

CARRIED UNANIMOUSLY



17- 395

It was moved and seconded that the Board direct that the applicable policies and bylaws be revised and updated following approval of the remuneration by the Board.

CARRIED UNANIMOUSLY

17- 396

It was moved and seconded that staff report back to the Executive Committee in November of this year.

CARRIED UNANIMOUSLY

### **Committee of the Whole**

#### **Southern Community Sewer Secondary Treatment Capital Improvements – Security Issuing Bylaw 1762 and Interim Financing Bylaw 1763**

17- 397

It was moved and seconded that “Southern Community Sewer Local Service Secondary Treatment Capital Improvements Security Issuing Bylaw No. 1762, 2017” be introduced and read three times.

CARRIED UNANIMOUSLY

17- 398

It was moved and seconded that “Southern Community Sewer Local Service Secondary Treatment Capital Improvements Interim Financing Bylaw No. 1763, 2017” be introduced and read three times.

CARRIED UNANIMOUSLY

#### **Draft State of Recreation in District 69 (Oceanside) Research Report**

17- 399

It was moved and seconded that the Draft State of Recreation in District 69 (Oceanside) Research Report be presented to the District 69 Recreation Commission and the Recreation Services Master Plan Advisory Committee for information and comment prior to inclusion in the Master Plan as a reference document.

CARRIED UNANIMOUSLY

#### **July 2017 Asset Management Update**

17- 400

It was moved and seconded that the Board endorse the July 2017 Asset Management Update.

CARRIED UNANIMOUSLY

**Community Grants - Tribal Journeys 2017**

17- 401

It was moved and seconded that:

Whereas on May 23, 2017 after consideration of a staff report on Tribal Journeys 2017 the Board resolved that "...Directors and staff be informed of any volunteer opportunities that may arise from the event."

Therefore be it resolved that the Regional District of Nanaimo's First Nations liaison budget be utilized to provide the following community grants to contribute towards the costs of Tribal Journeys 2017.

1. Qualicum First Nation \$1200
2. Snuneymuxw First Nation \$1200
3. Snaw-Naw-As \$1200

CARRIED UNANIMOUSLY

**Solid Waste Management Select Committee**

**Solid Waste Services Update**

17- 402

It was moved and seconded that staff prepare a report on the Regional Solid Waste Advisory Committee Zero Waste Recycling motion. The staff report is to be provided at the next Solid Waste Management Select Committee meeting for further consideration of the following Regional Solid Waste Advisory Committee motion:

The Regional Solid Waste Advisory Committee recommends that the Board fund a non-profit enterprise to act as a research/recycling hub for recycling items currently not commercially marketable. The research/recycling hub would develop methods, markets and collaborations for items not currently easily recyclable, investigate barriers to recycling these items, and develop recycling programs that would ultimately benefit the Regional District of Nanaimo as a whole. Funding for the research/recycling hub would be set at \$300,000 annually over a 5 year pilot project.

Opposed (5): Director Young, Director Bestwick, Director Fuller, Director Kipp, and Director Joachim

CARRIED

**Contract Award - Regional Landfill Scale and Scale House Replacement**

17- 403

It was moved and seconded that the contract for the construction of the Regional Landfill scale and scale house be awarded to Island West Coast Development in the amount of \$498,301 and a total project cost of \$572,801.

CARRIED UNANIMOUSLY

**Electoral Area Services Committee**

**Fireplace Stove from Anders and Dorrit's Community Park House**

17- 404

It was moved and seconded that Regional District of Nanaimo staff send a letter to the Chairman of the Mountain Fire Protection District Board of Trustees to request the possibility of the fireplace stove being stored in perpetuity at East Wellington Fire Hall as a community museum piece.

CARRIED UNANIMOUSLY

**Dashwood Community Hall**

17- 405

It was moved and seconded that the demolition of the Dashwood Community Park Hall be postponed until a review and consultation with the community can be done.

CARRIED UNANIMOUSLY

**Highway 19A Thames Creek Road Pullout Improvement Request**

17- 406

It was moved and seconded that no further action is to be taken regarding the request for the Regional District of Nanaimo to undertake improvements to the Thames Creek pullout on Highway 19A.

CARRIED UNANIMOUSLY

**McColl Rd. Beach Access**

17- 407

It was moved and seconded that staff be directed to contact Ministry of Transportation and Infrastructure regarding encroachment onto the McColl Rd undeveloped Right of Way.

CARRIED UNANIMOUSLY

**Natural Playgrounds**

17- 408

It was moved and seconded that staff be directed to provide a scoped concept report regarding natural playground equipment, budget and location around the Madrona area for the next Electoral Area 'E' Parks and Open Space Advisory Committee meeting.

CARRIED UNANIMOUSLY

**Nanoose Road Community Park**

17- 409

It was moved and seconded that staff be directed to submit a request to Crown Lands to expand the potential uses for the Nanoose Road Community Park to include a dog park.

CARRIED UNANIMOUSLY

**Snaw-Naw-As First Nation - Hul'q'umi'num Name New Community Park**

17- 410

It was moved and seconded that the Electoral Area 'E' Community Park on Oak Leaf Drive be named Es-hw Sme~nts Community Park. Pronunciation: Eshk-Sments.

CARRIED UNANIMOUSLY

**Zoning Amendment - File No. PL2017-089 - Electoral Areas 'A', 'C', 'E', 'G' and 'H' - Amendment Bylaw 500.410, 2017 - First and Second Reading; Amendment Bylaw 500.411, 2017 - First and Second Reading**

17- 411

It was moved and seconded that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.410, 2017" be introduced and read two times.

CARRIED UNANIMOUSLY

17- 412

It was moved and seconded that the public hearing for "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.410, 2017" be waived and notice in accordance with Section 467 of the *Local Government Act* be given.

CARRIED UNANIMOUSLY

17- 413

It was moved and seconded that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.411, 2017" be introduced and read two times.

CARRIED UNANIMOUSLY

17- 414

It was moved and seconded that the public hearing for "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.411, 2017" be waived and notice in accordance with Section 467 of the *Local Government Act* be given.

CARRIED UNANIMOUSLY

**Amendments to Bylaw No. 1285**

17- 415

It was moved and seconded that staff be directed to draft amendments to Bylaw No. 1285 (Section 1.4 and Section 5 "Lot"); so as to enable land strata subdivision in harmony with that enabled by Bylaw No. 500.

CARRIED UNANIMOUSLY

17- 416

It was moved and seconded that Bylaw No. 1285 be amended as follows: the maximum density requirement for Rural 1 (R-1) Zone be set at 2 Dwelling Units per lot; with the specification of 1 Dwelling Unit per hectare removed.

CARRIED UNANIMOUSLY

**Development Variance Permit Application No. PL2017-059 - 2226 South Lake Road, Electoral Area 'H'**

17- 417

It was moved and seconded that the Board approve Development Variance Permit No. PL2017-059 to increase the maximum floor area on a single storey of a recreational residence from 70 m<sup>2</sup> to 105 m<sup>2</sup> subject to the terms and conditions outlined in Attachment 2 to 4.

CARRIED UNANIMOUSLY

**Development Variance Permit Application No. PL2017-063 - 3036 Bay Road, Electoral Area 'H'**

This item was withdrawn by the applicant.

**Development Variance Permit Application No. PL2016-123 - Brynmarl Road, Electoral Area 'E'**

17- 418

It was moved and seconded that the Board approve Development Variance Permit No. PL2016-123 to reduce the setback from the natural boundary of the sea for a swimming pool and patio and reduce the setback from the interior side lot line for a patio subject to the terms and conditions outlined in Attachment 2 to 4.

CARRIED UNANIMOUSLY

**Development Permit with Variance Application No. PL2016-188 and Lakes District and Schooner Cove Phased Development Agreement Amendment Agreement - 3521 Dolphin Drive, Electoral Area 'E'**

Gerry Thompson, local resident, spoke in favour of the application

John Taylor, local resident, spoke in favour of the application

Rick Bleiker, local resident, spoke in opposition of the application

Natalie Holloway, local resident, spoke in favour of the application

Peter Howells, Schooner Cove Yacht Club Commodore, spoke in favour of the application

Stephanie Francis, local resident, spoke in opposition of the application

Chris Jobb, local resident, spoke in favour of the application

Ian Broadfoot, local resident, spoke in favour of the application

Steve Leasing, local resident, spoke in opposition of the application

Dawana Taylor, local resident, spoke in favour of the application

Keith Thompson, local resident, spoke in favour of the application

17- 419

It was moved and seconded that the Summary of the Public Information Meeting held on May 30, 2017, be received.

CARRIED UNANIMOUSLY

17- 420

It was moved and seconded that the Board approve the Lakes District and Schooner Cove Phased Development Agreement Amendment Agreement to include changes primarily relating to the proposed waterfront boardwalk and pathway, maintenance of the multi-use pathway or sidewalk, timing and trigger mechanisms within the phased development agreement, the boat ramp, and fire protection as proposed in Attachment 13.

CARRIED UNANIMOUSLY

17- 421

It was moved and seconded that the Board approve Development Permit with Variance No. PL2016-188 to permit the construction of a multi-residential and mixed use commercial development subject to the terms and conditions outlined in Attachments 2 to 7 and the variances outlined in Attachment 2.

CARRIED UNANIMOUSLY

17- 422

It was moved and seconded that the Board direct staff to send a letter to the Ministry of Transportation and Infrastructure advising them that it is the Regional District of Nanaimo's expectation that Ministry of Transportation and Infrastructure will retain responsibility for new and existing sidewalks in the Lakes District and Schooner Cove as per Minister Stone's commitment of August 28, 2013.

CARRIED UNANIMOUSLY

**NEW BUSINESS**

**Federal Government Proposal to Remove 1/3 Tax Exemption for Local Government Elected Officials**

17- 423

It was moved and seconded that a resolution be sent to both the Union of BC Municipalities (UBCM) and the Federation of Canadian Municipalities (FCM) that asks both UBCM and FCM to lobby the Federal Government to rescind the government's proposal to remove the 1/3 tax exemption on compensation for local government elected officials and to communicate with the appropriate Federal Ministers and copy the local Members of Parliament and ask that the motion be considered by UBCM as a late submission.

CARRIED UNANIMOUSLY

**IN CAMERA**

17- 424

It was moved and seconded that pursuant to Sections 90 (1) (a), (c), (e), (g), and (m) of the *Community Charter* the Board proceed to an In Camera meeting for discussions related to Board appointments, labour relations, land acquisition, litigation and intergovernmental relations.

CARRIED UNANIMOUSLY

TIME: 8:29 PM

**ADJOURNMENT**

It was moved and seconded that this meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 8:59 PM

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CHAIR

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CORPORATE OFFICER

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

**Thursday, August 3, 2017  
8:30 A.M.  
Committee Room**

In Attendance:	Director W. Veenhof	Chair
	Director I. Thorpe	Vice Chair
	Director A. McPherson	Electoral Area A (by phone)
	Director H. Houle	Electoral Area B (by phone)
	Director M. Young	Electoral Area C (by phone)
	Alternate	
	Director K. Lowe	Electoral Area E
	Alternate	
	Director J. McLean	Electoral Area F
	Director J. Stanhope	Electoral Area G
	Director B. McKay	City of Nanaimo (by phone)
	Director J. Hong	City of Nanaimo (by phone)
	Director M. Lefebvre	City of Parksville (by phone)
	Director B. Colclough	District of Lantzville (by phone)
	Director T. Westbroek	Town of Qualicum Beach (by phone)
Regrets:	Director B. Rogers	Electoral Area E
	Director J. Fell	Electoral Area F
	Director B. Bestwick	City of Nanaimo
	Director G. Fuller	City of Nanaimo
	Director J. Kipp	City of Nanaimo
	Director B. Yoachim	City of Nanaimo
Also in Attendance:	P. Carlyle	Chief Administrative Officer
	T. Osborne	Gen. Mgr. Recreation & Parks
	D. Trudeau	Gen. Mgr. Transportation & Emergency Planning Services
	J. Harrison	Director of Corporate Services
	T. Moore	A/Director of Finance
	T. Armet	Mgr. Building & Bylaw Services
	J. Holm	Mgr. Current Planning
	M. O'Halloran	A/Mgr. Administrative Services
	J. Eubank	Bylaw Enforcement Officer
	C. Golding	Recording Secretary



**CALL TO ORDER**

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

The Chair welcomed Alternate Directors McLean and Lowe to the meeting.

**APPROVAL OF THE AGENDA**

17- 425

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

CARRIED UNANIMOUSLY

**MOTION TO CLOSE MEETING**

17- 426

It was moved and seconded that pursuant to Section 90 (1) (f) of the *Community Charter* the Board proceed to an In Camera Meeting for discussions related to law enforcement.

CARRIED UNANIMOUSLY

TIME: 8:32 A.M.

**ADJOURNMENT**

It was moved and seconded that this meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 8:39 A.M.

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CHAIR

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CORPORATE OFFICER

**Delegation:** Dianne Eddy, re Bowser Sewer Plan.

**Summary:**

1. Extended community that are directly affected by the outflow of sewage were not consulted.
2. Extended community bordering Bowser Village could be affected by expansion of the system in the near future were not consulted.
3. Double standards regarding public vs. private sewage treatment outside village containment boundaries.
4. Financial ramifications to the community at large if development within Bowser does not occur as projected. Who will be picking up the shortfall?
5. Location of sewage processing plant and outflow.

**Action Requested:** A request to the RDN Board:

- Review carefully the financial ramifications to individual home owners in a small rural community, many on fixed or low incomes;
- Review costs to existing local businesses. How many businesses will actually benefit from having a \$10 million sewage treatment service?
- Review the current commitment by property owners to actually develop their properties; will the 175 new units be built in the short term?
- Review having the outflow land based rather than dumping waste products containing pharmaceuticals and plastics into an ocean area known susceptible to red tides
- Review why a sewage processing plant would be located within 100 yards of the centre of Bowser. In addition to sewage processing, sludge must be pumped regularly and transferred to French Creek Treatment plant. These are unlikely odourless processes.

**Delegation:** Brian Field, re Development of Land in Bowser

**Summary:** Visionary prospective of what proposed Bowser development could look like.

- Buildings
- Grounds
- Infrastructure
- Integration of buildings, grounds and infrastructure
- Leadership position
- Leadership example
- Economic + employment + tourism + educational benefits of visionary prospective

**Action Requested:** Requesting the RDN Board not to adopt the Bowser Village Sanitary Service Establishment with an ocean sewage outfall.

**Delegation:** **Thomas Gates, re Stop the Marine Sewage Outfall Connected to the Bowser Village Sanitary Sewer Service Establishment Bylaw**

**Summary:** The purpose of the presentation is to:

- Stop the proposed marine outfall pipeline project connected to the petitioned Bowser Village Sanitary Sewer Service Establishment Bylaw
- Present the Petition to Stop the Proposed Marine Outfall Pipeline connected to the Proposed Bowser Village Sanitary Sewer Service to the Regional District of Nanaimo
- Present information on environmental and health concerns, and mitigation of those concerns by deploying advanced naturalized land based treatment systems
- Present information on financial aspects and options for the proposed Bowser Village Sanitary Sewer Service

**Action Requested:** That the Regional District of Nanaimo 'Not' adopt the Bowser Village Sanitary Sewer Service Establishment Bylaw as presently petitioned with a marine outfall pipeline.

**Delegation:** Leanne Salter, re Secondary Outflow Proposal in Bowser

**Summary:** I will be speaking about the value of not polluting Baynes Sound which will impact local industry, jobs, tourism, home values and most of all, our environment.

Secondary treatment does not remove all of the chemicals, toxins and poison from the sewage. There are alternatives to this process and I am hoping that Directors will be willing to protect Baynes Sound from sewage and be leaders in keeping our Coast free from effluent.

**Action Requested:** I would like to speak to the current proposal to implement a secondary sewage outflow into Baynes Sound.



August 1, 2017

Dear Mayors and Regional District Chairs:

As we prepare for the 2017 Union of British Columbia Municipalities (UBCM) Convention in Vancouver, September 25 to 29, I wanted to let you know my caucus is looking forward to meeting you and working with you to build strong and vibrant communities throughout B.C.

This year's theme, *Roots to Results*, reminds us that we all have a role to play in finding solutions to the problems our communities face. UBCM gives us the opportunity to listen to one another, share ideas, and work together to build a better future for people and communities.

If you would like to request a meeting with me or a Cabinet Minister during this year's convention, please register online at <https://UBCMreg.gov.bc.ca>. This site will go live on August 3<sup>rd</sup>, 2017. Please note the invitation code is MeetingRequest2017 and it is case sensitive. If you have any questions, please contact Marlene Behrens, [marlene.behrens@gov.bc.ca](mailto:marlene.behrens@gov.bc.ca).

I look forward to meeting with many of you, and hearing about your communities and, exploring ways we can partner together to address common issues.

Sincerely,

A handwritten signature in black ink that reads "John Horgan". The signature is written in a cursive, flowing style.

John Horgan  
Premier



**Agricultural Land Commission**  
133–4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

July 17, 2017

ALC File: 54843

Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9R 6N2

Attention: Lesya Fesiak

**Re: Application for Recreational Trail Use in the Agricultural Land Reserve (ALR)**

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #196/2017) as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

**Reconsideration of a Decision as Directed by the ALC Chair**

Please note that pursuant to [s. 33.1 of the \*Agricultural Land Commission Act\*](#), the Chair may direct the Executive Committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

**Reconsideration of a Decision by an Affected Person**

We draw your attention to [s. 33\(1\) of the \*Agricultural Land Commission Act\*](#) which provides a person affected the opportunity to submit a request for reconsideration.

- 33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision has become available,
  - (b) all or part of the original decision was based on evidence that was in error or was false.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Sara Huber at (Sara.Huber@gov.bc.ca).

Page 2 of 2

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'Sara Huber', written in a cursive style.

Sara Huber, Land Use Planner

Enclosure: Reasons for Decision (Resolution #196/2017)

54843d1





## **AGRICULTURAL LAND COMMISSION FILE 54843**

### **REASONS FOR DECISION OF THE I PANEL**

**Application submitted pursuant to s. 6 of BC Regulation 171/2002 (ALR Use, Subdivision and Procedure Regulation)**

**Applicant:**

**Her Majesty the Queen in Right  
of the Province of British  
Columbia  
(the “Applicant”)**

**Agent:**

**Lesya Fesiak, Regional District  
of Nanaimo  
(the “Agent”)**

**Application before the Island Regional Panel:**

**Linda Michaluk, Panel Chair  
Honey Forbes  
Clarke Gourlay**



## **THE APPLICATION**

[1] The legal description of the property involved in the application is:

### Property 1

Parcel Identifier: 009-002-341

Parcel A of Sections 12 and 13, Range 1, Cedar District

Area: 1.7 ha (1.4 ha in the ALR)

### Property 2

Parcel Identifier: 009-002-294

Parcel A of Section 12, Range 8, Cranberry District

Area: 1.0 ha (0.9 ha in the ALR)

(collectively the “Properties”)

[2] The Properties are partially located within a designated agricultural land reserve (“ALR”) as defined in s. 1 of the *Agricultural Land Commission Act* (the “ALCA”).

[3] The Properties are located within Zone 1 as defined in s. 4.2 of the ALCA.

[4] Pursuant to s. 6 of the BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the “Regulation”), the Regional District of Nanaimo (RDN) is applying on behalf of the Applicant to utilize 1.7 ha to construct two pedestrian bridges over two separate channels of the Nanaimo River and extend the existing public, multi-use recreational trail (the “Proposal”). The Proposal along with supporting documentation is collectively the application (the “Application”).

## **RELEVANT STATUTORY PROVISIONS**

[5] The Application was made pursuant to s. 6 of the Regulation:

6 Unless permitted under sections 2 and 3, a person must file an application under section 34 (6) of the Act directly with the office of the commission and in a form acceptable to the commission for any of the following uses:

- (a) widening of an existing road right of way;
- (b) construction of a road within an existing right of way;
- (c) dedication of a right of way or construction of any of the following:
  - (i) a new or existing road or railway;
  - (ii) a new or existing recreational trail;
  - (iii) a utility corridor use;
  - (iv) a sewer or water line other than for ancillary utility connections;
  - (v) a forest service road under the *Forest Act*;
- (d) the new use of an existing right of way for a recreational trail.

[6] The Panel considered the Application within the context of s. 6 of the *ALCA*:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
  - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
  - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

### **EVIDENTIARY RECORD BEFORE THE PANEL**

[7] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Agricultural capability map, ALR context map and satellite imagery
4. Site Visit Report

5. The *Morden Colliery Regional Trail Connection: Summary of Investigations to Relocate Trail Connection* prepared by Cindy Nesselbeck, Land Consultant, dated April 27, 2017

All documentation noted above was disclosed to the Agent in advance of this decision.

### **SITE VISIT**

- [8] On April 20, 2016, the Panel conducted a site visit in accordance with the *Policy Regarding Site Visits in Applications* (the “Site Visit”).
- [9] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Applicant on May 20, 2016 (the “Site Visit Report”).

### **FINDINGS**

- [10] During the Site Visit, the Panel raised concerns regarding the proposed trail bisecting active agricultural land. The Panel advised that they would like the RDN to explore other opportunities to locate the trail.

In the *Morden Colliery Regional Trail Connection: Summary of Investigations to Relocate Trail Connection* Report (the “Land Consultant Report”), dated April 27, 2017, a summary of alternative trail alignments was provided to the Commission. The Land Consultant Report states that efforts to relocate the trail to the east or west of the Properties have been unsuccessful. In June 2017, the Agent requested the ALC continue processing the Application with the original trail alignment.

- [11] In assessing agricultural capability, the Panel referred to agricultural capability mapping and ratings. The ratings are identified using BC Land Inventory (BCLI), ‘Land Capability Classification for Agriculture in B.C.’ system. The improved agricultural capability ratings

identified on BCLI map sheet 92G.001 and 92G.011 for the mapping units encompassing the Properties are Class 2, 3, 5, and 7, more specifically, approximately 45% (6:3T 4:2TW), 20% (5TA), 15% (7P), 10% (2A), 5% (2W), and 5% (3WD).

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are P (stoniness), T (topographic limitations), A (Aridity), W (excess water), and D (undesirable soil structure).

[12] While the Panel understands the benefits of connecting the Morden Colliery Trail, the Panel finds that the trail would bisect an active agricultural operation and that approval of the trail would impede farming opportunities on the Properties. Moreover, the Proposal does not contribute to the preservation of agricultural land or the encouragement of farming on agricultural land.

## **DECISION**

[13] For the reasons given above, the Panel refuses the Proposal.

[14] These are the unanimous reasons of the Island Panel of the Agricultural Land Commission.

[15] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.



[16] This decision is recorded as Resolution #196/2017 and is released on July 17, 2017.

A handwritten signature in black ink, appearing to read 'Linda Michaluk', is written above a horizontal line.

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**Linda Michaluk, Vice Chair, on behalf of the Island Panel**

**END OF DOCUMENT**

## Gabriola Island Recycling Organization

700 Tin can Alley

Gabriola Island, V0R 1X3

8<sup>th</sup> August 2017

### Request for funding for new oil container

Dear Mr. Houle,

GIRO has been offering a Use-oil collection service for islanders for the last ten years. This is an invaluable service that allows islanders to drop off used-oil into our 3300 litre oil container. Hetherington Industries come by once a year to empty the tank. BCUOMA as you know is the stewardship program that was established in 2004 to administer and ensure that there are adequate facilities for the general public to access within a fairly short travel distance to encourage ease of drop off of used-oil and anti-freeze.

In the last six months it has been brought to our attention that two facilities and a collector have collected used oil that is contaminated with PCB's. The cost to have this contaminated oil is over \$100,000. Although the chance of us receiving contaminated oil here at GIRO is fairly slim, there is still a risk.

We received a letter last October from BCUOMA proposing some kind of shared liability insurance between us the facility, the collector and BCUOMA. This proposal did not come to any fruition and they have since confirmed that they will not be offering any such proposal, and therefore in the event of our used oil being contaminated we as the facility would be 100% liable.

Without any shared liability or indemnity, we chose to leave the BCUOMA program and cease taking any used-oil from the public. We recommended that islanders take their used-oil to the Nanaimo Recycling Exchange or to Regional Recycling for now until we can create our own set up whereby we have some private insurance to cover us should our oil be contaminated.

In order for us to proceed and once again offer a used oil collection service we would need to upgrade our tank. The tank we currently have is a single walled 3300 litre container. To comply with current safety regulations we need to purchase a double walled tank. I have received two quotes:

#### Tidy tank in Vancouver

4220 litre double walled tank \$4758.00.

With tax and shipping the cost is \$6320.96

Regal Tanks in Chilliwack

4500 litre double walled tank \$7395.00

With tax and shipping the cost is \$9345.00

I would like to request funding from the RDN to help GIRO purchase a new tank from Tidy Tank for \$6320.96 so that we may reinstate the Used-oil service. I feel this service is highly valued by islanders and minimizes the risk of people resorting to dumping their used oil on their properties. Used-oil is still the number one contaminant found in groundwater.

I look forward to hearing from you,

Yours sincerely,

Michelle MacEwen

General Manager



Sent: Friday, August 11, 2017 at 6:33 AM  
Subject: No Subject

**Please pass this on to what ever department that came up with the idea of getting 99 citizens to vote for 3800 citizens in Area H regarding the Bowser Sewer Study with Ocean Outfall discharge into the Georgia Straight Basin.**

**As well please have [REDACTED] distribute this email to everyone on the Board of Directors.**

**Where is the democracy when those living in Bowser pay 2,900 dollars to hook up to a sewer and others in Area H have to pay 38,000 dollars?**

**Why has the RDN not explained to the public that it will be MANDATORY for everyone in Bowser (and later as expansion takes place all of area H) to hook into the system as well; MANDATORY to remove old septic tanks and fields at a cost of upwards to 5,000 dollars each?**

**The Georgia Straight is NOT an Ocean. It is an INLAND SEA and only completely flushes once a year between Victoria and Port Hardy.**

**What should be developed for treatment of sewage in AREA H has been done most effectively for a community of 18,000 people in Arcata California.**

**This is what they did and I propose that the RDN reconsider and make manifest the following at a MINIMUM in Area H and preferable WITHOUT a discharge into the INLAND SEA, rather with final discharge onto CROWN LAND beside the Horne Lake Road. The pipe lines could easily be laid from Bowser along Horne Lake road and then follow Horne Lake Road up to suitable land based treatment area.**

**BSI was allowed land based treatment for its 350 new homes development. The RDN should maintain Land Based Treatment of all Sewage and stop the pollution of the Salish Sea.**

**Thank you  
Respect  
Len Walker  
Bowser, BC (not allowed to vote)  
VOR 1G0**

The [sewage treatment](#) process takes place in stages:<sup>[3]</sup>

1. [Primary Treatment](#) (completed in 1949): Sewage is held in sedimentation tanks where the sludge is removed and processed for use as fertilizer.
2. [Secondary Treatment](#) (completed in 1957): Primary effluent is pumped into oxidation ponds (here bacteria break down the waste).
3. Disinfection (completed in 1966): Secondary effluent is chlorinated to kill [pathogens](#) and dechlorinated to avoid damage to natural environments.
4. [Tertiary Treatment](#) (completed in 1986): Disinfected secondary effluent is put into artificial marshes where it is cleansed by reeds, cattails, and bacteria.
5. Disinfection: Tertiary effluent is chlorinated to kill pathogens from bird droppings and dechlorinated to avoid damage to natural environments.<sup>[4]</sup>

Sewage from the City of Arcata is treated and released to [Humboldt Bay](#) via complex flow routing through a number of contiguous ponds, wetlands, and marshes. Resemblance of treatment features to natural bay environments may cause potential ambiguity about where wastewater ceases to be considered partially treated sewage and meets enhancement objectives of the [California Bays and Estuaries Policy](#).<sup>[5]</sup> The wastewater treatment system includes both **treatment wetlands** and **enhancement marshes**. Treatment wetlands improve oxidation pond effluent quality to meet the federal definition of [secondary treatment](#). Disinfection and dechlorination is the final step of the wastewater treatment process. Disinfected wastewater may be discharged either to Humboldt Bay or to enhancement marshes.<sup>[6]</sup> Enhancement marshes purify the wastewater and provide wetland habitat. Enhancement marsh effluent is disinfected to improve [coliform index](#) changes from birds using tertiary treatment enhancement marsh habitat.<sup>[7]</sup> After leaving the treatment wetlands the effluent is mixed with water returning from the [enhancement marshes](#). Wild bird [feces](#) contain [coliform bacteria](#) similar to those found in human sewage.<sup>[8]</sup> Recreational access is limited to areas where effluent has received secondary treatment and disinfection.<sup>[4]</sup>

[https://en.wikipedia.org/wiki/Arcata\\_Wastewater\\_Treatment\\_Plant\\_and\\_Wildlife\\_Sanctuary](https://en.wikipedia.org/wiki/Arcata_Wastewater_Treatment_Plant_and_Wildlife_Sanctuary)

<https://www2.humboldt.edu/arcatamarsh/overview.html>

Arcata CA Pop. 18,000

**Sent:** Saturday, August 12, 2017 10:04 PM

**Subject:** Proposal for Bowser sewage outfall pipe

Hope you have been enjoying all the great weather we have been having for the past few weeks

Would you please pass this message to all the RDN directors that my husband and I are **Requesting the RDN Board NOT TO ADOPT** the Bowser Village Sanitary Service Establishment Bylaw with an ocean sewage outfall.

Thank you.

Greta and Peter Taylor  
Hembrough Road,  
BOWSER. V0R 1G0  
Tel: 250 757 8909



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



August 9, 2017

To the Regional District of Nanaimo Board,

I am writing on behalf of Victoria City Council, requesting favourable consideration and resolutions of support regarding a coordinated response to the problem of abandoned vessels.

At the July 6, 2017 Council Meeting, Victoria City Council endorsed the following resolution:

WHEREAS abandoned vessels have become a persistent problem in coastal communities on southern Vancouver Island and the Gulf Islands, with a lack of clarity over responsibilities of vessel owners and various levels of government impeding a coordinated response to removal of abandoned vessels and protection of the marine environment;

AND WHEREAS the Government of Canada has announced the establishment of the Abandoned Boats Program and Coastal Restoration Fund, inviting applications for funding from joint partners;

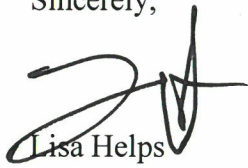
AND WHEREAS several local governments on southern Vancouver Island have expressed interest in these opportunities, alongside interest from industry partners offering to assist with removal of abandoned vessels and restoration of the marine environment;

THEREFORE BE IT RESOLVED THAT the City of Victoria:

- (1) endorses a coordinated response to the problem of abandoned vessels on southern Vancouver Island and the Gulf Islands;
- (2) expresses support for applications to the Abandoned Boats Program and Coastal Restoration Fund for a partnership on abandoned vessels; and
- (3) calls on the Capital Regional District, Cowichan Valley Regional District, Regional District of Nanaimo, Government of British Columbia, and Government of Canada to co-operate with local governments and First Nations governments on southern Vancouver Island and the Gulf Islands on an coordinated response to remove abandoned vessels and restore the marine environment.

We eagerly look forward to your support on this matter.

Sincerely,



Lisa Helps  
Victoria Mayor

Cc: Capital Regional District Board  
Cowichan Valley Regional District Board  
Islands Trust Council  
Southern Vancouver Island and Gulf Island Members of Parliament  
Southern Vancouver Island and Gulf Island Members of the Legislative Assembly  
First Nations governments on Southern Vancouver Island and the Gulf Islands

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE EXECUTIVE COMMITTEE MEETING  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, JULY 25, 2017 AT 6:00 PM IN THE  
COMMITTEE ROOM**

In Attendance:

Director W. Veenhof	Chairperson
Director J. Stanhope	Electoral Area G
Director A. McPherson	Electoral Area A
Director H. Houle	Electoral Area B
Director B. McKay	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director M. Lefebvre	City of Parksville

Regrets:

Director I. Thorpe	City of Nanaimo
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Also in Attendance:

Director M. Young	Electoral Area C
Director B. Rogers	Electoral Area E
Director J. Fell	Electoral Area F
Director T. Westbroek	Town of Qualicum Beach
P. Carlyle	Chief Administrative Officer

**CALL TO ORDER**

The Chair called the meeting to order at 6:00 pm.

**APPROVAL OF THE AGENDA**

It was moved and seconded that the agenda be approved.

CARRIED UNANIMOUSLY

**ADOPTION OF THE MINUTES**

**Executive Committee Meeting – June 27, 2017**

It was moved and seconded that the minutes of the Executive Committee meeting held June 27, 2017 be adopted.

CARRIED UNANIMOUSLY

**IN CAMERA**

It was moved and seconded that pursuant to section 90(1)(c) of the *Community Charter* the Committee proceed to an In Camera Meeting for discussions related to labour relations or other employee relations.

CARRIED UNANIMOUSLY

**ADJOURNMENT**

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 6:59 PM

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CHAIR

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CORPORATE OFFICER

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**TO:** Regional District of Nanaimo Board                      **MEETING:** August 22, 2017  
**FROM:** Randy Alexander  
          General Manager,  
          Regional and Community Utilities                      **FILE:** 5500-20-BOW-01  
**SUBJECT:** Bowser Village Sanitary Sewer Service - Bylaws 1760, 1761 and 1765, 2017

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**RECOMMENDATIONS**

1. That "Bowser Village Sanitary Sewer Service Establishment Bylaw No. 1760, 2017" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
2. That "Bowser Village Sanitary Sewer Loan Authorization Bylaw No. 1761, 2017" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
3. That "Bowser Village Sanitary Sewer Service Development Cost Charge Bylaw No. 1765, 2017" be introduced, read three times, and forwarded to the Inspector of Municipalities for approval.
4. That the RDN enter into the DCC Front-ender Agreement with participating developers, on or before September 5, 2017.

**SUMMARY**

Both the Bowser Village Centre Plan (2010) and RDN Rural Village Centre Study (2013) support establishing sewer servicing for the Bowser Village Centre in order to provide for the community's evolution into a "compact, complete community". In March 2017, the RDN was awarded \$7,590,328 under the federal and provincial Clean Water and Wastewater Fund (CWWF) for 'Bowser Sewer Servicing'.

The capital project is comprised of three components: Collection; Treatment; and Effluent Disposal, for a total estimated capital cost of \$10.7 million. The project is designed to meet or exceed all federal and provincial regulatory standards, and will produce secondary treated effluent with UV disinfection, to ensure protection of human health and the environment.

The capital cost of the project is estimated to be \$10.7 million, to be recovered as follows:

- Clean Water Wastewater fund:                      \$7.6 million (maximum)
- Development Cost Charges:                      \$2.6 million
- Property Taxes:                      \$0.5 million

The majority of costs not covered by the CWWF will be paid for through Development Cost Charges (DCCs). In order for the project to proceed, future developers will enter into a front-ender agreement with the RDN and "pre-purchase" development units, which will allow future development to pay for a



large portion of the sewer system in advance. The remaining costs, not covered by DCCs or the grant, will be significantly reduced and paid for by existing property owners. Without the commitment of the developers, the project would be prohibitively expensive to property owners.

There are three components to the costs of sewer servicing for individual property owners:

1. Parcel taxes to pay for the capital costs not covered by the CWWF grant and DCCs
2. Annual wastewater system operating and maintenance costs
3. Onsite costs associated with tie-in to the RDN collection system

The petition process for the proposed sewer service and related borrowing resulted in 62.6% (67 of the 107 parcels) in favour representing 67.7% of the net taxable value of the land and improvements in the area.

In order to proceed further with this project, the three Bylaws (Service Establishment; Loan Authorization; and DCC) require Board approval and the developers must execute the Frontender Agreement. Following the adoption of the Bowser Village Sanitary Sewer Service Bylaws and the execution of the developers' Front-ender Agreement, the project will have the funding sources to advance detailed design of the outfall and to complete the construction of the collection, treatment, effluent disposal systems, including the outfall.

## **BACKGROUND**

The RDN is undertaking a process to establish a sewer service area for the Bowser Village Center located in Electoral Area 'H'. This project is supported by the Regional Growth Strategy (RGS) (2011), specifically *Goal 4: Concentrate housing and jobs in growth centers*, which aims "[to] establish distinctive activity centers that provide ready access to places to live, work, play and learn". The project is further reflected in the policies set out in the Electoral Area 'H' Official Community Plan, specifically the Bowser Village Center Plan (2010). This plan is consistent with the RGS and seeks to evolve the Village into a more compact, complete community.

This vision is further supported by the Rural Village Center Study (2013). This study considered the ability of the existing Rural Village Centers to accommodate growth due to the cost associated with community water and sewer servicing. When the existing Rural Village Centers were compared, it was determined that the Bowser Village Center holds great potential to achieve a more compact, complete community in terms of costs; warranting the investment required to provide for sewer servicing.

### **Clean Water and Wastewater Fund Grant**

In early 2017, the Bowser Village Wastewater project was awarded a Federal/Provincial Clean Water and Wastewater Fund (CWWF) Grant of up to \$7,590,328 (which is 83% of project costs up to a maximum project cost of \$9.15 million). Costs above that will be funded entirely by local property owners and developers.

The CWWF funding agreement requires that the project must be completed by March 31, 2019 and timelines for completing this project are very tight. As with all capital projects, there may be delays related to approvals, permitting, and construction which could extend the completion date beyond

March 31, 2019. Final costs will be dependent upon the results of the tendering processes. Progression of this project will be monitored closely, and if required, an additional extension will be requested.

### **Capital Project Components**

The proposed capital project is comprised of three components: Collection; Treatment; and Effluent disposal, for a total estimated capital cost of \$10.7 million. The “Bowser Village Centre Sewer Service Information Newsletter No.2 – July 2017” and “Wastewater System Factsheet” (Attachment 1) provide an overview of the project. Details and documents related to the project are available at the RDN’s Bowser Wastewater webpage ([www.rdn.bc.ca/Bowser](http://www.rdn.bc.ca/Bowser)).

The project is designed to meet or exceed all federal and provincial regulatory standards, and will produce secondary treated effluent with UV disinfection, to ensure protection of human health and the environment. The project design is described in the “Wastewater System Factsheet” (Attachment 1).

The preliminary engineering design stage of the Bowser Village Wastewater Project considered both ground disposal and marine disposal as options to dispose of treated wastewater effluent. The engineering consultant (Stantec Consulting Ltd.) determined that existing ground and soil conditions are not suitable for ground disposal. Stantec recommends marine disposal. The proposed outfall would meet and exceed regulatory standards to protect human health and the marine environment. It would be approximately 2.3 kilometers long, discharge at a depth of approximately 55 metres, and would be outside the required offset from shellfish leases (400m). If the project proceeds, detailed design, permitting and public engagement regarding the proposed secondary treated effluent disposal will be undertaken.

### **Public Engagement**

Following the announcement of funding from the joint federal/provincial CWWF program, the RDN, with project consultant Urban Systems, commenced a public information process detailed on the RDN’s Bowser Village Wastewater Project website ([www.rdn.bc.ca/Bowser](http://www.rdn.bc.ca/Bowser)) including mail outs to property owners and three public meetings from May – July 2017. The process provided information to property owners and area residents about the sewer servicing project and the associated costs to property owners to fund their financial share of the project. In addition, RDN staff were available at extended office hours at the RDN’s Magnolia Court office in Bowser, and by phone, email, and in person at the RDN Administration Office to receive questions and comments from property owners and residents. “Frequently Asked Questions” were subsequently published on the RDN website for consideration by all parties.

### **Project Cost Recovery**

The capital cost of the project is estimated to be \$10.7 million, recovered as follows:

- Clean Water Wastewater fund: \$7,590,328 (maximum)
- Development Cost Charge: \$2.6 million
- Property Taxes: \$0.5 million

### **Development Cost Charges (DCCs)**

The RDN proposes to recover the majority of costs (\$2.6 M) not covered by the grant through Development Cost Charges (DCCs). DCCs pay for the costs of developing and upgrading community infrastructure to meet the needs of growth. DCCs will be paid by developers on a per unit basis for access to the excess capacity in the sewer system required to support their new developments.

Through this approach potential developers will enter into a front-ender agreement (Attachment 8) with the RDN and 'pre-buy' development units, which will allow future development to pay for a large portion of the sewer system in advance. The remaining costs not covered by DCCs or the grant will be paid for by existing parcel owners.

A report detailing the proposed DCC program, and consultation process is provided in Attachment 2. The proposed DCC Bylaw is provided in Attachment 3.

Funding through this agreement is a necessary component to secure sufficient funds to proceed with the project. The agreement with the developers is required on or before September 5, 2017. This deadline is critical if the RDN is to meet the deadlines established under the CWWF Grant.

### **Costs to Individual Property Owners.**

There are three components to the costs of sewer servicing for individual property owners:

1. Parcel taxes to pay for capital costs not recovered from CWWF grant and DCCs.
2. Annual wastewater system operating and maintenance costs.
3. Onsite costs associated with tie-in to the RDN collection system.

Details of these costs are provided in the "Bowser Village Centre Sewer Service Information Newsletter No.2 – July 2017" (Attachment 1).

### **Service Area Establishment and Loan Authorization Process**

A petition process was undertaken for the proposed sewer service and related borrowing. Through this process, property owners in the proposed service area had the opportunity to petition the RDN to establish a sewer service area. A sample petition is provided in Attachment 4.

In order for the petition to be sufficient and valid, it must be signed and submitted by the owners of at least 50% of the parcels liable to be charged for the proposed service, and the persons signing must be the owners of parcels that in total represent 50% of the net taxable value of all land and improvements within the proposed service area.

Petitions were provided to owners of 99 properties, representing 107 parcels in the proposed Bowser Village Sanitary Sewer Service Area, by letter post, email, or in person in July 2017, following a July 19, 2017 public information meeting to launch the petition process. The petition package described the petition process, presented anticipated parcel taxes and user fees, and described the method of cost recovery for the service area. Signed petitions were received at the RDN Administration Office, with 67 of the 107 parcels in favour of proceeding with the project (62.6%). The combined value of these properties represents 67.7% of the net taxable value of all land and improvements in the proposed

service area. Therefore, with sufficient petition support received, the “Bowser Village Sanitary Sewer Service Establishment Bylaw No. 1760, 2017” and “Bowser Village Sanitary Sewer Loan Authorization Bylaw No. 1761, 2017” may proceed. These bylaws are attached for Board consideration (see Attachments 5 & 6, respectively). Details of the petition results are presented in Attachment 7.

### **Next Steps**

Following the adoption of the Bowser Village Sanitary Sewer Service Establishment, Loan Authorization, and Development Cost Charge Bylaws, and the execution of the developer’s front-end agreement, this project will have the funding source to advance outfall design and for the construction of the collection, treatment, effluent disposal systems, including the outfall.

Advancing the Bowser Village Sanitary Sewer Servicing project is a major undertaking that will require significant resources in managing all aspects of this project to its completion. To ensure the greatest probability of success a project team will be developed which will include both RDN staff and consultants.

In addition, a communications plan will be one of the first tasks to be completed. The communications plan will promote an understanding of the project, prepare for planned construction disturbances and identify our efforts to minimize those disturbances and provide mechanisms to communicate questions and concerns.

Early on the project team will also work closely with all provincial and federal regulators to ensure that the advancement of this project meets all regulatory obligations in a timely manner.

Prior to tendering the construction of this project, the design of the treatment plant and collection system will be reviewed with the developers as stipulated in the agreement with them. The purpose of this review will be to examine local conditions and constraints that could result in cost effective and practical design modification. Furthermore, detail design of the marine outfall will also need to be tendered and completed before construction can commence.

Once the detail design and engineering review have been completed, the project construction tenders can be issued.

### **ALTERNATIVES**

1. Give three readings to Bylaws Nos. 1760, 1761 and 1765 and direct staff to forward them to the Inspector of Municipalities for approval.
2. Do not give three readings to Bylaws Nos. 1760, 1761 and 1765 and provide staff with alternative direction.

### **FINANCIAL IMPLICATIONS**

As noted above, net of the grants and developer contributions, service area property owners will need to fund \$500,000 of the capital project as well as ongoing operations and maintenance costs.

The *Local Government Act* requires that the maximum amount based on assessed values that may need to be recovered for debt servicing (\$47,000 annually) and operating costs (\$150,000 annually) be included in the petition documents and the service establishment bylaw. This results in a maximum of \$197,000 needing to be raised annually which is equivalent to \$4.43 per \$1,000 of net taxable value of 2017 assessments. The actual amount that will be charged to a property owner will be raised as a parcel tax in order to ensure all participants pay the same rate for access to the service. The cost will vary depending on several items: 1) if property owners choose to pay the capital cost as a lump sum or borrow through the RDN; 2) the size of their property for their share of capital cost repayment; 3) how quickly new properties are developed; and 4) actual final operations and maintenance costs.

If all parcel owners utilize RDN borrowing for their share of the capital cost and assuming \$120,000 as the first year operating and maintenance costs, the total annual cost to a property owner with a property size of one acre or less would be approximately \$1,500 collected through the property tax notice and utility billing.

### **STRATEGIC PLAN IMPLICATIONS**

Establishing sewer servicing for the Bowser Village Centre in order to support the community's evolution into a "compact, complete community" is supported by the Bowser Village Centre Plan (2010) and RDN Rural Village Centre Study (2013).

The project supports the RDN Board's strategic focus areas of: Service and Organizational Excellence through "funding infrastructure in support of our core services"; Economic Health, through "fostering economic development"; and Environment, through development decisions that protect our environment.

---

Randy Alexander, General Manager, Regional and Community Utilities  
ralexander@rdn.bc.ca  
August 16, 2017

#### Reviewed by:

- J. Hill, Manager, Administrative Services
- W. Idema, Director of Finance
- P. Carlyle, Chief Administrative Officer

#### Attachments

1. "Bowser Village Centre Sewer Service Information Newsletter No.2 – July 2017", and "Wastewater System Factsheet"
2. DCC Program Report
3. Bowser Village Sanitary Sewer Service Development Cost Charge Bylaw No. 1765, 2017
4. "Petition to Establish a Sanitary Sewer Service in a Part of Electoral Area 'H'" Sample Package
5. Bowser Village Sanitary Sewer Service Establishment Bylaw No. 1760, 2017
6. Bowser Village Sanitary Sewer Loan Authorization Bylaw No. 1761, 2017
7. Petition Results Report
8. Front Ender Agreement

# Bowser Village Centre Sewer Service Information Newsletter No.2 – July 2017

## Introduction

The Regional District of Nanaimo (RDN) is undertaking a process to establish a new sewer service area for the Bowser Village Centre. In 2013, the Rural Village Centre Study identified Bowser as one of the Rural Village Centres, providing the potential to evolve into a compact, complete community. Sewer servicing has been identified as a key component to achieving this vision.

In early 2017, the Bowser Village Wastewater project was awarded a Clean Water and Wastewater Fund Grant of approximately \$7.6 million, representing 83% in senior government funding up to a project cost of \$9.15 million (costs above that would be funded entirely by local property owners and developers).

Even with the grant, borrowing will still be required to fund up to the remaining costs to complete the project.



Figure 1.0 - Bowser Village Centre Sewer Service Area

## Project Components

The sewer system can be broken into three major components – Collection System, Wastewater Treatment Plant (WWTP), and Effluent Disposal.

- WWTP capacity is based on a 20-year design population of approximately 625 people.
- Using an average of 2.1 people per household, it is estimated that Phase 1 of the proposed treatment plant could support approximately 300 equivalent single-detached residential units.
- There are currently 99 tax-paying parcels within the proposed sewer service area.

## Proposed Bowser Sewer System

Through the review and analysis of several sewer collection system designs it was determined that the best approach to deliver sewer services in a developer funded model would be to build a sewer system that covered the entire Bowser Village Centre. The final sewer system design provides sewer service to all 99 privately owned parcels in the Bowser Village Centre (see Table 1.0 below).

Table 1.0 – Proposed Bowser Sewer System Costs

Project Components	Estimated Project Costs*
Wastewater Treatment Plant (WWTP)	\$ 4,262,962
Collection System	\$ 3,877,154
Marine Outfall	\$ 2,541,395
<b>Total Cost</b>	<b>\$10,681,511</b>

\* It should be noted that due to the high development activity in the region the current costs of construction may change.

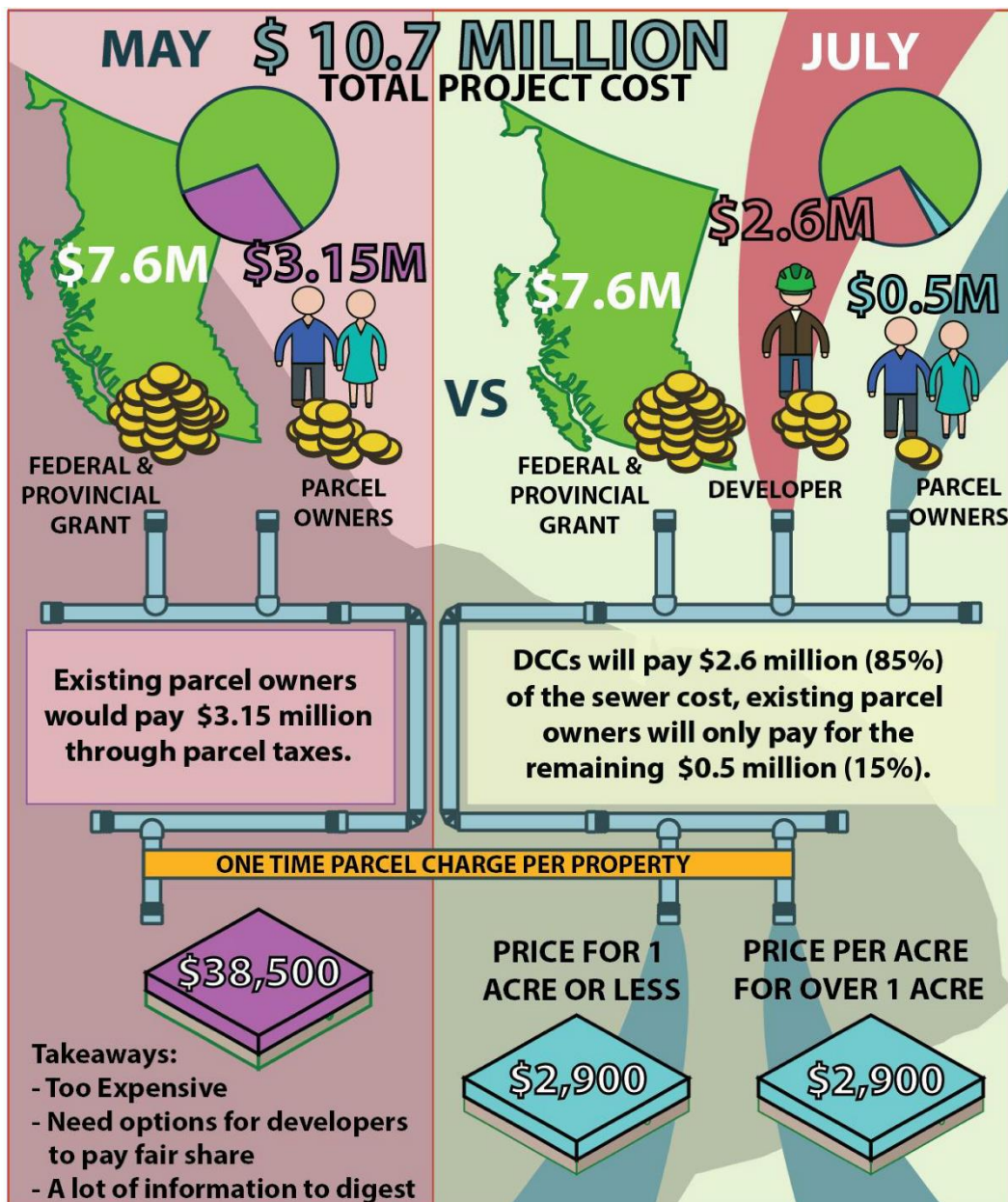
## Outcomes from Information Meetings #1 and #2

On May 29th, 2017 the RDN and Urban Systems Ltd. presented preliminary designs and costs for the sewer system. In this meeting a wide range of feedback was provided, including:

- More work was required to review other project financing approaches, such as developer contributions, development cost charges (DCCs), front-ender agreements;
- The information presented needed to be simplified (i.e. there were a lot of numbers to digest); and
- Of those who attended and filled out the survey 62% of Bowser Village Centre residents supported this initiative with the costs presented at the time.
- A key outcome of the first meeting was adapting the cost recovery approach to focus more on future development and collecting DCCs from potential developers through a front-ender agreement to recover the majority (85%) of costs not covered by the \$7.6 million dollar grant.

A second information meeting was held on June 26<sup>th</sup>, 2017 to provide an update to residents on the progress of the Bowser Village Centre Sewer Project and provide an opportunity for residents to ask more detailed questions. During this meeting the final sewer system design was presented along with the new DCC cost recovery approach.

## What Has Changed From the May 29<sup>th</sup>, 2017 Meeting



## Cost Recovery

The RDN will look to recover the majority of costs not covered by the grant through **DCCs**. Through this approach potential developers will enter into a front-end agreement with the RDN and **'pre-buy' development units**, which will allow future development to pay for a large portion of the sewer system in advance. The remaining costs not covered by DCCs or the grant will be significantly reduced and paid for by existing parcel owners.

## Development Cost Charge (DCC) Approach

DCCs pay for the costs of developing and upgrading community infrastructure to meet the needs of growth.

- DCCs will be paid by developers on a per unit basis for access to the excess capacity in the sewer system required to support their new developments.
- DCCs will pay for 85% of the remaining money to develop the sewer after the \$7.6 million dollar grant is applied.
- Existing parcel owners will be required to pay for the remaining 15% a total of about \$0.5 million.
- The proposed rate for a residential DCC is \$14,888 per unit.

## Cost Breakdown

### Cost (a) - Proposed Parcel Taxes

The total amount of money to construct the sewer system not covered by the grant or DCCs will need to be recovered through a parcel tax. Existing parcel owners will be required to pay for the remaining 15% of costs after the DCCs and \$7.6 million dollar grant are applied; a total of approximately \$0.5 million. This money will be recovered from current parcel owners in two ways based on the area (m<sup>2</sup>) of each parcel.

1. Parcels **one acre or less** will be charged a flat fee of **\$2,900** (74 parcels)
2. Parcels **greater than one acre** will pay on a per metre (m<sup>2</sup>) basis at a rate of **\$0.717 per m<sup>2</sup> or \$2,900 per acre** (25 parcels).

Combined these two charges will generate approximately \$0.5 million from current parcel owners. Parcel taxes will be charged on both developed and vacant land where sewer services are provided. **Table 2.0** shows the parcel tax impact on residents and developers.

**Table 2.0 - Parcel Tax – One Time Charge vs. Annual**

Parcel Size		Proposed Tax One Time Charge	Proposed Tax Financed over 20 years (20 year @ 4%)
One Acre or Less		\$2,900	\$224 per year
Parcels Greater than One Acre	1.00 acres	\$2,900	\$224 per year
	2.00 acres	\$5,800	\$448 per year
	5.00 acres	\$14,500	\$1,120 per year
	10.00 acres	\$29,000	\$2,240 per year
	Largest	\$34,488	\$2,663 per year



## Cost (b) - Operations and Maintenance

Operations and maintenance (O+M) costs are required to pay for the ongoing operation of the wastewater treatment plant, pumps and collection systems, as well as replacing parts of the system as they age. O+M costs are not included in the project costs presented. O+M costs will be split between a parcel tax (33%), to be paid by all parcels, and a user fee (66%) charged as a separate fee on all properties and units receiving sewer services; vacant properties will not pay the O+M user fee.

Total annual O+M costs are currently estimated at \$150,000 per year. However, first year O+M user costs for the new plant will be lower, with total O+M costs equalling approximately \$120,000. With 99 parcels covering 90 connections this works out to approximately **\$1,280 per parcel for the first year**.

As new development occurs, O+M costs will be spread out amongst a larger number of properties and will likely decrease as shown in **Table 3.0** below.

**Table 3.0 – Operation and Maintenance Costs Years 1 & 2**

Year	Total Annual Cost (est.)	Estimated O+M Costs Per Unit
Year 1 (2019) (Current Units)	\$120,000	\$1,280
Year 2 (2020) (+ 30 units)	\$150,000	\$1,220
Year 2 (2020) (+ 60 units)	\$150,000	\$980
Year 2 (2020) (+ 90 units)	\$150,000	\$820

## Cost (c) - On-site Costs

A number of individual properties will require on-site pumps due to topography and design restrictions. The pumps will be paid for by the RDN, but property owners will be required to pay for their installation and to tie into sewer mains at the property lines, as well as ongoing maintenance.

Total on-site installation costs will vary widely depending on the location of the building on a property and the topography of the parcel receiving the services. The typical one-time cost of the on-site pump installation for a single-family residence ranges from \$1,000 to \$5,000.

Once the treatment plant is in operation, parcels with existing buildings will be required to hook up within one year.

## For More Information ...

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Regional District of Nanaimo  
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T: (250) 390-4111 ext. 6521

## Summary of Costs (a + b + c)

In total every parcel owner(s) will be required to pay the proposed parcel tax (either one-time or financed over 20 years), annual O+M user fees and the costs of installing and operating on-site pumps.

**Table 4.0 – Summary of Costs**

Summary of Costs	
Parcel Tax (One-time or Financed over 20 years)	(a)
Operations and Maintenance Costs	(b)
On-site Pump Installation	(c)
<b>Total Cost to Parcel Owner</b>	<b>= (a) + (b) + (c)</b>

*For more information about the applicable sewer taxes and costs for your property please contact RDN staff directly at (250) 390-4111 ext. 6521.*

## Approval Process

The RDN has selected the petition process to establish the proposed sewer service. In order for the petition to be valid, it must be signed and submitted by the **owners of at least 50% of the parcels** to be charged, and the persons signing must be the owners of parcels that represent **at least 50% of the net taxable value of all land and improvements** within the proposed service area.

- Property owners get one vote for each property they own.
- If a property is jointly owned, the majority of owners must agree to sign the petition for their one vote to be valid.
- For strata properties every unit gets a single vote.

Over the next several weeks, RDN staff and consultants will be working closely with property owners to review their input and facilitate the petition process.

**Please submit your Bowser Village Sewer Servicing Area Petition by 4:30 pm on Friday, August 11<sup>th</sup>, 2017**

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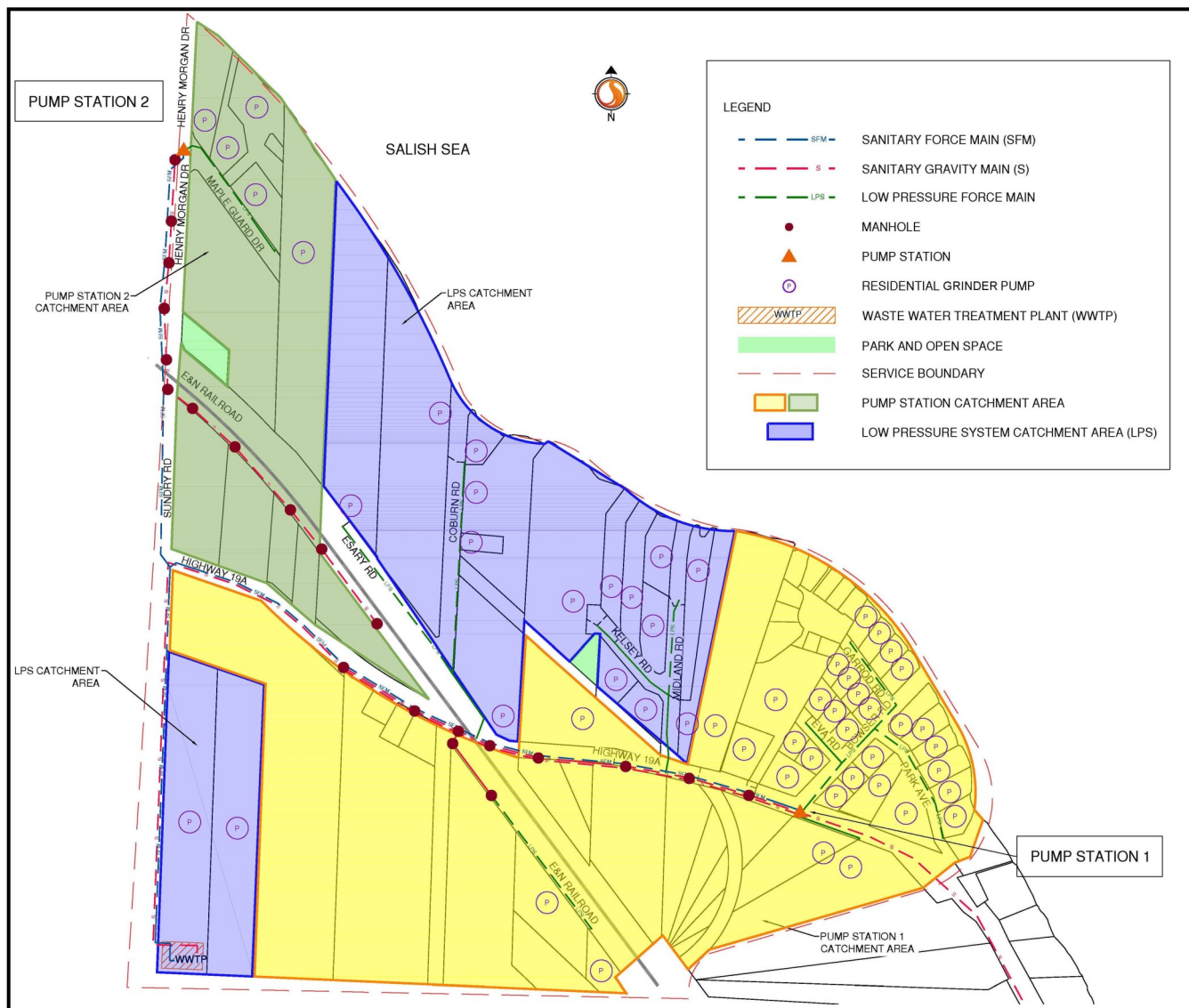
# Wastewater System Factsheet - July 2017

The proposed Bowser Village Centre Wastewater Project service area is defined by the Bowser Village Centre boundary (see Map 1 below).

## Regulatory Requirements

The project will meet or exceed federal and provincial regulatory standards which are based on scientific studies and monitoring. The regulations establish discharge standards that protect human health and marine life.

The Municipal Wastewater Regulation establishes minimum effluent quality and outfall design criteria based on the properties of the receiving environment and effluent flow rates. The Wastewater Systems Effluent Regulations establishes minimum effluent quality criteria.



Map 1: Proposed Bowser Sewer Service Area and Service Plan

# Bowser Village Centre Wastewater Project

## Wastewater System Factsheet

### Project Components

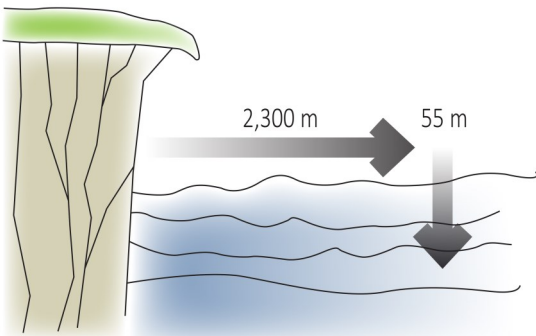
The proposed project has three major components: **Collection System**, **Wastewater Treatment Plant** and **Outfall**.

### Collection System

The collection system is designed to accommodate current and future flows from the Bowser Village Centre. Two pump stations will deliver wastewater to the treatment plant.

### Wastewater Treatment Plant

Wastewater treatment is designed to eliminate hazards to human health and the environment. The wastewater treatment plant is designed as a secondary treatment facility using Sequencing Batch Reactor technology. Wastewater is treated in batches in a single tank that is used for both aeration and secondary clarification. Each batch is sequenced through four treatment stages, typically over a four-hour period. Treatment also includes prescreening to remove debris from the raw sewage before entering the tank. Effluent will be disinfected with ultraviolet light to remove the potential risk from microorganisms such as bacteria, viruses and parasites. Ultraviolet disinfection goes above and beyond the regulatory requirements. The plant is designed to contain the odours within the fenceline of the property.



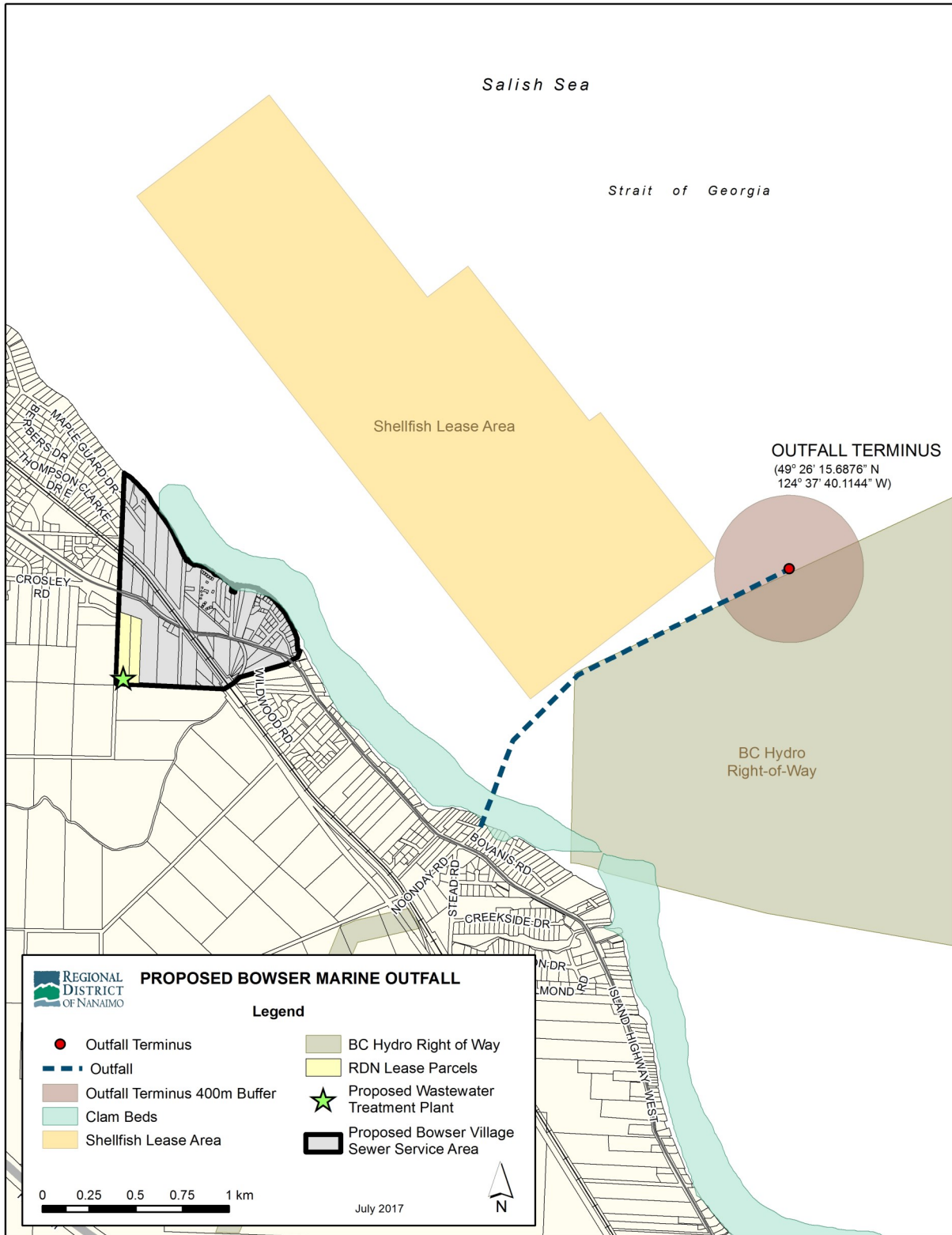
*The outfall will be about 200 mm in diameter, 2,300 m long, and will sit at the bottom of the ocean at a water depth of about 55 m. It will provide sufficient capacity to serve the area for more than 50 years.*

### Outfall

The preliminary engineering design stage of the Bowser Village Wastewater Project considered both ground disposal and marine disposal as options to dispose of treated wastewater effluent. The engineering consultant (Stantec Consulting Ltd.) determined that existing ground and soil conditions are not suitable for ground disposal. They recommended marine disposal.

The marine environment near Bowser is capable of accepting treated effluent. Given the open marine environment and the ocean's large volume, tidal action, and presence of marine microorganisms, it has a high capacity to assimilate and break down nutrients and mix and disperse effluent. The proposed outfall location follows the most direct route possible with the least potential for environmental impact (see Map 2 on the next page).

# Bowser Village Centre Wastewater Project Wastewater System Factsheet



Map 2: Proposed Bowser Marine Outfall Location

# Bowser Village Centre Wastewater Project

## Wastewater System Factsheet

### Next Steps

Preliminary design of the outfall is complete. Detailed design of the Marine outfall will be carried out if the petition to establish a sewer service area for Bowser is successful. The detailed design of the marine outfall will require the collection of site specific environmental data. Oceanographic studies will be required as part of the design phase for the marine outfall. Currents and water column properties in the vicinity of the discharge will be confirmed. Accordingly, the following studies are planned to be carried out prior to construction:

- ◆ Baseline water quality sampling
- ◆ Collection of water column profiles
- ◆ Current measurements
- ◆ Detailed bathymetric and backshore survey to delineate the topography of the backshore and foreshore seabed
- ◆ Geotechnical investigations
- ◆ The presence and inventory of sensitive habitats along the outfall route and proximity to shellfish beds
- ◆ Archeological review along the outfall route
- ◆ Stage II Environmental Impact Study.

Additionally, the outfall will not be constructed until all the permits are in place. The permits and approvals relevant to the marine outfall include:

- ◆ Navigation Protection Act
- ◆ Fisheries Act
- ◆ Crown land tenure
- ◆ Municipal Wastewater Regulation registration
- ◆ Liquid Waste Management Plan.

For more information, visit [www.rdn.bc.ca/bowser](http://www.rdn.bc.ca/bowser) or contact the Regional District of Nanaimo. Contact information is provided below.

Page 4 of 4

### For More Information

Municipal Wastewater Regulation  
Wastewater Systems Effluent Regulations

### Contact Us

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# Bowser Sewer Development Cost Charge Report Regional District of Nanaimo

August 15<sup>th</sup>, 2017

*Final Report*

This report is prepared for the sole use of the Regional District of Nanaimo. No representations of any kind are made by Urban Systems Ltd. or its employees to any party with whom Urban Systems Ltd. does not have a contract.

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## EXECUTIVE SUMMARY

The report consists of the following parts:

- **Part 1:** Outlines the purpose of the Sewer DCC and includes information on the legislation enabling DCCs and the use of the DCC Best Practices Guide.
- **Part 2:** Outlines the Sewer DCC program and identifies DCC recoverable costs. This section discusses the time frame for the DCC program, the allocation of costs between existing and new development, the Regional District assist factor, grant assistance, interim financing, and the basis for charging DCCs.
- **Part 3:** Based on the Bowser Wastewater Treatment Preliminary Design Report (2017), Bowser Village Centre Plan (2010), other studies and discussions with Regional District staff, this section presents growth forecasts for the different land uses.
- **Parts 4:** Summarizes the cost of the Sewer DCC program.

**Table I  
Total DCC Program Costs**

Service	Total Cost of Works	Total DCC Program Costs	Total Regional District Responsibility
Sewer	\$10,681,511	\$2,754,244	\$336,939

Parts 4 also shows how the Sewer DCC rates are calculated using the information from Parts 2 and 3. The proposed Sewer DCC rates are shown in **Table II**.

- **Part 5:** Summarizes the proposed DCCs, provides information on implementation issues such as exemptions to the bylaw, grace periods, DCC rebates and credits, and outlines suggestions for monitoring and accounting related to the DCC bylaw.
- **Part 6:** Reviews the public consultation process.

The proposed Sewer DCC resulting from the updated calculations are set out in **Table II** below.

**Table II  
Regional District of Nanaimo - Bowser Sewer DCC Rate Summary**

Land Use	Proposed Rate	Unit
Single Detached Housing	\$14,888	Per Lot
Duplex / Multi-family Residential	\$14,888	Per Unit
Commercial	\$35.45	Per Square Metre GFA
Industrial	\$35.45	Per Square Metre GFA
Institutional (Congregate Care)	\$7,089	Per Bed
Institutional (Other)	\$35.45	Per Square Metre GFA

## PART 1. BACKGROUND

### 1.1 Purpose of this Review

The Regional District of Nanaimo (RDN) is undertaking a process to establish a new sewer service area for the Bowser Village Centre. In 2013, the Rural Village Centre Study identified Bowser as one of the rural village centres, providing the potential to evolve into a compact, complete community. Sewer servicing has been identified as a key component to achieving this vision.

The sewer system can be broken into three major components - Collection System, Wastewater Treatment Plant (WWTP), and Effluent Disposal. The WWTP capacity is based on a 20-year design population that could support an additional 185 equivalent units above the current parcels in the Bowser Village. The proposed Bowser Sewer DCC program itemizes all sewer system projects that are necessary to support new growth in the Bowser Village and that will be funded (in part) by DCCs. The proposed program ensures that the people who will use and benefit from the services provided pay their share of the costs in a fair and equitable manner. The proposed Sewer DCC program creates certainty by providing stable charges to the development industry and by allowing the orderly and timely construction of infrastructure.

It should be noted that the material provided in the background report is meant to provide information only. The Regional District of Nanaimo Sewer Development Cost Charge Bylaw is the only source for the proposed Sewer DCC rates. Reference should be made to the bylaw for the specific Sewer DCC rate for all development within the Regional District.

### 1.2 Legislative and Regulatory Background

Development cost charges are special charges collected by local governments to help pay for infrastructure expenditures required to service growth. The *Local Government Act* provides the authority for Regional Districts to levy DCCs.

Regional Districts wanting to collect DCCs must adopt a DCC bylaw that specifies the amount of the DCCs that will be collected. The charges may vary with respect to:

- different zones or different defined or specific areas;
- different uses;
- different capital costs as they relate to different classes of development; and
- different sizes or different numbers of lots or units in a development.

Funds collected through DCCs must be deposited in a separate reserve account. These funds may only be used to pay for the capital costs of the works and short-term financing costs of a debt incurred for capital works identified in the DCC program. The costs for capital works include not only the actual construction of the works but also the planning, engineering and legal costs which are directly related to the works.

### **1.3 Use of DCC Best Practices Guide**

The Ministry of Community, Sport and Cultural Development (the “Ministry”) has prepared a Development Cost Charge Best Practices Guide (the “Best Practices Guide”). The purpose of this document is to outline an accepted process for the development of a DCC program. Regional Districts that follow this recommended process qualify for streamlined Ministry review of their DCC program.

This report was developed in consideration of the Best Practices Guide, which was followed where it was appropriate to do so.

## PART 2. DEVELOPING THE DCC PROGRAM AND COSTS - GUIDING PRINCIPLES

### 2.1 Relationship to Other Regional District Documents

This DCC program has been developed to be consistent with the following legislation, plans, and policy guides:

- *Local Government Act*
- Development Cost Charges Best Practices Guide
- Electoral Area H - Official Community Plan (2003)
- Bowser Village Centre Plan (2010)
- RDN Rural Village Centre Study (2013)
- Bowser Village Wastewater Servicing Design Report (2017) - Stantec Consulting Ltd.

### 2.2 DCC Time Frame

The first step in determining DCC costs is to set a time frame for the DCC program. For all DCC programs, the DCC time frame is based on projections for population and capital expenditures. The capital expenditure forecast for this program will include all of the Sewer DCC projects that need to be constructed to allow for anticipated development over the next 20 years.

### 2.3 Regional District-wide and Area-specific DCC Charges

The Regional District will levy Sewer DCCs within the Bowser Village Centre Boundary. The Regional District has identified the required projects to establish a new sewer service that will benefit proposed growth within the Bowser Village Centre. The establishment of an area-specific Sewer DCCs for the Bowser Village centre is based on the design of the sewer system, which covers a defined service area.

### 2.4 DCC Recoverable Costs

As specified by the *LGA*, DCC recoverable costs for projects include construction costs, contingency, engineering, administration and net GST. The capital costs included in this report do not include charges for interim financing or interest on long-term debt financing.

While interest on long-term debt has not been included in the capital costs presented in this report, it should be noted that the definition of “capital costs” (Section 558 of the

LGA) was amended in 2004 to include interest in exceptional circumstances where borrowing is required. The Inspector of Municipalities will only allow interest costs in exceptional circumstances that necessitate the construction of specific infrastructure projects in advance of sufficient DCC cash flows (e.g., fixed-capacity infrastructure, out-of-sequence projects, or greenfield developments). In these cases, local governments or developers are required to front-end the cost of the growth-related infrastructure, and recover their costs through DCCs as growth occurs. However, the Ministry continues to encourage local governments to adopt DCC programs that limit the need for borrowing to exceptional cases.

## 2.5 Grants and Cost Sharing

The program includes a senior government grant of \$7,590,328 through the Clean Water and Wastewater Fund. These funding contributions have been included in this program.

## 2.6 Interim Financing

The capital costs shown in the report do not include interim financing.

## 2.7 Allocation of Costs

For the proposed sewer system project a proportion of the costs are allocated between existing development and new growth as this project will provide some benefit to existing development, while also allowing new growth to occur at higher densities. The proposed allocation is based on the fact that the sewer will benefit some existing residents with older septic tanks, while largely benefiting new development and supporting the growth within the Bowser Village Centre. Based on our review, ninety percent (90%) of the benefit and costs of this project has been allocated to new growth.

Table 2.1  
Allocation of Costs Attributable to New Growth

Infrastructure	Benefit Factors % Attributed to Growth
Sewer	90%

## 2.8 Regional District Assist Factor

The *Local Government Act* recognizes that it would be unfair to impose on developers all of the costs that are attributable to new development. As such, the LGA stipulates that an assist factor will be included as part of the calculation of the DCCs. An assist factor represents the local government’s contribution towards the capital costs for the projects that are attributed to new development. This contribution is in addition to the costs that were allocated in the calculations to the existing population and that are to be paid by the Regional District. The portion of the costs that the Regional District will

have to cover because of the assist factor will have to be financed through other means available to the Regional District, such as local service tax revenue.

The assist factor is determined by the Regional District. In consideration of the above, and in reviewing the assist factor from other local governments throughout the province, it has been set at the following rate:

**Table 2.2  
Regional District Assist Factor by DCC Type**

Infrastructure	Regional District Assist Factor
Sewer	1%

## 2.9 Units of Charge

Single family residential land uses (including single family units with secondary suites) will be levied the DCC at the subdivision stage of development. Duplexes and multifamily residential (3 units or more), as well as commercial, industrial, and institutional land uses will be levied the DCC at the building permit stage of development. DCCs for single family residential will be levied on a per lot basis, while duplex and multi-family residential will be levied based on the number of new dwelling units. DCCs for commercial, industrial and institutional uses will be levied at the building permit stage of development based on the gross floor area (GFA) in m<sup>2</sup> as defined in the building permit. However, institutional congregate care facilities will be levied DCCs on a per bed basis.

## PART 3. GROWTH PROJECTIONS

### 3.1 20 Year Growth Estimates

Growth estimates are based on the capacity of the WWTP, which is based on a 20-year design population that could support an additional 185 units (or 388.5 people) above the current parcels and development in the Bowser Village Centre. The WWTP was designed through a detailed analysis of development potential within Bowser Village Centre Boundaries and current trends in population growth. Existing and estimated growth values are summarized in Table 3.1.

Table 3.1  
Regional District of Nanaimo Growth Estimates (Population) <sup>(1)</sup>

Land Uses	Base Unit	Total Population Growth (20 years)	Average Number of People per Dwelling Unit <sup>1</sup>	Estimated Number of Equivalent Units
All uses	People	388.5	2.1	185

Notes:

(1) Average Number of People per Household provided by Statistics Canada, 2011

## PART 4. SEWER DCCS

### 4.1 Sewer DCC Program

The sewer system can be broken into three components - Collection System, Wastewater Treatment Plant (WWTP), and Effluent Disposal. The Bowser Sewer System components and associated costs are identified in **Table 4.1**.

**Table 4.1**  
Sewer DCC Projects

Project	Project Costs
Wastewater Treatment Plant (Phase 1), Collection System and Outfall	
Wastewater Treatment Plant (Phase 1)	\$4,262,962
Collection System	\$3,877,154
Outfall	\$2,541,395
<b>Total</b>	<b>\$10,681,511</b>

As noted, the proposed sanitary sewer projects have been designed to support growth and future development. The proposed projects are required largely due to growth as noted above, and as such have an associated benefit factor of 90%.

The works in the Bowser Sewer DCC Program include sewer systems components required to service the Bowser Village Centre - wastewater treatment plant collection system and marine outfall. The following **Table 4.2** summarizes the cost of the Sewer DCC Program.

**Table 4.2**  
Sewer DCC Program Costs

	Sewer DCC Costs
Estimated Total Capital Costs	\$10,681,511
Less Grant Funding	(\$7,590,328)
Net Capital Cost (Total Less Grant Funding)	\$3,091,183
DCC Recoverable (90% Benefit Allocation)	\$2,754,244
Regional District Responsibility (including 1% Assist Factor)	\$336,938

The total cost of the improvements is \$10,681,511 million, of which approximately \$2.75 million is DCC recoverable after the \$7,590,328 grant is applied. These costs include



sewer construction plus engineering, contingency, and project administration. A cost estimate for entire DCC program is contained in **Table 4.5**.

## 4.2 Sewer DCC Calculation

The Bowser Sewer DCC rates have been calculated according to the various principles and assumptions discussed earlier in this report. In order to calculate the Sewer DCC levy, it is necessary to determine the total equivalent population growth over the next 20 years. The following equivalency factors were used to determine the corresponding DCC rates for the Bowser Sewer Service (see **Table 4.3** below).

**Table 4.3  
Sewer DCC Equivalency Factors**

Land Use	Equivalency Factor	Unit
Single Detached Housing	2.1	Per Lot
Duplex / Multi-family Residential	2.1	Per Unit
Commercial	0.005	Per Square Metre GFA
Industrial	0.005	Per Square Metre GFA
Institutional (Congregate Care)	1.0	Per Bed
Institutional (Other)	0.005	Per Square Metre GFA

DCC Costs per Equivalent Population were determined by dividing the DCC recoverable costs by the total equivalent population of growth (388.5 people). This information serves as the basis for the Sewer Development Cost Charge calculation. The proposed Bowser Sewer DCC rates are shown in **Table 4.4**. The detailed Bowser Sewer DCC calculations for the Bowser Village Sewer System are included in **Table 4.6**.

**Table 4.4  
Proposed Sewer DCC Rates**

Land Use	Proposed Rate	Unit
Single Detached Housing	\$14,888	Per Lot
Duplex / Multi-family Residential	\$14,888	Per Unit
Commercial	\$35.45	Per Square Metre GFA
Industrial	\$35.45	Per Square Metre GFA
Institutional (Congregate Care)	\$7,089	Per Bed
Institutional	\$35.45	Per Square Metre GFA

Table 4.5  
Sewer DCC Program

SANITARY SEWER SYSTEM CAPITAL COSTS		Project Timing	TOTAL CAPITAL COST	Less: Non-DCC Funding			Net Capital Cost	Benefit Allocation		Benefit to New Development	1% Municipal Assist	Total Recoverable From DCC	Total Regional District Responsibility
Project Code	Project Name			Developer Contrib.	Provincial Grants	Other		% to New Dev.	% to Existing				
S1	Phase 1 - Wastewater Treatment Plant Cost Collection System and Outfall	2017 - 2019	\$10,681,511		\$7,590,328		\$3,091,183	90%	10%	\$2,782,065	\$27,821	\$2,754,244	\$336,939
TOTAL			\$10,681,511		\$7,590,328	\$0	\$3,091,183			\$2,782,065	\$27,821	\$2,754,244	\$336,939

**Table 4.6  
Sewer DCC Rate Calculation**

<b>A: Sanitary Sewer Calculations</b>				
Land Use	Col. (1)	Col. (2)	Col. (3)	Col. (4) = (1) x (3)
	Estimated New Equivalent Units	Unit	Population per Equivalent Unit	Equivalent Population
Single Detached Housing	185	Lots	2.100	388.5
Multi-Family Residential		Units	2.100	
Commercial		Square Metre	0.005	
Industrial		Square Metre	0.005	
Institutional		Square Metre	0.005	
Congregate Care		Per bed	1.000	
			<b>Total Equivalent Population</b>	
<b>B: Unit Sanitary Sewer DCC Calculation</b>				
Net Sanitary Sewer DCC Program Recoverable		\$2,754,244	(b)	
Existing DCC Reserve Monies		\$0	(c)	
Net Amount to be Paid by DCCs		\$2,754,244	(d) = (b) - (c)	
DCC per equivalent unit		\$7,089	(e) = (d) / (a)	
<b>C: Resulting Sanitary Sewer DCCs</b>				
Single Detached Housing		\$14,888	Lots	
Multi-Family Residential		\$14,888	Units	
Commercial		\$35.45	Square Metre	
Industrial		\$35.45	Square Metre	
Institutional		\$35.45	Square Metre	
Congregate Care		\$7,089	Per bed	

## PART 5. DCC RATES SUMMARY AND IMPLEMENTATION

### 5.1 Summary of Proposed DCC Rates

Table 5.1 summarizes the Bowser Sewer DCC rate for the Regional District of Nanaimo.

Table 5.1  
DCC Rate Summary

Land Use	Proposed Rate	Unit
Single Detached Housing	\$14,888	Per Lot
Duplex / Multi-family Residential	\$14,888	Per Unit
Commercial	\$35.45	Per Square Metre GFA
Industrial	\$35.45	Per Square Metre GFA
Institutional (Congregate Care)	\$7,089	Per Bed
Institutional (Other)	\$35.45	Per Square Metre GFA

### 5.2 Bylaw Exemptions

The Local Government Act (LGA) is quite clear that a DCC cannot be levied if the proposed development does not impose new capital cost burdens on the Regional District, or if a DCC has already been paid in regard to the same development. However, if additional further expansion for the same development creates new capital cost burdens or uses up capacity, the DCCs can be levied for the additional costs.

The LGA further restricts the levying of the DCC at the time of application for a building permit if:

- the building permit is for a church or place of worship; and
- the value of the work authorized by the building permit does not exceed \$50,000 or an amount as prescribed by bylaw.

The legislation allows local governments to charge DCCs on residential developments of four units or less, as long as such a charge is provided for in the local government's DCC bylaw. To enact this approach the DCC bylaw must include a specific provision. As the Regional District intends to collect for residential developments of four units or less this stipulation will be included in the Bylaw.

### **5.3 Collection of Charges - Building Permit and Subdivision**

Regional Districts can choose to collect DCCs at subdivision approval or building permit issuance. The Regional District of Nanaimo will collect Sewer DCCs for single family residential developments, including single family units with suites, at subdivision approval. Of the two possible collection times, subdivision approval occurs earlier in the process. Collecting DCCs early will allow the Regional District to ensure timely provision of infrastructure and services.

All other Sewer DCCs will be collected at the building permit stage, which is when the size and number of units to be constructed will be known. Collecting DCCs based on this accurate information will result in equitable distribution of growth costs.

### **5.4 In-Stream Applications and Grace Periods**

The LGA requires that subdivision and building permit applications be provided a one-year protection from the proposed DCC rates, as long as the application is complete and application fees have been paid. These in-stream active subdivision and building permit applications will be exempted from any increase in DCCs for one year from the date of implementation of the new DCC bylaw.

A grace period is a length of time offered as notification that new DCCs will be in effect. For example, the DCC bylaw may state that the effective date will be a time period (e.g. up to a year) from the date that the DCC bylaw is adopted. In order to have the changes to the Sewer DCCs come into effect immediately, the Regional District proposes to have the DCCs come into effect the same day the bylaw is adopted.

Further, since the majority of future development will take place through a front-ender agreement with developers in the Bowser Village Centre the one-year protection from the proposed DCC rates and grace period will not apply to those developers entering into the proposed front-ender agreement. However, this will apply to other future developers that have not entered into a front-ender agreement with the Regional District of Nanaimo.

### **5.5 DCC Rebates and Credits**

The LGA stipulates that should an owner pay for specific services outside of the boundaries of the land being subdivided or developed and these services are included in the calculation to determine the DCC, then the amount paid must be deducted from the class of DCC that is applicable to the service. In practice, if an owner were to build a sewer

improvement outside their development and the sewer improvement is in the DCC program, the Regional District will credit the owner the cost of the sewer improvement up to the Sewer DCCs paid.

## **5.6 DCC Monitoring and Accounting**

The Regional District of Nanaimo currently has a DCC tracking system in place. The Regional District should continue to use this system and update the amount of DCC fees collected and other relevant information on an ongoing basis.

## **5.7 DCC Reviews**

To keep the DCC program as current as possible, the Regional District should review its program once every 1-2 years. Based on this review, the Regional District may make minor amendments to the DCC rates. Minor amendments may include updates to construction costs due to inflation. This also requires a DCC bylaw amendment.

Major amendments of the DCC program and rates will occur when significant land use changes are made, when new servicing plans are prepared or when the information upon which the DCCs are calculated has become significantly outdated or requires significant revision. Based on experience, a major amendment to the DCC program and rates is needed approximately every 5 years.

Given that there is a Phase 2 expansion of the Wastewater Treatment Plant planned for 20-year horizon it is recommended that the Regional District of Nanaimo update the Bowser Sewer DCC Bylaw within the next 5 years to include the Phase 2 expansion of Wastewater Treatment Plant.

## PART 6. CONSULTATION

### 6.1 Public Consultation

Although the *LGA* does not require a public participation process, the Best Practices Guide does suggest that an opportunity for public participation be included as part of the development of the Sewer DCC program. The purpose of such a process is to allow those who are interested in or affected by the proposed Sewer DCCs to offer comments and input. The Best Practices Guide does not set a recommended format to be followed for public participation; instead, the type of public participation to be used is decided by the Regional District itself. The Best Practices Guide does recommend that the development of a DCC Bylaw should include a meaningful public process to obtain input from stakeholders.

For this process the Bowser Sewer DCC was presented to the residents of the Bowser Village Centre at several public meetings to discuss the establishment of the sewer. Prior to the meeting, residents were sent an information package that provided details on the proposed DCC Bylaw. During the public meetings themselves the residents of Bowser were given an opportunity to review the DCC program and provide feedback of the costs and projects presented. Additionally, several meetings were held with local developers to consult with them on potential development interests. These conversations with developers also took place as part of the wider discussion around the establishment of the Bowser Village Centre Sewer.

**ATTACHMENT 3**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1765**

**A BYLAW TO IMPOSE DEVELOPMENT COST CHARGES  
WITHIN THE BOWSER VILLAGE  
SANITARY SEWER SERVICE AREA**

WHEREAS under the *Local Government Act* the Regional District of Nanaimo (“Regional District”) may impose development cost charges on every person who obtains approval of a subdivision or a building permit authorizing the construction, alteration or extension of a building or structure for the purposes of providing funds to assist the local government to pay the capital costs of providing, constructing, altering or expanding sewage facilities;

AND WHEREAS pursuant to the *Local Government Act*, development cost charges are not payable in certain circumstances and the Regional District may waive or reduce development cost charges for eligible developments;

AND WHEREAS the Board has by Bowser Village Sanitary Sewer Service Establishment Bylaw No. 1760, 2017, adopted a bylaw to establish a service for collection, conveyance, treatment and disposal of sanitary sewage within the service area identified in Schedule A to this Bylaw (the “Service Area”); and

AND WHEREAS the Board has considered the following:

- (a) the future land use patterns and development;
- (b) the phasing of works within the Service Area;
- (c) how development designed to result in a low environmental impact may affect the capital costs of infrastructure under section 559(2) and (3) of the *Local Government Act*;
- (d) that the costs are not excessive in relation to the capital cost of prevailing standards of service in the regional district; and
- (e) that the charges will not deter development, discourage the construction of reasonably priced housing nor the provision of reasonably priced serviced land, nor discourage development designed to result in a low environmental impact in the regional district.

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

**1. Citation**

This bylaw may be cited as the “Bowser Village Sanitary Sewer Service Development Cost Charge Bylaw No. 1765, 2017”.



## 2. Schedules

The following schedules attached to this bylaw form an integral part of this bylaw and are enforceable in the same manner as this bylaw:

- (a) Schedule A - Service Area
- (b) Schedule B - Development Cost Charges

## 3. Application

This bylaw applies to all applications for subdivision and for issuance of a building permit for parcels located within the Sewer Service Area.

## 4. Exceptions and Exemptions

The obligation under section 6 does not apply where the payment of Development Cost Charges is subject to an exception, exemption, waiver or reduction provided for in the *Local Government Act* or in another enactment.

## 5. Definitions

In this bylaw the following words have the following meanings:

“Building permit” means any permit authorizing the construction, alteration or extension of a building or structure.

“Commercial use” means a development for a use in a commercial zone under the Regional District of Nanaimo land use bylaw under Part 14 of the *Local Government Act* applicable to the subject land from time to time, in which the predominant use of the zone, as determined by its general purpose and list of principal uses, is of a commercial nature.

“Comprehensive development” means any development that includes two or more residential uses, non-residential uses or a combination of residential and non-residential uses.

“Dwelling unit” means a self-contained room or set of rooms with a separate entrance and with self-contained sleeping, living, cooking and sanitary facilities, but does not include a secondary suite as defined in the *British Columbia Building Code*.

“GFA” or “Gross floor area” means the sum total of the gross horizontal area of each floor of a building or structure as measured from the inside surface of the outermost exterior walls.

“Industrial use” means a development for use in an industrial zone under the Regional District of Nanaimo land use bylaw under Part 14 of the *Local Government Act* applicable to the subject land from time to time, in which the predominant use of the zone, as determined by its general purpose and list of principal uses, is of an industrial nature.

“Institutional use” means a development for use in an institutional zone under the Regional District of Nanaimo land use bylaw under Part 14 of the *Local Government Act* applicable to the subject land from

time to time, in which the predominant use of the zone, as determined by its general purpose and list of principal uses, is of an institutional nature.

“Manufactured home” means a dwelling unit designed for long term occupancy to be moved from time to time on wheels, and that meets or exceeds Canadian Standards Association Z-240 Standards, National Building Code Standards or the requirements of the Chief Building Inspector;

“Non-Residential use” means the use of land, building or structure or part thereof that is not a residential use, including but not limited to commercial, industrial, and institutional uses.

“Residential use (single unit)” means a parcel which is used or to be used for one dwelling unit or a building containing only one dwelling unit.

“Residential use (multi-family)” means a parcel which is used or may be used for 2 or more dwelling units.

“Sewer Service Area” means the Service Area established by the Bowser Village Sanitary Sewer Service Establishment Bylaw No. 1760, 2017.

“Structure” means a construction of any kind, whether fixed to, supported by or sunk into land or water.

“Subdivision” means a subdivision of land under the *Land Title Act* or the *Strata Property Act*.

## **6. Development Cost Charge Payable**

A person who obtains:

- (a) approval of a subdivision creating a lot for a residential use (single unit) not including mobile homes; or
- (b) a building permit authorizing the construction, alteration or extension of a building or structure for a non-residential use or a residential use (multi-family) including, for certainty, a building that will, after the construction, alteration or extension, contain fewer than four (4) self-contained dwelling units.

within the Service Area must pay the Regional District the applicable development cost charge under Schedule B, prior to the approval of the subdivision under paragraph (a) or the issuance of a building permit under paragraph (b), as applicable.

## **7. Calculation of Development Cost Charge Payable**

Development cost charges imposed under this bylaw shall be calculated in accordance with the rates prescribed in Schedule B as follows:

- (a) In the case of a subdivision, by multiplying the development cost charge prescribed in Schedule B by the number of parcels being created; and
- (b) In the case of a building permit, by multiplying either:

- (i) the area of the building to be constructed by the development cost charge specified in Column 3 of Table 1 in Schedule B; or
  - (ii) the number of dwelling units by the per unit development cost charge prescribed in Column 3 of Table 1 in Schedule B; or
  - (iii) in the case of institutional use (congregate care) by multiplying the number of beds by the development cost charge specified in Column 3 of Table 1 in Schedule B.
- (c) In the case of a manufactured home park a development cost charge shall be equal to the amount prescribed for residential use (multi-family) multiplied by each mobile home space within the proposed subdivision or mobile home park.

## **8. Payment of Development Cost Charges**

Development cost charges payable under this bylaw must be paid in accordance with the *Local Government Act*.

## **9. Comprehensive Development**

In calculating the development cost charges in the case of land to be developed for a comprehensive development, the development cost charge shall be calculated separately for each part of the comprehensive development designated respectively to residential uses (single unit), residential uses (multi-family) and non-residential uses.

## **10. Instalments**

A development cost charge payable under this bylaw may not be paid by instalments, except where the payment by instalments is prescribed by an enactment.

## **11. Severability**

If any part of this bylaw is determined to be invalid by a court of competent jurisdiction, that part of the bylaw may be severed from the remainder of the bylaw and this shall not affect the validity of the remainder of the bylaw.

## **12. Effective Date**

This Bylaw shall come into full force and effect upon adoption.

Introduced and read three times this \_\_\_ day of \_\_\_\_\_ 2017.

Received the approval of the Inspector of Municipalities this \_\_\_ day of \_\_\_\_\_ 2017.

Adopted this \_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
Chair

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

Schedule `A' to accompany "Bowser Village Sanitary Sewer Service Development Cost Charge Bylaw No. 1765, 2017".

\_\_\_\_\_  
Chair

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

### Schedule A

### Service Area



Schedule 'B' to accompany "Bowser Village Sanitary Sewer Service Development Cost Charge Bylaw No. 1765, 2017".

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Chair

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Corporate Officer

### Schedule B

#### Development Cost Charges

Table 1

Class	Calculation Unit	DCC Amount per Calculation unit
Residential Use (single unit)	per parcel created on subdivision	\$14,888
Multiple unit dwelling (multi family)	per dwelling unit constructed	\$14,888
Commercial	per square metre of GFA	\$ 35.45
Industrial	per square metre GFA	\$35.45
Institutional (congregate care)	per bed (calculated from beds anticipated from building permit plans)	\$ 7,089
Institutional (other)	per square metre of GFA	\$35.45

Notes:

"GFA" is gross floor area of a building or structure.

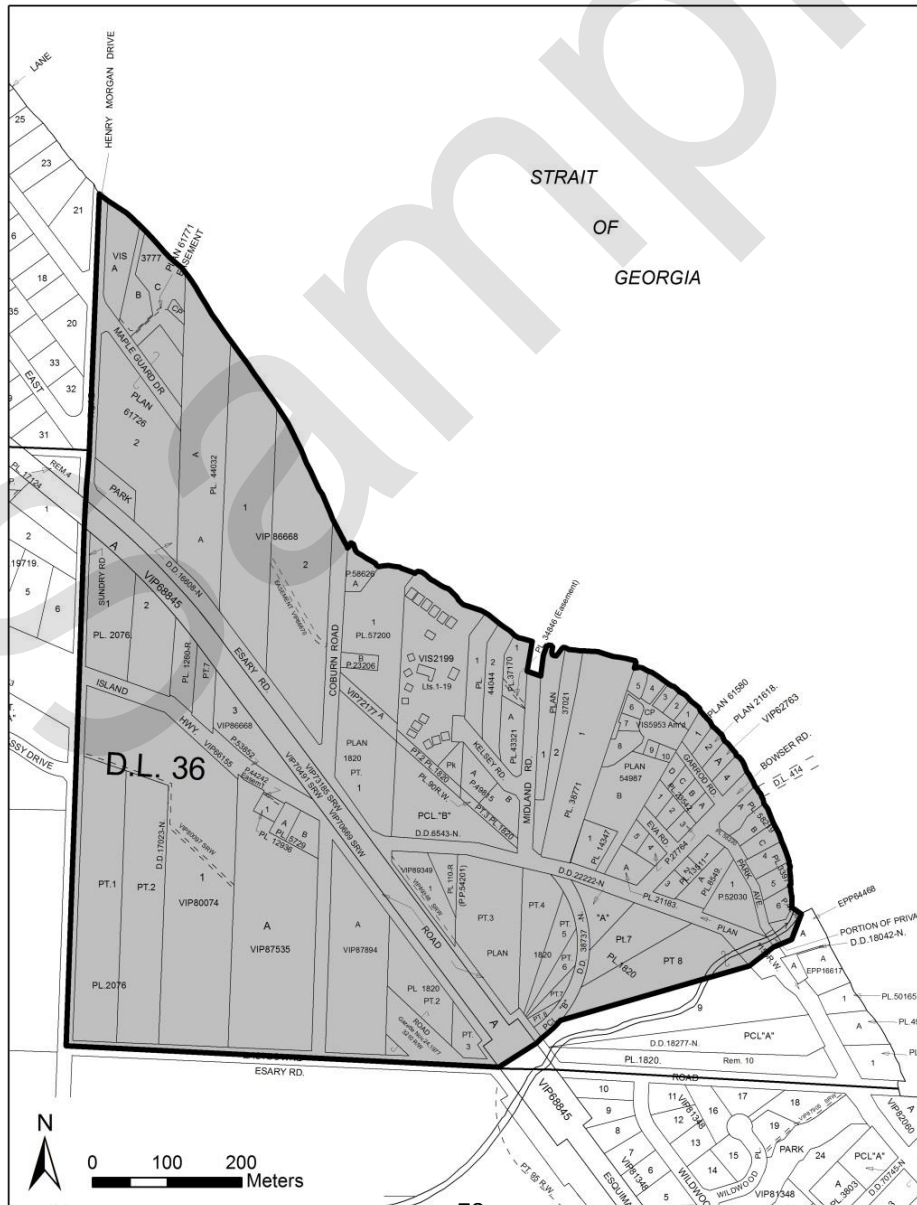
To the Board of Directors  
Regional District of Nanaimo

Date: \_\_\_\_\_, 2017

**Re: Petition to Establish a Sanitary Sewer Service in a Part of Electoral Area 'H'**

I/We the undersigned owner(s) of land within the area outlined in black shown below, do hereby petition the Regional District of Nanaimo to adopt:

- a) Bowser Village Sanitary Sewer Service Establishment Bylaw No. 1760, 2017 to establish a service for the purposes of financing, constructing, operating and maintaining a system for the collection, conveyance, treatment and disposal of sanitary sewage for the properties contained within Electoral Area 'H' outlined on Schedule 'A' to the Bylaw and as outlined in black shown below. This service will be known as the Bowser Village Sanitary Sewer Service (the "Service"); and
- b) Bowser Village Sanitary Sewer Loan Authorization Bylaw No. 1761, 2017 for the purpose of authorizing the Regional District of Nanaimo to borrow a sum not exceeding four hundred and fifty six thousand (\$456,000) dollars for the purpose of designing and constructing a sewage treatment plant, outfall and system of sanitary sewer mains, and all appurtenances as part of the Service.



I/We understand that:

1. The Regional District must adopt a bylaw which establishes the boundaries of the Service area and which establishes the authority of the Regional District to recover costs, including debt payments, which result from the construction, operation and maintenance of the sanitary sewer system.
2. The bylaw will state the following in addition to any other statutory requirements:
  - a) The maximum amount that may be requisitioned annually for the cost of the Service is the greater of:
    - One Hundred and Ninety Seven Thousand (\$197,000) Dollars; or
    - the amount equal to the amount that could be raised by a property value tax rate of \$4.43 per \$1,000 applied to the net taxable value of land and improvements in the Service area.
  - b) As provided in section 378 of the *Local Government Act*, the annual cost of providing the Service may be recovered by one or more of the following:
    - property value taxes imposed in accordance with Division 3 of Part 11 of the *Local Government Act*;
    - parcel taxes imposed in accordance with Division 3 of Part 11 of the *Local Government Act*;
    - fees and charges imposed under section 397 of the *Local Government Act*;
    - revenues raised by other means authorized under the *Local Government Act* or another Act;
    - revenues received by way of agreement, enterprise, gift, grant or otherwise.

These provisions of the *Local Government Act* permit the Regional District to finance the Service by multiple sources of revenues. However, at this time it is anticipated that the annual costs of this Service will be recovered by parcel taxes and user fees. It is proposed that parcel taxes will be determined by parcel size as follows:

Parcels One Acre or Less (Flat Rate)	\$2,900
Parcels Greater than One Acre (Per m <sup>2</sup> )	\$0.717

A portion of the operation and maintenance costs may be recovered by a separate parcel tax. Parcel taxes may be subject to change over time.

3. A loan authorization bylaw must be adopted by the Regional District of Nanaimo to permit borrowing to fund the construction of a sanitary sewer system in the Service area. This petition, if successful, would authorize the Regional District of Nanaimo to borrow a maximum amount of \$456,000 over a maximum term of 20 years.

#### **Other Information**

1. The property owner(s) is responsible for the purchase, construction and installation of any works, and any permits for those works, necessary to move sewage from any building(s) on the property to the sanitary sewer main. Required on-site pumps will be provided by the Regional District.
2. The property owner(s) is solely responsible, at their cost, for the decommissioning of septic tanks and septic fields.
3. In order for the Regional District of Nanaimo to proceed to introduce and adopt bylaws as noted in this petition, owners of at least 50% of the parcels liable to be charged for the proposed Service that represent 50% of the net taxable value of all land and improvements within the proposed Service area must validly sign and submit this form.

The section below must be signed by the majority of owners on title to the property (i.e. 2 owners, both must sign; 3 owners, at least 2 must sign). Where applicable, this petition has been sent to all known property owners and mailing addresses; however, it is the owners' responsibility to identify all owners and ensure the signatures of the majority of owners are submitted. Petitions may be signed and submitted separately.

Property Information	Registered Owner(s)	Signature(s)
Civic Address (if applicable)		
[[CIVIC ADDRESS]]	[[OWNER NAME]]	[[SIGNATURE]]
	[[OWNER NAME]]	[[SIGNATURE]]
Legal Description		
[[LEGAL DESCRIPTION]]		

**\*IMPORTANT NOTE:** FOR A PETITION TO BE COUNTED AS VALID, ALL PAGES OF THE PETITION MUST BE SUBMITTED IN ITS ENTIRETY.

ONCE THIS FORM IS SIGNED PLEASE RETURN IT **BEFORE 4:30 pm, August 11, 2017** to:

In person or by mail: Regional District of Nanaimo  
 Regional & Community Utilities  
 2<sup>nd</sup> Floor, 6300 Hammond Bay Rd  
 Nanaimo, BC V9T 6N2

Telephone: 1-877-607-4111  
 E-mail: [rcu@rdn.bc.ca](mailto:rcu@rdn.bc.ca)  
 Fax: 250-390-1542



**ATTACHMENT 5**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1760**

**A BYLAW TO ESTABLISH A SANITARY SEWER SERVICE  
IN A PART OF ELECTORAL AREA 'H'**

WHEREAS under the *Local Government Act* a regional district may, by bylaw, establish and 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 sanitary sewer service in a part of Electoral Area 'H';

AND WHEREAS a sufficient petition for the service has been received in accordance with the *Local Government Act*;

AND WHEREAS the approval of the Inspector of Municipalities has been obtained;

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 "Bowser Village Sanitary Sewer Service Establishment Bylaw No. 1760, 2017".

**2. Service**

A service is hereby established to finance, construct, operate and maintain a system for the collection, conveyance, treatment and disposal of sanitary sewage to be known as the "Bowser Village Sanitary Sewer Service" (the "Service").

**3. Boundaries**

The boundaries of the Service area are as shown outlined on Schedule 'A' attached to and forming part of this bylaw.

**4. Participating Area**

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

**5. Cost Recovery**

In accordance with section 378 of the *Local Government Act*, the annual cost of providing the Service may be recovered by one or more of the following:

- (a) property value taxes imposed in accordance with Division 3 of Part 11 of the *Local Government Act*;
- (b) parcel taxes imposed in accordance with Division 3 of Part 11 of the *Local Government Act*;

- (c) fees and charges imposed under section 397 of the *Local Government Act*;
- (d) revenues raised by other means authorized under the *Local Government Act* or another Act;
- (e) revenues received by way of agreement, enterprise, gift, grant or otherwise.

6. **Maximum Requisition**

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

- (a) One Hundred and Ninety Seven Thousand (\$197,000) Dollars; or
- (b) the amount equal to the amount that could be raised by a property value tax rate of \$4.43 per \$1,000 applied to the net taxable value of land and improvements in the Service area.

Introduced and read three times this            day of            .

Received the approval of the Inspector of Municipalities this            day of            .

Adopted this            day of            .

\_\_\_\_\_  
CHAIR

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

Schedule 'A' to accompany "Bowser Village Sanitary Sewer Service Establishment Bylaw No. 1760, 2017.

Chair

Corporate Officer



**ATTACHMENT 6**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1761**

**A BYLAW TO AUTHORIZE THE BORROWING OF  
FOUR HUNDRED AND FIFTY SIX THOUSAND (\$456,000) DOLLARS  
FOR THE BOWSER VILLAGE SANITARY SEWER SERVICE**

WHEREAS the Board of the Regional District of Nanaimo (the "Regional District") established the Bowser Village Sanitary Sewer Service (the "Service") pursuant to Bylaw No. 1760, cited as "Bowser Village Sanitary Sewer Service Establishment Bylaw No. 1760, 2017" for the purpose of financing, constructing, operating and maintaining a system for the collection, conveyance, treatment and disposal of sanitary sewage in a part of Electoral Area 'H';

AND WHEREAS a sufficient petition for the service has been received in accordance with the *Local Government Act* to borrow in order to acquire, construct and improve land, buildings, vehicles and equipment for the Service (the "Works");

AND WHEREAS the amount of borrowing required to complete the Works, including expenses incidental thereto, is the sum of Four Hundred and Fifty Six Thousand (\$456,000) Dollars;

AND WHEREAS that the financing is to be undertaken by the Municipal Finance Authority of British Columbia pursuant to proposed agreements between the Authority and the Regional District;

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

1. This bylaw may be cited for all purposes as the "Bowser Village Sanitary Sewer Loan Authorization Bylaw No. 1761, 2017".
2. The Board is hereby empowered and authorized to undertake and carry out or cause to be carried out the design, tender, and construction of a treatment plant, outfall and system of sanitary sewer mains and services, and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
  - (a) to borrow upon the credit of the Regional District a sum not exceeding Four Hundred and Fifty Six Thousand (\$456,000) Dollars.
3. The maximum term for which debentures may be issued to secure the debt created by this bylaw is 20 years.
4. The borrowing authorized relates to the Bowser Village Sanitary Sewer Service established pursuant to Bylaw No. 1760, cited as "Bowser Village Sanitary Sewer Service Establishment Bylaw No. 1760, 2017".

Introduced and read three times this            day of            .

Approved by the Inspector of Municipalities this            day of            .

Adopted this            day of            .

\_\_\_\_\_  
CHAIR

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

**REGIONAL DISTRICT OF NANAIMO**

**CERTIFICATE OF SUFFICIENCY**

**Petition to Establish a Sanitary Sewer Service in a Part of Electoral Area 'H'**

I hereby certify that the petition for establishment of a Bowser Village Sanitary Sewer Service and authorization of related borrowing within a portion of Electoral Area 'H' is sufficient and valid pursuant to section 337 of the *Local Government Act*.

DATED at Nanaimo, British Columbia )  
this 16th day of August, 2017 )  
)  
)

  
\_\_\_\_\_  
Jacquie Hill, Corporate Officer

**Bowser Village Sanitary Sewer Service Area**

Total Number of Parcels in the Proposed Service Area:	107
Number of Valid Petitions Received:	67 (62.6%)
Net Taxable Value of All Land and Improvements in the Proposed Service Area:	\$44,452,848
Net Taxable Value of Petitions Received (Land and Improvements):	\$30,122,448 (67.7%)

**DEVELOPMENT COST CHARGE FRONTENDER AGREEMENT**

THIS AGREEMENT dated for reference the 17th day of August, 2017.

BETWEEN:

**REGIONAL DISTRICT OF NANAIMO**

6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

(the “**Regional District**”)

OF THE FIRST PART

AND:

**A.G. PROJECT MANAGEMENT INC.**

56 McColl Road  
PO Box 183  
Bowser, BC V0R 1G0

AND:

**CORAL ICE DEVELOPMENTS LTD.**

c/o 7400 Island Highway West  
Bowser, BC V0R 1G0

AND:

**BALLARD FINE HOMES LTD.**

4265 Park Avenue  
PO Box 75  
Bowser, BC V0R 1G0

AND:

**MAGNOLIA ENTERPRISES LTD.**

5125 Gainsberg Road  
Bowser, BC V0R 1G0

AND:

**JAMES WALTER FOULDS and LENNY AGUSTIN FOULDS**

85 Henry Morgan Drive  
Bowser, BC V0R 1G0

(collectively the “**Developers**”)

OF THE SECOND PART

- A** **Whereas** the Regional District wishes to implement the policies of the Bowser Village Centre Plan and the lands described in Schedule “A” (the “Developers’ Lands”) form part of the Bowser Village Plan Area adopted by the Board of the Regional District;
- B** **Whereas** the Developers are or are entitled to become the registered owners of the Developers’ Lands identified in Column 2 of Schedule “A”;
- C** **Whereas** the Developers have agreed to contribute to the cost of the Works to enable completion of the Works by the Regional District to serve the Service Area;
- D** **Whereas** section 565(2)(a) of the *Local Government Act* contemplates a Developer paying the cost of providing a specific service outside the boundaries of the lands being subdivided or developed;
- E** **Whereas** the Regional District intends to impose development cost charges within the service area described in Bowser Village Sanitary Sewer Service Establishing Bylaw No. 1760, 2017;

**Now Therefore this Agreement Witnesses** that in consideration of the sum of ten (\$10.00) dollars of lawful money of Canada and other good and valuable consideration now paid by each of the parties hereto, to each of the other parties hereto, the receipt whereof is hereby acknowledged the parties hereto hereby covenant and agree with each other as follows:

## **1 Definitions**

In this Agreement, and in the recitals above:

“**Act**” means the *Local Government Act*;

“**Agreement**” means this Agreement and all schedules attached to this Agreement;

“**Assignee Developer**” means an owner of land in the Service Area to which all or part of a Developer’s Capacity Allocation is assigned under section 11.3 of this Agreement;

“**Assigning Developer**” means a Developer referred to in section 11.2(a) of this Agreement, whether or not such person is an original signatory Developer;

“**Bowser Village Sewer Service Area Bylaws**” means the Establishing Bylaw, Loan Authorization Bylaw, and the Development Cost Charge Bylaw;



**“Bowser Village Sewer System”** means the system of Works, including any extensions or alterations, constructed under the authority of the Establishing Bylaw;

**“Business Day”** means a day that the offices of the Regional District are ordinarily open for the conduct of activities related to the administration of the Regional District;

**“Capacity Allocation”** means the number of Dwelling Unit Equivalents allocated to a Developer under section 5 of this Agreement shown in Schedule “A”, as may be amended from time to time;

**“Construction Contract”** means a contract between the Regional District and a contractor for the construction of any part of the Works;

**“Contribution”** means a contribution by a Developer to the cost of the Works to be paid to the Regional District in accordance with this Agreement as set out in Schedule “A” to this Agreement;

**“Contribution Effective Date”** means the date of adoption of the Bowser Village Sewer Service Area Bylaws by the Board of the Regional District;

**“Developer’s Portion”** means, in connection with the payment of any part of the Contribution Second Instalment referred to in section 3.1 the percentage for a Developer set out in Column 4 of Schedule “A” multiplied by 30% of the amount of the progress payment payable by the Regional District under the Construction Contract including, for certainty, the amount of any portion of the progress payment retained or to be retained as a holdback by the Regional District under any applicable enactment or pursuant to the Construction Contract;

**“Development Cost Charge”** or “DCC” means a charge imposed by the Regional District under Part 14 of the *Local Government Act* to recover a portion of the cost of the Works;

**“Development Cost Charge Bylaw”** means the Bowser Village Sewer Service Development Cost Charge Bylaw No. 1767, 2017;

**“Dwelling Unit Equivalents”** has the meaning set out in Schedule “A” to this Agreement;

**“Effective Date”** means the date of adoption of the Bowser Village Sewer Service Area Bylaws;

**“Establishing Bylaw”** means Bowser Village Sanitary Sewer Service Establishment Bylaw No. 1760, 2017;

**“Estimated Cost”** means the Estimated Cost of the Works set out in section 2.3 of this Agreement;

**“Loan Authorization Bylaw”** means Bowser Village Sanitary Sewer Service Loan Authorization Bylaw No. 1761, 2017, to authorize the borrowing of funds for the construction of the Works;

**“Maximum Amount”** means the maximum amount shown in Column 5 of Schedule “A” to be credited to a Developer for the Contribution received under this Agreement as specified in section 6;

**“Owners”** means the owners of real property within the Service Area;

**“Service Area”** means the service area established under the Establishing Bylaw and shown outlined in heavy outline on Schedule “B”;

**“Term”** means the period of time this Agreement is in effect as specified in section 9;

**“Works”** means the works related to the Bowser Village Sewer System referred to in section 2.1 of this Agreement.

## **2 Works**

- 2.1 The Regional District has sole authority for the design, engineering and construction of the Works and for retaining consultants and entering into any contracts required to construct and complete the Works as described in the Report entitled Bowser Wastewater Servicing Design Report prepared by Stantec dated the 7th day of April, 2017 as may be modified from time to time.
- 2.2 The Regional District is responsible for financing the construction of the Works.
- 2.3 The parties acknowledge that, as of the date of this Agreement, the estimated cost of the Works is Ten Million Six Hundred and Eighty-One thousand Five hundred and eleven (\$10,681,511) in Canadian dollars.
- 2.4 Subject to the Regional District’s authority under section 2.1 in consideration of the Developers providing the Contribution under this Agreement the Regional District will consult with the Developers in a meaningful way in the final design of the Works.

## **3 Contribution of Developers toward Cost of Works**

- 3.1 The Developers each agree to pay or secure the Contribution on or before the Effective Date to be used in accordance with this Agreement as follows:

- (a) ten (10%) percent of the Contribution (the "Contribution First Instalment") shall be paid on or before the Effective Date to Stewart McDannold Stuart, the solicitors for the Regional District, in trust, to be held in accordance with the terms of section 3.3 of this Agreement; and
  - (b) to secure the balance of the Contribution being Ninety (90%) percent of the amount of the Contribution (the "Contribution Second Instalment") by depositing with the Regional District a standby irrevocable letter of credit in a form acceptable to the Regional District, acting reasonably, to be valid until the completion of the Works or such other time agreed in writing by the Regional District.
  - (c) the Contribution Second Instalment shall be paid by the Developers to the Regional District in instalments at the time of the progress payments made by the Regional District to a contractor or contractors on account of the cost of the Works made under any Construction Contract or Contracts in accordance with the process set out in paragraphs (d) and (e) and the Developers letter of credit will be reduced accordingly.
  - (d) upon receipt by the Regional District of an application for a progress payment under a Construction Contract, the Regional District may, by notice in writing delivered to the Developers, require payment from each of the Developers of the Developer's Portion of the Contribution Second Instalment related to such progress payment.
  - (e) each Developer shall pay to the Regional District the full amount of that Developer's Portion of the Contribution Second Instalment as set out in the Notice referred to in paragraph (d) without deduction or set-off, within 10 (ten) Business Days of the giving of such Notice.
- 3.2 If a Developer has not paid the Developer's Portion to the Regional District within 10 (ten) Business Days of the giving of the Notice under section 3.1, the Regional District may make demand and draw down on the Letter of Credit provided by a Developer under this Agreement to the extent of the unpaid amount of such Developer's Portion, without further notice to the Developer.
- 3.3 If the Regional District
- (a) has not adopted the Bowser Village Sewer Service Area Bylaws on or before the 13th day of December, 2017, then the Regional District shall cause the Contribution First Instalment, without interest, to be promptly repaid to the Developers, and shall return to each of the Developers the letter of credit referred to in section 3.1 and this Agreement shall be at an end;
  - (b) adopts the Bowser Village Sewer Service Area Bylaws by the date referred to in paragraph (a) the payment shall be released to the Regional District and

the Contribution shall be deposited in a reserve fund and used by the Regional District to pay the capital costs of the Works.

- 3.4 The Regional District agrees that it will cause to be prepared a report to determine the actual cost of the Works within 90 (ninety) days of completion of the Works, and that if the total cost of the Works as determined by the Regional District using its usual accounting principles, is more than 1% less than the Estimated Cost, that the Regional District shall within 30 (thirty) days of such determination repay to the Developers the difference between the actual cost of Works and the Estimated Cost to the maximum amount of the Developer's Contribution less any DCC credit the Developer has received prior to the date of repayment in the proportions set out in Column 4 of Schedule "A".
- 3.5 Under no circumstances will the Regional District be liable to pay or repay more to a Developer than an amount greater than the total of the Developer's Contribution less any DCC credit the Developer has received in connection with such Contribution.
- 3.6 The amount of a DCC credit to which a Developer is entitled in connection with the payment of a Contribution will be reduced by an amount equal to any repayment to that Developer under section 3.4.

#### **4 Effective Date**

- 4.1 Sections 5 to 12 of this Agreement come into effect on the date of adoption of the Bowser Village Sewer Service Area Bylaws which shall be no later than the date referred to in section 3.3(a) of this Agreement and if the Bowser Village Sewer Service Area Bylaws are not adopted by such date, this Agreement shall be at an end.

#### **5 Allocation of Capacity**

- 5.1 The Developers agree, each with one another, that in consideration of the payment referred to in section 3.1, that the Developers will not seek to subdivide or develop their Lands in a manner or to a density that would require capacity in the Bowser Village Sanitary Sewer System in excess of the Capacity Allocation of that Developer set out in Column 6 of Schedule "A".
- 5.2 The Developers expressly acknowledge and agree that:
  - (a) while the Regional District believes, at the date of this Agreement, that the Works as constructed will provide the Developers with the capacity set out in Column 6 of Schedule "A", the availability of such capacity is subject to a number of factors that cannot be determined at the date of this Agreement, including, without limitation:

- (i) the sequence and timing of development applications within the Service Area;
  - (ii) decisions of the Regional Board regarding adoption of zoning bylaws applicable to lands within the Service Area; and
  - (iii) decisions regarding expansion of the Service Area to include lands not currently within the Service Area;
- (b) the Regional District has made no warranty or representation to the Developers regarding the capacity within the Works that may be available for allocation to the Developers at the time of development or subdivision of the Developers' lands.

5.3 Despite section 5.1 but subject to section 14 of this Agreement the Developers may apply to rezone the Developers' Lands listed in column 2 of Schedule "A" to a density consistent with the Bowser Village Centre Plan that permits development beyond the Capacity Allocation of that Developer, provided that it is agreed and understood that the Developers will not seek such additional capacity until the Bowser Village Sewer System Treatment facility has been expanded beyond the first phase.

5.4 Section 5.1 shall not apply to any additional capacity required in the Bowser Village Sewer System by a Developer as a result of the development of lands that creates additional development units beyond the Capacity Allocation where such Developer provides or pays the cost of additional works to provide additional capacity in the Bowser Village Sewer System beyond the Capacity Allocation of that Developer set out in Column 6 of Schedule "A" as amended from time to time.

## **6 DCC Credit**

6.1 In consideration of the payment of the Contribution to the Regional District, the Regional District acknowledges that in accordance with section 565(2) of the *Local Government Act* the Developers will be entitled to a DCC credit to be deducted from the payment of DCCs imposed by the Regional District in connection with the subdivision or development of their Lands within the Service Area.

6.2 The Regional District does not represent or warrant to the Developers or to any Developer that a DCC credit available under this Agreement on a specific parcel of land will be equal to the amount of the Contribution from that Developer's land.

## **7 No Interest**

7.1 The Developers acknowledge and agree that no interest is payable by the Regional District on any amount that may be subject to a credit under this Agreement from DCCs imposed by the Regional District under this Agreement.

## **8 Indemnity**

- 8.1 In consideration of Ten (\$10.00) Dollars and other good and valuable consideration paid by the Regional District to the Developers (the receipt and sufficiency of which is hereby acknowledged), the Developers severally agree to indemnify and save harmless the Regional District, its employees, elected officials, contractors and agents against all actions, causes of action, suits, claims and demands whatsoever which may arise either directly or indirectly by reason of the Regional District and the Developers entering into this Agreement, and including, without limitation, the Developers agree that if the amount of the Contribution paid by the Developers exceeds the DCCs imposed in connection with the subdivision or development of the Developers' Lands, that the Developer is not entitled to any further reimbursement or repayment from the Regional District. This indemnity shall survive the expiry of this Agreement.

## **9 Term**

- 9.1 Subject to earlier termination under section 3.3(a) term of this Agreement expires upon the allocation of the Maximum Amount that is available to all of the Developers as a DCC credit as contemplated by section 6.
- 9.2 The right of assignment of Capacity Allocation under section 11.3 of this Agreement terminates on a date that is fifteen (15) years from the Contribution Effective Date.

## **10 Notices**

- 10.1 Any notice, demand, acceptance or request required to be given hereunder in writing shall be deemed to be given if either personally delivered or mailed by registered mail, postage prepaid (at any time other than during a general discontinuance of postal services due to a strike, lockout or otherwise) and addressed to the Developers as follows:

Name: A.G. Project Management Inc.  
Address: 56 McColl Road  
PO Box 183  
Bowser, BC V0R 1G0

Name: Coral Ice Developments Ltd.  
Address: c/o 7400 Island Highway West  
Bowser, BC V0R 1B0

Name: Ballard Fine Homes Ltd.  
Address: 4265 Park Avenue  
PO Box 75  
Bowser, BC V0R 1G0

Name: Magnolia Enterprises Ltd.  
Address: 5125 Gainsberg Road  
Bowser, BC V0R 1G0

Name: James Walter Foulds and Lenny Agustin Foulds  
Address: 85 Henry Morgan Drive  
Bowser, BC V0R 1G0

Or such change of address as a Developer has, by written notification, forwarded to the Regional District, and to the Regional District as follows:

Name: Regional District of Nanaimo  
Address: 6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Attention: Director of Corporate Services

Or such change of address as the Regional District has, by written notification, forwarded to the Developers.

10.2 Any notice shall be deemed to have been given to and received by the party to which it is addressed:

- (a) if delivered, on the date of delivery; or
- (b) if mailed, then on the fifth (5th) day after the mailing thereof.

## **11 Assignment**

11.1 A Developer shall not assign or transfer its interest in this Agreement without the prior written consent of the Regional District, which consent shall not be unreasonably withheld.

11.2 For certainty, it will not be considered unreasonable for the Regional District to withhold consent where the Developer seeks to assign or transfer its interest in this Agreement to a person that is not the owner of the land of that Developer listed in Column 2 of Schedule "A" unless the assignment is done in accordance with section 11.3.

11.3 The Developers covenant and agree that the Developers' Capacity Allocation set out in Schedule "A" cannot be transferred or assigned to an Assignee Developer except as follows:

- (a) a Developer who no longer wishes to retain the Capacity Allocation under Schedule "A" may in writing, and on notice to the Regional District delivered under this Agreement, assign all or part of its Capacity Allocation to an Assignee Developer to be effective upon:
  - (i) payment by the Assignee Developer to the Regional District of a Contribution to the cost of the Works equal to the Dwelling Unit Equivalents of the Capacity Allocation to be assigned to the Assignee Developer and
  - (ii) execution of an Agreement in writing by the Assignee Developer agreeing that it will be bound by the terms of this Agreement as if it had been an original Developer signatory;
- (b) upon receipt of the Contribution from the Assignee Developer under subsection (a) the Regional District shall pay such amount within 30 days to the Assigning Developer who assigned such Capacity Allocation to the Assignee Developer, and Schedule C shall be deemed to be amended to deduct the Development Unit Equivalents from the account of the Assigning Developer and to add the Development Unit Equivalents represented by the Contribution to the account of the Assignee Developer.

11.4 The Developers agree to the amendment of Capacity Allocation established under section 5 of this Agreement by the Regional District through the process referred to in section 11.3 of this Agreement.

11.5 The Developers agree not to seek or accept from a Assignee Developer a premium or additional payment above the value of the Contribution for the assignment of any part of Capacity Allocation under this Agreement, it being acknowledged and agreed that the purpose of an assignment is to permit a Developer that changes its plans to recover all or a portion of its Contribution but not that Developers will profit from the selling of its Capacity Allocation".

11.6 In the event of the assignment or transfer of the rights of a Developer voluntarily under section 11.3 of this Agreement or by operation of law, following delivery of written notice of such assignment, the Regional District may, subject to section 11.3(b), pay or credit any amount to be paid or credited under this Agreement to the successor and assign of the Developer as the Regional District in its sole discretion, considers entitled to such benefits. In the event of conflicting demands or claims being made upon the Regional District for benefits accruing under this Agreement, then the Regional District may, at its sole discretion and option, commence an action in interpleader joining any party claiming rights under this



Agreement, or other parties which the Regional District believes to be necessary or proper, and the Regional District will be discharged from further liability upon paying the person or persons whom any court having jurisdiction of such interpleaded action determines to be entitled to the payment.

## **12 Entire Agreement**

12.1 This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and supersedes any prior agreements, undertakings, declarations or representations, written or verbal, in respect thereof. It is hereby agreed between the parties hereto that this Agreement shall be enforceable by and against the parties, and their successors and permitted assigns.

## **13 Interpretation**

13.1 Wherever the singular or masculine is used in this Agreement, the same shall be construed as meaning the plural or the feminine or the body corporate or politic where the context or the parties so require.

## **14 No Fettering of Discretion**

14.1 Nothing contained or implied in this Agreement shall fetter or impair the exercise of any discretion of the Regional District or the Board of Directors of the Regional District, nor affect or impair the exercise by the Regional District or its Board of any discretionary statutory powers, duties or functions, all of which may be exercised as fully and effectively as if this Agreement had not been executed and delivered by the parties.

## **15 Laws of British Columbia**

15.1 This Agreement shall be interpreted under and is governed by the applicable laws of Canada and the Province of British Columbia.

## **16 Severability**

16.1 If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part of the agreement shall be considered to have been severed from the rest of this Agreement and the rest of the Agreement shall remain in force unaffected by that holding or by the severance of that part.

**17 Counterpart**

17.1 This Agreement may be executed in counterpart with the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

**18 Schedules**

The Schedules attached hereto, which form part of this Agreement, are as follows:

- 1. Schedule "A" List of Developers and Property, Amount of Contribution, Percentage, Maximum Amount of DCC Credit and Capacity Allocation
- 2. Schedule "B" Service Area Map

**IN WITNESS WHEREOF** this Agreement has been executed as of the day and year first above written.

**REGIONAL DISTRICT OF NANAIMO )**

By its authorized signatory(ies): )

)

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Chair: )

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Corporate Officer: )

**A.G. PROJECT MANAGEMENT INC.)**

By its authorized signatory: )

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Alan Grozell )

**CORAL ICE DEVELOPMENTS LTD. )**

By its authorized signatory: )

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Keith Reid )

**MAGNOLIA ENTERPRISES LTD. )**

By its authorized signatory(ies): )

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Fred Ryvers )

**BALLARD FINE HOMES LTD.** )  
By its authorized signatory: )  
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Donald C. Ballard )

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**JAMES WALTER FOULDS** )  
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**LENNY AGUSTIN FOULDS** )  
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## Schedule "A"

List of Developers and Property, Amount of Contribution, Percentage, Maximum Amount of DCC Credit and Capacity Allocation

Column 1 Developers (Property Owners)	Column 2 Legal Description of Property	Column 3 Cash Contribution	Column 4 Percentage	Column 5 Maximum Amount of DCC Credit	Column 6 Capacity Allocation (Dwelling Unit Equivalents)
A.G. Project Management Inc. (Alan Grozell)	Lot A, District Lot 36, Newcastle District, Plan VIP87894	<u>\$297,760.00</u>	<u>11.3%</u>	\$297,760.00	20
Coral Ice Developments Ltd. (Keith Reid)	Lot 3, District Lot 36, Newcastle District, Plan VIP86668	<u>\$133,992.00</u>	<u>5.1%</u>	\$133,992.00	9
Ballard Fine Homes Ltd. (Donald C. Ballard)	Lot 1, District Lot 36, Newcastle District, Plan VIP86668	<u>\$1,161,264.00</u>	<u>44.1%</u>	\$1,161,264.00	78
Ballard Fine Homes Ltd. (Donald C. Ballard)	Lot 2, District Lot 36, Newcastle District, Plan VIP86668				
Magnolia Enterprises Ltd. (Fred Ryvers)	Lot 1, District Lot 36, Newcastle District, Plan VIP80074	<u>\$744,400.00</u>	<u>28.2%</u>	\$744,400.00	50
James Walter Foulds and Lenny Agustin Foulds	Lot 2, District Lot 36, Newcastle District, Plan VIP61726	<u>\$297,760.00</u>	<u>11.3%</u>	\$297,760.00	20
<b>\$2,635,176.00 x \$14,888/unit = \$2,635,176.00</b>					<b>177</b>

"Dwelling unit equivalents" shall be calculated as follows:

1. Residential Use:-- 1 Dwelling unit equivalent per lot in the case of single detached housing; and 1 dwelling unit equivalent for each dwelling unit in the case of duplex and multi-family developments;
2. Commercial, Industrial and Institutional uses (other than Congregate care):  
-- 0.00238 dwelling unit equivalents per square metre of gross floor area of development for which a building permit is issued;
3. Congregate Care: .476 dwelling unit equivalent per bed.

# Schedule "B" Service Area



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**TO:** Regional District of Nanaimo Board      **MEETING:** August 22, 2017  
**FROM:** Matt O'Halloran      **FILE:** 0360-20  
Legislative Coordinator  
**SUBJECT:** Nominations to the BC Ferry Authority Board of Directors

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### RECOMMENDATION

That the Regional District of Nanaimo participate in the 2017 nomination process for an appointment to the BC Ferry Authority Board of Directors.

### SUMMARY

The RDN has been requested to participate in the nomination process for a position on the BC Ferry Authority Board of Directors, representing the Central Vancouver Island & Northern Georgia Strait appointment area. The term of the position is three years. The RDN typically participates in this process by placing advertisements and accepting applications for consideration by the Board. Staff recommend that the RDN participate again in 2017.

### BACKGROUND

The *Coastal Ferry Act* mandates a role for the RDN in nominations for the Board of Directors of the BC Ferry Authority. A position will be available on the Authority's Board, representing the local appointment area, which includes the RDN, as well as the Regional Districts of Alberni-Clayoquot, Comox Valley, Powell River and Strathcona. The term of the position is April 1, 2018 to March 31, 2021. The deadline for nominations to be provided to the Authority is November 17, 2017.

As noted in the participation letter (Attachment 1), the RDN's past nominee, from both 2014 and 2012, has been appointed twice consecutively to represent the Central Vancouver Island & Northern Georgia Strait appointment area, and is not eligible for re-appointment.

### Process

Staff have contacted the Authority to discuss the fall nominations. Consistent with past practice, the RDN would advertise in local media and place a notice on the RDN website, with the Nomination form and Skills and Experience Profile (Attachment 3). The Authority will reimburse the RDN for newspaper advertisements.

Following the application period, the Board would consider the candidates and then forward its decision to the Authority.

The Authority has confirmed that each regional district may submit nominations separately, as is typical. In any case, the RDN may also submit up to two nominees if there is sufficient interest by qualified candidates.

While the overall appointment area is required under the *Act* to submit nominees, participation by individual regional districts is voluntary. The appointment process appears to be inordinately complex, and smaller regional districts may not administer a nomination process due to resource limitations. As not all jurisdictions always seek a nominee, the RDN's participation increases in importance.

Additional information on the Authority, its Board of Directors, and the nomination process is provided in the Nominations Backgrounder (Attachment 2).

### **Nominee Requirements**

Nominees of regional districts must be qualified Authority candidates in accordance with the *Act*, and must possess Key Skills and Experience as set forth by the Authority Board, as detailed in Attachment 3.

### **ALTERNATIVES**

1. That the Regional District of Nanaimo participate in the 2017 nomination process.
2. That the Regional District of Nanaimo not participate in the 2017 nomination process.

### **FINANCIAL IMPLICATIONS**

There are no financial implications. All advertising costs will be paid by the Authority.

### **STRATEGIC PLAN IMPLICATIONS**

The Regional District of Nanaimo (RDN) Board Strategic Plan Key Focus Area of "Focus on Relationships" includes the following priority:

*We look for opportunities to partner with other branches of government/community groups to advance our region.*

Membership on the Authority Board includes three other regional appointment areas, as well as the Province, organized labour, and community at large.



---

Matt O'Halloran, [mohalloran@rdn.bc.ca](mailto:mohalloran@rdn.bc.ca), August 3, 2017

Reviewed by:

- J. Harrison, Director, Corporate Services
- P. Carlyle, Chief Administrative Officer

Attachments

1. Correspondence – Yuri L. Fulmer, OBC, re Nominations for Appointment to the BC Ferry Authority Board of Directors
2. BC Ferry Authority – Director Nominations Backgrounder 2017
3. Nomination Form and Skills and Experience Profile



## ATTACHMENT 1

# B.C. Ferry Authority

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OFFICE OF THE CHAIR

500, 1321 Blanshard Street  
Victoria, BC V8W 0B7  
Tel (250) 978-1502  
Fax (250) 978-1953

July 24, 2017

Mr. John Jack, Chair  
Alberni-Clayoquot Regional  
District  
3008 – 5<sup>th</sup> Avenue  
Port Alberni, BC V9Y 2E3

Mr. Bruce Jolliffe, Chair  
Comox Valley Regional  
District  
600 Comox Road  
Courtenay, BC V9N 3P6

Mr. Bill Veenhof, Chair  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Mr. Patrick Brabazon, Chair  
Powell River Regional District  
202, 4675 Marine Avenue  
Powell River, BC V8A 2L2

Mr. John MacDonald, Chair  
Strathcona Regional District  
301, 990 Cedar Street  
Campbell River, BC V9W 7Z8

### **NOMINATIONS FOR APPOINTMENT TO THE B.C. FERRY AUTHORITY BOARD OF DIRECTORS**

On behalf of the B.C. Ferry Authority (the "Authority"), I am writing to request the participation of your Regional Districts in the process to identify and nominate qualified individuals for appointment to the board of directors of the Authority.

Under the *Coastal Ferry Act* (the "Act"), the Regional Districts of Alberni-Clayoquot, Comox Valley, Nanaimo, Powell River and Strathcona have been designated as the "Central Vancouver Island and Northern Georgia Strait Appointment Area" for purposes of nominating qualified individuals suitable for appointment to the board of directors of the Authority. In accordance with the requirements of the Act, the five Regional District boards in your appointment area are asked to develop and jointly submit by **November 17, 2017**, a list of 3 to 5 nominees to fill one position on the board of directors of the Authority commencing April 1, 2018. The term of the appointment is three years to March 31, 2021.

The incumbent director from your appointment area, Randolph (Randy) K. Morriss, has served two consecutive terms on the board and, in accordance with the Act, cannot serve a subsequent consecutive term. Accordingly, Mr. Morriss is not eligible for nomination.

In order to be considered for appointment to the board of the Authority, a nominee must be a "qualified Authority candidate" as that term is defined in the Act. This definition, together with other background information on the Authority, including its role and responsibilities, and the appointment process, is attached.

In light of the nomination process which we ask that you undertake, we feel it is important that you be mindful that all directors owe a fiduciary duty to the Authority and its best interests, and are not appointed in order to be delegates of a particular region, stakeholder or constituent group.

.../2

A skills and experience profile will be used by the Authority to guide the appointment process. That profile is attached for your use. We have also attached a copy of the nomination form that may be completed electronically.

The responsibilities of the Authority comprise appointing the board of directors of the operating company, British Columbia Ferry Services Inc. ("BC Ferries") and establishing the compensation plans for the directors and certain executives of BC Ferries. We believe that there are many highly-qualified individuals in your Regional Districts who have the skills and experience that would be of benefit to the Authority board in meeting these responsibilities.

In developing your list of nominees, it would be particularly helpful to us if you could give the skills and experience profile careful consideration. As stated, Mr. Morriss is not eligible for re-appointment to the board.

We would be pleased to have the opportunity to meet with you in person or by telephone to discuss the skills and experience which would be of greatest value to the Board at this time, as well as any other matters which you may wish to discuss concerning the nomination process. We will be in contact with your offices shortly to determine your interest in holding such a meeting or teleconference.

As has been done in the past, the Authority would be pleased to provide assistance to you in your recruitment process. Should you wish, the Authority will cover the cost of three newspaper advertisements and will post on its website nomination forms for on-line completion and submission directly to your Regional District. We can discuss these arrangements further with you.

If you have any questions with respect to this matter, please contact Cynthia M. Lukaitis, Vice President & Corporate Secretary at 250-978-1218 or [Cynthia.Lukaitis@bcferries.com](mailto:Cynthia.Lukaitis@bcferries.com).

Thank you for your assistance with our appointment process.

Sincerely,



Yuri L. Fulmer, OBC  
Chair, Board of Directors  
B.C. Ferry Authority

cc: Ms. Cynthia Lukaitis, Vice President & Corporate Secretary  
Ms. Wendy Thomson, Acting Chief Administrative Officer, Alberni-Clayoquot Regional District  
Mr. Russell Dyson Chief Administrative Officer, Comox Valley Regional District  
Ms. Phyllis Carlyle, Chief Administrative Officer, Regional District of Nanaimo  
Mr. Al Radke, Chief Administrative Officer, Powell River Regional District  
Mr. Dave Leitch, Chief Administrative Officer, Strathcona Regional District

Attachments (3):  
Backgrounder  
Nomination Form  
Skills and Experience Profile

# B.C. Ferry Authority

## Director Nominations Backgrounder

2017

## Introduction

Under the *Coastal Ferry Act (British Columbia)*, the Regional Districts of Central Coast, Kitimat-Stikine, Mount Waddington and Skeena-Queen Charlotte have been designated as the “Northern Coast and North Island Appointment Area” and the Regional Districts of Alberni-Clayoquot, Comox Valley, Nanaimo, Powell River and Strathcona have been designated as the “Central Vancouver Island and Northern Georgia Strait Area” for purposes of nominating qualified individuals suitable for appointment to the board of directors of B.C. Ferry Authority (“BCFA” or the “Authority”).

In accordance with the *Coastal Ferry Act (British Columbia)*, the Authority is requesting that the Northern Coast and North Island Appointment Area and the Central Vancouver Island and Northern Georgia Strait Appointment Area each submit three to five qualified nominees to fill two vacancies on the BCFA board of directors effective April 1, 2018. The two appointments will each be for a three-year term ending March 31, 2021.

This document provides background information on the Authority, the qualifications that nominees must have, the skills and experience of candidates being sought by the board, the support the Authority will provide the Appointment Areas in their identification of candidates for nomination and the Authority's process for selecting nominees for appointment.

## Overview

BCFA is a corporation without share capital created under the *Coastal Ferry Act (British Columbia)*. It is the sole voting shareholder of British Columbia Ferry Services Inc., an independent company incorporated under the *Business Corporations Act (British Columbia)*, which is commonly known as BC Ferries. The provincial government holds all of the preferred shares of BC Ferries, but has no voting interest in BC Ferries or BCFA.

BC Ferries provides ferry services on the west coast of British Columbia under contract to the provincial government. BC Ferries provides frequent, year-round transportation service with 34 vessels operating on 24 routes out of 47 terminals spread out over 1,600 kilometres of coastline. In the year ended March 31, 2017, BC Ferries carried 8.3 million vehicles and 21 million passengers on over 172,000 sailings.

BCFA's sole function is that of shareholder of BC Ferries, and its responsibilities are to:

- Appoint the directors to the BC Ferries board of directors; and,
- Establish compensation plans for the directors and certain executives of BC Ferries.

For more information, please visit BCFA's website at [www.bcferryauthority.com](http://www.bcferryauthority.com) and BC Ferries' website at [www.bcferrries.com](http://www.bcferrries.com).

## Governance Structure

### Board Structure

The board of BCFA is composed of nine directors. Its size and composition is prescribed by the *Coastal Ferry Act (British Columbia)* as follows:

- Four members are appointed by the board from the nominees of the 14 coastal regional districts, grouped by provincial regulation into four Appointment Areas as follows:
  - One member: Northern Coastal and North Island Area
    - Skeena Queen Charlotte Regional District
    - Regional District of Kitimat-Stikine
    - Central Coast Regional District
    - Regional District of Mount Waddington
  - One member: Central Vancouver Island and Northern Georgia Strait Area
    - Alberni-Clayoquot Regional District
    - Comox Valley Regional District
    - Strathcona Regional District
    - Powell River Regional District
    - Regional District of Nanaimo
  - One member: Southern Mainland Area
    - Sunshine Coast Regional District
    - Squamish-Lillooett Regional District
    - Metro Vancouver Regional District
  - One member: Southern Vancouver Island Area
    - Cowichan Valley Regional District
    - Capital Regional District;
- One member is appointed by the board from nominees of the BC Ferry and Marine Workers' Union;
- Two members are appointed by the board from members of the community-at-large; and
- Two members are appointed by the provincial government through Order in Council.

## Officers

There are two Officers of the Authority:

- Chair of the board - a position elected by the members of the board; and
- Corporate Secretary – a position appointed by the board.

There are no employees of the Authority.

## Appointment Terms

The *Coastal Ferry Act (British Columbia)* requires that the terms of three directors expire on March 31<sup>st</sup> each year. Appointments are for terms of three years beginning April 1<sup>st</sup>. Directors may serve up to two consecutive terms.

## Board Membership

The current membership of the BCFA board is as follows:

Director	Appointment	Term Ending March 31 <sup>st</sup>
Yuri L. Fulmer*	Community-at-Large	2021
Fiona L. Macdonald	Community-at-Large	2019
Shirley J. Mathieson	Organized Labour	2019
Susan Mehinagic	Southern Vancouver Island	2020
Randolph K. Morriss*	Central Vancouver Island & Northern Georgia Strait	2018
G. Wynne Powell	Province of British Columbia	2020
Michael W. Pucci	Northern Coastal & North Island	2018
Sandra A. Stoddart-Hansen*	Southern Mainland	2020
Paul L. Williams	Province of British Columbia	2019

\* Has served two consecutive terms and is ineligible for re-appointment for a subsequent term

Biographies of the current board members are available on the BCFA website.

## Vacant Positions

There are two vacancies on the BCFA board effective April 1, 2018.

In accordance with the *Coastal Ferry Act (British Columbia)*, the board is seeking nominations of qualified candidates from the Northern Coast and North Island Appointment Area and the Central Vancouver Island and Northern Georgia Strait Area to fill two positions. The provincial government is to appoint a qualified candidate to fill the third position.

All three appointments are for three-year terms ending March 31, 2021.

## Nominee Criteria

### Basic Qualifications

The appointment of BCFA directors is undertaken with the objective of ensuring the board is composed of a majority of strong, qualified, independent directors. The board supports the concept that the board Chair should be an independent director.

Under guidelines adopted by the board, a director is independent if he or she has no direct or indirect material relationship with the Authority. For this purpose, a "material relationship" is a relationship that could, in the view of the board, be reasonably expected to interfere with the exercise of a director's judgment. Directors are required annually to attest to their independence.

All of the nine directors owe a fiduciary duty to the Authority, and are not appointed in order to be delegates of a region, stakeholder, union or constituent group.

### Statutory Qualifications

A person nominated for appointment to the Authority board must be a "qualified Authority candidate" as defined in the *Coastal Ferry Act*. Specifically, this means an individual who:

- does not hold elected public office of any type;
- is not an employee, steward, officer, director, elected official or member of any union representing employees of BC Ferries;
- is not an employee of a municipality, regional district, trust council or greater board within the Appointment Area; and
- is not an employee, director, officer or executive of BC Ferries.

As well, those appointed to the Authority board must comply with the provisions related to director qualifications and conflicts addressed in sections 8 and 9 of the *Coastal Ferry Act*. This includes the requirement that directors meet the qualification requirements of section 124 of the *Business Corporations Act*.

### Skills and Experience

The board has identified the following skills and experience that the board, as a whole, should possess in order to meet its mandate effectively. A nominee for appointment to the board should possess skills and experience in more than one of the following five categories:

1. **Leadership** - experience at a senior level managing the operations of a large or complex commercial or non-profit entity.
2. **Business** - experience in operating a business in British Columbia.
3. **Board Experience** - previous experience as a member of a board of directors of a commercial or non-profit entity.
4. **Accounting and Finance** - accounting or financial expertise.
5. **Legal** - a law degree or experience in managing legal issues of a complex commercial nature.

### Core Competencies

As well, a nominee should possess the following core competencies and abilities:

- Well-developed faculty for critical analysis;
- Financial literacy, including an ability to read financial statements and the ability to understand the use of financial ratios and other indices to measure performance;
- Appreciation of the unique role of the Authority as the shareholder of BC Ferries as set out in the *Coastal Ferry Act (British Columbia)*;
- Thorough knowledge of the responsibilities and duties of a director;
- Sufficient time and availability to devote to the board;
- Experience as a corporate director with a solid understanding of corporate governance practices and the ability to distinguish corporate governance from management;
- Ability to effectively apply knowledge, experience, and expertise to matters before the board; and
- The stature and integrity to be seen as a credible member of the board.

### Personal Attributes

Appointments to the board are also made in consideration of the following personal attributes:

- Ability to be an effective ambassador and representative of BCFA;
- Ability to participate fully and frankly in the deliberations and discussions of the board to make a meaningful and knowledgeable contribution;
- A team player with the ability to work effectively with fellow directors and be a positive and constructive force within the board, along with a demonstrated interest in the long-term success of BCFA and BC Ferries;
- Encourages free and open discussion of the affairs of BCFA by the board;
- Communicates persuasively and logically, voices concerns, listens, and raises tough questions in a manner that encourages open discussion;
- Willingness to take a stand or express a view, even if it runs contrary to prevailing wisdom or the direction of conversation, and exercise independent judgment;



- Establishes an effective, independent, and respected presence and a collegial and respectful relationship with other directors;
- Focusses enquiries on issues related to strategy, policy, implementation, and results rather than issues relating to the day-to-day management of BCFA or BC Ferries;
- Maintains high ethical standards in professional and personal dealings;
- Ability and willingness to raise potentially controversial issues in a manner that encourages dialogue;
- Demonstrates flexibility, responsiveness, and willingness to consider change;
- Capability for a wide perspective on issues; and
- Respects confidentiality, exercises good judgment and acts with integrity; understands conflict of interest issues and declares potential, real, or perceived conflicts.

## Diversity

BCFA seeks to ensure that the board, as a whole, reflects diversity of skills and experience as well as diversity of ethnicity, gender, geography and age range.

## Board Operations

### Board Committees and Task Groups

There are currently no committees of the board. However, task groups of directors are established, from time to time, to undertake specific assignments.

### Time Commitment

The board meets at such time and place as necessary for the dispatch of business. The board plans for a minimum of three meetings per year. Meetings are usually held at BC Ferries' Head Office in Victoria, British Columbia; however, meetings may be held in Vancouver, British Columbia or other locations in the province, or by teleconference. Directors are also expected to make themselves available to work with other directors as may be needed from time to time. Directors are also required to attend the annual general meeting of BCFA, which is open to the public and held in conjunction with an annual public meeting of BC Ferries.

### Board Policies

BCFA has a set of board policies, including a Code of Business Conduct and Ethics.

### Remuneration

Directors receive an annual honorarium of \$6,250 and a fee of \$1,200 for each regular meeting or \$600 for each teleconference or meeting of short duration of the board attended.

Directors are entitled to reimbursement of reasonable travel-related expenses incurred on BCFA business.

### Liability Insurance and Indemnity

BCFA directors are covered by Directors' and Officer's Liability Insurance and are indemnified by BCFA.

### Nomination Process

Each Appointment Area is requested to submit three to five nominees of qualified individuals to the Authority by **November 17, 2017**, together with a completed Nomination Form signed by each nominee.

Each Appointment Area will determine its own process for identifying its nominees. However, to be considered for appointment, each nominee must have been recommended by one or more of the Regional District boards of the Appointment Area.

There are a variety of ways in which suitable nominees can be identified by the Regional Districts, ranging from informal to formal. For example, potential nominees may be identified through:

- direct canvass;
- unsolicited expressions of interest;
- solicitation through advertising.

Should a Regional District wish to advertise for nominees, the Authority will make available a template print advertisement and will provide financial support to fund the placement of up to three newspaper advertisements. In addition, if requested, the Authority will post nomination forms on its website for on-line completion and submission directly to the Regional District.

### Selection Process

Qualified nominees will be interviewed by a task group of the board of directors of the Authority.

The Authority will make a decision on the nominees for appointment to the board by March 31, 2018.

#### Disclaimer

This document is intended to provide background information on B.C. Ferry Authority for the purposes of informing the Regional Districts and their potential nominees to the board of directors, and does not provide binding legal representations or contractual obligations. The information contained herein may be subject to change.

# ATTACHMENT 3

## B.C. Ferry Authority Nomination Form for Appointment to the Board of Directors

### TO BE COMPLETED BY NOMINEE

The information on form is collected because you wish your name to be considered for appointment to the board of directors of B.C. Ferry Authority. The information obtained on this form will be used to assess your candidacy.<sup>1</sup>

*(If you require more room than the space provided to respond to any question in this form, please use a separate piece of paper.)*

Name:

Home Address:

Mailing Address:

Telephone: Work

Home

Mobile

Email Address:

Date of Birth (YYYY MMM DD):

Gender:

Male

Female

#### Part I: Statutory Qualifications

**A director of B.C. Ferry Authority must be a "qualified Authority candidate" as defined in the *Coastal Ferry Act*. All nominees MUST answer Yes or No to all of the following questions. An affirmative answer to any of the questions in this section disqualifies a nominee from appointment to the board of B.C. Ferry Authority.**

1. I hold an elected public office (of any type)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. I am an employee, steward, officer, director, elected official or member of the British Columbia Ferry & Marine Workers' Union	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. I am an employee of a municipality, regional district, trust council or greater board within an Appointment Area	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. I am currently an employee, director, officer or executive <sup>2</sup> of British Columbia Ferry Services Inc.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

<sup>1</sup> Your personal information is collected under Part 2, Division 1 of the Coastal Ferry Act and section 26 of the Freedom of Information and Protection of Privacy Act.

<sup>2</sup> "Executive" means an individual who is the Chief Executive Officer or an Executive Vice President of British Columbia Ferry Services Inc. (BC Ferries) or who is, despite his or her title, acting in a similar capacity or performing similar functions to a Chief Executive Officer or Executive Vice President of BC Ferries.

**Part II: Education**

1. Educational Background

Name & Location of School or Institution	Course, Program, Major field	Credits, Diploma, Degree attained	Year Completed
Special Courses	Course Content, Duration, etc.		Year Completed

2. Membership in Professional Organizations (List):

**Part III: Employment History** (List in chronological order starting with your most recent employment)

**Part IV: Please describe why you are interested in being a director of B.C. Ferry Authority**

**Part V: Key Skills and Experience**

The board of B.C. Ferry Authority has determined that, as a whole, it should possess skills and experience in the following five key areas (See *"Key Skills and Experience"* in the Profile attached as Schedule A to this form). An individual director is not expected to have skills and experience in each of the key areas, but should have them in more than one. Please describe your skills and indicate your job and/or volunteer experience as they relate to each of the following five areas:

**1. Leadership** - experience at a senior level managing the operations of a large or complex commercial or not-for-profit entity.

**2. Business** - experience in operating a business in British Columbia.

**3. Board Experience** - experience as a member of a board of directors of a commercial or not-for-profit entity.

**4. Accounting and Finance** - accounting or financial expertise or financial literacy, including the ability to read and interpret financial statements.

**5. Legal** - a law degree or experience in managing legal issues of a complex commercial nature.

**Part VI: Integrity and Accountability**

**1. To be a director of B.C. Ferry Authority, a potential nominee must satisfy the requirements of section 124 of the *Business Corporations Act (British Columbia)*.**

i. Are you under the age of 18 years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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ii. Have you been found by a court, in Canada or elsewhere, to be incapable of managing your own affairs?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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iii. Are you an undischarged bankrupt?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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iv. Have you been convicted in or out of British Columbia of an offence in connection with the promotion, formation or management of a corporation or unincorporated business, or of an offence involving fraud?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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**If yes,**

Unless the court has ordered otherwise (please specify)

1. Has 5 years elapsed since the last to occur of:
  - A. The expiration of the period set for suspension of the passing of sentence without a sentence having been passed;
  - B. The imposition of a fine;
  - C. The conclusion of the term of any imprisonment; and
  - D. The conclusion of the term of any probation imposed?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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**or**

2. Has a pardon been granted or issued under the Criminal Records Act (Canada)?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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**2. In your current or previous employment, business or personal affairs have you, or your company in which you have a direct or indirect controlling interest, in British Columbia or elsewhere:**

i. Been convicted of an offence under the Criminal Code of Canada?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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ii. Been convicted of an offence under any other federal statutes or regulations?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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iii. Been convicted of any offence under any provincial statutes or regulations?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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iv. Been disciplined by any professional association or body?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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v. Been involved in any issue or controversy that has gone or is now likely to go to litigation or public review?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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**If you have answered yes to any of questions (i) to (v) in this section, please provide details below:**

<p>3. Generally, are you aware of any facts or matters which, if publicly disclosed, could cause B.C. Ferry Authority embarrassment or hinder the performance of your duties as a Board member?</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If yes, please describe:

4. A director of B.C. Ferry Authority must not be in a position of conflict of interest as described in section 8 of the *Coastal Ferry Act (British Columbia)*. Do you have, either directly or indirectly:

a. a beneficial interest in a share, stock, bond, debenture, or other security of British Columbia Ferry Services Inc.;

b. a significant beneficial interest in a device, appliance, machine, article, patent or patented process, or part of it, that is required or used by British Columbia Ferry Services Inc. for the purpose of British Columbia Ferry Services Inc.'s equipment or service;

c. a significant beneficial interest in a contract for the construction of works or the provision of a service for or by British Columbia Ferry Services Inc.; or

d. a significant beneficial interest in a corporation or other person competing with British Columbia Ferry Services Inc. for marine transportation business, other than a beneficial interest (if any) in a publicly held mutual fund or pension fund that contains any of the investments referred to in paragraphs 4(a) to 4(d) above, where such investment makes up 30% or less of the total mutual fund or pension fund holdings.

Yes  No

*Note: An affirmative answer to any of the questions in this section does not automatically disqualify a nominee from appointment to the board. Before being appointed to the board, a director who is in a position of conflict described in subsection (a) to (d) must disclose the nature and extent of the interest. A director who is in a position of conflict described in subsections (a) or (d) must eliminate such a conflict in order to serve on the board.*

4. If Yes, please describe:



**Part VII: References**

*All nominees MUST provide a minimum of three references.*

*Please note that the information provided to B.C. Ferry Authority by references will be treated confidentially and will not be shared with nominees.*

Name:	Occupation:
Address:	Business Telephone:
Home Telephone:	Cell Telephone:
Name:	Occupation:
Address:	Business Telephone:
Home Telephone:	Cell Telephone:
Name:	Occupation:
Address:	Business Telephone:
Home Telephone:	Cell Telephone:

**ATTESTATION AND CONSENT:**

I, \_\_\_\_\_ (print name) attest to the veracity of the information provided by me in this form.

*I understand that B.C. Ferry Authority has a requirement to verify information with respect to all potential appointees, including me, to evaluate their suitability for appointment to the board of B.C. Ferry Authority.*

*By signing below, I consent to the B.C. Ferry Authority and its Officers obtaining any personal information about me, either from me directly or from others, for purposes related to assessing this expression of interest. The references that I may provide may be contacted and the information provided by me in relation to my request to be considered for appointment to the board of B.C. Ferry Authority will be verified. I also consent to the disclosure of my personal information in this form to any individuals or organizations where such disclosure is necessary to obtain the information required to evaluate my suitability.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**B.C. FERRY AUTHORITY  
SKILLS AND EXPERIENCE PROFILE  
Schedule A**

Appointments to the board of directors (the "board") of the B.C. Ferry Authority (the "Authority") will be guided by the following selection criteria.

**Statutory Qualifications:**

A person appointed to the Authority board must be a "qualified Authority candidate" as defined in the *Coastal Ferry Act* (the "Act"). Specifically, this means an individual who:

- does not hold elected public office of any type;
- is not an employee, steward, officer, director, elected official or member of any union representing employees of British Columbia Ferry Services Inc. (BCFS);
- is not an employee of a municipality, regional district, trust council or greater board within the appointment area; and
- is not an employee, director, officer or executive<sup>1</sup> of BCFS.

As well, all appointments to the Authority board must comply with the provisions related to director qualifications and conflicts addressed in sections 8 and 9 of the Act.

**Personal Attributes:**

All directors should possess the following personal attributes:

1. high ethical standards and integrity in professional and personal dealings;
2. ability and willingness to raise potentially controversial issues in a manner that encourages dialogue;
3. flexibility, responsiveness and willingness to consider change;
4. ability and willingness to listen to others;
5. capability for a wide perspective on issues; and
6. ability to work as a team member.

**Core Competencies:**

All directors should possess the following core competencies:

1. well-developed faculty for critical analysis;
2. financial literacy, including an ability to read financial statements and ability to understand the use of financial ratios and other indices to measure performance;
3. appreciation of the unique role of the Authority as the shareholder of BCFS as set out in the Act;
4. thorough knowledge of the responsibilities and duties of a director; and
5. ability to distinguish corporate governance from management.

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<sup>1</sup> "executive" means an individual who is the chief executive officer or an executive vice president of BCFS or who is, despite his or her title, acting in a similar capacity or performing similar functions to a chief executive officer or executive vice president of BCFS.

**Representation:**

The Authority board should, in its composition, reflect the diversity of the people served by coastal ferry services in British Columbia.

**Key Skills and Experience:**

The Authority board, as a whole, should possess the following skills and experience, while individual directors must possess more than one.

1. **Leadership** - experience at a senior level managing the operations of a large or complex commercial or non-profit entity.
2. **Business** - experience in operating a business in British Columbia.
3. **Board Experience** - previous experience as a member of a board of directors of a commercial or non-profit entity.
4. **Accounting and Finance** - accounting or financial expertise.
5. **Legal** - a law degree or experience in managing legal issues of a complex commercial nature.

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**TO:** Regional District of Nanaimo Board      **MEETING:** August 22, 2017  
**FROM:** Joan Harrison      **FILE:** 0230-20-FCM  
Director of Corporate Services  
**SUBJECT:** Proposed Removal of One-Third Tax Exemption

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**RECOMMENDATIONS**

1. That the following resolution regarding the Proposed Removal of the One-Third Tax Exemption be adopted and forwarded to the Federation of Canadian Municipalities (FCM) for consideration at their next Board meeting and Annual Conference:

WHEREAS, the 2017 Federal Budget proposes to eliminate the one-third of Council and Board member remuneration that is currently non-taxable and designed to be reimbursement of expenses incurred by elected local government officials; and

WHEREAS, the impact of this change is that the full amount of local government elected officials' remuneration will now be subject to income taxes and Canada Pension Plan (CPP) contributions and, resultantly, may be considered a disincentive to the holding of public office;

THEREFORE BE IT RESOLVED, that the Federation of Canadian Municipalities lobby the Federal Government to rescind the proposal to remove the tax exemption on compensation for local government elected officials.

2. That the resolution regarding the Proposed Removal of the One-Third Tax Exemption also be forwarded to the Federal Minister of Finance William Morneau and Members of Parliament Sheila Malcolmson and Gord Johns.

**SUMMARY**

As per Board direction, a resolution has been drafted for submission to FCM and distribution to the appropriate Federal Minister and local Members of Parliament. Resolutions to UBCM on this topic have already been submitted by View Royal and the Capital Regional District and will be debated at the UBCM conference in September.

**BACKGROUND**

The following motion was adopted at the July 25, 2017 Regular Board meeting:

“That a resolution be sent to both the Union of BC Municipalities (UBCM) and the Federation of Canadian Municipalities (FCM) that asks both UBCM and FCM to lobby the Federal Government to rescind the government's proposal to remove the 1/3 tax exemption on compensation for local government elected officials and to communicate with the appropriate Federal Ministers and copy the local Members of Parliament and ask that the motion be considered by UBCM as a late submission.”

Staff have contacted UBCM and have confirmed that resolutions on this topic have been submitted by View Royal and the Capital Regional District (see Attachment 1). The resolution from View Royal will go forward for debate. As the Capital Regional District resolution duplicates the View Royal resolution, it will be in the Resolutions book but not debated.

Therefore, staff have drafted a resolution specifically for submission to FCM (see recommendation above).

The specific Federal Minister and Members of Parliament to whom the resolution could be sent are the Minister of Finance William Morneau and MPs Sheila Malcolmson and Gord Johns.

### **ALTERNATIVES**

1. That the Board adopt the resolution as presented for submission to FCM and to provide to the Federal Minister of Finance and MPs Sheila Malcolmson and Gord Johns.
2. That the Board amend the resolution prior to adoption and/or amend the list of recipients.
3. That the Board provide alternate direction.

### **FINANCIAL IMPLICATIONS**

There are no financial implications to the adoption of the recommendations. However, under the Federal Government's proposal, it would be necessary to increase remuneration to local government elected officials to ensure no decrease in overall compensation.

### **STRATEGIC PLAN IMPLICATIONS**

Submitting the resolution to FCM supports the Strategic Priority to deliver efficient, effective and economically viable services that meet the needs of the Region.



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J.E. Harrison  
jharrison@rdn.bc.ca  
August 10, 2017

Reviewed by:

- P. Carlyle, Chief Administrative Officer

Attachments

1. View Royal and Capital Regional District resolutions

## Attachment 1

### **2017-B94 2017 Federal Budget – Proposed Removal of One-third Non-taxable Expense Allowance** **Sponsor: View Royal**

Whereas the 2017 federal budget proposes to remove the tax exemptions beginning in 2019 for the 1/3 non-accountable expense allowances paid to members of provincial and territorial legislative assemblies and to certain municipal office-holders, including mayors, councillors, directors and alternate directors;

And whereas the impact of this change is that the full amount of remuneration will now be subject to income taxes and Canada Pension Plan (CPP) contributions and, resultantly, may be considered a disincentive to the holding of public office:

Therefore be it resolved that UBCM urge the federal government to abandon its proposal to tax the 1/3 non-accountable expense allowances paid to members of provincial and territorial legislative assemblies and to certain municipal office-holders.

*Not presented to Association of Vancouver Island & Coastal Communities*

*Resolutions Committee recommendation: **No Recommendation***

*Resolutions Committee comments:*

*The Resolutions Committee advises that the UBCM membership has not previously considered a resolution requesting that the federal government cease pursuing a proposal to tax the 1/3 non-accountable expense allowances paid to members of provincial and territorial legislative assemblies, and certain municipal office-holders.*

*See also resolution C3.*

### **2017-C3 Federal Budget Impact on Tax Exemptions** **Sponsor: Capital RD**

Whereas proposed measures announced during the 2017 Federal Budget would remove the tax exemptions for the 1/3 non-accountable expense allowances paid to members of provincial and territorial legislative assemblies and to certain municipal office-holders;

And whereas no consultation with elected officials was conducted prior to the announcement;

And whereas impacts to public service compensation could discourage youth from seeking elected office:

Therefore be it resolved that UBCM urge the Province of British Columbia to lobby the federal government and reverse this direction.

*Not presented to Association of Vancouver Island & Coastal Communities*

*Resolutions Committee recommendation: **Refer to Similar Resolution***

*Resolutions Committee comments:*

*Refer to resolution B94.*

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**TO:** Regional District of Nanaimo Board      **MEETING:** August 22, 2017  
**FROM:** Wendy Idema  
Director of Finance      **FILE:** 1855-04-COWO  
**SUBJECT:** Fall 2017 Community Works Funded Projects Update

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### **RECOMMENDATIONS**

1. That the Community Works Funds program project list included in Attachment 1 be approved and that staff be authorized to continue work on the projects as needed.

### **SUMMARY**

This report updates the status of previously approved Community Works Fund (CWF) projects and requests approval of additional projects. Attachment 1 provides a list of current CWF funded projects by area, Attachment 2 is a list of future projects that are currently being discussed and Attachment 3 provides a list of eligible project categories.

### **BACKGROUND**

The renewed Gas Tax Agreement (GTA) between Canada, British Columbia and UBCM, and the 2014-2024 CWF agreement between the RDN and UBCM took effect April 1, 2014. Under these agreements, local governments receive annual transfers which may be used for local priorities to improve public infrastructure. In 2017, based on per capita amount for the electoral area population, \$1,699,137 before interest is expected for the RDN.

Each municipality within the Regional District receives funds separately. The CWF program is separate from the application based Strategic Priorities Fund which provides funding for projects that are larger in scale, regional in impact, or innovative in nature.

The projects listed in Attachment 3 include the development of community water and sewer systems, walking/cycling trails, recreation infrastructure, building upgrades and the implementation of official community plan initiatives.

Some of the projects include a transfer of funding to a First Nation, a local government or to a not-for-profit association. In those cases, agreements are completed with the recipients to ensure compliance with all of the Gas Tax Program criteria and reporting requirements. Costs such as land purchases, legal costs and operating/administrative costs remain ineligible for funding under the gas tax funding program. There is an expectation under the program that the ultimate recipients (local governments and other eligible entities) are required to “work to strengthen” asset management during the term of the agreement.

**ALTERNATIVES**

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

**FINANCIAL IMPLICATIONS**

Alternative 1

In 2017, the RDN will receive \$1,676,566 in base funding plus an additional \$22,571 legacy payment from the Federal Government totalling \$1,699,137 in CWF funding before interest. The Board previously decided that base funding of \$50,000 is allocated to cross-area projects and the remaining \$1,649,137 is allocated to electoral areas on a per capita basis. Allocations are based on 2016 census data.

The following table sets out estimated balances available by area. However, the 2017 final costs are pending and several of the project amounts are estimated at this time. This information will continue to be updated.

	<b>Dec 31, 2016 Closing Balance</b>	<b>2017 Allocation</b>	<b>2017 Projected Spending</b>	<b>Estimated Remainder Available</b>
Base funding	\$96,800	\$50,000	\$20,000	\$126,800
Electoral Area A	\$1,699,497	\$320,072	\$326,275	\$1,693,294
Electoral Area B	\$940,046	\$165,727	\$283,178	\$822,595
Electoral Area C	\$749,832	\$115,389	\$30,000	\$835,221
Electoral Area E	\$724,459	\$261,145	\$559,245	\$426,358
Electoral Area F	\$1,696,406	\$317,401	\$661,964	\$1,351,843
Electoral Area G	\$1,581,316	\$306,758	\$149,508	\$1,738,566
Electoral Area H	\$608,968	\$162,645	\$308,013	\$463,601
<b>Total</b>	<b>\$8,097,324</b>	<b>\$1,699,137</b>	<b>\$2,338,183</b>	<b>\$7,458,278</b>

Under this alternative, \$4,587,645 will be used for the projects in Attachment 1. Of the \$4,587,645, \$2,338,138 is projected for 2017 spending. Use of Community Works Funds allows for the funding of projects which would not otherwise be feasible without significant tax increases.

The use of Community Works Funds can be authorized at any time during the year. Should the Board identify new projects to be incorporated into workplans, the project can be authorized to proceed at that time.



Alternative 2

The financial implications of alternative 2 would be dependent on the amended plan.

**STRATEGIC PLAN IMPLICATIONS**

The use of CWF funds to support capital and asset planning projects is strongly supported by the 2016 to 2020 Strategic Plan Focus Areas for Economic Health, Environment, Relationships and Service and Organizational Excellence. The funds are used to support volunteer organizations, improve water and wastewater infrastructure, provide recreation and park facilities and move towards a strong long-term community asset planning focus for the Regional District.



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W. Idema (widema@rdn.bc.ca)  
July 28, 2017

Reviewed by:

- P. Carlyle, Chief Administrative Officer

Attachments

1. Community Works Projects Completed, Underway or Planned
2. Potential Community Works Projects
3. Community Works Funds Eligible Project Categories

**ATTACHMENT 1  
COMMUNITY WORKS PROJECTS COMPLETED, UNDERWAY or PLANNED**

ELECTORAL AREA A Projects		Previously Approved	For Current Approval	Description
Snuneymuxw First Nations Sport Court – EA A	\$300,000 budget	\$300,000	\$0	Capital funding agreement for sport court upgrades, agreement completed
Morden Colliery Bridge & Trail Design – EA A	\$80,000 budget \$17,875 carried to 2017	\$80,000	\$0	Community consultation & development of detailed design plan and costing, pending ALC review
Well assessments – EA A	\$8,400 budget	\$0	\$8,400	Preliminary well infrastructure assessments
<b>ELECTORAL AREA B</b>				
Gabriola Village Trail Design Phase – EA B	\$109,400 budget \$9,400 carried to 2017	\$100,000	\$9,400	Development of detailed design plan incorporating surveys, environmental studies, landowner, community and MoTI consultation
Gabriola Island Recycling Centre – EA B	\$25,000 budget	\$25,000	\$0	Roof replacement funding
Gabriola Island Skatepark Design	\$12,500 budget		\$12,500	Preliminary design for skatepark
Huxley Park Recreation Infrastructure – EA B	\$167,500 preliminary estimate	\$70,000	\$97,500 preliminary estimate	Sport Court & Playground upgrades based on construction tender amounts
Gabriola Island Whalebone area parks infrastructure	\$25,000 budget	\$0	\$25,000	Upgrades to beach access stairs
Gabriola Island Community Hall Upgrades – EA B	\$17,500 budget	\$17,500	\$0	Funding agreement with Community Hall Association, 2017 project
Gabriola Golf Club Capital Equipment – EA B	\$28,500	\$28,500	\$0	Funding agreement with Golf Club for capital equipment funding

ELECTORAL AREA C				
EA C Water Services Planning	\$30,000 budget	\$0	\$30,000	Initial infrastructure plan for area water
ELECTORAL AREA E				
Oakleaf Community Park – EA E	\$30,000 budget, \$10,000 carried to 2017	\$30,000	\$0	Park and trail infrastructure upgrades
Nanoose Bay Water Quality/Quantity Monitoring – EA E	\$330,000 budget, \$142,800 spent to 2016	\$330,000	\$0	Development & capital infrastructure for well monitoring program over 2015 - 2018
Urban Interface Firefighting Water Storage Tanks – EA E	\$235,000 budget	\$235,000	\$0	Installation of infrastructure for water storage in urban interface areas
Nanoose Place Capital Upgrades – EA E	\$215,000 budget, \$120,000 carried to 2017	\$215,000	\$0	Agreement with Nanoose Bay Activities & Recreation Society for HVAC and other building upgrades
Nanoose Bay Peninsula Water Service Pump Station – EA E	\$600,000 budget	\$600,000	\$0	Contribution to \$1.8 million capital project over 2016-2018
Nanoose Bay Fire Hall HVAC optimization – EA E	\$10,000 budget	\$9,000	\$1,000	Programming and capital improvements to optimize system & energy savings
Jack Bagley Field Improvements	\$10,000 budget	\$10,000	\$0	Field and facility upgrades

ELECTORAL AREA F				
Westurne Heights Water System Upgrades – EA F	\$40,000 budget	\$40,000	\$0	Engineering & construction of upgrades to water system taken over by RDN to meet VIHA requirements
Whiskey Creek Water System Upgrades – EA F	\$450,000 budget \$424,000 carried to 2017	\$450,000	\$0	Engineering and construction of treatment facility for Whiskey Creek Water System in response to order from Island Health
Meadowood Community Rec Centre – EA F	\$700,000 preliminary budget	\$700,000 preliminary budget	\$0	Pending final site selection, design and costing
Arrowsmith Community Trails – EA F	\$25,000 budget	\$25,000	\$0	Carrothers Road trail development/upgrades
E&N Rail Trail contribution – EA F	\$400,000 budget	\$400,000	\$0	Contribution to French Creek to Coombs trail development project. Project is completing under budget and actual amount will be lower.
ELECTORAL AREA G		Previously Approved	For Current Approval	Description
E&N Rail Trail contribution – EA G	\$125,000 budget	\$125,000	\$0	Contribution to French Creek to Coombs trail development project. Project is completing under budget and actual amount will be lower.
Water Service Infrastructure Planning – EA G	\$50,000 budget	\$50,000	\$0	EPCOR water system purchase review
San Pareil Water Service expansion – EA G	\$25,000 budget	\$25,000	\$0	Engineering review for system expansion
Surfside Water Upgrades – EA G	\$10,000 budget	\$10,000	\$0	Well system improvements
ELECTORAL AREA H				
Spider Lake Broadband – EA H	\$86,000 budget	\$86,000	\$0	Partnering project underway with Telus to expand coverage
Tulnuxkw Lelum Bowser Cultural Learning Space	\$30,000 budget	\$30,000	\$0	Agreement with Bowser Elementary School PAC for capital funding

ELECTORAL AREA H				
OCP Review Plans – EA H	\$75,000 budget	\$75,000	\$0	Active Transportation Plan & ALR Boundary Scoping (\$30,000 each largely complete 2016), Archeological Overview Assessment (\$15,000 underway)
Bowser Sewer Servicing Design – EA H	\$30,000 budget	\$15,000	\$15,000	Contribution to comprehensive design & costing project
Bowser Sewer Servicing Phase 2 – EA H	\$140,000 budget	\$0	\$140,000	Outfall design, service area review, community reviews
Lighthouse Community Centre Upgrades – EA H	\$89,645 spent, project complete	\$85,000	\$4,645	Agreement with Lighthouse Community Centre for upgrade funding
Bowser Legion Capital Upgrades – EA H	\$58,200 spent, project complete	\$58,200	\$0	Agreement with Ladies Auxiliary of Bowser Legion for upgrade funding
<b>ALL ELECTORAL AREAS</b>				
Green Building Best Practices Guidebook Series – all EAs	\$20,000 budget	\$20,000	\$0	Continue to review and develop compendium of guidebooks. 2017 = Onsite Grey Water Reuse – pending Provincial guidance being completed
<b>TOTAL BUDGET All Projects</b>	<b>\$4,587,645</b>	<b>\$4,244,200</b>	<b>\$343,445</b>	

**ATTACHMENT 2  
POTENTIAL COMMUNITY WORKS PROJECTS**

	Budget	Previously Approved	For Current Approval	Description
Gabriola Cycling Plan – EA B	\$50,000 budget	\$50,000	\$0	Plan design
Gabriola Village Trail Construction Phase – EA B <sup>1</sup>	\$TBD	\$0	\$TBD	To be brought forward to the Board for approval pending MoTI agreements.
Errington Community Park Playground – EA F	\$150,000	\$150,000	\$0	Capital upgrades and equipment purchase
French Creek Community Path & Trail – EA G <sup>1</sup>	\$100,000	\$100,000	\$0	Detailed design plans incorporating surveys, environmental studies, landowner, community and MoTI consultation
Deep Bay to Shaw Hill Roadside Trail – EA H <sup>1</sup>	\$TBD	\$TBD	\$0	Project in conjunction with MOTI

Note 1: Work related to community trails planning projects will be combined where possible to obtain efficiencies and may require phasing depending on MoTI staff availability. Survey costs may be significant in some areas depending on information available and obstacles encountered (such as driveways). Type of trail and level of accessibility would be decided through the design process.

**ATTACHMENT 3**  
**COMMUNITY WORKS FUNDS ELIGIBLE PROJECT CATEGORIES**

- **Capacity building** – includes investments related to strengthening the ability of Local Governments to develop long-term planning practices. Under the capacity building category, items related to asset management have been added such as long-term infrastructure plans, studies, strategies, or systems related to asset management and training directly related to asset management planning.
- **Local roads, bridges** – roads, bridges and active transportation infrastructure (active transportation refers to investments that support active methods of travel. This can include: cycling lanes and paths, sidewalks, hiking and walking trails).
- **Highways** – highway infrastructure.
- **Short-sea shipping** – infrastructure related to the movement of cargo and passengers around the coast and on inland waterways, without directly crossing an ocean.
- **Short-line rail** – railway related infrastructure for carriage of passengers or freight.
- **Regional and local airports** – airport-related infrastructure (excludes the National Airport System).
- **Broadband connectivity** – infrastructure that provides internet access to residents, businesses, and/or institutions in Canadian communities.
- **Public transit** – infrastructure that supports a shared passenger transport system that is available for public use.
- **Drinking water** – infrastructure that supports drinking water conservation, collection, treatment and distribution systems.
- **Wastewater** – infrastructure that supports wastewater and storm water collection, treatment and management systems.
- **Solid waste** – infrastructure that supports solid waste management systems including the collection, diversion and disposal of recyclables, compostable materials and garbage.
- **Community energy systems** – infrastructure that generates or increases the efficient usage of energy.
- **Brownfield Redevelopment** – remediation or decontamination and redevelopment of a brownfield site within Local Government boundaries, where the redevelopment includes:
  - the construction of public infrastructure as identified in the context of any other eligible project category under the GTF, and/or;
  - the construction of Local Government public parks and publicly-owned social housing.
- **Sport Infrastructure** – amateur sport infrastructure (excludes facilities, including arenas, which would be used as the home of professional sports teams or major junior hockey teams (e.g. Western Hockey League)).
- **Recreational infrastructure** – recreational facilities or networks.
- **Cultural infrastructure** – infrastructure that supports arts, humanities, and heritage.
- **Tourism infrastructure** – infrastructure that attracts travelers for recreation, leisure, business or other purposes.
- **Disaster mitigation** – infrastructure that reduces or eliminates long-term impacts and risks associated with natural disasters. Limited to projects/costs that are for mitigation, not response related infrastructure.

Source: Schedule B – Eligible Project Categories from 2014-2024 Community Works Fund Agreement between the RDN and Union of BC Municipalities dated July 14, 2014

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**TO:** Regional District of Nanaimo Board                      **MEETING:** August 22, 2017

**FROM:** Tyler Brown    **FILE:** PL2017-089  
Intergovernmental Liaison

**SUBJECT: Zoning Amendment – File No. PL2017-089  
Electoral Area ‘A’, ‘C’, ‘E’, ‘G’ and ‘H’  
Amendment Bylaw 500.410, 2017 – Third Reading  
Amendment Bylaw 500.411, 2017 – Third Reading**

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**RECOMMENDATIONS**

1. That the Board give third reading to “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.410, 2017”.
2. That the Board give third reading to “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.411, 2017”.

**SUMMARY**

The modernization of “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500, 1987” (Bylaw 500) through targeted amendments is identified in the Regional District of Nanaimo 2017 Operational Plan as an action to support the RDN 2016-2020 Strategic Plan’s focus on service and organizational excellence. Minor amendments to Bylaw 500 have been identified that would have an immediate impact on reducing the need for height and setback variances.

The Board at its July 25, 2017 gave first and second reading to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.410, 2017” (Bylaw 500.410) and “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.411, 2017” (Bylaw 500.411), and waived the requirement to hold a public hearing in accordance with Section 464(2) of the *Local Government Act*. Notification of the Board’s intent to consider third reading of the Amendment Bylaw on August 22, 2017, has been completed pursuant to Section 467 of the *Local Government Act*. As the notification requirements of the *Local Government Act* have been satisfied, it is recommended that Bylaw 500.410 and Bylaw 500.411 be given third reading.

**BACKGROUND**

The Regional District of Nanaimo (RDN) 2017 Operational Plan identifies specific action item SCD-8-2017 to modernize “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500, 1987” through targeted amendments. This is a key action item for Community Planning in 2017 as Bylaw 500 was adopted in 1987 and due to its age, it is not consistent with contemporary best practices in regulating land use and the siting, size and dimensions of buildings and structures. Bylaw 500.410 and



Bylaw 500.411 would introduce contemporary regulations for the siting, size and dimensions of buildings with regard to sea-level rise and hazard planning, green building technology advancements, the increasing complexity of building regulations, the evolution of professional standards and the market demand for more architecturally complex building types. The proposed bylaw amendment to height addresses typical building challenges experienced by residential homeowners and builders developing in flood prone areas, while the proposed bylaw amendment to setbacks in residential zones balances modern Building Code requirements with contemporary building design and adopts an approach that is more consistent with other jurisdictions.

### ***Procedural Considerations***

If a local government waives the holding of a public hearing under the *Local Government Act*, it must give notice of its intent to consider third reading of the bylaw in accordance with Section 467 of the Act. In order to meet the statutory notification requirements for the amendment bylaws, notification of the Board's intent to consider third reading of the amendment bylaws at the regular Board meeting on August 22, 2017, was published in the August 15 and 17, 2017 editions of the Nanaimo News Bulletin and Parksville-Qualicum Beach News. As the public hearing was waived, any delegations wishing to speak to Bylaw 500.410 or Bylaw 500.411 must limit comments to matters related to the consistency of the bylaws with the Official Community Plan and the waiver of the public hearing. Delegations wishing to speak to other aspects of Bylaw 500.410, or Bylaw 500.411 should not be permitted.

### **ALTERNATIVES**

1. To give third reading to "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.410, 2017" and "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.411, 2017".
2. To not give third reading to "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.410, 2017" and "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.411, 2017".



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Tyler Brown  
[tbrown@rdn.bc.ca](mailto:tbrown@rdn.bc.ca)  
August 3, 2017

### Reviewed by:

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

### Attachments

1. Proposed Amendment Bylaw No. 500.410, 2017
2. Proposed Amendment Bylaw No. 500.411, 2017

**REGIONAL DISTRICT OF NANAIMO  
BYLAW NO. 500.410**

**A Bylaw to Amend Regional District of Nanaimo  
Land Use and Subdivision Bylaw No. 500, 1987**

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

- A. This Bylaw may be cited as “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.410, 2017”.
- B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:
  - 1. Under **PART 2, INTERPRETATION, DEFINITIONS** by replacing the definition of “height” with the following:

**“height** means the elevation of a point directly below:

- a) that part of the building or structure being measured above land (or the surface of water at high water), and;
- b)
  - I. on a line connecting the two intersections of the natural grade and the outermost exterior building walls or supports as indicated on a plan showing any complete vertical section of that part of the building or structure being measured; or
  - II. where a building is required to meet the minimum Flood Construction Level, that part of the building being measured above the Flood Construction Level as prescribed in the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006”;

Introduced and read two times this 25th day of July 2017.

Public Hearing waived in accordance with the *Local Government Act* this 25th day of July, 2017.

Read a third time this \_\_\_ day of \_\_\_\_\_ 20XX.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this \_\_\_ day of \_\_\_\_\_ 20XX.

Adopted this \_\_\_ day of \_\_\_\_\_ 20XX.

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Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO  
BYLAW NO. 500.411**

**A Bylaw to Amend Regional District of Nanaimo  
Land Use and Subdivision Bylaw No. 500, 1987**

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

A. This Bylaw may be cited as “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.411, 2017”.

B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:

1. Under **PART 2, INTERPRETATION, DEFINITIONS** by adding the following definitions in alphabetical order:

**“bay window** means a projection from the wall of a building that contains a window or a series of windows, is cantilevered and may result in the projection of the adjacent floor structure;

**deck** means an open, unroofed platform with or without railings or parapets and supported by columns, foundations, walls or ground;

**eaves** means the part of a roof that meets or overhangs the walls of a building or structure;

**hutch** means a projection from the wall of a building that does not contain a window, is cantilevered and results in the projection of the adjacent floor structure;

**landing** means an open, unroofed platform or portion thereof with or without railings or parapets at the foot or head of a flight of stairs or between flights of stairs provided that it:

a) is used for pedestrian access or egress to a building; and

b) has a maximum area equal to the width of the stairs squared;”

2. Under **PART 3, LAND USE REGULATIONS, Section 3.3 General Regulations** by adding the following subsection after 3.3.10 c):

d) Projections into Required Setbacks

i) In RS1, RS1.1, RS1.2, RS2, RS2.1, RS2.2, RS3, RS4, and RS5 zones, decks, stairs, landings and wheel chair ramps less than 0.6 metres above finished grade immediately adjacent to a building may be located up to 0.6 metres from an interior side lot line and 1.5 metres from a rear lot line.

ii) The following table outlines features which may project into the front, rear, interior side or exterior side lot line setback as specified:

Feature	Zone	Permitted Projection into Required Setbacks			
		Front	Rear	Interior Side	Exterior Side
<b>Hutches, canopies, chimneys, cornices, eaves, gutters, leaders, ornamental features, pilasters, sills, sunshades</b>	RS1	1.75 m	0.6 m	0.6 m	1.75 m
	RS1.1	Not permitted		0.6 m	
	RS1.2	Not permitted		Not permitted	
	RS2	1.75 m		0.6 m	
	RS2.1	1.75 m		0.6 m	
	RS2.2	1.75 m		Not permitted	
	RS3	1.75 m		0.6 m	
	RS4	1.75 m		0.6 m	
	RS5	1.75 m		0.6 m	
<b>Footings below finished grade</b>	RS1	0.5 m	0.5 m	0.5 m	0.5 m
	RS1.1				
	RS1.2				
	RS2				
	RS2.1				
	RS2.2				
	RS3				
	RS4				
RS5					
<b>Bay window</b>	RS1	1.75 m	Not permitted	Not permitted	Not permitted
	RS1.1	Not permitted			
	RS1.2	Not permitted			
	RS2	1.75 m			
	RS2.1	1.75 m			
	RS2.2	1.75 m			
	RS3	1.75 m			
	RS4	1.75 m			
RS5	1.75 m				

- iii) For certainty, a projection into a required setback must not obstruct the sight triangle as specified in Section 3.3.7.
- iv) For certainty, where a lot line is referenced as other and meets the definition of front, rear, interior side or exterior side lot line, the corresponding permitted projection of this section applies.

Introduced and read two times this 25th day of July 2017.

Public Hearing waived in accordance with the *Local Government Act* this 25th day of July, 2017.

Read a third time this \_\_\_ day of \_\_\_\_\_ 20XX.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this \_\_\_ day of \_\_\_\_\_ 20XX.

Adopted this \_\_\_ day of \_\_\_\_\_ 20XX.

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Chair

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Corporate Officer

**TO:** Regional District of Nanaimo Board                      **MEETING:** August 22, 2017

**FROM:** Greg Keller  
Senior Planner    **FILE:** PL2016-110

**SUBJECT:** **Zoning Amendment Application No. PL2016-110**  
**1682 Cedar Road – Electoral Area ‘A’**  
**Amendment Bylaw No. 500.408, 2017 – Adoption**  
**Parcel A (Being a Consolidation of Lots 3 and 4, See CA6132805) Section 16, Range 8,**  
**Cranberry District, Plan 2049**

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**RECOMMENDATION**

That the Board adopt Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.408, 2017.

**SUMMARY/CONCLUSIONS**

The proposed Amendment Bylaw No. 500.408 would rezone the subject property from Commercial 2 (CM2) to Commercial 2.1 (CM2.1) in order to permit automotive repair and accessory vehicle sales. The Amendment Bylaw was introduced and read two times on March 28, 2017. The Public Hearing was waived in accordance with Section 467 of the *Local Government Act* and the Amendment Bylaw received third reading on April 25, 2017. Given that the applicant has completed the conditions of approval, staff recommends that the Board adopt Amendment Bylaw No. 500.408, 2017.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Anderson Greenplan Ltd. on behalf of Daniel Kern and Michelle Walders to rezone the subject properties in order to permit automotive repair and accessory vehicle sales. Amendment Bylaw No. 500.408 was introduced and given first and second reading on March 28, 2017 (see Attachment 1). The Public Hearing was waived in accordance with Section 467 of the *Local Government Act* and the Amendment Bylaw received third reading on April 25, 2017.

As a condition of rezoning approval, and prior to the adoption of the Bylaw, the applicant was required to complete the following:

- To consolidate Lots 3 and 4, Section 16, Range 8, Cranberry District, Plan 2049.

- To obtain all necessary permits from the Ministry of Transportation and Infrastructure for the proposed works within the Cedar Road right-of-way and the unconstructed right-of-way.

The applicant has satisfied the conditions of approval. As such, the Bylaw is presented to the Board for consideration for adoption.

#### **ALTERNATIVES**

1. To adopt Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.408, 2017.
2. To not adopt Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.408, 2017.



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Greg Keller  
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July 20, 2017

#### Reviewed by:

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

#### Attachments

1. Proposed Amendment Bylaw No. 500.408, 2017



Attachment 1

**REGIONAL DISTRICT OF NANAIMO  
BYLAW NO. 500.408**

**A Bylaw to Amend Regional District of Nanaimo  
Land Use and Subdivision Bylaw No. 500, 1987**

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

- A. This Bylaw may be cited as “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.408, 2017”.
- B. “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:
  1. Under **PART 2 INTERPRETATION, Section 2.1 Definitions** by adding the following definition after asphalt batch plant:

***automotive repair*** means an establishment which provides mechanical repairs and routine maintenance services to vehicles and vehicle parts within a building.
  2. Under **PART 2 INTERPRETATION, Section 2.1 Definitions** by adding the following definition after vehicle:

***vehicle sales*** means the use of land or buildings for the sale of vehicles.
  3. Under **PART 3 LAND USE REGULATIONS, Section 3.1 Zones** by adding the following zoning classification and corresponding short title after Commercial 2 Zone:

Commercial 2.1 (CM2.1)
  4. By adding Section 3.4.12.1 Commercial 2.1 (CM2.1)

as shown on Schedule ‘1’ which is attached to and forms part of this Bylaw.
  5. By rezoning the lands shown on the attached Schedule ‘2’ and legally described as

Lot 3, Section 16, Range 8, Cranberry District, Plan 2049 and  
Lot 4, Section 16, Range 8, Cranberry District, Plan 2049

from Commercial 2 to Commercial 2.1

6. Under **SCHEDULE 3B – OFF STREET PARKING & LOADING SPACES** by adding the following use and required parking spaces to the Commercial use section after Agri-tourism Accommodation

<b>Use</b>	<b>Required Parking Spaces</b>
Automotive Repair	1 per 70 m <sup>2</sup> gross floor area plus 1 per service bay

Introduced and read two times this 28th day of March, 2017.

Public Hearing waived in accordance with Section 464(2) of the *Local Government Act*.

Read a third time this 25th day of April, 2017.

Adopted this \_\_\_ day of \_\_\_\_\_ 20XX.

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Chair

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Corporate Officer

\_\_\_\_\_  
Chairperson

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

**Schedule '1'**

Section 3.4.12.1

**COMMERCIAL 2.1**

**CM2.1**

**Permitted Uses and Minimum Site Area**

Required Site Area with:

<b>Permitted Uses</b>	<b>Community Water &amp; Sewer System</b>	<b>Community Water System</b>	<b>No Community Services</b>
a) Funeral Parlour	2000 m <sup>2</sup>	4000 m <sup>2</sup>	6000 m <sup>2</sup>
b) Gas Bar	1000 m <sup>2</sup>	1600 m <sup>2</sup>	2000 m <sup>2</sup>
c) Nursery	4000 m <sup>2</sup>	5000 m <sup>2</sup>	8000 m <sup>2</sup>
d) Office	500 m <sup>2</sup>	1000 m <sup>2</sup>	1500 m <sup>2</sup>
e) Personal Service Use	800 m <sup>2</sup>	1600 m <sup>2</sup>	2400 m <sup>2</sup>
f) Recreation Facility	4000 m <sup>2</sup>	5000 m <sup>2</sup>	8000 m <sup>2</sup>
g) Restaurant	2000 m <sup>2</sup>	4000 m <sup>2</sup>	6000 m <sup>2</sup>
h) Retail Store	1000 m <sup>2</sup>	1600 m <sup>2</sup>	2000 m <sup>2</sup>
i) Automotive Repair	1000 m <sup>2</sup>	1600 m <sup>2</sup>	2000 m <sup>2</sup>

**Accessory Uses**

a) Residential Use	n/a	n/a	n/a
b) Vehicle Sales	n/a	n/a	n/a

**Maximum Number and Size of Buildings and Structures**

Dwelling units/parcel	1
Floor area ratio	0.75
Height	11.0 m
Parcel coverage	50%

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**Minimum Setback Requirements**

Front and Other lot lines                      4.5 m

except where:

- a) in the case of unenclosed covered entryways, roof overhangs, and canopies the Front and Other lot lines may be reduced to 2.0 metres;
  - b) the adjoining parcel is zoned industrial or commercial then the setback from the common interior side lot line may be reduced to zero;
  - c) any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.3.8 shall apply.
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**Other Regulations**

For the purpose of this zone:

- a)        Vehicle sales:
  - i           shall be limited to a maximum of two vehicles for sale on a parcel at any one time;
  - ii          shall not be located within the minimum setback requirements of this zone; and,
  - iii         shall require a minimum of 1 additional off-street parking space.
  
- b)        Despite any other regulation in this bylaw, parking and loading spaces:
  - i.         shall be permitted within the applicable minimum setback requirements;
  - ii.        despite (i.) above, shall not be located within the minimum setback requirement adjacent to Cedar Road or within the minimum setback requirement adjacent to any parcel which is zoned residential.



**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1762**

**A BYLAW TO AUTHORIZE THE ENTERING INTO OF AN  
AGREEMENT RESPECTING FINANCING BETWEEN THE  
REGIONAL DISTRICT OF NANAIMO (THE "REGIONAL  
DISTRICT") AND THE MUNICIPAL FINANCE AUTHORITY  
OF BRITISH COLUMBIA (THE "AUTHORITY")**

WHEREAS the Authority may provide financing of capital requirements for regional districts and for their member municipalities by the issue of debentures, or other evidence of indebtedness of the Authority and lending the proceeds therefrom to the Regional District on whose request the financing is undertaken;

AND WHEREAS, pursuant to the provisions of Section 411 of the *Local Government Act*, the amount of borrowing authorized by the following Loan Authorization Bylaw, the amount already borrowed under the authority thereof, the amount of authorization to borrow remaining thereunder and the amount being issued under the authority thereof by this bylaw is as follows:

<b>Regional District</b>	<b>L/A Bylaw No.</b>	<b>Purpose</b>	<b>Amount Borrowing Authorized</b>	<b>Amount Already Borrowed</b>	<b>Borrowing Authority Remaining</b>	<b>Term of Issue (Yrs.)</b>	<b>Amount of Issue</b>
Nanaimo	1756	Southern Community Sewer Local Service Secondary Treatment Capital Improvements	\$48,000,000	Nil	\$48,000,000	20	\$15,000,000

Total Financing pursuant to Section 411

\$15,000,000

AND WHEREAS the Regional Board, by this bylaw, hereby requests that such financing shall be undertaken through the Authority;

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

1. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Nanaimo Regional District and its municipalities hereinbefore referred to, in Canadian Dollars or in such other currency or currencies as the Authority shall determine so that the amount realized does not exceed Fifteen Million Dollars (\$15,000,000) in Canadian Dollars and/or the equivalent thereto and at such interest and with such discounts or premiums and expenses as the Authority may deem consistent with the suitability of the money market for sale of securities of the Authority.
2. Upon completion by the Authority of financing undertaken pursuant hereto, the Chair and Director of Finance of the Regional District, on behalf of the Regional District and under its seal shall, at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements which said agreement or agreements shall be substantially in the form annexed hereto as Schedule 'A' and made part of this bylaw (such agreement or agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
3. The Agreement in the form of Schedule 'A' shall be dated and payable in the principal amount or amounts of money in Canadian Dollars or as the Authority shall determine and subject to the *Local Government Act*, in such other currency or currencies as shall be borrowed by the Authority pursuant to Section 1 and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
4. The obligations incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority and shall bear interest at a rate to be determined by the Treasurer of the Authority.
5. The Agreement shall be sealed with the seal of the Regional District and shall bear the signatures of the Chair and Director of Finance.
6. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
7. If during the currency of the obligations incurred under the said Agreement to secure borrowings in respect of Southern Community Sewer Local Service Secondary Treatment Capital Improvements Loan Authorization Bylaw No. 1756, the anticipated revenues accruing to the Regional District from the operation of the said Southern Community Sewer Local Service are at any time insufficient to meet the annual payment of interest and the repayment of principal in any year, there shall be requisitioned an amount sufficient to meet such insufficiency.

8. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided however that if the sums provided for in the Agreement are not sufficient to meet the obligations of the Authority, and deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional District shall make provision to discharge such liability.
9. At the request of the Treasurer of the Authority and pursuant to Section 15 of the *Municipal Finance Authority Act*, the Regional District shall pay over to the Authority such sums and execute and deliver such promissory notes as are required pursuant to said Section 15 of the *Municipal Finance Authority Act*, to form part of the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.
10. This bylaw may be cited as "Southern Community Sewer Local Service Secondary Treatment Capital Improvements Security Issuing Bylaw No. 1762, 2017".

Introduced and read three times this 25th day of July, 2017.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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CHAIR

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CORPORATE OFFICER



Schedule 'A' to accompany "Southern  
Community Sewer Local Service Secondary  
Treatment Capital Improvements Security  
Issuing Bylaw No. 1762, 2017".

\_\_\_\_\_  
Chair

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

C A N A D A  
PROVINCE OF BRITISH COLUMBIA

AGREEMENT  
REGIONAL DISTRICT OF NANAIMO

The Regional District of Nanaimo (the "Regional District") hereby promises to pay to the Municipal Finance Authority of British Columbia (the "Authority") at its Head Office in Victoria, British Columbia, the sum of \_\_\_\_\_ in lawful money of Canada, together with interest thereon from the \_\_\_\_\_, at varying rates of interest, calculated semi-annually in each and every year during the currency of this Agreement; and payments of principal and interest shall be as specified in the table appearing on the reverse hereof commencing on the \_\_\_\_\_, provided that in the event the payments of principal and interest hereunder are insufficient to satisfy the obligations of the Authority undertaken on behalf of the Regional District, the Regional District shall pay over to the Authority such further sums as are sufficient to discharge the obligations of the Regional District to the Authority.

Dated at \_\_\_\_\_ British Columbia, this \_\_\_\_ of \_\_\_\_\_, 20\_\_.

IN TESTIMONY WHEREOF and under the authority of Bylaw No. 1762 cited as "Southern Community Sewer Local Service Secondary Treatment Capital Improvements Security Issuing Bylaw No. 1762, 2017", this Agreement is sealed with the Corporate Seal of the Regional District and signed by the Chair and the Director of Finance thereof.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Director of Finance

Pursuant to the *Local Government Act*, I certify that the within Agreement has been lawfully and validly made and issued and that its validity is not open to question on any ground whatever in any court of the Province of British Columbia.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Inspector of Municipalities of British Columbia

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1763**

**A BYLAW TO AUTHORIZE TEMPORARY BORROWING  
OF MONEY PENDING THE ISSUANCE OF SECURITIES  
WHICH HAVE BEEN AUTHORIZED**

WHEREAS pursuant to Section 409 of the *Local Government Act* a regional district may, where it has adopted a loan authorization bylaw, borrow temporarily without further assents or approvals, from any person under the conditions therein set out;

AND WHEREAS by "Southern Community Sewer Local Service Secondary Treatment Capital Improvements Loan Authorization Bylaw No. 1756, 2017" ("Bylaw No. 1756"), the Board of the Regional District of Nanaimo was authorized to borrow upon the credit of the Regional District a sum not exceeding \$48,000,000.00 for the purpose of undertaking and carrying out the secondary treatment capital improvement and upgrades requirements to the sewage collection, treatment and disposal system of the Greater Nanaimo Pollution Control Centre;

AND WHEREAS the remaining authorized borrowing power under the said Bylaw No. 1756 stands at \$48,000,000.00;

AND WHEREAS the Board wishes to borrow temporarily before entering into long term debt;

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

1. The Board of the Regional District of Nanaimo is hereby authorized and empowered to borrow temporarily from any person or body corporate, sums not exceeding \$15,000,000.00 solely for the purposes specified in Bylaw No. 1756.
2. The form of obligations, to be given to the lender in acknowledgement of the liability of the said Regional District Board shall be a promissory note, or notes, bearing the Corporate Seal of the Regional District of Nanaimo and signed by the Chair and Director of Finance of the Regional District.
3. The proceeds from the sale of debentures or so much thereof as may be necessary shall be used to repay the money so borrowed.
4. This bylaw may be cited as "Southern Community Sewer Local Service Secondary Treatment Capital Improvements Interim Financing Bylaw No. 1763, 2017".

Introduced and read three times this 25th day of July, 2017.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
CHAIR

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