

**AGENDA**  
REGULAR COMMITTEE OF THE WHOLE MEETING  
SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2014-AUG-18 AT 4:30 P.M.

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1. **CALL THE REGULAR COMMITTEE OF THE WHOLE MEETING TO ORDER:**

2. **INTRODUCTION OF LATE ITEMS:**

3. **ADOPTION OF AGENDA:**

4. **ADOPTION OF MINUTES:**

- (a) Minutes of the Regular Committee of the Whole Meeting held in the Shaw Auditorium, 80 Commercial Street, on Monday, 2014-JUN-16 at 4:30 p.m.

*Pg. 4-7*

5. **PRESENTATIONS:**

- (a) Mr. Larry Gardner, Manager of Solid Waste and Ms. Sharon Horsburgh, Senior Solid Waste Planner, Regional District of Nanaimo (RDN) to provide a presentation regarding the RDN Solid Waste Management Plan Review process and its current status.

6. **ADMINISTRATION:**

7. **CORPORATE SERVICES:**

- (a) **Development Cost Charge Review Process**

*Purpose: To receive Council direction on the review of Development Cost Charges.*

Staff Recommendation: That Council direct Staff to undertake a comprehensive Development Cost Charge review to be completed in 2015.

*Pg. 8-10*

- (b) **"Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.62, 2014"**

*Purpose: To obtain Council's consent to the adoption of "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.62, 2014".*

Staff Recommendation: That Council consent to the adoption of "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.62, 2014" and that the Regional District of Nanaimo be notified accordingly.

Pg. 11-16

(c) **Amendments to the Recognition and Appreciation of City Volunteers Policy**

*Purpose: To provide information regarding proposed amendments to the City's "Recognition and Appreciation of City Volunteers Policy".*

Staff Recommendation: That Council amend the "Recognition and Appreciation of City Volunteers Policy" by removing the reference to provision of alcoholic beverages and replacing it with wording to reflect that alcoholic refreshments will be available on a no-host basis; and, general housekeeping amendments as outlined in the Staff report.

Pg. 17-20

8. **COMMUNITY SERVICES:**

(a) **Sport Tourism**

Presentation:

1. Ms. Lesley Anderson, Executive Director of Destination Management, Tourism Nanaimo

*Purpose: Recent changes shifting sport tourism responsibilities from the City of Nanaimo's Parks, Recreation & Environment Department over to Tourism Nanaimo has resulted in a need for the clarification of roles to ensure that a collaborative approach to the bidding and hosting of events is maintained and improved.*

Staff Recommendation: That Council:

Pg. 21-30

1. approve the Sport Event Hosting Policy; and,
2. starting in 2015, transfer the \$20,000 annual grant fund budget to the Nanaimo Economic Development Corporation for Tourism Nanaimo to promote and administer the Sport Tourism Grant Program.

(b) **Investigation Summary of Tree Removal at 2589 Kenworth Road**

*Purpose: To summarize the findings of the investigation of the tree removal on the above noted property and provide background on the rationale for the enforcement measures as directed by Council at its Regular Meeting held 2014-JUN-09.*

Staff Recommendation: That Council receive for information the report pertaining to the investigation summary of the tree removal at 2589 Kenworth Road.

*Pg. 31-37*

9. **CORRESPONDENCE (not related to a Report to Council):**

10. **NOTICE OF MOTION:**

11. **OTHER BUSINESS:**

12. **DELEGATIONS (not related to a Report to Council): (10 MINUTES)**

- (a) Ms. Judy Schur, Ms. Julie MacTire, Mr. Leon Davis, SPCA, Dr. Ken Langelier, Island Veterinary, and Ms. Sue Hughes, Animal Control, requesting that the City address and implement a bylaw pertaining to dogs left in hot vehicles including a fine for that type of violation.

*Pg. 38-39*

13. **QUESTION PERIOD: (*Agenda Items Only*)**

14. **PROCEDURAL MOTION:**

15. **ADJOURNMENT:**

ACTING MAYOR:

COUNCILLOR ANDERSON	2014-JUL-28 – 2014-SEP-07
COUNCILLOR BRENNAN	2014-SEP-08 – 2014-OCT-19
COUNCILLOR MCKAY	2014-OCT-20 – 2014-NOV-30

**MINUTES**  
REGULAR COMMITTEE OF THE WHOLE MEETING  
SHAW AUDITORIUM, 80 COMMERCIAL STREET,  
MONDAY, 2014-JUN-16 AT 4:30 P.M.

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PRESENT: Mayor J. R. Ruttan, Chair

Members: Councillor G. Anderson  
Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. E. Greves  
Councillor D. K. Johnstone  
Councillor J. A. Kipp  
Councillor W. B. McKay  
Councillor J. F. K. Pattje

Staff: E. C. Swabey, City Manager  
T. M. Hickey, General Manager of Community Services  
I. Howat, General Manager of Corporate Services  
B. E. Clemens, Director of Finance  
G. Ferrero, Director of Information Technology & Legislative Services  
T. L. Hartley, Director of Human Resources & Organizational Planning  
T. P. Seward, Director of Social & Protective Services  
P. Cooper, Communications Manager  
S. Samborski, Senior Manager of Culture & Heritage  
C. Sholberg, Community / Heritage Planner  
C. Jackson, Manager of Legislative Services  
K. King, Recording Secretary

1. CALL THE OPEN MEETING TO ORDER:

The Regular Committee of the Whole Meeting was called to order at 4:31 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Delete Agenda Item 6 (a) – 2013 Annual Municipal Report
- (b) Agenda Item 8 (b) - 25 Victoria Road – Management of Community Performing Arts Centre – add Delegation from Mr. Jim Taylor
- (c) Add Agenda Item 12 (b) – Delegation from Ms. Janet Irvine re: cancellation of the broadcast of the Leadercast event at the Vancouver Island Conference Centre

3. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Regular Committee of the Whole Meeting held in the Shaw Auditorium, 80 Commercial Street, on Monday, 2014-MAY-05 at 4:30 p.m. be adopted as circulated. The motion carried unanimously.

5. COMMUNITY SERVICES:

(a) Sponsorship Policy for City of Nanaimo

It was moved and seconded that Council:

1. approve the development of a sponsorship policy for the City of Nanaimo;
2. support the creation of a six-member sub-committee drawn from the Culture and Heritage Commission and the Parks and Recreation Commission; and,
3. direct Staff to present a draft policy respectively to the Parks and Recreation Commission and Culture and Heritage Commission for feedback and recommendations prior to bringing forward to Council; and,
4. add a seventh member to the subcommittee and that the additional member be a member of Council.

The motion carried unanimously.

It was moved and seconded that Councillor McKay be appointed to the Sponsorship Policy sub-committee as the Council appointee. The motion carried unanimously.

(b) 25 Victoria Road – Management of Community Performing Arts Centre

Delegations:

1. Mr. Jim Taylor advised of concerns regarding the costs associated with the City's continued ownership of the building at 25 Victoria Road.

It was moved and seconded that the Management of Community Performing Arts Centre RFP No. 1526 for 25 Victoria Road be awarded to the Harbour City Theatre Alliance for a three (3) year term, and that the City enter into a licence of use agreement with the Alliance. The motion carried.

Opposed: *Councillors Bestwick, Kipp and McKay*

(c) 2014 Community Service Grant Program

It was moved and seconded that Council allocate a 2014 Community Service Grant to the Nanaimo Old City Association in the amount of \$775 for construction of community bookcases. The motion was defeated.

Opposed: *Councillors Anderson, Bestwick, Greves, Kipp, McKay and Pattje*

6. CORRESPONDENCE (not related to a Report to Council):

- (a) Letter dated 2014-MAY-07 from Mr. John Lee, President, and E. T. Turner, Vice President, Vancouver Island Rainbow Association, in support of Council's decision to cancel the broadcast of the Leadercast event at the Vancouver Island Conference Centre.
- (b) Letter dated 2014-MAY-21 from Dr. James Lunney, MP, advising of concerns regarding Council's decision to cancel the broadcast of the Leadercast event at the Vancouver Island Conference Centre.
- (c) Letter dated 2014-MAY-23 from Ms. Jean Crowder, MP, in support of Council's decision to cancel the broadcast of the Leadercast event at the Vancouver Island Conference Centre.

7. DELEGATIONS (not related to a Report to Council):

- (a) Mr. Darcy Siggelkow, Lead Pastor, Generations Church, and Pastors of the Nanaimo Evangelical Fellowship spoke regarding Council's decision to cancel the broadcast of the Leadercast event at the Vancouver Island Conference Centre and requested that Council pass a motion that:  
  
"Reaffirms men and women of all faiths can hold and follow their beliefs without prejudice as guaranteed under the Canadian Charter of Rights and Freedoms, and so maintain equal access to the use of all City owned facilities available to the public."
- (b) Ms. Janet Irvine spoke regarding the cancellation of the broadcast of the Leadercast event at the Vancouver Island Conference Centre.

8. QUESTION PERIOD:

- Mr. Jim Taylor, 25 Victoria Road operating grant,
- Mr. Mike Graves, request from the Pastors of the Nanaimo Evangelical Fellowship
- Mr. Robert Fuller, Leadercast costs and legal costs
- Unknown person, public access

9. PROCEDURAL MOTION:

It was moved and seconded that the meeting be closed to the public in order to deal with agenda items under the *Community Charter* Section 90(1):

- (c) labour relations or other employee relations;
- (g) litigation or potential litigation affecting the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2); and,

*Community Charter* Section 90(2):

- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

The motion carried unanimously.

Council moved into "In Camera" at 6:12 p.m.

Council moved out of "In Camera" at 7:56 p.m.

10. ADJOURNMENT:

It was moved and seconded at 7:56 p.m. that the meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER

# City of Nanaimo

## REPORT TO COUNCIL

DATE OF MEETING: 2014-AUG-18

AUTHORED BY: B. E. CLEMENS, DIRECTOR OF FINANCE

RE: DCC REVIEW PROCESS

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### STAFF RECOMMENDATION:

That Council direct Staff to undertake a comprehensive Development Cost Charge review to be completed in 2015.

### PURPOSE:

To receive Council direction on the review of Development Cost Charges (DCCs).

### DISCUSSION:

The legislation governing DCCs is contained in the *Local Government Act*. In addition to this legislation, the Province has published a *Best Practices Guide*. The guide is essentially a manual on how to create a development cost charge program, from policy to bylaws. All DCC bylaws require approval of the Inspector of Municipalities who will consider whether those bylaws address the principles outlined in the *Best Practices Guide*. There is a checklist that accompanies the submission to the Inspector for approval that confirms how the submitted bylaws have conformed with best practices.

For example, while there is no legislative requirement for public consultation as part of the development of DCC bylaws, public and stakeholder consultation is one of the guiding principles in the *Best Practices Guide* and is the first item on the checklist.

There are a number of policy decisions that must be made when creating or updating a DCC bylaw. While most of these decisions have already been made during the 2008 review, it is necessary to revisit them from time to time to ensure that they reflect current conditions and Council direction.

Once the policy framework is established, there is a complicated technical process to calculate the actual development cost charges. The basic steps in calculating these charges are:

1. Forecast new development units and where they will be located by:
  - a. Determining the planning horizon or population horizon (current horizon is 2031);
  - b. Identifying where population growth will take place;
  - c. Predicting what types of development will occur (residential, commercial, etc.);
  - d. Estimating the number of new units of each type;
  - e. Calculating the equivalent population where applicable.
2. Identify and cost the infrastructure required for the new development (capital project lists).

Council  
Committee of the whole  
Open Meeting  
In-Camera Meeting  
Meeting Date: 2014-Aug-18



3. Assign a benefitting factor to projects that support both new and existing population.
4. Apply an assist factor (determined by Council).
5. Divide the cost of the infrastructure by the number of development units to determine the cost per unit, e.g., cost per single family dwelling, or cost per square foot for multi-family or commercial.

Undertaking a DCC review is a long and complicated process that involves staff from several departments including finance, engineering, planning, development, parks and recreation.

As noted, the *Best Practices Guide* recommends a meaningful public process to obtain input from stakeholders, which includes representation from residential and non-residential developers and the public.

It can take several months to conduct a minor DCC review, where the basic assumptions stay the same and it is largely a technical exercise to update project costs and go through the technical process to recalculate the rates. A full review will take about a year.

The current DCC bylaws were adopted in 2008. At that time, the intention was to perform a review of the bylaws every three years. Although a review was started in 2012, it has been delayed due to staff turnover and to other projects that involved the same staffing resources – particularly the Asset Management Plan and the 2013 & 2014 financial plan processes.

At this point, staff are part way through the technical review and have not begun a public consultation process. While the review process could be completed and new DCC bylaws available for Council this fall, there are changing conditions that make it questionable whether it makes sense to complete this review as planned. In the last year there have been some significant changes that lead staff to believe that a full review is necessary. These factors include:

- Completion of the Transportation Master Plan,
- Purchase of Linley Valley properties – impact on transportation network and infrastructure costs,
- Slower than expected population growth during a portion of the period,
- Delayed need for additional water supply due to slower growth and higher conservation,
- Changing philosophy on acquiring infrastructure assets that must be maintained forever (asset management),
- Opportunity to review project scope (e.g., standards) to reduce infrastructure costs,
- Upcoming Official Community Plan review.

Of these factors, possibly the most important is the adoption of the Transportation Master Plan (TMP). The TMP represents a significant change from previous transportation planning and will result in different capital projects to meet the new requirements. One of the fundamental assumptions in the calculation of DCC charges is that the project list represents the infrastructure that is necessary to allow growth to take place. Updating the current DCC charges based on the existing project list would not reflect the current reality and would be difficult to defend to stakeholders.

The TMP includes new emphasis on alternative transportation and complete streets that will also influence the projects lists. It also included updated and more detailed information on population growth that may influence where new infrastructure will be built to support development.

Likewise, the purchase of Linley Valley will influence future infrastructure requirements, This means that some projects in the current DCC bylaws will be constructed differently, or not be constructed at all. The project lists should be updated to include this new information.

Updated information on population growth and water consumption trends may result in deferral of water supply projects and/or changes in the need for storage and distribution lines. This will affect the project list for the water supply DCC.

The Official Community Plan is due for a review. At this time, staff are expect that any changes in the OCP will be consistent with the principles in the Transportation Master Plan.

The above factors support a comprehensive review of DCCs. With the changes since the existing project lists were created in 2008, they no longer fully reflect future growth patterns. While many of the projects are likely to stay on the lists, there needs to be a detailed review to ensure that the right projects, and the right scope of projects, are included in future DCC calculations.

Therefore, it is recommended that Council direct staff to expand the current minor review to result in a full review being completed in 2015.

Respectfully submitted,



B. E. Clemens  
DIRECTOR  
FINANCE

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2014-AUG-07  
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BEC/tw

**City of Nanaimo**  
**REPORT TO COUNCIL**

DATE OF MEETING: 2014-AUG-18

AUTHORED BY: CHRIS JACKSON, MANAGER OF LEGISLATIVE SERVICES

RE: "REGIONAL DISTRICT OF NANAIMO PUMP & HAUL LOCAL  
SERVICE AMENDMENT BYLAW NO. 975.62, 2014"

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STAFF'S RECOMMENDATION:

That Council consent to the adoption of "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.62, 2014" and that the Regional District of Nanaimo be notified accordingly.

PURPOSE:

To obtain Council's consent to the adoption of "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.62, 2014".

DISCUSSION:

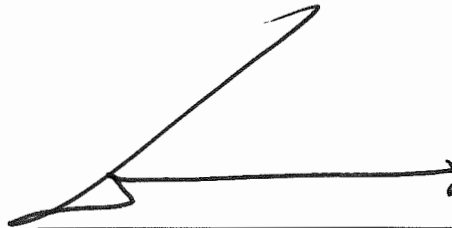
Staff have received correspondence from the Regional District of Nanaimo advising that they have introduced and read three times "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.62, 2014". The bylaw proposes to reduce the boundaries of the service area to exclude the land legally described as: Lot A, District Lot 27G, Plan 29942, Wellington Land District.

As part of the approval process, the Regional District of Nanaimo requires the City's consent to this bylaw.

Respectfully submitted,



C. Jackson Manager,  
Legislative Services



G. Ferrero, Director,  
Information Technology & Legislative Services

CITY MANAGER COMMENT:

I concur with the Staff recommendation.

☒ Council  
☒ Committee of the Whole  
☒ Open Meeting  
☐ Camera Meeting  
2014-Aug-18



July 25, 2014

RECEIVED

JUL 31 2014

**LEGISLATIVE SERVICES**

City of Nanaimo  
455 Wallace Street  
Nanaimo, BC  
V9R 5J6

**Attention: Chris Jackson, Manager of Legislative Services**

Dear Chris Jackson:

**Re: Regional District of Nanaimo Pump & Haul Local Service Amendment  
Bylaw No. 975.62**

The Board, at its regular meeting held July 22, 2014, introduced and read three times the above noted amendment bylaw (copy attached). This bylaw proposes to amend the boundaries of the pump and haul local service to exclude the lands legally described as follows:

Lot A, District Lot 27G, Plan 29942, Wellington Land District;

As part of the approval process for the bylaw, the Regional District requires the consent of at least 2/3 of the local service participants. As the City of Nanaimo is a participant in the local service, it would be appreciated if your Council would consider endorsing the following resolution as its next meeting:

MOVED \_\_\_\_\_, SECONDED \_\_\_\_\_, that the Council of the City of Nanaimo consents to the adoption of "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.62, 2014" and further, that the Regional District be notified accordingly.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

Jacquie Hill  
Manager of Administrative Services

Attachment

6300 Hammond Bay Rd.  
Nanaimo, B.C.  
V9T 6N2

Ph: (250)390-4111  
Toll Free: 1-877-607-4111  
Fax: (250)390-4163

RDN Website: [www.rdn.bc.ca](http://www.rdn.bc.ca)

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 975.62

  
Corporate Officer

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

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

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

Lot A, District Lot 27G, Plan 29942, Wellington Land District;

AND WHEREAS at least 2/3 of the service participants have consented to the adoption of this bylaw in accordance with section 802 of the *Local Government Act*;

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

**1. Citation**

This bylaw may be cited for all purposes as "Regional District of Nanaimo Pump & Haul Local Service Amendment Bylaw No. 975.62, 2014".

**2. Amendment**

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

Introduced and read three times this 22nd day of July, 2014.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
CHAIRPERSON

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

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Chairperson

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Corporate Officer

**BYLAW NO. 975.62**

**SCHEDULE 'A'**

**Electoral Area 'B'**

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

**Electoral Area 'E'**

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

**Electoral Area 'F'**

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

**Electoral Area 'G'**

1. Lot 28, District Lot 28, Plan 26472, Nanoose Land District.
2. Lot 1, District Lot 80, Plan 49865, Newcastle Land District.

**Electoral Area 'H'**

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

**District of Lantzville**

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



# City of Nanaimo

## REPORT TO COUNCIL

DATE OF MEETING: 2014-AUG-18

AUTHORED BY: G. FERRERO, DIRECTOR, INFORMATION TECHNOLOGY & LEGISLATIVE SERVICES

RE: AMENDMENTS TO THE RECOGNITION AND APPRECIATION OF CITY VOLUNTEERS POLICY

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### STAFF RECOMMENDATION:

That Council amend the "Recognition and Appreciation of City Volunteers Policy" by removing the reference to provision of alcoholic beverages and replacing it with wording to reflect that alcoholic refreshments will be available on a no-host basis; and, general housekeeping amendments as outlined in the Staff report.

### PURPOSE:

To provide information regarding proposed amendments to the City's "Recognition and Appreciation of City Volunteers Policy".

### BACKGROUND:

In 2006, Council adopted a policy to recognize through an annual appreciation dinner, those volunteers appointed to City Committees or Commissions as thanks for their dedication, time and effort in providing a valuable service to the community. The policy also included the provision of a wine allowance of two 4 ounce glasses of BC wine per person, or bottled beverage (such as beer/cider/cooler) allowance of two bottles per person.

### DISCUSSION:

Council has a policy to recognize volunteers by way of an annual appreciation dinner to thank those who dedicate their time and effort to sitting on various City committees. The policy contains a number of guidelines, one of which is to provide up to two glasses of BC wine per person or a similar amount of "bottled beverages". This is not consistent with other City policies that generally require that events either be alcohol-free or for alcohol to be provided on a no-host basis.

☐ Council  
☒ Committee of the whole  
☒ Open Meeting  
☐ In-Camera Meeting  
Meeting Date: 2014 Aug '18

This amendment is not in response to any particular issue or problem, however Staff believe that it is more appropriate for alcohol to be provided on a no-host basis and recommend that Council amend the policy to bring it in line with other City policies. Also included in the amended policy are a few housekeeping amendments which include updating the name of the "Leisure Guide" to "Activity Guide" and reformatting the policy to the new standard format. A copy of the amended policy showing the proposed amendments is attached for Council's consideration.

Respectfully submitted,



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G. Ferrero, Director,  
Information Technology & Legislative Services

CITY MANAGER COMMENT:

I concur with the Staff recommendation.

## COUNCIL POLICY MANUAL

**DRAFT – changes are noted with strikethrough of text**

<b>Section:</b>	<b>Administration</b>	<b>1</b>
<b>Subsection:</b>	<b>Ceremonies and Celebrations</b>	<b>0330</b>
<b>Title:</b>	<b>Recognition and Appreciation of City Volunteers</b>	<b>01</b>

### POLICY

The City appreciates the dedication of its volunteers appointed to City Committees or Commissions and wishes to recognize and celebrate their efforts through an annual appreciation dinner.

### REASON FOR POLICY

To recognize those volunteers appointed to City Committees or Commissions for their dedication, time and effort in providing a valuable service to the community as per the guidelines presented below.

### AUTHORITY TO ACT

Delegated to Staff.

### PROCEDURE

#### Guidelines:

1. All volunteers who are appointed to the City, who have served our community throughout the year, without compensation, be honoured with an annual appreciation dinner.
2. The Annual Volunteer Appreciation Dinner is based on the following:
  - one dinner per year to be held in January;
  - utilize a location that is accessible for people with disabilities;
  - establish a pre-selection of not more than three reasonably priced meals;
  - provide free soft refreshments and coffee to all the attendees;
  - ~~Provide a wine allowance of two 4 ounce glasses of B.C. wine per person, or bottled beverage (such as beer/cider/cooler) allowance of 2 bottles per person;~~
  - all alcoholic refreshments ~~over and above the quotations allotment~~ are on a no-host basis;
  - free parking arrangements in City parking lots, if close at hand;

- generous, but not lavish; and,
  - fiscal responsibility.
3. Council representatives on each Committee attend the dinner and acknowledge volunteers.
  4. Certificates of appreciation signed by the Mayor are presented for outgoing members at the dinner.
  5. Arrangements and budgeting for the annual event are to be made by the Staff Liaison for each Committee/Commission.
  6. Public recognition of Committee/Commission volunteers be given in the two issues of the Parks, Recreation and Culture Environment Department Leisure Activity Guides listing the names of each member and a brief outline of the Committee/Commission mandate.

Date: 2006-SEP-18  
1. Amendment Date:

Approved by: Council

# **City of Nanaimo**

## **REPORT TO COUNCIL**

DATE OF MEETING: 2014-AUG-18

AUTHORED BY: TOM HICKEY, GENERAL MANAGER, COMMUNITY SERVICES

RE: SPORT TOURISM

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### **STAFF RECOMMENDATION:**

That Council:

1. Approve the Sport Event Hosting Policy; and
2. Starting in 2015, transfer the \$20,000 annual grant fund budget to the Nanaimo Economic Development Corporation for Tourism Nanaimo to promote and administer the Sport Tourism Grant Program.

### **PURPOSE:**

Recent changes shifting sport tourism responsibilities from the City of Nanaimo's Parks & Recreation department over to Tourism Nanaimo has resulted in a need for the clarification of roles to ensure that a collaborative approach to the bidding and hosting of events is maintained and improved. Tourism Nanaimo has developed a sport hosting policy for Council approval to help clarify sport tourism development processes going forward between the City and Tourism Nanaimo, including the administration and marketing of the existing sport grant program.

### **BACKGROUND:**

Many City organizations, including Tourism Nanaimo and the City of Nanaimo, have been involved in various sport tourism initiatives in the past. The City of Nanaimo recognizes the importance of sport tourism to the community from both a social and economic perspective. Recent changes shifting sport tourism from the responsibility of the City of Nanaimo's Parks & Recreation department over to Tourism Nanaimo has resulted in a need for the clarification of roles to ensure that the municipality provides a collaborative approach to the bidding and hosting of events.

Over the last several years the City of Nanaimo has worked with Tourism Nanaimo and other organizations to attract people to Nanaimo through sport related activities. The Sport Tourism strategy was based on the principle that the City's most effective role in developing Sport Tourism was one of facilitation rather than direct provision (to help people help themselves). The goals of the program included reducing barriers facing local groups to hosting tournaments, events or festivals; increasing Nanaimo's capacity to host local, regional, provincial and national sport events; developing closer communication between the City and Tourism Nanaimo and taking coordinated action in developing sport and event tourism.

Initiatives included providing bid support and logistics help and an event resource kit for organizations hosting events. The purpose was to encourage organizations and volunteers to invest their time and effort into organizing tournaments and events.

To encourage community organizations to host tournaments, City Council authorized the Sport Tournament Grant program which currently provides \$20,000 per year to assist groups hosting tournaments. This grant program was administered by City staff and the grant applications were evaluated by the Parks and Recreation Commission with recommendations for approval forwarded to Council.

#### DISCUSSION:

Transitioning into this new role, Tourism Nanaimo will continue to provide a facilitation role as well as taking the lead in the identification of sport tourism bidding opportunities to attract and retain tournaments and sport events in Nanaimo. While Tourism Nanaimo will be the lead organization, to be successful, the processes of identifying, attracting and bidding on sport tourism opportunities needs to remain highly collaborative between the City of Nanaimo & Tourism Nanaimo. The attached Sport Event Hosting Policy has been developed by Tourism Nanaimo which provides direction and outlines roles and responsibilities of stakeholders that are essential to Nanaimo's sport event hosting success.

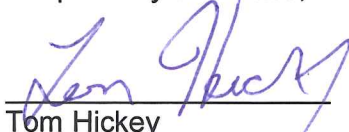
The policy addresses the current Sport Tourism Grant Program and its transition to Tourism Nanaimo. City staff recommend that beginning in 2015 Tourism Nanaimo will promote and administer the Sport Tourism Grant Program and the City of Nanaimo will transfer the \$20,000 annual grant fund budget to the Nanaimo Economic Development Corporation. In the upcoming months the Sport Tourism Grant Program criteria will be reviewed & updated to be consistent with supporting the overall objectives of the Sport Tourism Plan that Tourism Nanaimo will be developing by year end.

The expected outcome is that the Tourism Nanaimo using its expertise and resources and with the help and support of the City of Nanaimo and other community organizations will continue to develop Sport Tourism in Nanaimo

#### ***Strategic Plan Considerations***

Sport Tourism supports the Economic Health, Social Equity and Cultural Vitality Pillars of Sustainability. Under the pillar of Economic Health the development of a Sport Tourism Strategy is identified which is an action item in the Sport Tourism Policy. The Economic Development Strategy identifies tourism as one of the five target industries.

Respectfully submitted,



Tom Hickey  
GENERAL MANAGER  
COMMUNITY SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2014-JUL-08  
G:\2014 Files\Community Services (0440-20)\RPT140714SportTourism.docx  
TH\*ml



## SPORT EVENT HOSTING POLICY

**Prepared By:** Lesley Anderson, Tourism Nanaimo

**Date:** July 2014

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**Context:** The City of Nanaimo recognizes the importance of sport tourism to the community from both a social and economic perspective. Recent changes shifting sport tourism from the responsibility of the City of Nanaimo's Parks & Recreation department over to Tourism Nanaimo has resulted in a need for the clarification of roles to ensure that the municipality provides a collaborative approach to the bidding and hosting of events.

**Policy Statement:** The City of Nanaimo provides recreation and sports services, facilities and parks and open spaces to Nanaimo residents and then visitors. The City of Nanaimo will consider opportunities to support sporting events that have the potential to bring significant direct and/or indirect economic, social, health and community development benefits to Nanaimo. A coordinated approach to the bidding and hosting of events is required in order to realize benefits to the city.

### **Policy Principles**

Recognizing that bidding and hosting events requires coordination, the following documents are taken in consideration in the development of this policy:

- City of Nanaimo Strategic Plan 2012-2015
- Nanaimo Economic Development Corporation (NEDC) Corporate Activities Plan
- Tourism Nanaimo Tourism Strategic Plan

### **Policy Purpose**

This Sport Event Hosting Policy provides direction and outlines the roles and responsibilities of the various stakeholders that are essential to Nanaimo's sport event hosting success. It outlines the framework for municipal decision-making with respect to soliciting, evaluating and developing bid opportunities, determining budgets, coordinating sporting events, administering the sporting event grants program, and supporting sport groups to encourage local hosting of tournaments.

### **Policy Scope**

The Hosting Policy shall apply to the NEDC, Tourism Nanaimo, and the City of Nanaimo. Information, inquiries and/or requests related to the City of Nanaimo Sport Event Hosting Policy and involvement with the bidding and hosting of sport tourism events will be directed to the Destination Development Officer at Tourism Nanaimo.



### **Policy Guidelines**

Clarifying the roles and responsibilities for Nanaimo's sport tourism opportunities will ensure the following guidelines are met:

- Significant economic, social, health and community development benefits are realized for Nanaimo.
- Effective, timely and transparent decision-making with respect to bidding and hosting, as coordinated with Nanaimo's sport community, Vancouver Island Sport Tourism Council (VISTC), Regional, Provincial and National Sport Organizations (RSOs, PSOs, and NSOs).
- Sport bids and events are pursued which develop local sport programming and take into consideration the city's infrastructure capacity and future needs.
- Ensure any decision-making is financially sustainable.

### **Responsibilities**

A successful sport tourism program requires cooperation amongst all stakeholders. The roles and responsibilities outlined below aim to ensure a strategic approach to event bidding and hosting, through planning, reporting and communication.

#### **City of Nanaimo**

Based on the City of Nanaimo's Strategic Plan 2012-2015, which identifies tourism as one of five target industries, and outlines the need for a Sport Tourism Plan, the City of Nanaimo's key activities are to:

- Review and provide input to Tourism Nanaimo's annual sport tourism plan.
- Provide approval(s) for bid support, user displacement or guarantees, on an as needed basis.
- Provide access to sport user group contact information / databases, as available.
- Participate on a Sport Tourism Steering Group, comprised of a variety of sport tourism development stakeholders, that meets quarterly and evaluates event opportunities that Tourism Nanaimo may pursue.
- Provide NEDC with \$20,000 in funding annually for the Sport Tournament Grant program beginning in 2015.
- Maintain municipally owned parks and facilities in order to provide an inventory of sport venues available for sport event hosting.
- Develop for Council's consideration & approval a sport facilities capital plan to a level that is consistent with the competitive position Nanaimo wants to attain, as outlined in the

sport tourism plan.

- In addition to Tourism Nanaimo's involvement/responsibility, provide letters of support for bid packages and attending bid presentations where applicable.

#### **Tourism Nanaimo**

Tourism Nanaimo, as part of the NEDC, positions Nanaimo as a favourable destination for sport tourism. Based on the current annual planning cycle, Tourism Nanaimo's key activities are to:

- Create a rolling 3-year sport tourism plan, endorsed by the NEDC Board and Tourism Leadership Committee. The strategy is prepared in consultation with the City of Nanaimo, and aims to attract and retain sport events. The strategy will include:
  - an assessment of sport event opportunities and/or recommendations for proceeding with bid/hosting opportunities
  - support for community volunteers & sport organizations with event marketing and bid development processes
  - facility management consultation
  - communication plan processes
- Provide visitor information services for sport tournament organizers that may include accommodation information & rates, destination activity opportunities, and coupons/discounts.
- Based on annual approval, assume the lead role for advancing Nanaimo's participation in a bid and/or act as the liaison during the event bid process.
- Manage the quarterly Sport Tourism Steering Group meetings.
- Promote and administer the Sport Tourism Grant program beginning in 2015.
- Work directly with each facility manager to:
  - assess the opportunity for hosting events considering the impact of facility user displacement.
  - ensure space guarantees for bidding and hosting purposes
- Work directly with City staff to:
  - connect with sport groups who can champion the hosting of tournaments and events based on Tourism Nanaimo's sport tourism plan
- Promote local tourism opportunities for event participants to maximize and lengthen their visit to Nanaimo.
- Assist with media relations during events if requested.

### **Funds**

Costs incurred by Tourism Nanaimo to participate in any bid will be determined on an individual case basis, upon review of the event program details, bid process and funding information. Costs associated with a bid phase may include, but are not limited to, bid fees, venue proposal and other document preparation, presentations and site visits. Tourism Nanaimo may provide financial support for events during the bid process. No funding is provided (outside of grants) once the bid process is completed.

Funding formulas for event hosting will vary depending on the size and scope of the event and other partners involved. Calculations for determining financial support will include contributions towards the direct and indirect costs of the hosting project.

Tourism Nanaimo has an annual budget allocation to support bid development costs. Guidelines for maximum funding levels per event bid are outlined in Figure 1, with the total costs for all types of events not to exceed the annual sport tourism budget allocation. In circumstances where hosting opportunities arise and financial requirements exceed Tourism Nanaimo's annual budget allocation or individual event funding limit, Tourism Nanaimo may approach the City of Nanaimo with sport event opportunities for consideration. A request for additional financial support may be required to support targeted bids and/or attract certain sport events.

**Figure 1**

<b>Level of Sport Event</b>	<b>National Sport Event</b>	<b>Provincial Sport Event</b>	<b>Regional Sport Event</b>	<b>Invitational/Other Sport Event</b>
<b>Tourism Nanaimo Funding Limit per event bid</b>	Support up to \$3,000	Support up to \$2,000	Support up to \$1,500	Support up to \$1,000

Notwithstanding requirements of this Sport Event Hosting Policy and its assessment criteria, the City of Nanaimo is not obligated to finance a bid proposal or components related to hosting an event. Should Tourism Nanaimo engage in a bid to host an event, the level of financial support is dependent upon City of Nanaimo strategic and planning priorities, capital and current budget priorities, alignment with budget cycles and necessary approvals, as applicable.

### **Sport Events Development**

Tourism Nanaimo is responsible for the development of a sport tourism plan and undertaking annual tactical activities.

The development of a sport tourism plan will include both an infrastructure and hosting capacity analysis that will identify the most applicable level\* of sport events for Nanaimo's sport tourism program. City staff expertise and assistance is essential to ensure the most comprehensive facility/venue analysis.





Based on budget, an annual tactical plan will outline the activities and partnerships required to best capitalize on the opportunities in the strategy, ensuring the acquisition of the most targeted sporting events thereby meeting the objectives of this policy.

\*see Appendix A - Definitions

#### **Event Evaluation Criteria**

With annual approval Tourism Nanaimo will assume responsibility for advancing Nanaimo's participation in sport event bid and hosting processes.

Tourism Nanaimo will assess the benefits to be derived by involvement in a bid or event according to the following criteria:

- Alignment with the City of Nanaimo Strategic Plan 4 Pillars (social equity, environmental sustainability, economic health and cultural vitality)
- Economic assessment of tourism impact using the Canadian Sport Tourism Alliance (CSTA) STEAM model
- Availability of financial resources and in-kind resources (e.g. community sport volunteers)
- Strengthening of sport development and programming in the community
- Engagement of organizations and businesses through partnerships
- Alignment with the Tourism Strategic Plan and Tourism Development Fund criteria

## **Appendix A**

### **Definitions**

Sport Tourism – According to the Canadian Sport Tourism Alliance, sport tourism is defined as any activity in which people are attracted to a particular location as a sport event participant, an event spectator, or to attend sport attractions or business meetings. Sport tourism visitors travel more than 80 km to reach the host community and/or stay overnight.

Sport Bid - A sport event is considered to be a bid prior to it being awarded the right to host by a sport organization. The activities of an event bid are concluded after the right to host has been awarded, final reports prepared and project wind-up completed. The bidding process may include extensive planning and guarantee requirements, and is commonly led by a local community sport organization assisted by a municipality or PSO.

Sport Event Hosting - A sport event is considered a hosting event once the sport organization has awarded the right to host, and includes preparation for an event, delivery of the event, delivery of associated legacies and the provision of final reporting. The hosting of events is most often led by a community sport organization but may be led or directed by a PSO or NSO.

Regional Sport Organizations (RSOs), Provincial Sport Organizations (PSOs), National Sport Organizations (NSOs) and Multi-sport Organizations (MSOs), Community, Regional, Provincial, National and Multi-sport Organizations are responsible for delivering programming and structuring the level of competition and events in their specific sport at the applicable regional, provincial or national level.

International Major Multi-sport or Single Sport Games/Events - Large multisport games or Single Sport Events, governed by an international sport franchise holder with links to sports' International Federations. There is a qualification process and entry restrictions, established nationally or internationally. These events provide a focus for National Sport Organizations' high-performance plans and long-term athlete development. For example: Olympic Games, Commonwealth Games, Pan American Games and qualification events.

Games - Games are multi-sport events. These can be very large due to the number of sports being hosted at one location at the same time. The BC Games Society helps arrange Winter Games, Summer Games, Seniors Games, etc. Other games can be for specific groups e.g. the Police and



Fire Games or social/sport events for cultural groups. The World Masters Games is one of the world's largest participation sport events.

Championships - These are single-sport events with rights held by the respective sport organization; a championship tournament is often the culmination of a season's sport activity. Often referred to as "the regionals", "the provincials" or "the nationals," the winner of the championship may qualify for the next level of competition. The format of the event and the location is decided upon by the provincial, national or international sport governing body.

Tournaments - Tournaments are another type of event, usually for a single sport. Whereas a championship is "owned" by a sport governing body, tournaments can be held by any organization choosing to initiate them. Many are arranged by local sport organizations and may be solely for a recreational purpose.

Training Camps - Most sports have regular training camps at the provincial and national level. The location of training camps is dependent on services and facilities available, costs, the location of the coach, and the number of athletes in a particular community.

Development Courses - Sport organizations train athletes, coaches and officials of all levels.

Conferences - Sport organizations arrange many meetings and conferences, sometimes in conjunction with major events. Annual General Meetings of Provincial Sport Organizations or National Sport Organizations bring sport leaders and organizers from across the province or across Canada, as do meetings of sport technical Staff.

# City of Nanaimo

## REPORT TO COUNCIL

DATE OF MEETING: 2014-AUG-18

AUTHORED BY: KEVIN BRYDGES, BYLAW ENFORCEMENT OFFICER  
PARKS, RECREATION AND ENVIRONMENT

RE: INVESTIGATION SUMMARY OF TREE REMOVAL AT 2589 KENWORTH ROAD

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### RECOMMENDATION:

That Council receive for information the report pertaining to the investigation summary of the tree removal at 2589 Kenworth Road.

### PURPOSE:

To summarize the findings of the investigation of the tree removal on the above noted property and provide background on the rationale for the enforcement measures as directed by Council at its regular meeting on 2014-JUN-09.

### BACKGROUND:

The property located on 2589 Kenworth Road, borders the southeastern corner of Diver Lake and is owned by Maplewood Properties Ltd. The riparian area of Diver Lake was fully intact prior to the current development and consisted of a cottonwood/alder canopy with an understory of various native shrubs and Himalayan blackberry. This observation is supported through the Riparian Areas Detailed Assessment received by Aquaparian Environmental Consulting Ltd. for 2589 Kenworth Road, Nanaimo.

The subject property is 1.165ha (2.88 acres) in size and is bordered by long established commercial and light industrial developments. The developable area of the site is restricted to a triangular upland area covering 24% of the lot with the remainder of the site being comprised of a vegetated wetland edge and riparian are along the edge of Diver Lake. The site is currently undeveloped and shows evidence of historical impacts, including fill placement and invasive plant encroachment.

A development permit (DP000869), for a four storey science and technology building was applied for on 2014-MAR-18 and was approved by Council on 2014-JUN-09. The DP included a request for the reduction of the watercourse setback from 15 metres to 5.5 metres from the wetland boundary of the lake. A riparian restoration plan, prepared by Victoria Drakeford Landscape Architecture and Aquaparian Environmental Services Ltd., forms part of the development permit application.

☐ Council  
☒ Committee *of the whole*  
☒ Open Meeting  
☐ In-Camera Meeting  
Meeting Date: *2014-Aug-18*

### Management and Protection of Trees Bylaw:

The City of Nanaimo has had a tree management bylaw since 1993. It was originally adopted in response to speculative land development where large tracks of land were being purchased and cleared of trees before applying for a development permit. Due to downturns in the local economy, development would not proceed for long periods of time, resulting in a loss of tree canopy and problems with erosion, affecting local watercourses.

The Tree Management and Protection Bylaw 1993, assisted Staff to ensure large tree removals did not occur and has been reasonably successful. The Bylaw has now been updated and replaced with, the Management and Protection of Trees Bylaw 7126, which was adopted in December of 2013. The new Bylaw builds on the original one by not allowing any tree removal on a site that is in the development process (Section 6.1 h). The bylaw requires that a tree management plan (TMP) be prepared. The TMP provides the opportunity for a qualified professional to inspect the property and identify significant trees, any nest sites and nesting birds, and to provide input on how trees that are removed may be compensated for. Without the TMP, Staff has no ability to confirm this information and ensure provincial wildlife act requirements are followed and that as many trees and possible are protected.

Section 5 (1) of the Management and Protection of Trees bylaw is very clear in that it states no trees shall be removed without permit. Where a tree is defined as:

*“a living native or non-native, living self-supporting perennial woody plant, including native shrubs, that is a species of coniferous or deciduous genus where the diameter of the tree stem is six (6) cm or more and is capable of reaching a mature height of 4.5 m or greater within its natural range.”*

This part of the bylaw is a critical component that gives City of Nanaimo Staff the ability to properly review development plans from the perspective of tree and vegetation management onsite in order to and minimize potential runoff from site clearing, which could transport significant amounts of sediment into nearby watercourses. Wet weather conditions from the fall to spring make it especially critical to have approved erosion control measures in place.

The specific impacts of erosion and sediment include:

- Silting of fish-spawning beds, which suffocates salmon eggs and entombs emerging juvenile fish.
- Cloudy water in streams which reduces the production of insects and aquatic vegetation, important food sources for fish. Sediment in streams also clogs the gills of fish.
- Heavy metals and other pollutants can be attached to sediment and carried with it into waterways.
- Sediment entering the storm drainage system can lead to increased municipal costs for catch basin maintenance, plugged storm drainage systems, filled-in ditches and detention ponds, and increased flooding risks.

Federal fisheries and Provincial environmental guidelines echo the importance of having erosion and sediment control measures in place.



## DISCUSSION:

On 2014-APR-11 Staff visited 2589 Kenworth Road to assess the need for a Tree Management Plan as part of a Development Permit application for the property. Upon arrival it was discovered that a significant portion of the site had been cleared of trees and grubbed and left bare without a Tree Management Plan or a Tree Removal Permit being issued for this work. In addition, no evidence of any erosion and sediment control measure was visible onsite.

## Enforcement:

Staff initiated and completed an investigation, and reviewed all evidence and information (See Schedule A - Summary of Investigation), and made a decision to proceed to issue tickets in the amount of \$10,000 to Maplewood Properties. At the time tickets were issued, this became a judicial matter and must proceed through the justice system. To rescind or reduce any fines, the tickets/fines would need to be disputed in Provincial Court and a judge would then hear the evidence and make a ruling on the matter.

Once a Council passes a bylaw the enforcement of that bylaw is automatically delegated to Staff. As such enforcement action is taken by Staff based on the evidence of wrong-doing established in keeping with the rules of evidence. Any dispute of the enforcement action taken by Staff is a matter that is correctly heard through the courts. Under this system Council does not act as adjudicator or judge of disputed enforcement matters. Should Council disagree with the enforcement of a bylaw as set out in the bylaw by the authority of Council, it could consider amending those provisions within the bylaw.

## Previous Tree Management Enforcement:

Since the Management and Protection of Trees Bylaw 7126 came into force, the City of Nanaimo has issued significant fines for previous infractions, including the following:

- **4960 Songbird Place**

A complaint was received on 2014-Feb-15 from a private citizen about the development activity at 4960 Songbird Place. Bylaw enforcement Staff confirmed that all the vegetation on the site, including within the watercourse leave strip, had been removed. Also, the watercourse setback had not been marked on the ground and no erosion and sediment control best management practices were evident.

A fine under the Management and Protection of Trees Bylaw 7126 and the Zoning Bylaw 4500 was issued, totaling \$10,500 for the removal of 20 trees from within the watercourse leavestrip of the marsh (20x\$500) and for encroachment into the watercourse setback (1x\$500). In addition to the fines, the developer is also required to remediate the area in which the trees were removed and is working with the Engineering & Subdivision Section in completing the restoration of the riparian leavestrip onsite.

- **3678 Reynolds Road**

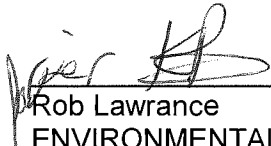
The Engineering & Subdivision Section in conjunction with Bylaw Services issued tickets for the unauthorized removal of trees and for commencing work in city streets without a required permit. The unauthorized removal of trees occurred on Saturday February 15, 2014..

A fine under the Maintenance & Protection of Trees Bylaw No. 7126 was issued totaling \$11,325. In addition to the fines the Developer was also required to remediate the area in which the trees were removed and is working with the Engineering & Subdivision Section towards an acceptable tree remediation plan.

Respectfully submitted,



Kevin Brydges, R.P.Bio  
ENVIRONMENTAL BYLAW ENFORCEMENT OFFICER  
PARKS, RECREATION AND ENVIRONMENT



Rob Lawrance  
ENVIRONMENTAL PLANNER  
PARKS, RECREATION AND ENVIRONMENT

Concurrence by:



Richard Harding  
DIRECTOR  
PARKS, RECREATION AND ENVIRONMENT

CITY MANAGER COMMENT:

I concur with the Staff recommendation.

2014-Aug-14

**SCHEDULE A**  
**Summary of Investigation of 2589 Kenworth Road**

On 2014-APR-11, the Urban Forestry Coordinator (UFC), visited the site to assess the need for a Tree Management Plan as part of the DP application. Upon arrival he noted immediately that the entire site had been cleared and grubbed and left bare. No trees or cut stumps remained on site.

On 2014-APR-14, the Environment Bylaw Enforcement Officer (EBEO) attended the site. He confirmed the UFC's observations and also noted the watercourse setback had been marked and an orange snow fence had been erected along a portion of the site, roughly corresponding with the setback. Clearing and tree removal had taken place within the watercourse setback. No City of Nanaimo permits had been issued for this property at the time.

The EBEO met with the proponent's project manager briefly on 2014-MAY-01 after a development meeting. He advised him that the City was considering enforcement action for tree removal without a permit and the encroachment into the watercourse setback. He stated he understood, however the Planning Department did not request Tree Management Plan (TMP) in their referral response.

The EBEO met with the Development Approval Planner (DAP), he confirmed that he did not request TMP in his referral response to the project manager. The EBEO then consulted with the UFC and was reminded that regardless of TMP requirement the Management and Protection of Trees Bylaw states that only four trees per year on a site this size can be removed without permit and that no trees can be removed if the land is under a development application.

As all the tree stumps had been removed from the site no stump counts or measurements could be taken. However on 2014-APR-23, Victoria Drakeford, Landscape Architect for the proponent, provided the City of Nanaimo with a Tree Location Plan (Schedule B) that identifies that approximately 19 trees had been removed from the site, five of which were in the watercourse setback.

On 2014-MAY-22, the EBEO and other City of Nanaimo staff met with the project manager and the registered owners (RO). We discussed the tree removal issue. Staff explained that the removal of the trees required a Tree Removal Permit and that their premature removal was contrary to the Management and Protection of Trees Bylaw. There was a discussion around the need to have a permit since the location of the proposed building footprint was the same area as where the trees were being cut to facilitate the development. Staff explained that the removal of the trees was not a given as the DP had not yet been approved by Council. The RO of the property advised us at this time that he removed the trees and grubbed the site to show his client that they were making progress. At this point the RO of the property also stated that the Development Approval Planner gave him permission to remove the trees and clear the site.

On 2014-MAY-23, the EBEO met with the DAP to discuss any conversation he may have had with the RO that would lead the RO to believe he could clear the site. The DAP stated he gave no such permission. After a discussion with the City of Nanaimo's solicitor, he advised that a municipal official cannot legalize an illegal act.

Staff met to discuss the facts and circumstances of this issue. It was decided through this meeting and consultation with other senior managers that a Bylaw Violation Ticket and Information would be served for each tree removed and for encroachment into the watercourse

setback of Diver Lake. This decision was made after a full investigation which concluded that the actions taken were knowingly contrary to the Zoning Bylaw and the Management and Protection of Trees Bylaw.

On 2014-JUN-02, City of Nanaimo staff, the RO of the property, and project manager met again. The Bylaw Violation Tickets and Information were served to the RO by the EBEO and staff explained the rationale for the fines.

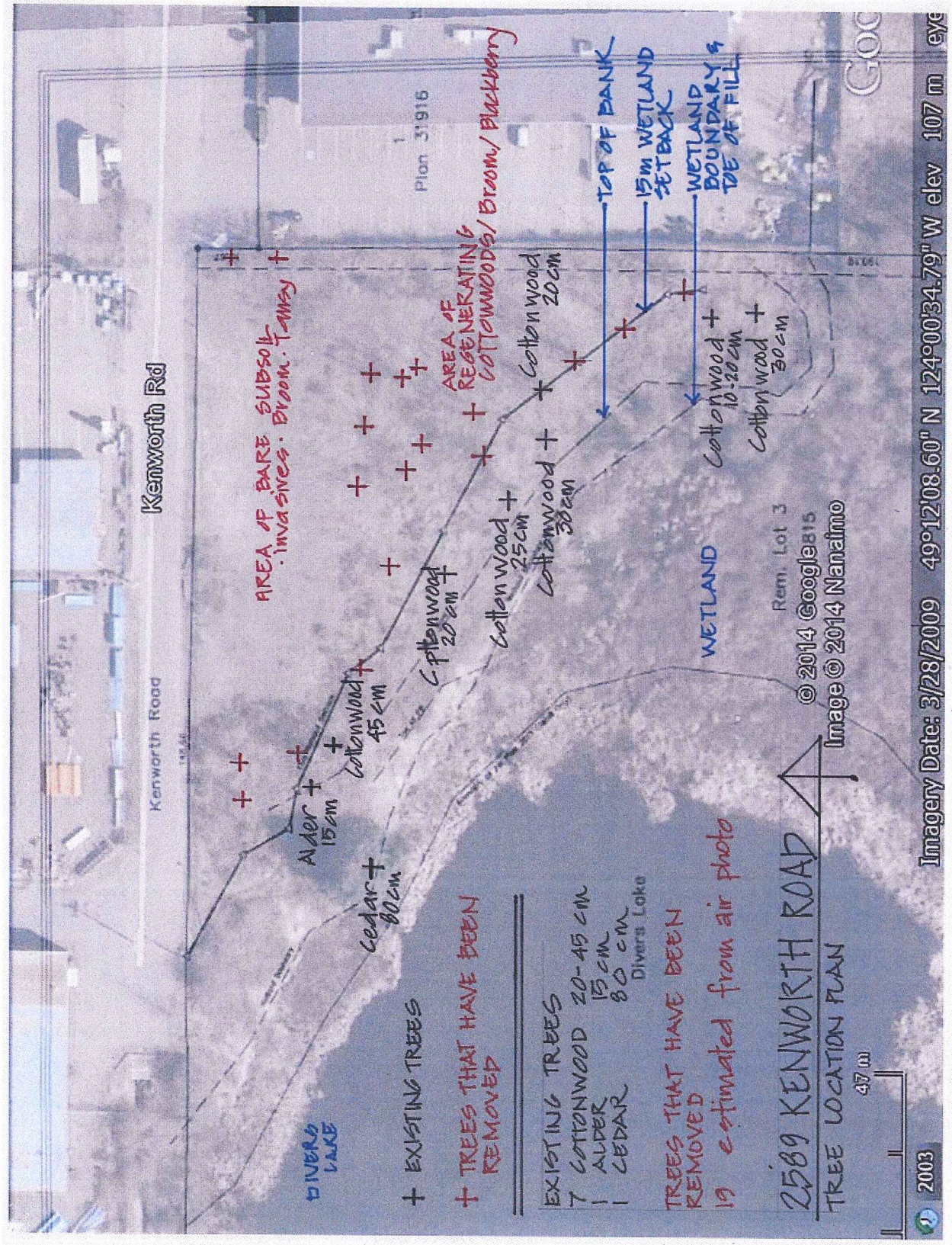


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Kevin Brydges, R.P.Bio  
ENVIRONMENTAL BYLAW ENFORCEMENT OFFICER  
PARKS, RECREATION AND ENVIRONMENT



# SCHEDULE B – TREE LOCATION MAP FOR 2589 KENWORTH





Delegation Request:

Judy Schur has requested an appearance before council.

The requested date is Aug 18, 2014.

The requested meeting is:  
COW

Presenter's information

City: Nanaimo  
Province: British Columbia  
Bringing a presentation: No

Details of Presentation:

Introduction of myself and a brief reason for being a delegate. To ask the City of Nanaimo to address and implement a by-law pertaining to Dogs left in hot vehicles and attach a fine for violation. There will be several speakers 1) Julie MacTire- who shares my concerns and is very active in the animal community here in Nanaimo 2) Leon Davis-SPCA 3) Dr. Ken Langelier- Island Veterinary 4) Sue Hughes-Animal Control. I will be referring to White Rock By-law 1959 sec. 42 and a recent decision made by Surrey City Council regarding this matter published by Global News. I have provided links to White Rock By-Law 1959 sec. 42 and the article from Global BC. I will be short in my presentation and will allow for the experts joining me to present.  
<http://www.whiterockcity.ca/assets/City~Services/Bylaws/Bylaw%201959%20-%20Animal%20Control%20-%20Consolidated%20-%20Web.pdf> (and)  
<http://globalnews.ca/news/1415981/dog-owners-in-surrey-could-face-500-fine-for-leaving-dogs-in-cars/>

☐ Council  
☒ Committee *of the whole*  
☒ Open Meeting  
☐ In-Camera Meeting  
Long Date: 2014 Aug 18

**Excerpt from City of White Rock “[Animal Control and Licensing Bylaw, 2012, No. 1959](#)”  
(consolidated version)**

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42. No person shall keep any animal confined in an enclosed space, including a motor vehicle, without sufficient ventilation to prevent the animal from suffering from the heat.

**Global News Article:**

June 25, 2014 3:35 pm

**Dog owners in Surrey could face \$500 fine for leaving dogs in cars**

By [Amy Judd](#) Global News

Surrey residents who leave their dogs in hot vehicles or loose in the back of a pickup truck could soon face fines of \$500.

City council voted to approve recommendations to the city's dog responsibility by-law to allow by-law enforcement officers and animal control officers to issue tickets directly to people who violate the 'Care of Dogs' section of the by-law.

Recent tragedies have reminded us of the importance of being diligent in caring for our animals,” said Surrey Mayor Dianne Watts. “These amendments will give our by-law and animal control officers the tools to effectively and expediently address the negligent treatment of dogs.”

“Temperatures in vehicles can rise to dangerous levels very rapidly in the summer season, posing a serious risk to dogs that may be in them,” added Watts. “We want to encourage pet owners to be mindful of this while enjoying the warm summer season with their pets in Surrey.”

While animals cannot be removed from a vehicle by by-law enforcement officers under any circumstances, the BC SPCA and RCMP can still do so.

Surrey's Dog Responsibility by-law addresses a range of issues relating to the keeping of dogs including:

- Adequate ventilation must exist anywhere a dog is confined, such as in a vehicle;
- Dogs must be transported in a safe manner which prevents their injury;
- Dogs cannot be tied up wearing a choke collar; and
- Dogs cannot spend more than four hours per 24 hour period tethered.

The most recent amendment to this by-law is expected to be adopted and enacted at the July 7 council meeting.

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