



## AGENDA REGULAR COUNCIL MEETING

Monday, February 25, 2019

5:30 p.m. to Proceed "In Camera", Open Meeting to Reconvene at 7:00 p.m.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE

80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS AT 9:00 P.M.

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Pages

**1. CALL TO ORDER:**

**2. PROCEDURAL MOTION:**

That the meeting be closed to the public in order to deal with agenda items under the *Community Charter*:

Section 90(1) A part of the Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (c) labour relations or other employee relations;
- (d) the security of property of the municipality;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (f) law enforcement, if the Council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- (g) litigation or potential litigation affecting the municipality;
- (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the Council or a delegate of Council;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under Section 21 of the *Freedom of Information and*

*Protection of Privacy Act,*

- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public;
- (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under Section 98 [*annual municipal report*];
- (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2);
- (o) the consideration of whether the authority under Section 91 [*other persons attending closed meetings*] should be exercised in relation to a Council meeting.

*Community Charter* Section 90(2):

- (a) a request under the *Freedom of Information and Protection of Privacy Act*, if the Council is designated as head of the local public body for the purposes of that *Act* in relation to the matter;
- (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;
- (c) a matter that is being investigated under the *Ombudsperson Act* of which the municipality has been notified under Section 14 [*ombudsperson to notify authority*] of that *Act*;
- (d) a matter that, under another enactment, is such that the public must be excluded from the meeting;
- (e) a review of a proposed final performance audit report for the purpose of providing comments to the auditor general on the proposed report under Section 23 (2) of the *Auditor General for Local Government Act*.

**3. INTRODUCTION OF LATE ITEMS:**

**4. APPROVAL OF THE AGENDA:**

**5. ADOPTION OF THE MINUTES:**

a. Minutes

10 - 17

Minutes of the Regular Council Meeting held in the Shaw Auditorium, 80  
Commercial Street, Nanaimo, BC on Monday, 2019-FEB-04 at 4:30 p.m.

**6. MAYOR'S REPORT:**

**7. PRESENTATIONS:**

**8. DELEGATIONS:**



## 9. CONSENT ITEMS:

### a. Committee of the Whole Minutes

- |    |  |         |
|----|--|---------|
| 1. | Special Committee of the Whole Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, Monday, 2018-DEC-17 at 1:00 p.m.                          | 18 - 20 |
| 2. | Special Committee of the Whole Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Monday 2019-JAN-07 at 1:00 p.m.   | 21 - 25 |
| 3. | Special Committee of the Whole Meeting held in the Douglas Rispin Room, 80 Commercial Street, Nanaimo, BC on Monday, 2019-JAN-14 at 1:00 p.m.                    | 26 - 27 |
| 4. | Special Committee of the Whole Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Friday, 2019-JAN-18 at 9:00 a.m.  | 28 - 34 |
| 5. | Regular Committee of the Whole Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC on Monday, 2019-JAN-28 at 4:30 p.m.                        | 35 - 41 |
| 6. | Special Committee of the Whole Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Monday, 2019-JAN-28 at 12:00 p.m. | 42 - 45 |

### b. Advisory Committee Minutes

- |    |   |         |
|----|---|---------|
| 1. | Minutes of the Finance and Audit Committee Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC on Wednesday, 2018-AUG-08, at 9:00 a.m.       | 46 - 49 |
| 2. | Minutes of the Special Finance and Audit Committee Meeting held in the Shaw Auditorium 80 Commercial Street, Nanaimo, BC on Monday, 2018-NOV-26 at 9:00 a.m.    | 50 - 58 |
| 3. | Minutes of the Special Finance and Audit Committee Meeting held in the Shaw Auditorium 80 Commercial Street, Nanaimo, BC on Tuesday, 2018-NOV-27 at 9:00 a.m.   | 59 - 66 |
| 4. | Minutes of the Special Finance and Audit Committee Meeting held in the Shaw Auditorium 80 Commercial Street, Nanaimo, BC on Tuesday, 2018-DEC-04 at 9:00 a.m.   | 67 - 76 |
| 5. | Minutes of the Special Finance and Audit Committee Meeting held in the Shaw Auditorium 80 Commercial Street, Nanaimo, BC on Wednesday, 2018-DEC-05 at 9:00 a.m. | 77 - 85 |

c. Committee Recommendations

1. Approval of the Committee of the Whole Recommendations 2019-FEB-11

86

[Note: Link to the original Committee of the Whole Agenda dated 2019-FEB-11 is attached for information.]

1. New Horizons for Seniors Grant

That Council support the City of Nanaimo's participation in a collaborative Expression of Interest application to the Human Resources and Skills Development Canada New Horizons for Seniors Program for the purpose of enhancing social connectivity amongst adults 55 years and older.

2. Consultation Plan - Single-Use Checkout Bags Regulation

That Council approve the consultation plan as attached and add \$15,350 to the 2019 – 2023 Financial Plan, funded from General Taxation.

2. Approval of the Finance and Audit Committee Recommendations 2019-FEB-20

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[Note: Link to the original Finance and Audit Agenda dated 2019-FEB-20 is attached for information.]

1. 2019 Finance and Audit Committee Key Date Calendar

That Council approve the 2019 Finance and Audit Committee Key Date Calendar.

2. Request for Additional Funding - Bastion Street Parkade Infrastructure

That Council approve an additional \$136,100, funding from the Parking Reserve, to complete the Bastion Parkade Post Tension Strand Construction capital project.

3. Downtown Metered Parking

That Council approve adding \$17,500 to the 2019 budget for a Downtown Parking Signage project to be funded from the Parking Reserve.

4. Road Safety Funding Allocation

That Council approve the addition of the three new projects in 2019 to install pedestrian warning flashers, to be funded

by ICBC and the New Horizons Senior Program.

5. Automated Solid Waste Collection - Equipment Financing

That Council authorize up to \$432,396 be borrowed, under Section 175 of the *Community Charter*, from the Municipal Finance Authority, for the purpose of purchasing an automated garbage truck; and that the loan be repaid within five (5) years, with no rights of renewal.

10. REPORTS:

a. 2018-2022 Financial Plan Amendment Bylaw

88 - 94

To be introduced by Laura Mercer, Acting Director, Financial Services.

*Purpose: To introduce "Financial Plan Amendment Bylaw 2019 No. 7253.04" for first, second and third readings, for changes that have occurred since the bylaw was last amended on 2019-SEPT-17.*

Recommendation:

1. That "Financial Plan Amendment Bylaw 2019 No. 7253.04" (To amend the 2018 – 2022 Financial Plan), pass first reading;
2. That "Financial Plan Amendment Bylaw 2019 No. 7253.04" pass second reading; and
3. That "Financial Plan Amendment Bylaw 2019 No. 7253.04" pass third reading.

b. "Parks, Recreation and Culture Regulation Amendment Bylaw 2019 No. 7073.07" and "Bylaw Notice Enforcement Amendment Bylaw 2018 No. 7159.04"

95 - 145

To be introduced by Karen Fry, Fire Chief.

*Purpose: To present for consideration amendments to the City of Nanaimo "Parks, Recreation and Culture Regulation Bylaw 2008 No. 7073" and "Bylaw Notice Enforcement Bylaw 2012 No. 7159" relating to taking overnight shelter in City parks, and other regulatory matters.*

Recommendation: That:

1. "Parks, Recreation and Culture Regulation Amendment Bylaw 2019 No. 7073.07" (To allow for overnight shelter in City parks, and other regulatory matters) pass first reading;
2. "Parks, Recreation and Culture Regulation Amendment Bylaw 2019 No. 7073.07" pass second reading;
3. "Parks, Recreation and Culture Regulation Amendment Bylaw 2019 No. 7073.07" pass third reading;

4. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.04" (To update enforcement penalty rates) pass first reading;
  5. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.04" pass second reading; and,
  6. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.04" pass third reading.
- c. City of Nanaimo "Public Nuisance Bylaw 2019 No. 7267" and City of Nanaimo "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05" 146 - 158
- To be introduced by Karen Fry, Fire Chief.
- Purpose: To present for consideration the City of Nanaimo "Public Nuisance Bylaw 2019 No. 7267" to repeal the City of Nanaimo "Public Nuisance Bylaw 2003 No. 5648", and to present amendments to "Bylaw Notice Enforcement Bylaw 2012 No. 7159".*
- Recommendation: That:
1. "Public Nuisance Bylaw 2019 No. 7267" (To update and consolidate offences relating to nuisances, disturbances and uncivil behaviour) pass first reading;
  2. "Public Nuisance Bylaw 2019 No. 7267" pass second reading;
  3. "Public Nuisance Bylaw 2019 No. 7267" pass third reading;
  4. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05 (To include new offences and an updated fine schedule) pass first reading;
  5. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05" pass second reading; and,
  6. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05" pass third reading.
- d. Cross Connection Control Amendment Bylaw 159 - 176
- To be introduced by Poul Rosen, Senior Manager, Engineering.
- Purpose: To introduce "Cross Connection Control Amendment Bylaw 2019 No. 7249.01" and "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.06" for three readings.*
- Recommendation: That:
1. "Cross Connection Control Amendment Bylaw 2019 No. 7249.01" (To adopt amendments for consistent enforcement) pass first reading;
  2. "Cross Connection Control Amendment Bylaw 2019 No. 7249.01" pass second reading;

3. "Cross Connection Control Amendment Bylaw 2019 No. 7249.01" pass third reading;
  4. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.06" (For ticketing and enforcement of penalty sections of the new Cross Connection Control Bylaw) pass first reading;
  5. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.06" pass second reading; and,
  6. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.06" pass third reading.
- e. Home-Based Business Regulation Review 177 - 215
- To be introduced by Dale Lindsay, Director, Community Development.
- Purpose: To present Council with the results of the home-based business regulation review.*
- Recommendation: That Council:
1. receive the report titled "Home-Based Business Regulation Review" dated 2019-FEB-25; and
  2. direct Staff to return to an upcoming Council meeting with amendments to "Zoning Bylaw 2011 No. 4500", "Sign Bylaw 1987 No. 2850" and "Off-Street Parking Regulations Bylaw 2018 No. 7266" relating to the home-based business regulations.
- f. Rezoning Application No. RA397 - 4900 Island Highway North 216 - 236
- To be introduced by Dale Lindsay, Director, Community Development.
- Purpose: To present Council with a rezoning application for a site-specific amendment to the Community Corridor (COR3) Zone to permit automobile sales, service, and rental use within the subject property at 4900 Island Highway North.*
- Presentation:
1. Lainya Rowett, Manager, Current Planning.
- Delegation:
1. Mark Holland to speak on behalf of the owner.
- Recommendation: That Council deny the application and the associated readings to "Zoning Amendment Bylaw 2019 No. 4500.131" (To rezone 4900 Island Highway North in order to permit site-specific automobile sales, service, and rental use).

To be introduced by Dale Lindsay, Director, Community Development.

*Purpose: To present for Council's consideration, a development variance permit application to vary lot coverage, setbacks, and parking requirements in order to replace a single residential dwelling with a new single residential dwelling on an existing undersized lot at 60 Bryden Street.*

Delegations:

1. Scott Mack, Vic Sweett and Jill Sweett to speak regarding the adverse impacts to 210 Stewart Avenue if variances are approved.

2. Peter and Sandy King to provide details of their request.

It is requested that Council hear anyone wishing to speak with respect to Development Variance Permit Application No. DVP374 - 60 Bryden.

Recommendation: That Council issue Development Variance Permit No. DVP374 for 60 Bryden Street with the following variances:

- reduce the minimum front yard setback from 4.5m to 1.8m;
- reduce the minimum side yard setback (west side) from 1.5m to 0.91m;
- reduce the minimum rear yard setback from 7.5m to 6m;
- increase the maximum allowable lot coverage from 40% to 44%; and
- reduce the minimum of number of required off-street parking spaces from 2 to 0.

To be introduced by Dale Lindsay, Director, Community Development.

*Purpose: To present for Council's consideration, a development variance permit application to allow the construction of over-height retaining walls at 3583 Hammond Bay Road.*

It is requested that Council hear anyone wishing to speak with respect to Development Variance Permit Application No. DVP377 - 3583 Hammond Bay Road.

Recommendation: That Council issue Development Variance Permit No. DVP377 at 3583 Hammond Bay Road with the following variance:

- increase the maximum combined height for retaining walls within the front yard from 1.2m to 3.55m.

**11. BYLAWS:**

- a. "Smoking Regulation Bylaw 2018 No. 7268" 261 - 267  
That "Smoking Regulation Bylaw 2018 No. 7268" (To regulate smoking in the City of Nanaimo) be adopted.
- b. "Bylaw Notice Enforcement Bylaw 2019 No. 7159.03" 268  
That "Bylaw Notice Enforcement Bylaw 2019 No. 7159.03" (To include a schedule of penalties related to "Smoking Regulation Bylaw 2018 No. 7268") be adopted.
- c. "Highway Closure and Dedication Removal Bylaw 2019 No. 7274" 269 - 272  
That "Highway Closure and Dedication Removal Bylaw 2019 No. 7274" (To provide for highway closure and dedication removal of a portion of Labieux Road adjacent to 2560 Bowen Road) be adopted.
- d. Bylaw Status Sheet (For information only) 273

**12. CORRESPONDENCE:**

**13. NOTICE OF MOTION:**

**14. OTHER BUSINESS:**

**15. QUESTION PERIOD:**

**16. ADJOURNMENT:**

**MINUTES**  
REGULAR COUNCIL MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2019-FEB-04, AT 4:30 P.M.

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Present: Mayor L. Krog  
Councillor S. D. Armstrong  
Councillor D. Bonner  
Councillor T. Brown  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor I. W. Thorpe  
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer  
D. Lindsay, Director of Community Development  
B. Sims, Director of Engineering and Public Works  
B. Corsan, Deputy Director of Community Development (arrived 7:36 p.m., vacated 7:38 p.m.)  
J. Van Horne, Director of Human Resources (arrived 7:02 p.m., vacated 7:06 p.m.)  
M. Desrochers, Technical Support Specialist  
S. Gurrie, City Clerk  
J. Vanderhoef, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 4:29 p.m.

2. PROCEDURAL MOTION TO PROCEED IN CAMERA:

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) A part of a Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (c) labour relations or other employee relations; and,
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

The motion carried unanimously.



Council moved “In Camera” at 4:30 p.m.  
Council moved out of “In Camera” at 6:57 p.m.

The Regular Council Meeting recessed at 6:57 p.m.  
The Regular Council Meeting reconvened at 7:00 p.m.

3. APPROVAL OF THE AGENDA:

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

J. Van Horne entered the Shaw Auditorium at 7:02 p.m.

4. ADOPTION OF THE MINUTES:

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

- Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2019-JAN-14, at 4:30 p.m.
- Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2019-JAN-21, at 5:30 p.m.

The motion carried unanimously.

5. MAYOR’S REPORT:

Mayor Krog thanked Council for agreeing to pay for his costs to attend the Mid Island Business Improvement launch event in Vancouver, which was well attended by investors and business people. He also noted that Council had recently had an opportunity to meet with the Airport Commission and School Board in an effort to further those relationships.

(a) Code of Conduct Signing

Mayor Krog spoke regarding the Code of Conduct, presented to Council during the 2019-JAN-28 Committee of the Whole Meeting, which Council had agreed to adopt and sign at the next scheduled meeting of Council. He noted that the signing of the Code of Conduct is reflective of this Council’s commitment to the kind of decorous behaviour that is expected of publicly elected officials.

J. Van Horne vacated the Shaw Auditorium at 7:06 p.m.

6. PRESENTATIONS:

(a) 2018 Community Development Year in Review

Dale Lindsay, Director of Community Development, provided a presentation regarding development statistics for the community, occupancy rates, permit processing timeframes, and large development projects taking place within the City.

7. REPORTS:

(a) Development Permit Application No. DP1102 - 1228 Manzanita Place

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council issue Development Permit No. DP1102 at 1228 Manzanita Place with the following variances:

- reduce the minimum front yard setback for proposed Building B from 6m to 5.4m;
- reduce the minimum front yard setback for proposed Building C from 6m to 4.5m;
- increase the maximum building heights for proposed Buildings A, C and D from 7m to 9m; and,
- increase the maximum building height for proposed Building B from 7m to 8.2m.

The motion carried unanimously.

(b) Covenant Amendment Application No. CA10 - 1371 Stewart Avenue

Introduced by Dale Lindsay, Director of Community Development.

It was moved and seconded that Council direct Staff to proceed with a Public Hearing for Covenant Amendment Application No. CA10 at 1371 Stewart Avenue. The motion carried unanimously.

B. Corsan entered the Shaw Auditorium at 7:36 p.m.

(c) Front Street Extension - Budget Transfer

Introduced by Dale Lindsay, Director of Community Development.

Presentation:

1. Bill Corsan, Deputy Director of Community Development, provided a presentation regarding the current stage of the waterfront walkway development project, allocation of funding, and submitting a grant application to the Union of BC Municipalities.

It was moved and seconded that Council:

1. approve a change to the funding strategy for the walkway component of the Front Street Extension project; and,
2. direct Staff to submit a revised grant application to Union of BC Municipalities for the waterfront walkway project at 1 Port Drive for evaluation.

The motion carried unanimously.

B. Corsan vacated the Shaw Auditorium at 7:38 p.m.

- (d) Union of BC Municipalities Funding Program for Flood Risk Assessment, Mapping and Mitigation Planning
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Introduced by Bill Sims, Director of Engineering and Public Works.

It was moved and seconded that Council:

1. endorse the funding application for the South Fork and Jump Creek Dams Inundation Mapping under the Union of BC Municipalities Funding Program and Flood Risk Assessment, Mapping and Mitigation Planning; and,
2. direct Staff, upon a successful grant application, to amend the 2019 – 2023 Financial Plan to accelerate the South Fork and Jump Creek Dams Inundation Mapping project from year three (2021) to year two (2020) of the plan with funding to be a combination of grant funding and water reserves.

The motion carried unanimously.

8. BYLAWS:

- (a) "Housing Agreement Amendment Bylaw 2019 No. 7262.01"

It was moved and seconded that "Housing Agreement Amendment Bylaw 2019 No. 7262.01" (To amend the bylaw to ensure that all existing and future housing units on the site are used for affordable housing, and to update an outdated reference to the *Local Government Act*) be adopted. The motion carried unanimously.

- (b) "Highway Closure and Dedication Removal Bylaw 2019 No. 7274"

It was moved and seconded that "Highway Closure and Dedication Removal Bylaw 2019 No. 7274" (To provide for highway closure and dedication removal of a portion of Labieux Road adjacent to 2560 Bowen Road) pass third reading. The motion carried unanimously.

(c) "Housing Agreement Bylaw 2019 No. 7280"

It was moved and seconded that "Housing Agreement Bylaw 2019 No. 7280" (To authorize a Housing Agreement between the City of Nanaimo and 0948423 BC Ltd. pertaining to 548 Steeves Road) be adopted. The motion carried.

Opposed: Councillor Bonner

9. OTHER BUSINESS:

(a) Councillor Maartman Motion re: Carbon Initiative

It was moved and seconded that Council defer consideration of the following motion:

"That City of Nanaimo declare a climate emergency and takes a leadership role towards achieving carbon neutrality by 2030."

The motion carried unanimously.

(b) Councillor Bonner Motion re: Cannabis and Farm Use Activities

It was moved and seconded that Council direct Staff to submit the following resolutions to the AVICC:

1. Cannabis and Farm Use Activities

"WHEREAS the *Agricultural Land Commission Act* states "farm use" means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;

AND WHEREAS the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the ALR Regulation) has differentiated the lawful production of cannabis from other "farm use" by limiting the structures for production, and narrowing the definition of 'necessary' activities under section 2(3), unlike any other crop in British Columbia:

THEREFORE, BE IT RESOLVED that the AVICC request the provincial government to amend the ALR Regulation so that the lawful production of cannabis aligns with the growing structures and site development measures available for all other crops. More specifically, placing limits on the unique concrete structure growing method initially targeted for regulation to all crops. Thus enabling cannabis, when grown as any other crop, to be deemed a "farm use", as defined in the *Agricultural Land Commission Act* and a "farm operation" under the *Farm Practices Protection (Right to Farm)*. Circumscribing cannabis production in structures that are lawful by regulation for all other crops, may not withstand judicial review."

## 2. Cannabis Plants on the Agricultural Land Reserve

"WHEREAS the *Agricultural Land Commission Act* states "farm use" means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;

AND WHEREAS the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the ALR Regulation) has differentiated the lawful production of cannabis from other "farm use" by limiting the structures for production, and narrowing the definition of 'necessary' activities under section 2(3), unlike any other crop in British Columbia:

THEREFORE, BE IT RESOLVED that the AVICC request the provincial government to amend the ALR Regulation in order to clarify the interpretation of section 2(2.5) of the ALR Regulation regarding the lawful production of cannabis "inside a structure (a) that has a base consisting entirely of soil", and clarify that when producing cannabis in a greenhouse, it has the same meaning as "Greenhouse" under section 2(o)(i) of the Regulation. Circumscribing cannabis production in structures that are lawful by regulation for all other crops, may not withstand judicial review.

AND BE IT FURTHER RESOLVED THAT the AVICC request the provincial government to amend the ALR Regulation section 2(2.5) to resemble something like the following:

(2.5) The lawful production of cannabis is designated as farm use for the purposes of the Act if produced outdoors in a field or inside a structure

(a) which has a base consisting entirely of soil, and

(i) that is moveable in nature; or

(ii) on a helical pile foundation; or

(iii) whose base does not create irreversible damage to the soil."

## 3. Low Impact Foundation Systems for Farm Use Structures

"WHEREAS the structural use of concrete as a foundation system and associated fill, is known to cause irreparable damage to soil biology and render a site unfit for soil-based crops in the future, and low-impact, low carbon, removable foundation technologies are available as a new standard for agricultural structure foundations;

AND WHEREAS the *Agricultural Land Commission Act*, and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the ALR Regulation) regulate "farm use" structures on the agricultural land reserve (ALR) and the deposit of fill is considered a farm use for all activities under sections 2(1) to (2.2), and does not require notification to the ALR except under limited circumstances, and the National Farm Building Code applies to all agricultural "farm use" structures;

THEREFORE, BE IT RESOLVED that the AVICC request the provincial government to encourage the use of low carbon, low impact, cement-free foundation technologies for farm

use structures and buildings within the ALR, thereby reducing the deposition of fill material and elimination of arable soil capability in the long term."

4. Retrofitting of Structures to Reduce Impact of New Construction

"WHEREAS the *Agricultural Land Commission Act*, and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (the ALR Regulation) Section 2(2.5)(b) has limited cannabis production to existing structures which were previously utilized for crop production, or were under continuous production prior to the regulatory change, eliminating the ability to convert non-crop or other structures within the Agricultural Land Reserve (ALR);

AND WHEREAS the *Cannabis Act and Regulations* require "good production practices" that create hygienic conditions for the cultivation and production of cannabis, and existing structures are available for federally compliant conversion, which would strengthen municipal 2018 BC Building Code oversight, reduce the pressure for new construction, and facilitate contribution to the local and BC Economy:

THEREFORE, BE IT RESOLVED that the AVICC request the provincial government to amend the ALR Regulation to allow for the retrofitting of existing non-residential structures on the ALR for cannabis production."

5. Indoor Agricultural Fertilization Practices

"WHEREAS water sustainability, healthy watersheds and ground water are of vital importance and, commercial fertilizers can be damaging to groundwater and influence water quality in watersheds;

AND WHEREAS the use of fertilizers in greenhouses and indoor structures creates effluent that contains concentrated commercial fertilizers which, if released untreated can be damaging to groundwater and the overall watershed:

THEREFORE, BE IT RESOLVED that the AVICC request that the provincial government explore including in the BC Agricultural Best Practices, the requirement for closed loop greenhouse irrigation systems in commercial greenhouse and indoor agricultural structures, to prevent commercial fertilizers from being emitted into the environment."

The motion carried.

Opposed: Councillors Armstrong, Thorpe, Turley

10. QUESTION PERIOD:

- Heather Ambo re: values for market rentals.
- Les Barclay re: Agenda Item 10(c) - Front Street Extension – Budget Transfer and submission deadline for grant application.

11. ADJOURNMENT:

It was moved and seconded at 7:52 p.m. that the meeting terminate. The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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CORPORATE OFFICER

**MINUTES**  
SPECIAL COMMITTEE OF THE WHOLE MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2018-DEC-17 AT 1:00 P.M.

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Present: Mayor L. Krog  
Councillor S. D. Armstrong  
Councillor D. Bonner  
Councillor T. Brown  
Councillor B. Geselbracht (entered 1:02 p.m.)  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor I. W. Thorpe  
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer  
D. Lindsay, Director of Community Development (vacated 3:31 p.m.)  
B. Sims, Director of Engineering and Public Works  
K. Fry, Fire Chief (entered 1:08 p.m., vacated 1:58 p.m.)  
L. Mercer, Acting Director of Finance  
B. Corsan, Deputy Director, Community Development  
P. Stewart, Manager, Engineering Projects (vacated 2:43 p.m.)  
L. Bhopalsingh, Manager, Community and Cultural Planning (vacated 2:43 p.m.)  
K. Nobel, Capital Project Management Specialist (vacated 2:43 p.m.)  
K. Kronstal, Social Planner (vacated 2:43 p.m.)  
S. Gurrie, City Clerk (vacated 2:11 p.m.)  
S. Snelgrove, Deputy Corporate Officer (entered 2:14 p.m.)  
G. Whitters, Recording Secretary

1. CALL THE SPECIAL MEETING TO ORDER:

The Special Committee of the Whole Meeting was called to order at 1:00 p.m.

2. APPROVAL OF AGENDA:

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

3. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Regular Committee of the Whole Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2018-NOV-26 at 4:30 p.m. be adopted as circulated. The motion carried unanimously.



4. REPORTS:

(a) Waterfront Walkway – Project Summary

Introduced by Dale Lindsay, Director, Community Development.

Councillor Geselbracht entered the Shaw Auditorium at 1:02 p.m.

Bill Corsan, Deputy Director, Community Development, provided a presentation regarding the Waterfront Walkway.

K. Fry entered the Shaw Auditorium at 1:08 p.m.

It was moved and seconded that the report titled “Waterfront Walkway – Project Summary”, dated 2018-DEC-17, be received for information. The motion carried unanimously.

(b) 1 Port Drive – Background Information

Introduced by Dale Lindsay, Director, Community Development.

Bill Corsan, Deputy Director, Community Development, Phil Stewart, Manager, Engineering Projects, and Karin Kronstal, Social Planner, provided background information regarding 1 Port Drive.

K. Fry vacated the Shaw Auditorium at 1:58 p.m.

S. Gurrie vacated the Shaw Auditorium at 2:11 p.m.

S. Snelgrove entered the Shaw Auditorium at 2:14 p.m.

It was moved and seconded that the report titled “1 Port Drive – Background Information” dated, 2018-DEC-17, be received for information. The motion carried unanimously.

L. Bhopalsingh, K. Kronstal, K. Nobel, and P. Stewart vacated the Shaw Auditorium at 2:43 p.m.

(c) Cannabis Regulation

Introduced by Dale Lindsay, Director, Community Development.

Dale Lindsay, Director of Community Development, provided a presentation and overview regarding cannabis regulation.

It was moved and seconded that the report titled “Cannabis Regulation, dated 2018-DEC-17, be received for information. The motion carried unanimously.

D. Lindsay vacated the Shaw Auditorium at 3:13 p.m.

The Special Committee of the Whole meeting recessed at 3:13 p.m.

The Special Committee of the Whole meeting reconvened at 3:25 p.m.

(d) Committee of the Whole Workshops

Introduced by Jake Rudolph, Chief Administrative Officer.

Jake Rudolph, Chief Administrative Officer, provided information on potential upcoming meetings and workshops for 2019.

Committee discussion took place regarding:

- Location of meetings
- Adding more Committee of the Whole Meetings
- Consistently scheduled Monday afternoons for workshops
- Dates, times and topics for meetings
- Format of Committee of the Whole Meetings
- Acoustics and streaming capabilities at the Service and Resource Centre
- Reconfiguration of the Shaw Auditorium

It was moved and seconded that the Committee of the Whole Workshops report, dated 2018-DEC-17, be received for information. The motion carried unanimously.

5. QUESTION PERIOD:

No one in attendance wished to ask questions.

6. ADJOURNMENT:

It was moved and seconded at 4:08 p.m. that the meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**MINUTES**  
SPECIAL COMMITTEE OF THE WHOLE MEETING  
BOARDROOM, SERVICE AND RESOURCE CENTRE,  
411 DUNSMUIR STREET, NANAIMO, BC  
MONDAY, 2019-JAN-07 AT 1:00 P.M.

---

Present: Mayor L. Krog  
Councillor D. Bonner  
Councillor T. Brown  
Councillor Geselbracht (arrived 1:19 p.m.)  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor I. W. Thorpe

Absent: Councillor S. D. Armstrong  
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer  
R. J. Harding, Director of Parks and Recreation (arrived 1:15 p.m., vacated 1:50 p.m., entered 2:10 p.m.)  
D. Lindsay, Director of Community Development (vacated 1:50 p.m., entered 2:10 p.m.)  
B. Sims, Director of Engineering and Public Works (arrived 2:29 p.m.)  
J. Van Horne, Director of Human Resources (vacated 1:50 p.m.)  
K. Fry, Fire Chief (arrived 3:52 p.m.)  
S. Gurrie, City Clerk (vacated 1:54 p.m., entered 2:10 p.m.)  
S. Snelgrove, Steno Coordinator (vacated 1:50 p.m., entered 2:10 p.m., vacated 4:20 p.m.)  
K. Gerard, Recording Secretary (vacated 1:50 p.m., entered 2:10 p.m., vacated 4:20 p.m.)

1. CALL THE SPECIAL COMMITTEE OF THE WHOLE MEETING TO ORDER:

The Special Committee of the Whole Meeting was called to order at 1:02 p.m.

2. APPROVAL OF AGENDA:

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

3. REPORTS:

(a) Council Code of Conduct 1:00 p.m. - 2:00 p.m.

John Van Horne, Director of Human Resources, provided Council with an overview and update of the proposed Council Code of Conduct. Mr. Van Horne requested that Council provide direction to Staff regarding the creation of a City of Nanaimo Council Code of Conduct.

R. Harding entered the Boardroom at 1:15 p.m.

Committee of the Whole discussion took place regarding:

- The importance of the Code of Conduct to Council and the public
- Examples from other local governments and the Union of British Columbia Municipalities that could be used as a template for the City of Nanaimo
- Creating the Code of Conduct as a bylaw type document vs. policy document
- Once the Code of Conduct is created and adopted regular reviews should be scheduled
- Code of Conduct should be written in plain language
- Repercussions and/or disciplinary action if a member of Council does not follow the Code of Conduct and who decides if a member is in non-compliance
- Third party intervention is important for any action taken against a member of Council

Councillor Geselbracht entered the Boardroom at 1:19 p.m.

Committee of the Whole discussion continued regarding:

- Sanctioning process and breaches of the Code of Conduct
- Code of Conduct should be signed at a public signing ceremony to show the public Council's commitment regarding behavior and respect
- Both the the Prince George Code of Conduct and the Union of British Columbia model are good examples that the City could use to create a Code of Conduct
- Signing document could state that Council recognizes that it is an honour and privilege to serve on this council
- Senior staff should have input and be able to review the document
- Consider a motion from Council regarding writing a letter to the Union of British Columbia Municipalities that the City of Nanaimo supports and appreciates their work

Jake Rudolph, Chief Administrative Officer, and John Van Horne, Director of Human Resources, summarized Council wishes and stated that Council has agreed to the following:

- City of Nanaimo Code of Conduct will include format and language taken from the Prince George Code of Conduct and the Union of British Columbia Code of Conduct model
- The Code of Conduct will include an executive summary that will summarize the Code of Conduct for Council and the public and will be signed, publically, at a future Council meeting
- Staff will return to a future Committee of the Whole meeting with a draft Code of Conduct for review

D. Lindsay, R. Harding and J. Van Horne vacated the Boardroom at 1:50 p.m.  
K. Gerard and S. Snelgrove vacated the Boardroom at 1:52 p.m.

4. PROCEDURAL MOTION TO PROCEED IN CAMERA:

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) A part of a Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

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

The motion carried unanimously.

The Committee of the Whole moved “In Camera” at 1:53 p.m.

The Committee of the Whole moved out of “In Camera” at 1:54 p.m., and reconvened the open meeting.

4. PROCEDURAL MOTION TO PROCEED IN CAMERA (continued):

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) A part of a Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (d) the security of property of the municipality; and,
- (g) litigation or potential litigation affecting the municipality.

The motion carried unanimously.

S. Gurrie vacated the Boardroom at 1:54 p.m.

The Committee of the Whole moved “In Camera” at 1:55 p.m.

The Committee of the Whole reconvened at 2:10 p.m.

K. Gerard, S. Gurrie, R. Harding, D. Lindsay and S. Snelgrove returned to the Boardroom at 2:10 p.m.

B. Sims entered the Boardroom at 2:29 p.m.

3. REPORTS: (continued)

(b) Committee Structure 2:00 p.m. - 4:00 p.m.

Introduced by Sheila Gurrie, City Clerk.

Presentation:

George Cuff, George B. Cuff & Associates, joined the meeting electronically and reviewed Attachment E, "Governance Template" from the report titled "Committee Structure", as follows:

- Options for different governance models and suggestions for committee structures
- Advantages of implementing a Governance and Priorities Committee (GPC) as well as an Agenda's Committee
- GPC and Agenda's committees need a clear mandate
- GPC meetings allow for full and wholesome discussion on high priority items
- At GPC meetings, delegations, community representatives, guest speakers and Staff, are given more time to speak and Council can debate and ask questions of the delegations for a longer period of time
- Updates and "for information only" reports should be under the Consent Items heading the on Regular Council agenda
- GPC's are structured around key items throughout the year but new items can be added
- Summary of items from the GPC discussion are presented at Regular Council meetings and members have the option to debate again but majority of debate should be done at the GPC meeting
- Round table discussions where the public is invited have been very successful
- Following a round table a report goes to a GPC meeting for discussion and recommendations then to Council to be voted on

G. Cuff disconnected at 3:14 p.m.

Council discussion included:

- Difference between a well-functioning Committee of the Whole and the Governance and Priorities Committee
- Committees could branch off of the GPC and recommendations would then go to Council
- Debate items in front of the public, live-streamed, at Regular Council meetings and debate at the GPC meeting
- Suggestion that the Agenda's Committee reviews items and recommends if they should go to the GPC or to a Regular Council meeting
- Terms of Reference and mandate of Committees needs be clear, concise and easily understood
- Selecting committees before or after the Strategic Plan has been created
- Items that have been identified in the Strategic Plan could be the catalyst for the creation of committees
- Committee recommendation approval process

K. Fry entered the Boardroom at 3:52 p.m.

It was moved and seconded that the Committee of the Whole recommend that the Committee Structure report dated 2019-JAN-07 be received for information. The motion carried unanimously.

5. QUESTION PERIOD:

- Dennis McMahon re: Agenda Item 4(a) – Code of Conduct and Agenda Item 4(b) – Committee Structure and asked if a Code of Conduct vision statement will be created.

The Committee of the Whole moved “In Camera” at 4:02 p.m.

The Committee of the Whole moved out of “In Camera” at 4:32 p.m.

6. ADJOURNMENT:

It was moved and seconded at 4:32 p.m. that the meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**MINUTES**  
SPECIAL COMMITTEE OF THE WHOLE MEETING  
DOUGLAS RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2019-JAN-14 AT 1:00 P.M. – 4:00 P.M.

---

Present: Mayor L. Krog  
Councillor S. D. Armstrong  
Councillor D. Bonner  
Councillor T. Brown  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor I. W. Thorpe

Absent: Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer  
R. J. Harding, Director of Parks and Recreation  
D. Lindsay, Director of Community Development  
B. Sims, Director of Engineering and Public Works  
B. Corsan, Deputy Director of Community Development  
K. Fry, Fire Chief  
S. Gurrie, City Clerk  
J. Vanderhoef, Recording Secretary

1. CALL THE SPECIAL MEETING TO ORDER:

The Special Committee of the Whole Meeting was called to order at 1:02 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 4 – Procedural Motion – Add *Community Charter* Section 90(1):

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality.

It was moved and seconded that *Community Charter* Section 90(1)(a) be added to Agenda Item 4 - Procedural Motion. The motion carried unanimously.

3. APPROVAL OF AGENDA:

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



4. 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):

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public; and,

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.

Committee of the Whole moved into "In Camera" at 1:03 p.m.  
Committee of the Whole moved out of "In Camera" at 4:28 p.m.

5. ADJOURNMENT:

It was moved and seconded at 4:28 p.m. that the meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**MINUTES**  
SPECIAL COMMITTEE OF THE WHOLE MEETING  
BOARDROOM, SERVICE AND RESOURCE CENTRE  
411 DUNSMUIR STREET, NANAIMO, BC  
FRIDAY, 2019-JAN-18 AT 9:00 A.M.

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Present: Mayor L. Krog  
Councillor S. D. Armstrong  
Councillor D. Bonner  
Councillor T. Brown  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor I. W. Thorpe

Absent: Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer  
R. J. Harding, Director of Parks and Recreation  
D. Lindsay, Director of Community Development  
B. Sims, Director of Engineering and Public Works  
J. Van Horne, Director of Human Resources  
L. Fletcher, Inspector, Nanaimo RCMP (vacated 12:20 p.m.)  
K. Fry, Fire Chief  
L. Mercer, Acting Director of Financial Services  
J. Elliot, Senior Manager of Public Works (entered 9:12 a.m., vacated 11:04 a.m.)  
D. Thompson, Acting Manager, Sani, Recycling, and Public Works Admin (entered 9:12 a.m., vacated 11:04 a.m.)  
P. Rosen, Senior Manager of Engineering (vacated at 12:05 p.m.)  
G. de Boeck, Senior Client Support Specialist (entered 12:41 p.m., vacated 12:42 p.m.)  
N. Sponaugle, Legislative Services Clerk  
S. Gurrie, City Clerk  
S. Snelgrove, Recording Secretary  
G. Whitters, Recording Secretary (vacated 12:05 p.m.)

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Committee of the Whole Meeting was called to order at 9:00 a.m.

S. Snelgrove vacated the Boardroom at 9:01 a.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Add Agenda Item 7 – Procedural Motion

3. APPROVAL 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 Special Committee of the Whole Meeting held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC on Monday, 2018-DEC-17 at 1:00 p.m. be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

(a) Strategic Planning Session with Tracey Lorenson, Paragon Strategic Services Ltd.

Introduced by Jake Rudolph, Chief Administrative Officer.

J. Elliot and D. Thompson entered the Boardroom at 9:12 a.m.

Tracey Lorenson, Paragon Strategic Services Ltd., outlined the purpose and elements of a Strategic Plan.

Committee discussion took place regarding the following:

- Frustrations around previous strategic planning processes
- Public expectations
- Management's support of Council
- Increasing good news stories
- Common issues and concerns heard during the campaign period included:
  - Governance
  - Public Safety, homelessness and housing
  - Environment
  - Community engagement
  - Relationships
  - Economic development
  - Transportation
  - Arts and culture
  - Protection of green spaces and recreational facilities
  - Waste management
  - Downtown and waterfront development

The Committee of the Whole broke into groups to discuss which stakeholders have expectations of the City.

Committee discussion continued regarding the following:

- Responsibility to the community
- Improving level of service
- Response times to public's concerns and where to direct them

The Special Committee of the Whole Meeting recessed at 10:10 a.m.  
The Special Committee of the Whole Meeting reconvened at 10:26 a.m.

Committee discussion took place regarding the definition of good governance and what makes Nanaimo unique which included:

- Bathtub race
- Location, size and spread of the City
- Amenities
- Social services
- Active deep water sea port
- Economy heavily dependant on development
- High crime rates
- High poverty

J. Elliot and D. Thompson, vacated the Boardroom at 11:04 a.m.  
Councillor Brown vacated the Boardroom at 11:09 a.m.

The Committee of the Whole discussed efficiency of meetings, community engagement, collaboration, and predictability & clarity of policies to improve certainty for investors.

Councillor Brown returned to the Boardroom at 11:20 a.m.  
J. Van Horne vacated the Boardroom at 11:31 a.m.  
Councillor Armstrong vacated the Boardroom at 11:33 a.m.  
Councillor Armstrong returned to the Boardroom at 11:40 a.m.  
J. Van Horne returned to the Boardroom at 11:40 a.m.

Committee discussion took place regarding management excellence, customer service and community engagement which included the following:

- Creating and optimizing a system to acquire feedback from the community
- Harnessing talent in the community
- Clarity of agendas
- Developing an engagement strategy
- The role of committees
- Creating clear terms of reference for all committees
- First Nations engagement
- Facilitating and improving conversations between Council, the public and Staff
- Staff efficiency

S. Snelgrove entered the boardroom at 12:05 p.m.  
P. Rosen vacated the boardroom at 12:05 p.m.

The Special Committee of the Whole Meeting recessed at 12:05 p.m.  
L. Fletcher vacated the Boardroom at 12:20 p.m.  
The Special Committee of the whole Meeting reconvened at 12:38 p.m.

Staff present: S. Gurrie, D. Lindsay, J. Rudolph, B. Sims, S. Snelgrove, N. Sponaugle, J. Van Horne

K. Fry and L. Mercer entered the Boardroom at 12:40 p.m.

G. de Boeck entered the Boardroom at 12:41 p.m.

Tracey Lorenson, Paragon Strategic Services Ltd., continued her presentation which included the following:

- Discussion regarding which topics to focus on in the afternoon portion of the session: Revitalizing downtown, Public safety, Economic Health, Climate Change

G. de Boeck vacated the Boardroom at 12:42 p.m.

Councillor Armstrong returned to the Boardroom at 12:42 p.m.

Committee discussion continued regarding:

- Council's role in social issues such as:
  - Child poverty
  - Drug addiction
  - Public safety
- Intentional design of the City related to:
  - Climate change
  - Environmental sustainability
  - Social isolation
  - Recreation

Committee discussion took place regarding:

- Social Issues in Nanaimo and advocacy for social issues
- Creating services such as health centres
- Areas of legal jurisdiction to deal with addiction
- Need of Provincial and Federal government support
- Advocacy, education, facilitation and strengthening systems already in place
- Focus on issues Council can directly solve and influence
- Council is willing to be part of a solution to donate assets if needed and is open to partnerships
- Connections between social service agencies and the City of Nanaimo
- Ready to mobilize with other levels of government to support our community
- Not interested in funding the work that is the legal responsibility of other levels of government

R. Harding returned to the Boardroom at 1:14 p.m.

- Affordability and economic strategy
- How to implement strategies in place
- Economic development:
  - Expanded marina
  - 1 Port Drive Development
  - Economic benefits of development, wellbeing and liveability related to economic development
  - Development and enhancements of the downtown area is important
  - Waterfront walkway may be a way to support downtown revitalization

K. Fry vacated the Boardroom at 1:30 p.m.

- Downtown revitalization may be different and distinct from development of last piece of undeveloped waterfront
- Walkway along waterfront part of enhancing downtown and linkages downtown
- Diligent in protecting and maximizing final piece of land downtown

S. Gurrie vacated the Boardroom at 1:32 p.m.

Committee discussion took place regarding the south downtown waterfront lands, restrictions on lands, known archeological sites downtown, permitting process and that the Port Drive Waterfront Master Plan has been completed.

The Special Committee of the Whole Meeting recessed at 1:36 p.m.

The Special Committee of the Whole Meeting reconvened at 1:54 p.m.

Committee discussion continued regarding:

- Including the Official Community Plan (OCP) changes in the strategic plan

B. Sims returned to the Boardroom at 1:56 p.m.

- Role of the OCP
- OCP guiding development and long term planning
- Vision of community should be aligned with strategic plan
- OCP has tools to make Nanaimo carbon neutral
- Embed agreed values into long term planning
- OCP linked to transportation, recreation, environment and long term decision making regarding land use
- A vision of Nanaimo that is livable and environmentally sustainable, full of opportunity for all generations and walks of life

Committee discussion took place regarding the environment, including the following points:

- Environmental sustainability in OCP
- Environment was identified as one of the five pillars of priorities
- Potentially reformat staff reports to include an environmental impact section
- Create communities and villages within cities
- Walkable neighbourhoods connected by efficient transit
- Natural asset management
- Evidence based decision making

Discussion took place regarding next steps for the strategic plan, including cleaning up the language, reviewing with the CAO and potentially coming back for another discussion.

The Special Committee of the Whole Meeting recessed at 2:52 p.m.

The Special Committee of the whole Meeting reconvened at 3:08 p.m.

Tracey Lorenson, Paragon Strategic Services Ltd., continued her presentation which included the following discussion topics:

- Arts and Culture
  - Demand of services for aging population
  - Targeted focus on what matters most to the community
  - Expansion of the Port Theatre Performing Arts Centre

K. Fry returned to the Boardroom at 3:22 p.m.

- Arts and Cultural plan coming forward for renewal
- Strong community groups around arts and culture
- Make it easier for groups to access grants and remove impediments to them being successful
- Truth and Reconciliation:
  - Snuneymuxw First Nation territory
  - Relationships with First Nations
  - Establish personal and intergovernmental relationships
  - Establish good relations with other partners including: Nanaimo Port Authority, Vancouver Island University, Chamber of Commerce, School Board, Regional District of Nanaimo and others
  - Protocol Agreement Working Group
  - Valuing relationships with others that impact and support our community

6. QUESTION PERIOD:

No one in attendance wished to ask questions.

7. 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):

- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2).

The motion carried unanimously.

The Committee of the Whole moved “In Camera” at 3:52 p.m.  
The Committee of the Whole moved out of “In Camera” at 4:01 p.m.

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):

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (c) labour relations or other employee relations;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;
- (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*]; and,

90(2)(b)

- (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 4:02 p.m.

Council moved out of "In Camera" at 5:02 p.m.

8. ADJOURNMENT:

It was moved and seconded at 5:02 p.m. that the meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER



**MINUTES**  
REGULAR COMMITTEE OF THE WHOLE COUNCIL MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2019-JAN-28, AT 4:30 P.M.

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Present: Mayor L. Krog  
Councillor S. D. Armstrong  
Councillor D. Bonner  
Councillor T. Brown  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor I. W. Thorpe  
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer (arrived 4:41 p.m.)  
R. J. Harding, Director of Parks and Recreation (arrived 4:45 p.m., vacated 5:06 p.m.)  
D. Lindsay, Director of Community Development  
J. Van Horne, Director of Human Resources (arrived 4:53 p.m.)  
Supt. C. Miller, OIC, Nanaimo Detachment RCMP (vacated 5:07 p.m.)  
M. Desrochers, Client Support Specialist  
S. Snelgrove, Deputy Corporate Officer  
K. Gerard, Recording Secretary

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

The Regular Committee of the Whole Meeting was called to order at 4:30 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Add Agenda Item 6(f) – Delegation from Janet Ismail, Ida Adam and Rudy Adam regarding neighbourhood crime and security concerns in and around the Labieux Road Temporary Housing.
- (b) Add Agenda Item 9(a) – Councillor Bonner Five Notices of Motion regarding Growing Cannabis on the Agricultural Land Reserve.

3. APPROVAL OF THE AGENDA:

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

4. ADOPTION OF THE MINUTES:

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

- Minutes of the Special Committee of the Whole Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Monday, 2019-JAN-07 at 1:00 p.m.
- Minutes of the Special Committee of the Whole Meeting held in the Douglas Rispin Room, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2019-JAN-14 at 1:00 p.m.
- Minutes of the Special Committee of the Whole Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Friday, 2018-JAN-18 at 9:00 a.m.

The motion carried unanimously.

5. DELEGATIONS:

- (a) Delegation from Paul Chapman, Executive Director, Nanaimo and Area Land Trust, regarding the upcoming Water Stewardship in a Changing Climate Symposium

Paul Chapman, Executive Director, Nanaimo and Area Land Trust spoke regarding the upcoming Water Stewardship in a Changing Climate Symposium, effects of climate change on our rivers, lakes and creeks and provided Mayor and Council with a calendar that contains dates of the upcoming Nanaimo and Area Land Trust workshops he hopes they will attend.

J. Rudolph entered the Shaw Auditorium at 4:41 p.m.

- (b) Delegation from Dennis McMahon regarding the Nanaimo Arts Community

Dennis McMahon spoke regarding the need for suitable and affordable space for the Nanaimo Arts Community and the proposed designation of 580 Fitzwilliam Street as the location for a future Nanaimo Centre for the Creative Arts. Mr. McMahon provided a brief history of appearances before Council and requested that Council and the Nanaimo Arts Community work together to provide artists with a studio space where artists can practice, sell art and hold workshops for the arts community.

It was moved and seconded that the Committee of the Whole direct Staff to prepare a report that provides information and outlines the feasibility of 580 Fitzwilliam Street being designated as a community arts centre with options for other community groups to use the facility as well. The motion carried unanimously.

R. Harding entered the Shaw Auditorium at 4:45 p.m.

(c) Delegation from Angela Wood, Todd Vass and Michelle Corfield regarding Safety Concerns at Beban Park and Park Watch

Angela Wood, Todd Vass and Michelle Corfield, provided the Committee of the Whole with findings and recommendations regarding safety concerns at Beban Park that were gathered by various community members who created a public group called "Park Watch". They spoke regarding the following:

- Group of parents and volunteers created a group called Park Watch, which patrols the BMX and Steve Smith bike track at Beban Park
- Increase in vandalism, graffiti, damage to property, garbage including needles and crime/theft at Beban Park
- Group and organizations want to work with the City of Nanaimo, RCMP, and Staff at Beban Park to focus on recommendations provided by the Park Watch group
- Priority recommendations include: clearing of trees and brush for better sightlines and lighting

J. Van Horne entered the Shaw Auditorium at 4:53 p.m.

(d) Delegation from Ken Clark regarding Crime and Safety in Nanaimo Neighbourhoods

Ken Clark spoke regarding the severity of crime in the neighbourhoods surrounding the Labieux Road Temporary Housing site. Mr. Clark provided examples of crime in the area and voiced his concern for the safety of residents and users of Beban Park facilities.

(e) Delegation from Holden Southward regarding City of Nanaimo Property Taxes

Holden Southward spoke regarding practical ways to reduce City of Nanaimo property taxes by 25%, including recommendation such as; saving money instead of borrowing for major projects, cap all municipal salaries at \$125,000/year, no pension after retirement for past and present Mayor and Council, utilize volunteers for projects and stop passing debt onto next generations.

R. Harding and D. Lindsay vacated the Shaw Auditorium at 5:06 p.m.

C. Miller vacated the Shaw Auditorium at 5:07 p.m.

6. REPORTS:

(a) Public Engagement Pilot Program Session Four

Introduced by Sky Snelgrove, Deputy Corporate Officer.

It was moved and seconded that the report "Public Engagement Pilot Program Session Four", dated 2019-JAN-28, be received for information. The motion carried unanimously.

(b) Public Engagement Pilot Program – Final Report

Introduced by Sky Snelgrove, Deputy Corporate Officer.

Presentation:

1. Nancy Mitchell, Norm Smith, Les Barclay and Bill Manners, members of the Community Engagement Task Force, provided the Committee of the Whole with a verbal report regarding the Community Engagement Task Force Final Report, which included the following:
  - Outcome of the four sessions and noted that the community does want engagement regarding city matters
  - Encourages Mayor and Council to be active in community engagement and thanked Mayor and Council for attending the last public engagement session
  - Thanked Staff that assisted with and were part of the Community Engagement Task Force
  - Provided recommendation to ensure that community engagement remains active

It was moved and seconded that the Public Engagement Pilot Program – Final Report dated, 2019-JAN-28, be received for information. The motion carried unanimously.

(c) Code of Conduct

Introduced by John Van Horne, Director, Human Resources.

It was moved and seconded that the Committee of the Whole recommend that Council adopt the attached Code of Conduct and sign the accompanying declaration at the next regular meeting of Council. The motion carried unanimously.

D. Lindsay returned to the Shaw Auditorium at 5:34 p.m.

7. OTHER BUSINESS:

(a) Councillor Bonner Notice of Motion re: Growing Cannabis Plants on the Agricultural Land Reserve (ALR)

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Councillor Bonner provided the following Notice of Motion for consideration at a future Council meeting:

1. WHEREAS the *Agricultural Land Commission Act* states "farm use" means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;

AND WHEREAS the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the ALR Regulation) has differentiated the lawful production of cannabis from other “farm use” by limiting the structures for production, and narrowing the definition of ‘necessary’ activities under section 2(3), unlike any other crop in British Columbia:

THEREFORE, BE IT RESOLVED that the AVICC request the provincial government to amend the ALR Regulation so that the lawful production of cannabis aligns with the growing structures and site development measures available for all other crops. More specifically, placing limits on the unique concrete structure growing method initially targeted for regulation to all crops. Thus enabling cannabis, when grown as any other crop, to be deemed a “farm use”, as defined in the *Agricultural Land Commission Act* and a “farm operation” under the *Farm Practices Protection (Right to Farm)*. Circumscribing cannabis production in structures that are lawful by regulation for all other crops, may not withstand judicial review.

2. WHEREAS the *Agricultural Land Commission Act* states “farm use” means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;

AND WHEREAS the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the ALR Regulation) has differentiated the lawful production of cannabis from other “farm use” by limiting the structures for production, and narrowing the definition of ‘necessary’ activities under section 2(3), unlike any other crop in British Columbia:

THEREFORE, BE IT RESOLVED that the AVICC request the provincial government to amend the ALR Regulation in order to clarify the interpretation of section 2(2.5) of the ALR Regulation regarding the lawful production of cannabis “inside a structure (a) that has a base consisting entirely of soil”, and clarify that when producing cannabis in a greenhouse, it has the same meaning as “Greenhouse” under section 2(o)(i) of the Regulation. Circumscribing cannabis production in structures that are lawful by regulation for all other crops, may not withstand judicial review.

AND BE IT FURTHER RESOLVED THAT the AVICC request the provincial government to amend the ALR Regulation section 2(2.5) to resemble something like the following:

- (2.5) The lawful production of cannabis is designated as farm use for the purposes of the Act if produced outdoors in a field or inside a structure
- (a) which has a base consisting entirely of soil, and
    - (i) that is moveable in nature; or
    - (ii) on a helical pile foundation; or
    - (iii) whose base does not create irreversible damage to the soil.

3. WHEREAS the structural use of concrete as a foundation system and associated fill, is known to cause irreparable damage to soil biology and render a site unfit for soil-based crops in the future, and low-impact, low carbon, removable foundation technologies are available as a new standard for agricultural structure foundations;

AND WHEREAS the *Agricultural Land Commission Act*, and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the ALR Regulation) regulate “farm use” structures on the agricultural land reserve (ALR) and the deposit of fill is considered a farm use for all activities under sections 2(1) to (2.2), and does not require notification to the ALR except under limited circumstances, and the National Farm Building Code applies to all agricultural “farm use” structures;

THEREFORE, BE IT RESOLVED that the AVICC request the provincial government to encourage the use of low carbon, low impact, cement-free foundation technologies for farm use structures and buildings within the ALR, thereby reducing the deposition of fill material and elimination of arable soil capability in the long term.

4. WHEREAS the *Agricultural Land Commission Act*, and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the ALR Regulation) Section 2(2.5)(b) has limited cannabis production to existing structures which were previously utilized for crop production, or were under continuous production prior to the regulatory change, eliminating the ability to convert non-crop or other structures within the Agricultural Land Reserve (ALR);

AND WHEREAS the Cannabis Act and Regulations require “good production practices” that create hygienic conditions for the cultivation and production of cannabis, and existing structures are available for federally compliant conversion, which would strengthen municipal 2018 BC Building Code oversight, reduce the pressure for new construction, and facilitate contribution to the local and BC Economy:

THEREFORE, BE IT RESOLVED that the AVICC request the provincial government to amend the ALR Regulation to allow for the retrofitting of existing non-residential structures on the ALR for cannabis production.

5. WHEREAS water sustainability, healthy watersheds and ground water are of vital importance and, commercial fertilizers can be damaging to groundwater and influence water quality in watersheds;

AND WHEREAS the use of fertilizers in greenhouses and indoor structures creates effluent that contains concentrated commercial fertilizers which, if released untreated can be damaging to groundwater and the overall watershed:

THEREFORE, BE IT RESOLVED that the AVICC request that the provincial government explore including in the BC Agricultural Best Practices, the requirement for closed loop greenhouse irrigation systems in commercial greenhouse and indoor agricultural structures, to prevent commercial fertilizers from being emitted into the environment.

8. QUESTION PERIOD:

- Mike Smith, President of Nanaimo BMX re: funding for lighting and assistance with clean up and maintenance of the bike parks.
- Chrissy Forsythe re: addiction services, repeat offenders and residents patrolling their neighbourhoods at night.
- Heather Ambo re: budget and cost of calls to emergency services.
- Ed Ambo re: assigning a single RCMP member to each temporary housing site as a contact for residents and neighbourhood groups.
- Sandra Steward-Kobeuka re: a clear plan to resolve the issues in and around the temporary housing sites
- Laura Bonner re: temporary portable be set up at each site as a community policing station and a portion of Brannen Lake Jail being made into a detox centre
- Les Barclay re: Agenda Item 7(c) – Code of Conduct.

Jake Rudolph, Chief Administrative Officer, spoke regarding the current action plan and summarized the various steps that are being taken at the temporary housing sites, which included the following:

- Neighbourhood advisory committees have been established and are meeting on an ongoing basis
- BC Housing has and is currently investing funding and time to work with the operators and service providers of each housing site
- Improvements have been made to the Terminal Avenue housing site including a new gate, fencing and better lighting; more work on the Labieux Road site will be done soon
- RCMP are maintaining a presence at both sites with regular officers, plain clothes officers and bike patrol
- RCMP are offering training for operators and outreach workers
- Island Health Authority is present at each site at least 5 days per week
- Staff, RCMP and neighbourhood groups are assisting in the maintenance, clean up and patrols of all parks and a new Parks Bylaw will be coming forward to Council soon that addresses overnight camping in Parks
- Mayor and Council, Staff, outreach workers, RCMP, operators and BC Housing are meeting on a regular basis
- Goal now is to look at long term solutions and identify potential properties for long term housing

9. ADJOURNMENT:

It was moved and seconded at 6:35 p.m. that the meeting terminate. The motion carried unanimously.

CERTIFIED CORRECT:

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CHAIR

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CORPORATE OFFICER

**MINUTES**  
SPECIAL COMMITTEE OF THE WHOLE MEETING  
BOARDROOM, SERVICE AND RESOURCE CENTRE  
411 DUNSMUIR STREET, NANAIMO, BC  
MONDAY, 2019-JAN-28 AT 12:00 P.M.

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Present: Mayor L. Krog (arrived 12:45 p.m.)  
Acting Mayor Councillor S. D. Armstrong  
Councillor D. Bonner  
Councillor T. Brown (vacated 3:31 p.m.)  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor I. W. Thorpe  
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer  
R. J. Harding, Director of Parks and Recreation  
D. Lindsay, Director of Community Development  
B. Sims, Director of Engineering and Public Works (vacated 2:03 p.m.)  
B. Corsan, Deputy Director of Community Development (vacated 3:43 p.m.)  
A. Manhas, Economic Development Officer  
D. Blackwood, Client Support Specialist (vacated 12:16 p.m.)  
S. Snelgrove, Deputy Corporate Officer  
G. Whitters, Recording Secretary

1. CALL THE SPECIAL MEETING TO ORDER:

The Special Committee of the Whole Meeting was called to order at 12:06 p.m.

2. APPROVAL OF AGENDA:

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

3. PRESENTATIONS:

(a) Economic Development Backgrounder – City of Nanaimo

Introduced by Bill Corsan, Deputy Director, Community Development.

Bill Corsan, Deputy Director, Community Development, provided a presentation regarding economic development which included the following information:

- History of economic development in the City of Nanaimo
- Budget and function of in-house Nanaimo Economic Development Corporation
- Contracting and funding of tourism services



- Current economic development model and the departments responsible
- 2018 Economic Development accomplishments
- The City's economic development partners and their 2018 achievements
- The City's key initiatives for 2019

D. Blackwood vacated the Boardroom at 12:16 p.m.

Committee discussion took place regarding the facilitation and purpose of roundtables, how to attract skilled employees to Vancouver Island, and internships.

(b) Presentation from Dale Wheeldon and Colleen Bond regarding Economic Development

Dale Wheeldon, President and CEO, British Columbia Economic Development Association, and Colleen Bond, Partner, EDCD Consulting, provided a presentation on economic development which included the following information:

- Economic development is unique to each community
- A video was played regarding economic development
- What is economic development and who should be involved
- Correlation between economic development and community development

B. Corsan vacated the Boardroom at 12:24 p.m.

Mayor Krog entered the Boardroom at 12:45 and assumed the Chair.

The committee discussed integrating supportive housing into economic development.

B. Corsan returned to the Boardroom at 12:54 p.m.

The presentation continued regarding:

- The structure, functions and day-to-day responsibilities of economic development
- Benefits of an in-house or out-of-house program
- Importance of provincial and federal government involvement
- Length of strategic plan and annual updates
- The planning process, information sources and actions to take
- Developing a work plan based on the strategic plan
- Measuring success and evaluating plan progress

Committee discussion took place regarding:

- The Mid Island Tech Attraction Strategy
- Regional and local government partnerships and how to start collaboration
- Tourism and economic development go hand in hand
- Economic development at the Regional District of Nanaimo
- Keeping collaborations project-based to start
- Examples of projects include agriculture, film, arts and culture, mid island tech sector, Vancouver Island Coast Economic Developers Association (VICEDA)
- City to be initiator of partnerships and to reach out to other areas

- Which structure for economic development: in-house or out-of-house and their pros and cons
- Economic development organization needs a clearly defined mandate
- Trust in the economic development officer
- In-house model, requires a Director who is included with Senior Management
- Importance of communication between economic development officer and Council
- Freedom of Information requests and their impact on an internal economic development model
- How to market Nanaimo for business attraction
- Reignite economic development in the City and get buy-in from community

The Special Committee of the Whole recessed at 2:03 p.m.

The Special Committee of the Whole reconvened at 2:19 p.m.

Staff present: B. Corsan, R. Harding, D. Lindsay, A. Manhas, S. Snelgrove, and G. Whitters

J. Rudolph returned to the Boardroom at 2:21 p.m.

The presentation continued regarding:

- Essential tools for economic development include website, community profile, and social media
- How to make information more available to incoming businesses and engaging the business community
- The value of business retention and expansion (BRE)
- Why BRE is important, who is involved, what it accomplishes and how it's done
- Business walks are a quick and effective way to engage with local businesses
- Video was played regarding Abbotsford business walks
- Importance of follow-up after a business walk
- Virtual business walks

The Special Committee of the Whole recessed at 3:10 p.m.

The Special Committee of the Whole reconvened at 3:12 p.m.

The presentation continued regarding:

- Home businesses and entrepreneurship
- Why support small business and entrepreneurs
- Two videos were played regarding entrepreneurship training and pop-up shops
- Growth of pop-up shops
- Investment readiness and attraction

The Committee discussed initial contact with new businesses and the data collected for business licenses.

Councillor Brown vacated the Boardroom at 3:31 p.m.

The presentation continued regarding:

- Performing exit surveys with businesses to find out why they closed or moved
- Evaluation of Nanaimo's investment readiness according to the Investment Readiness Assessment
- Video was played regarding empty buildings
- Investment attraction strategies
- BC advantages and the City's advantages for attracting business

Councillor Turley vacated the Boardroom at 3:41 p.m.

B. Corsan vacated the Boardroom at 3:43 p.m.

- The radius of the labour force around Nanaimo
- Marketing through media and videos
- Promo video was played regarding Alpharetta, Georgia

Councillor Turley returned to the Boardroom at 3:46 p.m.

Committee discussion took place regarding:

- Which economic model would be best for Nanaimo
- The gap in business expansion and retention
- Developing strategy in sessions/roundtables with engagement from community and how to facilitate it
- Pros and cons of Nanaimo Economic Development Corporation and the Speculation Tax Report
- City Website lacking links to economic development information
- What the model will look like including funding and staffing
- Consultation with the community to have their support
- Economic advantages in Nanaimo

4. ADJOURNMENT:

It was moved and seconded at 3:58 p.m. that the meeting terminate. The motion carried unanimously.

\_\_\_\_\_  
CHAIR

CERTIFIED CORRECT:

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

\_\_\_\_\_  
CHAIR

**MINUTES**  
**FINANCE AND AUDIT COMMITTEE MEETING**  
**SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,**  
**80 COMMERCIAL STREET, NANAIMO, BC**  
**WEDNESDAY, 2018-AUG-08 AT 9:00 A.M.**

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Present: Councillor G. W. Fuller, Acting Chair  
Councillor S. D. Armstrong  
Councillor W. L. Bestwick (arrived 9:17 a.m.)  
Councillor M. D. Brennan  
Councillor J. Hong (arrived 9:06 a.m.)  
Councillor J. A. Kipp  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Absent: Mayor W. B. McKay

Staff: J. Rudolph, Chief Administrative Officer  
L. Mercer, Manager, Accounting Services  
J. Rushton, Manager, Purchasing and Stores (vacated 9:18 a.m.)  
M. Smith, Manager, Recreation Services (vacated 9:06 a.m.)  
S. Snelgrove, Deputy Corporate Officer  
G. Whitters, Recording Secretary

1. CALL THE FINANCE AND AUDIT COMMITTEE MEETING TO ORDER:

The Finance and Audit Committee Meeting was called to order at 9:02 a.m. Councillor Fuller, Acting Chair, advised that the Committee was meeting on the unceded lands of the Snuneymuxw First Nations.

2. ADOPTION OF AGENDA:

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

3. ADOPTION OF MINUTES:

It was moved and seconded that Minutes of the Finance and Audit Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2018-JUL-11, at 9:00 a.m. be adopted as circulated. The motion carried unanimously.

4. REPORTS:

(a) Travel Assistance Grant – Nanaimo Baseball Association Mosquito Pirates

Introduced by Mary Smith, Manager, Recreation Services.

It was moved and seconded that the Finance and Audit Committee recommend that Council approve the request from the Nanaimo Minor Baseball Mosquito Pirates for a Travel Assistance Grant in the amount of \$550 for eleven (11) players to attend the Mosquito AAA Tier 1 Provincial Championships held from 2018-AUG-02 through AUG-06. The motion carried unanimously.

(b) Travel Assistance Grant – Nanaimo Minor Baseball Association Mosquito Pirates A

It was moved and seconded that the Finance and Audit Committee recommend that Council approve the request from the Nanaimo Minor Baseball Mosquito Pirates A for a Travel Assistance Grant in the amount of \$600 for twelve (12) players to attend the Mosquito A Provincial Championships held from 2018-AUG-02 through AUG-06 in Cloverdale, BC. The motion carried unanimously.

(c) Travel Assistance Grant – Nanaimo Minor Baseball Association Tadpole Pirates

It was moved and seconded that the Finance and Audit Committee recommend that Council approve the request from the Nanaimo Minor Baseball Tadpole Pirates for a Travel Assistance Grant in the amount of \$500 for ten (10) players to attend the Tadpole Provincial Championships held from 2018-JUL-27 through JUL-29 in Cloverdale, BC. The motion carried unanimously.

(d) Travel Assistance Grant – Nanaimo District Lacrosse Peewee A

It was moved and seconded that the Finance and Audit Committee recommend that Council approve the request from the Nanaimo District Lacrosse Peewee A for a Travel Assistance Grant in the amount of \$850 for seventeen (17) players to attend the 2018 BCLA Minor Box Lacrosse Provincial Championships held from 2018-JUL-11 through JUL-15. The motion carried unanimously.

(e) Travel Assistance Grant – Nanaimo District Lacrosse Peewee C

It was moved and seconded that the Finance and Audit Committee recommend that Council approve the request from the Nanaimo District Lacrosse Peewee C for a Travel Assistance Grant in the amount of \$700 for fourteen (14) players to attend the 2018 BC Lacrosse Provincial Championships held from 2018-JUL-12 through JUL-15. The motion carried unanimously.

M. Smith vacated the Shaw Auditorium at 9:06 a.m.  
Councillor Hong entered the Shaw Auditorium at 9:06 a.m.

(f) Quarterly Purchasing Report (Single and Sole Source), Instances of Non-Compliance Purchases and Purchases in Excess of \$250,000

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Introduced Jane Rushton, Manager, Purchasing and Stores.

Committee discussion took place regarding the challenges of the purchasing policy, re-evaluation of the policy and hiring another person in the purchasing department. The Committee also discussed limiting discussion regarding financial issues at Council meetings by discussing items thoroughly at Finance and Audit meetings.

It was moved and seconded that the report titled “Quarterly Direct Award (Single and Sole Source), Purchases in Excess of \$250,000, and Instances of Non-Compliance Purchases”, dated 2018-AUG-08, be received for information. The motion carried.

Opposed: *Councillor Kipp*

It was moved and seconded that the Finance and Audit Committee refer the Purchasing Policy to the Chief Administrative Officer for review to determine if efficiencies or recommendations can be made and to return with a report at a future Finance and Audit Committee meeting. The motion carried.

Opposed: *Councillors Fuller and Kipp*

Councillor Bestwick entered the Shaw Auditorium at 9:17 a.m.

J. Rushton vacated the Shaw Auditorium at 9:18 a.m.

(g) Snuneymuxw First Nation Water and Sewer Connection Fee Credit Agreement

Introduced by Laura Mercer, Manager, Accounting Services.

It was moved and seconded that the Finance and Audit Committee recommend that Council approve the Water and Sewer Connection Fee Credit Agreement between the Snuneymuxw First Nation and the City of Nanaimo. The motion carried unanimously.

5. OTHER BUSINESS:

It was moved and seconded that the Finance and Audit Committee recommend that Council direct to Staff prepare a report outlining all money that the City has provided to the Snuneymuxw First Nation in the last few years. The motion carried unanimously.

6. QUESTION PERIOD:

No one in attendance wished to ask questions.

7. ADJOURNMENT:

It was moved and seconded at 9:27 a.m. that the meeting terminate. The motion carried unanimously.

CERTIFIED CORRECT:

\_\_\_\_\_  
CHAIR

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

**MINUTES**  
SPECIAL FINANCE AND AUDIT COMMITTEE MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2018-NOV-26, AT 9:00 A.M.

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Present: Mayor L. Krog  
Councillor S. D. Armstrong  
Councillor D. Bonner  
Councillor T. Brown (arrived 9:03 a.m.)  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor I. Thorpe  
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer  
R. J. Harding, Director of Parks and Recreation (arrived 9:04 a.m., vacated 11:46 a.m., returned 1:07 p.m.)  
D. Lindsay, Director of Community Development  
B. Sims, Director of Public Works and Engineering  
J. Van Horne, Director of Human Resources  
B. Corsan, Deputy Director, Community Development (arrived 1:31 p.m.)  
K. Fry, Fire Chief  
L. Mercer, Acting Director, Financial Services  
W. Fulla, Manager, Business, Asset & Financial Planning  
S. Peabody, A/Manager, Revenue Services (arrived 1:04 p.m., vacated 1:42 p.m.)  
J. Rushton, Manager, Purchasing and Stores (arrived 1:04 p.m., vacated 1:42 p.m.)  
M. Dunstan, Manager, IT Application Services (arrived 1:23 p.m.)  
M. Blouin, Manager, Human Resources (arrived 10:56 a.m., vacated 11:57 a.m.)  
M. Winchell, Manager, Human Resources (arrived 10:56 a.m., vacated 11:57 a.m.)  
K. Williamson, Manager, Human Resources (arrived 10:56 a.m., vacated 11:57 a.m.)  
D. Fox, Manager, Building Inspections (arrived 1:31 p.m.)  
L. Rowett, Manager, Current Planning (arrived 1:31 p.m.)  
H. Davidson, Manager, Permit Centre & Business Licensing (arrived 1:31 p.m.)  
J. Holm, Subdivision Approvals Manager/Approving Officer (arrived 1:31 p.m.)  
L. Bhopalsingh, Manager, Community and Cultural Planning (arrived 1:31 p.m.)  
D. Mousseau, Manager Engineering and Environment (arrived 2:01 p.m.)  
T. Webb, Communications Coordinator  
S. Gurrie, City Clerk  
S. Snelgrove, Deputy Corporate Officer  
J. Vanderhoef, Recording Secretary



1. CALL THE SPECIAL FINANCE AND AUDIT COMMITTEE MEETING TO ORDER:

The Special Finance and Audit Committee Meeting was called to order at 9:02 a.m.

Councillor Brown entered the Shaw Auditorium at 9:03 a.m.

R. Harding entered the Shaw Auditorium at 9:04 a.m.

2. PRESENTATIONS:

(a) 2019 - 2023 Financial Plan - Operating Budgets

Jake Rudolph, Chief Administrative Officer, provided a presentation regarding the schedule for reviewing the 2019 – 2023 Financial Plan. He noted that the target date for approval of the draft budget is December 17<sup>th</sup>, but the final version will be adopted in May, 2019. He suggested that any items that require further review and discussion will be “flagged” to review at a later date. He noted that this is an entirely public process and aims to be transparent.

3. ADOPTION OF AGENDA:

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

2. PRESENTATIONS: (continued)

(a) 2019 - 2023 Financial Plan - Operating Budgets (continued)

- (1) 9:15 a.m. - 10:15 a.m. Budget Highlights - cost drivers, projected property tax increase, new borrowing, new positions

Laura Mercer, Acting Director, Financial Services, and Wendy Fulla, Manager, Business, Asset & Financial Planning, provided a presentation regarding the following:

- Proposed timeline for reviewing the 2019 – 2023 Financial Plan
- Planning Framework
- 3 main components - Operating Budgets, Projects, and Business Cases
- 2019 – 2023 Budget Timelines

Committee discussion took place regarding plans to expand the RCMP building.

Wendy Fulla, Manager, Business, Asset & Financial Planning, provided a presentation regarding the following:

- Projected Property Tax Increases and User Fees
- History of Property Tax Rates 2009 – 2019
- Comparisons to other municipalities
- Impact of property taxes on a typical home in Nanaimo
- Breakdown of total City Services paid by an average home
- \$184 million expected revenues for 2019
- \$143 million expected to be spent on Annual Operation and Maintenance Operating Budget
- 2019 Key Budget Drivers

Committee discussion took place regarding the following:

- Historical legal fee expenditures compared with recent year's expenses
- Clarification on what type of investment income the City is allowed to invest in
- Proposed RCMP contract budget and potential to expand the number of RCMP staff in the future
- Sources of revenue for the Port of Nanaimo Centre

Wendy Fulla, Manager, Business, Asset & Financial Planning, continued her presentation as follows:

- 2019 Key Budget Drivers (continued)
- 7 proposed new staff positions
- RCMP contract proposes adding 15 new members, 3 per year, over a 5 year period 2020 – 2024
- Debt outstanding at December 31<sup>st</sup>, 2017, was \$42.3 million
- 2018 New Debt includes Fire Station #1, Sanitation (trucks and carts) and Chase River Pump Station & Forcemain
- New Debt anticipated for 2019 – 2023 Financial Plan - Fire Station #1, Waterfront Walkway, Sanitation and Sewer DCC Projects
- Projected outstanding debt and debt servicing limit
- Operating and Statutory Reserves
- Reserves summary and the need for a healthy reserve balance

Committee discussion took place regarding the Regional Emission Reduction Reserve Fund, what it is for and how it is used and remuneration from the Regional District of Nanaimo for costs of the RCMP Contract.

Wendy Fulla, Manager, Business, Asset & Financial Planning, explained that the RCMP contract is only for RCMP members working within the City of Nanaimo.

Laura Mercer, Acting Director, Financial Services, spoke regarding some updates to the Projected Property Tax increases due to additional

information received after completion of the Draft Financial Plan including benefit changes (pension, CPP, EI and WorkSafe).

The Special Finance and Audit Committee Meeting recessed at 10:05 a.m.

The Special Finance and Audit Committee Meeting reconvened at 10:22 a.m.

(2) 10:30 a.m. - 11:00 a.m. Chief Administrative Office

Jake Rudolph, Chief Administrative Officer, provided a presentation regarding moving forward and the responsibilities of the Chief Administrative Office. He highlighted the following:

- Role of Chief Administrative Office (CAO)
- Organization chart outlining the Mayor and Council, Chief Administrative Officer, Department heads, and RCMP contract
- Layout of Business Plans and Planning Model
- 2018 Achievements – Service Delivery, Waste Collection, Discontent City, Governance
- 2019 Challenges and Opportunities - Governance, Fiscal, Strategic Plan, Briefings/Workshops, Relationships
- Key Issues - Homelessness/Housing, New Official Community Plan, Parks and Recreation Plan, Fire Hall #1, Harbourfront Walkway, Business Systems, Organization Structure

It was requested that Council receive a list of the positions that were requested but not brought forward with the proposed 7 new positions.

(3) 11:00 a.m. - 11:30 a.m. Legislative Services and Communications

Sheila Gurrie, Corporate Officer and City Clerk, provided an overview and presentation regarding the Legislative Services and Communications Departments. She spoke regarding the following:

- Two unique business units in one
- Legislative, policy and administrative expertise
- 2018 Achievements - Municipal Election, New Council Procedure Bylaw, Records Management System, e-SCRIBE software roll out, City-produced videos and increased social media presence
- Preparation and attendance at Council and Committee Meetings
- Freedom of Information (FOI) requests estimated at 437 requests for 2018

Committee discussion took place regarding the following:

- Posting responses to FOI requests on the City of Nanaimo website
- Posting “In Camera” Minutes on the City of Nanaimo website
- Percentage of the department budget spent on FOI processing

M. Blouin, K. Williamson and M. Winchell, entered the Shaw Auditorium at 10:56 a.m.

Sheila Gurrie, Corporate Officer and City Clerk, continued her presentation as follows:

- Liability Insurance Claims - 68 closed in 2018, and 54 active
- 2019 Key Challenges - New Council Orientation, Privacy Program roll out, new Council communications expectations
- 2019 Key Initiatives - Assist with Strategic Plan 2020, Records Management Program, improve Annual Communications Plan, increase internal communications activity
- Draft Operating Budget
- Proposed changes to the Budget - reinstatement of Communications Manager

Committee discussion took place regarding the following:

- Timeframe to see a Communications Manager hired if the draft budget is approved
- Staffing requirements needed to accommodate workload for this department
- Increase in wages shown on the proposed budget reflect the inclusion of the requested Communications Manager position

(4) 11:30 a.m. - 12:00 p.m. Human Resources

John Van Horne, Director of Human Resources, provided an overview and presentation regarding the Human Resources Department. He spoke regarding the following:

- Providing advice and support to staff
- Anticipating and responding to workforce trends (changing priorities in the workforce, developing talent within)
- Growth of the City and workforce (recent staff turnover)
- Work/life balance
- Wage negotiations included within the department budget
- 2018 Achievements - CUPE Local 401 collective agreement, in-house recycling collection letter of understating, expansion of online course offerings, management bylaw review and legacy staffing issues

Committee discussion took place regarding the following:

- Training provided by the Human Resources Department
- Annual training budget for each employee

John Van Horne, Director of Human Resources, continued his presentation as follows:

- Number of incidents per year - First Aid, Medical Aid and Lost Time
- Number of positions filled per year

Committee discussion took place regarding challenges of filling certain positions such as Water Treatment Operators and Building Inspectors.

John Van Horne, Director of Human Resources, continued his presentation as follows:

- Number of course enrolments
- 2019 Key Challenges - both collective agreements up for renewal, refreshing training offerings to staff, legacy litigation from former staff

Committee discussion took place regarding the City's reputation and how this has affected the caliber of applicants for various positions.

R. Harding vacated the Shaw Auditorium at 11:46 a.m.

John Van Horne, Director of Human Resources, continued his presentation as follows:

- 2019 Key Initiatives - CUPE Local 401 collective bargaining, Management Terms and Conditions review, Certificate of Recognition (COR) Audit and prepare for negotiations with IAFF Local 905
- Draft Operating Budget
- No proposed changes to the Human Resources Budget for 2019

Committee discussion took place regarding the following:

- Wage negotiations and flexibility within job descriptions
- Timeframe for hiring new staff
- Amendments to the proposed financial plan and working with an approved provisional budget

The Special Finance and Audit Committee Meeting recessed at 11:57 a.m.

The Special Finance and Audit Committee Meeting reconvened at 1:04 p.m.

(5) 1:00 p.m. - 1:30 p.m. Finance

Laura Mercer, Acting Director, Financial Services, provided an overview of the Finance Department and a presentation regarding the following:

- 2018 Achievements - Asset Management Policy approval, Supported DCC Bylaws review, Update Travel Policy, 2 Federal Gas Tax Fund Grants, completion of all statutory reporting requirements

R. Harding returned to the Shaw Auditorium at 1:07 p.m.

- 2019 Key Challenges - department reorganization, asset management interim update, accounting software upgrade
- 2019 Key Initiatives - financial policy development, implementing external auditor recommendations
- Recommendations from external auditors (KPMG) - Whistleblower Policy, Governance Policy, Reserve Policy and updated Travel Policy
- Draft Operating Budget
- No proposed changes to the Finance Budget 2019
- Buyer position was proposed but not included in the draft budget

Committee discussion took place regarding the following:

- Size of recent purchase orders
- Automation of the purchasing process

M. Dunstan entered the Shaw Auditorium at 1:23 p.m.

- Reorganization internally to address workload issues
- Software upgrades
- Purchasing Policy is up for review in 2020

(6) 1:30 p.m. - 2:00 p.m. Information Technology

Laura Mercer, Acting Director, Financial Services, and Mathew Dunstan, Manager, IT Application Services, provided an overview and presentation regarding the Information Technology (IT) department. They highlighted the following:

- Manage various software programs throughout the City
- Provide frontline support services to staff and the public
- Geographic Information Systems (GIS) services
- Technical Services
- 2018 Achievements - Parks and Recreation software implementation, IT Service Desk Software implementation, Capital Project Management System (CPMS) enhancement, Digital agendas and minutes software implementation

L. Bhopsingh, B. Corsan, H. Davidson, D. Fox, J. Holmes and L. Rowett entered the Shaw Auditorium at 1:31 p.m.

- 2019 Key Challenges - security, innovation and enabling change, community and staff expectations
- 2019 Key Initiatives - Mobile GIS data collection for field workers, City Portal intranet upgrade, network security enhancements, Request for Information for Computerized Maintenance Management System, Electronic Records Management Pilot

- Draft Operating Budget
- No proposed changes to the IT Budget 2019
- Two positions were proposed but not included in the Draft Budget – Geographic Information Systems (GIS) position, and Client Support Specialist position

Committee discussion took place regarding the following:

- Clarification of Geographic Information Systems (GIS) position

The Special Finance and Audit Committee Meeting recessed at 1:42 p.m.

The Special Finance and Audit Committee Meeting reconvened at 1:58 p.m.

(7) 2:15 p.m. - 3:15 p.m. Community Development

Dale Lindsay, Director of Community Development, provided an overview and presentation regarding Community Development. He spoke regarding the following:

D. Mousseau entered the Shaw Auditorium at 2:01 p.m.

- Introduced the various managers of the Community Development sections
- 64 full time employees and roughly 6% of the City's Operating Budget
- 2018 Achievements - facilitate high volumes of development applications, new on-site parking bylaw, adoption of new Development Cost Charge Bylaw, Creation of Downtown Rehabilitation Tax Exemption program, support to Cannabis Task Force, Port Drive Waterfront Masterplan, Departure Creek restoration, Hospital Area Plan, Tree Voucher Program, Affordable Housing strategy and 2018 Temporary Public Art Program
- Projected number of construction permits for 2018 at 1,100 and the value of those permits
- 2019 Key Challenges - retention and attraction of qualified experienced staff, affordable housing, economic development function and land acquisition

Committee discussion took place regarding the following:

- Increasing the number of development approvals and their turnover rate, thereby increasing the tax revenue for the City
- \$600,000 is allocated towards land purchases annually and this amount has not been updated since 2005
- Housing legacy reserve balance is currently \$2.3 million

Dale Lindsay, Director of Community Development, continued his presentation as follows:

- 2019 Key Initiatives - Official Community Plan update, Liquor Control Strategy, Bylaws review, revitalization of 1 Port Drive

- 2018 Draft Budget Details and review of Grants and Subsidies
- Draft Operating Budget
- Draft Operating Expenditures and Revenues
- Proposed Changes to Budget:
  - 1 new full time Administrative support staff
  - Co-op Planning student – 4 month position
  - Continuation of Urban Clean-up program
  - Continuation of Shower Program
- Two positions where proposed but not included in the Draft Budget
  - Engineering Technician and Planner position

Committee discussion took place regarding the following:

- Does the City have a policy regarding the buying and selling of land
- Cellphone towers approval process
- Grant/funding of the Bathtub weekend

(8) 3:15 p.m. - 4:00 p.m. Question Period

There was no one in attendance wishing to ask questions.

Committee discussion took place regarding the following:

- entertaining questions from people who are watching online

5. ADJOURNMENT:

It was moved and seconded at 2:38 p.m. that the meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER



**MINUTES**  
**SPECIAL FINANCE AND AUDIT COMMITTEE MEETING**  
**SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE**  
**80 COMMERCIAL STREET, NANAIMO, BC**  
**TUESDAY, 2018-NOV-27, AT 9:00 A.M.**

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Present: Mayor L. Krog  
Councillor S. D. Armstrong  
Councillor D. Bonner  
Councillor T. Brown  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor I. Thorpe (vacated 1:53 p.m.)  
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer  
R. J. Harding, Director of Parks and Recreation (arrived 10:26 a.m., vacated 2:49 p.m.)  
D. Lindsay, Director of Community Development (arrived 12:57 p.m., vacated 2:49 p.m.)  
B. Sims, Director of Engineering and Public Works (arrived 10:02 a.m., vacated 2:43 p.m.)  
J. Van Horne, Director of Human Resources (arrived 11:47 a.m.)  
L. Mercer, Acting Director of Financial Services  
K. Fry, Fire Chief (vacated 11:52 a.m.)  
B. Wood, Assistant Fire Chief (arrived 9:49 a.m., vacated 11:20 a.m.)  
J. Blair, Temp/Assistant Chief, Education and Training (arrived 9:49 a.m., vacated 11:20 a.m.)  
Supt. C. Miller, OIC, Nanaimo Detachment RCMP (vacated 10:14 a.m.)  
L. Fletcher, Operation Support Officer, Nanaimo Detachment RCMP (vacated 10:14 a.m.)  
W. Fulla, Manager, Business, Asset & Financial Planning  
M. Winchell, Manager, Human Resources (arrived 10:26 a.m.)  
K. Lindsay, Manager, Emergency Program (arrived 9:49 a.m., vacated 11:20 a.m.)  
D. LaBerge, Manager, Community Safety (arrived 11:15 a.m., vacated 11:52 a.m.)  
J. Elliot, Senior Manager, Public Works (arrived 12:46 p.m., vacated 1:53 p.m.)  
P. Rosen, Senior Manager, Engineering (arrived 12:46 p.m., vacated 1:53 p.m.)  
M. Strain, Senior Project Manager (arrived 12:46 p.m., vacated 1:53 p.m.)  
D. Myles, Manager, Roads and Traffic Services (arrived 12:46 p.m., vacated 1:53 p.m.)  
D. Fournier, Manager, Municipal Infrastructure (arrived 12:46 p.m., vacated 1:53 p.m.)  
J. Rose, Manager, Transportation (arrived 12:46 p.m., vacated 1:53 p.m.)  
P. Stewart, Manager, Engineering Projects (arrived 12:46 p.m., vacated 1:53 p.m.)  
J. Evans, Manager, Fleet Operations (arrived 12:46 p.m., vacated 1:53 p.m.)  
M. Smith, Manager, Recreation Services (arrived 2:07 p.m., vacated 2:49 p.m.)  
A. Britton, Manager, Parks Operations (arrived 2:07 p.m., vacated 2:49 p.m.)  
L. Clarkson, Manager, Aquatics (arrived 2:07 p.m., vacated 2:49 p.m.)

E. Williams, Manager, Recreation Services (arrived 2:07 p.m., vacated 2:49 p.m.)  
A. Groot, Manager, Facility Planning and Operations (arrived 2:07 p.m., vacated 2:49 p.m.)  
M. Demecha, Manager Civic Facilities (arrived 2:07 p.m., vacated 2:49 p.m.)  
S. Pamminger, Manager, Infrastructure, Planning and Energy (arrived 2:07 p.m., vacated 2:49 p.m.)  
A. Halabourda, Acting Manager, Police Operational Support (vacated 10:14 a.m.)  
D. Thompson, Acting Manager, Sani, Recycling, & PW Admin (arrived 12:46 p.m., vacated 1:53 p.m.)  
D. Johnston, Assistant Manager, Aquatics (arrived 2:07 p.m., vacated 2:49 p.m.)  
T. Webb, Communications Consultant (arrived 9:11 a.m.)  
J. Farrell, Secretary, Parks (arrived 2:07 p.m., vacated 2:49 p.m.)  
S. Gurrie, City Clerk  
G. Whitters, Recording Secretary

1. CALL THE SPECIAL FINANCE AND AUDIT COMMITTEE MEETING TO ORDER:

The Special Finance and Audit Committee Meeting was called to order at 9:00 a.m.

2. ADOPTION OF AGENDA:

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

3. PRESENTATIONS:

(a) 2019 - 2023 Financial Plan - Operating Budgets

(1) 9:00 a.m. – 10:15 a.m. RCMP – Police Services

Cameron Miller, Superintendent, OIC, Nanaimo Detachment, RCMP, provided a presentation regarding the RCMP which included the following information:

- Pressures, Staffing levels, Roles and Annual Policing Priorities
- Policing Services contract to expire in 2032
- Policing Costs: \$22.7 million budgeted
- City of Surrey cost for creating city police force
- Authorities of the RCMP: enforcement of provincial, municipal statutes, and maintaining law and order

Committee discussion took place regarding the number of police officers and RCMP buildings in Nanaimo.

T. Webb entered the Shaw Auditorium at 9:11 a.m.

Cameron Miller, Superintendent, OIC, Nanaimo Detachment, RCMP continued his presentation regarding:

- Original RCMP building built in 1987
- Detentions of persons, Chauffeur Permits, Staff requirements and costs
- Authorized strength versus actual strength in police officers

Committee discussion took place regarding the safety of Nanaimo and the cost and source of overtime for police officers.

Cameron Miller, Superintendent, OIC, Nanaimo Detachment, RCMP continued his presentation as follows:

- Street checks and Proactive Policing
- Cost of a constable
- Federal Government calling on officers for emergencies and impacts to local RCMP numbers

Anita Halabourda, Acting Manager of Police Operational Support, spoke regarding staffing of the Nanaimo RCMP Detachment which employs approximately 63.3 full-time Staff and described their roles and responsibilities.

Committee discussion took place regarding the Core Services Review, the reduction of guards and gender-specific guards. It was noted that searches of detained persons are done by police officers of the same gender.

Cameron Miller, Superintendent, OIC, Nanaimo Detachment, RCMP continued his presentation as follows:

- Reactive policing which includes general duty, the domestic violence unit, forensic identification, serious crimes and police dogs
- Proactive policing which includes bike patrol, street crimes, drug section, traffic services, youth/community policing
- One officer liaisons at each Nanaimo high school
- Provincial Government funds eight officers that patrol areas of the Regional District of Nanaimo and Lantzville
- Federal Government funds two First Nations officers that police Snuneymuxw First Nation and Snaw-Naw-As First Nations
- Province pays for provincial officers office space
- Nanaimo is third on the Province's list for receiving increased resources
- Operational pressures: Increase in files, complexity of files, calls for service, and length of time to process files between offences and court dates

Committee discussion took place regarding diverting work to civilian employees, the reserve constable program, the auxiliary officer program and the role of security firms.

J. Blair, K. Lindsay, and B. Wood entered the Shaw Auditorium at 9:49 a.m.

Cameron Miller, Superintendent, OIC, Nanaimo Detachment, RCMP continued his presentation regarding:

- Operational pressures - community growth, mental health calls and tech crimes

Committee discussion took place regarding collaborating with agencies to free up resources, success of Car 87 program in Vancouver and potential funding sources.

B. Sims entered the Shaw Auditorium at 10:02 a.m.

Cameron Miller, Superintendent, OIC, Nanaimo Detachment, RCMP continued his presentation as follows:

- Continued operational pressures including sex offenses, drug use, gangs, police vehicle replacements, police facility size and homelessness
- Adoption of policing priorities
- 2018/2019 policing priorities are violence in relationships, reducing crime within the community, enhancing road safety, enhancing youth safety and maintaining community and social programs
- Communication between the RCMP and Council
- Increasing police resources and a timeline for Federal approval of officers
- Request 15 additional officers to reduce load and manage files

Committee discussion took place regarding the following:

- Combining police, fire, and ambulance into one facility
- Lowering crime to attract people and investments in Nanaimo
- Budget impacts of hiring additional officers

L. Fletcher, A. Halabourda, Supt. C. Miller, vacated the Shaw Auditorium at 10:14 a.m.

The Special Finance and Audit Committee Meeting recessed at 10:14 a.m.

The Special Finance and Audit Committee Meeting reconvened at 10:30 a.m.

R. Harding and M. Winchell entered the Shaw Auditorium at 10:26 a.m.

B. Sims entered the Shaw Auditorium at 10:39 a.m.

(2) 10:30 a.m. – 11:15 a.m. Nanaimo Fire Rescue

Karen Fry, Fire Chief, provided a presentation and overview of Nanaimo Fire Rescue which included the following points:

- Responsibilities, Community Risk Reduction, locations, answering point of calls, emergency management, responding to medical emergencies

- Funds from partnerships with the Regional District of Nanaimo, the Nanaimo Fish and Game Club and Snuneymuxw First Nation
- Achievements including incident response, resilient minds training, emergency management, Fire Station #1, public education and Tent City
- Increased number of calls, number of overdoses and number of structure fires
- Response to medical incidents and motor vehicle accidents
- Challenges including mental health training, fire operations resourcing, increased overtime requirements, administrative capacity, Tent City, emergency management and the replacement of Fire Station #1
- 2019 Key Initiatives: Fire Station #1 rebuild, replacement of fire aerial apparatus, completion of three-year fire service delivery plan, review of fire training program, community outreach and education, community safety, emergency coordination centre, and staff turnover
- Proposed changes to budget: increased funding for overtime
- Changes not included in draft budget: new personnel - four firefighters, changes to Vancouver Island Emergency Response Academy and a Director of Public Safety

D. LaBerge entered the Shaw Auditorium at 11:15 a.m.

Committee discussion took place as follows:

- Requirements to staff the Hammond Bay area fire hall
- People at a greater risk of fires due to not working smoke alarms
- Requirements to test smoke alarms and replacement of smoke alarms
- Charging for fire investigations

J. Blair and B. Wood vacated the Shaw Auditorium at 11:20 a.m.

(3) 11:15 a.m. – 11:45 a.m. Bylaw Regulation and Security

Karen Fry, Fire Chief, provided a presentation regarding:

- Responsibilities of the bylaw department
- Recent achievements: filled Bylaw Manager position, completed recommendation to maintain Community Policing Services Office, completion of Hospital Area Parking Strategy with engineering and public works, review and updating of several bylaws, and ongoing animal control
- Increased number of calls and time involved in calls
- Doubling officers to attend encampments
- 2019 Key challenges: homelessness and encampments, parking meter vandalism and theft, staffing resources, implementation and rewriting of bylaws, and increased security calls

- 2019 Key Initiatives: hiring of two full-time employees, traffic membranes of Bastion Street Parkade and Harbour Front Parkade, implementation of the Hospital Area Parking Plan and a new vehicle
- Proposed changes to budget: three additional bylaw enforcement officers

Committee discussion took place regarding the following:

- Removal and replacement of parking meters
- Licence Plate Recognition
- Vehicle for parking enforcement
- Director of Public Safety position

J. Van Horne entered the Shaw Auditorium at 11:47 a.m.

K. Fry, and D. LaBerge vacated the Shaw Auditorium at 11:52 a.m.

The Special Finance and Audit Committee Meeting recessed at 11:51 a.m.

The Special Finance and Audit Committee Meeting reconvened at 12:46 p.m.

J. Elliot, J. Evans, D. Fournier, D. Myles, J. Rose, P. Rosen, P. Stewart, M. Strain and D. Thompson, entered the Shaw Auditorium at 12:46 p.m.

(4) 12:45 p.m. – 1:45 p.m. Engineering and Public Works

J. Rudolph entered the Shaw Auditorium at 12:47 p.m.

S. Gurrie entered the Shaw Auditorium at 12:51 p.m.

R. Harding and D. Lindsay entered the Shaw Auditorium at 12:57 p.m.

Bill Sims, Director of Engineering and Public Works, introduced management staff, provided an overview of key areas of service and spoke regarding:

- 2018 Achievements including major traffic and road projects, drinking water improvements, sanitary sewer, drainage, solid waste management, capital projects and natural asset management
- Key Challenges including parking management, alternative transportation planning and aging infrastructure

Committee discussion took place regarding:

- Active Transportation Coordinator position
- Partnerships with School District 68 and Island Health
- Permeable ground surfaces

Bill Sims, Director of Engineering and Public Works, continued his presentation as follows:

- Challenges including growth, capital project implementation, staff resources for projects, access to Port Authority lands, storm water infrastructure, climate change adaptation, aging public works facility, volume of capital projects and cemetery management

- 2019 Key Initiatives: Integrate Transportation Plan and Parks Master Trail Plan, update engineering standards, renew Water Supply Strategic Plan, update user rates, Cross Connection Control program, storm water master planning, sea level rise study, capital projects, and recycling improvements
- Proposed changes to budget including new personnel, new garbage trucks and routes, implementing Hospital Area Plan, Sustainable Parking Grant program, Cross Connection Control Grant program
- Changes not included in draft budget: new personnel - Project Managers, Asset Management Specialist, Manager of Utilities, Active Transportation Coordinator, Traffic Signal Technician, and a Recycling Policy Advisor/Educator

Committee discussion took place regarding:

- Public Works Day held May 23, 2018
- Parking regulation, parking meters and street activity permits
- Smart street lights and lease with BC Hydro
- Contract with Recycling BC
- Increase in and backlog of projects
- Aging infrastructure
- Public communication features with Public Works department
- Consideration of purchase of City of Nanaimo watersheds

J. Elliot, J. Evans, D. Fournier, D. Myles, J. Rose, P. Rosen, P. Stewart, M. Strain and D. Thompson vacated the Shaw Auditorium at 1:53 p.m.  
Councillor Thorpe vacated the Shaw Auditorium at 1:53 p.m.

The Special Finance and Audit Committee Meeting recessed at 1:53 p.m.  
The Special Finance and Audit Committee Meeting reconvened at 2:07 p.m.

A. Britton, L. Clarkson, M. Demecha, J. Farell, A. Groot, D. Johnston, S. Pamminger, M. Smith, J. Van Horne and E. Williams, entered the Shaw Auditorium at 2:07 p.m.

(5) 2:00 p.m. – 3:00 p.m. Parks and Recreation

Richard Harding, Director of Parks and Recreation, introduced management staff and provided a presentation as follows:

- Parks and Recreation sections - recreation services, parks operations, facilities, and staffing
- 2018 Achievements including upgrades to Harewood Centennial Park, Nanaimo District Secondary School Community Field, Oliver Woods boiler at Beban Park, lighting upgrades and implementation of PerfectMind
- Key Challenges including asset management and infrastructure renewal, facilities and park amenities, homelessness issues in parks and recreation facilities, changes in monitoring of ammonia plants

Committee discussion took place regarding needle clean up in parks and at École Pauline Haarer Elementary as well as park accessibility, and the redevelopment of Maffeo-Sutton playground.

Richard Harding, Director of Parks and Recreation, continued his presentation which included the following points:

- Key Initiatives including updates to the Parks, Recreation and Culture Master Plan, chiller replacement project at Frank Crane Arena, fees and charges review, facilities and park amenities condition assessment program, Skate Park project, light installation at Serauxmen Stadium, cultural event grants, and sport event grants
- Proposed changes to budget: arena maintenance workers, Special Events Coordinator position and the Harewood Youth Park
- 2019 Request For Purchase underway for a 5-year contract for all tourism services
- Changes not included in budget: Parks Custodians, temporary allocation clerk and other management positions

B. Sims vacated the Shaw Auditorium at 2:43 p.m.

A. Britton, L. Clarkson, M. Demecha, J. Farrell, A. Groot, R. Harding, D. Johnston, D. Lindsay, M. Smith, S. Pamminger and E. Williams, vacated the Shaw Auditorium 2:49 p.m.

(6) 2019-2023 Draft Financial Plan Recap

Laura Mercer, Acting Director, Financial Services, provided a presentation regarding the projected property tax increases, projected user fees, impact of fees on a typical home, and Staff changes.

The Finance and Audit Committee discussed funding for senior management positions and a closed meeting for further discussion. The Committee requested that they be provided with a list of items that they can work with/move around in the budget.

(7) Question Period

Jan Hastings spoke regarding the Nanaimo Recycling Exchange and Nanaimo's zero waste goals.

4. ADJOURNMENT:

It was moved and seconded at 3:11 p.m. that the meeting terminate. The motion carried unanimously.

CERTIFIED CORRECT:

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CHAIR

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CORPORATE OFFICER



**MINUTES**  
SPECIAL FINANCE AND AUDIT COMMITTEE MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
TUESDAY, 2018-DEC-04, AT 9:00 A.M.

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Present: Mayor L. Krog, Chair  
Councillor I. Thorpe, Acting Mayor  
Councillor S. D. Armstrong (arrived 9:02 a.m.)  
Councillor D. Bonner  
Councillor T. Brown  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor J. Turley

Staff: J. Rudolph, Chief Administrative Officer  
R. J. Harding, Director of Parks and Recreation (arrived 9:20 a.m.)  
D. Lindsay, Director of Community Development  
B. Sims, Director of Public Works and Engineering  
B. Corsan, Deputy Director, Community Development  
K. Fry, Fire Chief (vacated 1:41 p.m.)  
L. Mercer, Acting Director, Financial Services  
W. Fulla, Manager, Business, Asset and Financial Planning  
P. Rosen, Senior Manager Engineering  
A. Groot, Manager, Facility Planning and Operations (arrived 9:49 a.m.)  
M. Dunstan, Manager, IT Application Services (arrived 12:33 p.m., vacated 1:22 p.m.)  
M. Strain, Senior Project Manager (arrived 12:53 p.m.)  
L. Bhopalsingh, Manager, Community & Cultural Planning (arrived 12:53 p.m.)  
J. Matheson, Financial Analyst (arrived 12:53 p.m.)  
M. Miller, Financial Analyst (arrived 12:53 p.m.)  
B. Wardill, Accountant (arrived 12:53 p.m.)  
S. Gurrie, City Clerk  
G. Whitters, Recording Secretary

1. CALL THE SPECIAL FINANCE AND AUDIT COMMITTEE MEETING TO ORDER:

The Special Finance and Audit Committee Meeting was called to order at 9:00 a.m.

2. ADOPTION OF AGENDA:

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

3. PRESENTATIONS:

(a) 9:00 a.m. – 12:00 p.m.

Councillor Armstrong entered the Shaw Auditorium at 9:02 a.m.

1. Introduction

Laura Mercer, Acting Director, Financial Services, spoke regarding the schedule for the day's proceedings.

2. Asset Management Video

A video from Federation of Canadian Municipalities titled "Why Invest in Asset Management" was played.

3. 20 Year Investment Plan/Background on Asset Management

Laura Mercer, Acting Director, Financial Services, provided a presentation on asset management which included the following information:

- Asset management process
- Asset management framework and ongoing improvements
- Lifecycle of assets
- Asset Management Steering Committee which included representatives from various City departments to lead development of City's Asset Management system including education and training, infrastructure lifecycle planning models, identifying funding strategies and governance
- City's asset management progress from 2008 to 2018

Committee discussion took place regarding:

- Forecasting to determine 1% increase in asset management funding and maintenance of funds
- Updates to ensure projects stay on track
- Continuous re-evaluation of asset management funds
- Rapid assessments of City facilities
- Leadership in Asset Management Program
- Level of service provided to community
- Purchase of park lands and their maintenance

R. Harding entered the Shaw Auditorium at 9:20 a.m.

Richard Harding, Director of Parks and Recreation, spoke regarding the Parks Master Plan and funds allocated to park maintenance.

Committee discussion took place regarding:

- Difference between renewal and maintenance of parks
- Tree management program

- Evaluation of renewal costs and revenue when bringing on new projects/development
- New assets included in 20-year investment plan as it is updated
- Funding of subdivision infrastructure
- Maintenance of infrastructure in relation to growth
- Taxing based on density

Laura Mercer, Acting Director, Financial Services continued her presentation which included the following information:

- 20 Year Investment Plan
- Long term planning directing attention toward emerging issues and allowing for proactive change
- Completion of the Development Cost Charge (DCC) review, updates to asset management models, and a funding strategy results being put into the 20 Year Investment Plan
- Infrastructure renewal plans and DCC projects
- 5 Year Financial Plan made up of renewal plans, DCC projects, 10 Year Plan and strategic initiatives
- Timing and cost refinement as plans are focused and knowledge gained
- Funding strategies include general revenue, private contributions, grants, DCC contributions and reserves, specific reserve, asset management reserves

Committee discussion took place regarding:

- Planning to cover asset maintenance, growth and aligning services to residents needs
- Components of larger facilities broken down by major components for asset planning
- Balance of the asset management reserves

A. Groot entered the Shaw Auditorium 9:49 a.m.

Laura Mercer, Acting Director, Financial Services, continued her presentation which included the following information:

- Projected funding surplus and shortfall
- Money from DCCs can only be spent on DCC projects
- 20 Year Investment Plan includes 5 Year Plan, and 10 Year Plan
- Strategies to reduce funding gap including continuation of annual 1% increase to General Asset Management Reserve, new DCC bylaw, asset management system improvements, grants and private contributions
- Grants coordinator position

Wendy Fulla, Manager, Business, Asset and Financial Planning, continued the presentation regarding the 2016 Asset Management Update which included the following information:

- Projected closing balances for asset management reserves
- Improvements to asset management models
- 2016 current replacement value for all city infrastructure was 3 billion
- Asset management update which included renewal of existing infrastructure and new/upgraded infrastructure due to growth
- Majority of infrastructure in good condition
- Renewal and growth of sewer infrastructure and water infrastructure
- Continuous improvements to asset management by participating in Leadership in Asset Management Program, implementation of asset management governance process and information improvements
- Received grant for rapid condition assessment of facilities

Dale Lindsay, Director of Community Development, provided an overview regarding DCCs which included the following information:

- Review of DCC bylaw every 5 years with 2022 being the next date for review
- Definition and calculation of DCCs
- Authority to collect DCCs as outlined in the *Local Government Act*
- Collection and disbursement of DCCs
- DCC review process

Committee discussion took place regarding:

- Charges for storm water drainage
- Upcoming projects, their cost and how to balance costs
- Definition of assist in *Local Government Act* regarding DCCs
- Waiving DCCs

Laura Mercer, Acting Director, Financial Services, provided the closing slides which included the following information:

- Strategies to address shortfalls including adoption of new DCC bylaw in 2018, 1% property tax increase, user fee review and debt
- Continued development of City's asset management system through governance, risk management and monitoring levels of service provided
- Debt Policy and Reserve Policy to be completed in 2019

#### 4. 10 Minute Scheduled Recess

A. Groot and R. Harding vacated the Shaw Auditorium at 10:37 a.m.

The Special Finance and Audit Committee recessed at 10:37 a.m.

The Special Finance and Audit Committee reconvened at 10:52 a.m.

5. Project Framework Update

J. Rudolph entered the Shaw Auditorium at 10:57 a.m.

D. Lindsay vacated the Shaw Auditorium at 10:57 a.m.

Poul Rosen, Senior Manager, Engineering, provided a presentation regarding the Project Management Framework which included the following information:

- Capital Projects Policy in place to protect City's interest for large expenditures
- Policy process started with Core Services Review and the Deloitte audits
- Council's policy is to ensure good outcomes of projects
- Chapters of the framework

Committee discussion took place regarding contingency for projects and impacts to projects from recent NAFTA agreement.

Poul Rosen, Senior Manager, Engineering, continued his presentation and spoke regarding identification, assessment and mitigation of risk as well as stakeholder management.

Mayor Krog vacated the Shaw Auditorium at 11:20 a.m. and Acting Mayor, Thorpe, assumed the Chair.

6. 2019-2023 Draft Project Plan

Mayor Krog returned the Shaw Auditorium at 11:25 a.m. and resumed the Chair.

Laura Mercer, Acting Director, Financial Services introduced the 2019-2023 Draft Project Plan and spoke regarding:

- 5 year budget for infrastructure is \$279 million, with \$56 million to be spent in 2019
- Project funding sources 2019-2023 include Waterworks Reserve, general revenues and user fees, grants and private contributions, debt, Statutory Reserves, General Reserves, Sanitary Sewer Reserves

Committee discussion took place regarding the balance of reserves, and the purchases of Linley Valley, Serauxmen Stadium, and the artificial turf field.

R. Harding entered the Shaw Auditorium at 11:28 a.m.

Wendy Fulla, Manager, Business, Asset and Financial Planning, continued the presentation which included the following information:

- \$42.3 Million of outstanding debt as of December 31, 2017
- New debt from 2018

- Debt anticipated for 2019-2023 in the Financial Plan including external and internal borrowing

B. Corsan entered the Shaw Auditorium at 11:55 a.m.

Committee discussion took place regarding the following:

- Funding of the Waterfront Walkway
- Garbage truck sharing with the Regional District of Nanaimo
- Various reserves including:
  - Sanitation Leveling Reserve
  - General Financial Stability Reserve
  - Parkland Dedication Reserve
  - Uncollected Parking and Revenue Reserve
  - Snow Removal Reserve
  - Parks and Recreation Snow Removal Reserve
  - Uncollected Tax Reserve
  - Uninsured Claims Reserve
  - Regional Emissions Reduction Reserve
  - Property Acquisition Reserve
  - Housing Legacy Reserve
- Tax Deferment
- Casino revenue and Casino Reserve
- Best practises

R. Harding vacated the Shaw Auditorium 11:57 a.m.

The Special Finance and Audit Committee recessed at 11:57 a.m. and Mayor Krog vacated.  
The Special Finance and Audit Committee reconvened at 12:33 p.m.

M. Dunstan entered the Shaw Auditorium at 12:33 p.m.  
Acting Mayor Thorpe assumed the Chair at 12:33 p.m.

(b) 1:00 p.m. – 3:00 p.m.

1. 2019-2023 Draft Project Plan (continued)

Dale Lindsay, Director of Community Development, the Community Development Project Highlights which included the following information:

- Strategic projects 2019-2023 including property acquisition, official community plan update and the housing legacy reserve
- Parks Infrastructure Projects including 2019-2023 phased development of waterfront walkway

Committee discussion took place regarding the following:

- The Official Community Plan
- Housing Legacy Reserve
- Property Acquisition
- Interaction between Official Community Plan and Transportation Master Plan

R. Harding and A. Groot entered the Shaw Auditorium at 12:38 p.m.

Bill Sims, Director of Engineering and Public Works, provided the Engineering and Public Works Project Highlights which included the following information:

- Strategic projects including Cross Connection Control Grant, Sustainable Parking Grant, and the 2019 Public Works Day
- Equipment and vehicle projects for 2019-2022 for the sanitation fleet
- Infrastructure projects for 2019-2023 including Bruce Ave and Lambert Ave Utility Upgrade, Boxwood connector and utility project, Fourth and Albert streets utilities and cycling project, Metral corridor and utility upgrade, Cranberry area utilities and connector project, Wakesiah drainage, cycling and rehab project
- Transportation Projects for 2019-2022 including Bastion Street Bridge, Downtown cycling and rehab projects, LED Light Conversion Phases 2 & 3, Wellcox Secondary Access
- Infrastructure Projects including sanitary sewer projects, Comox Area Sanitary Project, DCC SS45 Chase Rive Pump Station and water projects, 2019 Black Diamond Drive water main, and the College Drive Area water main twinning
- Engineering and Public Works projects not included in Draft Project Plan include the engineering and public works building, Terminal Ave to Nicol Street reimagined, grade separated bridge for South Downtown Waterfront Secondary Access

L. Bhopalsingh, J. Matheson, M. Miller, M. Strain and B. Wardill entered the Shaw Auditorium at 12:53 p.m.

B. Sims, Director, Engineering and Public Works, provided an overview regarding access to Port Lands project which included the rationale, scope, budget and future plans.

The Finance and Audit Committee discussed access to Port Lands which included roundabout construction, route of trucks arriving at the port and access at Farquhar Street.

Matthew Dunstan, Manager, IT Application Services, provided an overview of Information Technology project highlights which included the following:

- 2019/2021 Content Management System for records and documents to improve auditing abilities and speed of Freedom of Information requests, a central place for all documents

- 2022/2023 replacement of enterprise resource planning
- Information Technology projects not included in the Draft Project Plan include a Computerized Maintenance Management System (CMMS)

M. Dunstan vacated the Shaw Auditorium 1:22 p.m.

Richard Harding, Director, Parks and Recreation, provided an overview regarding Parks and Recreation project highlights for 2019-2020 and included the following information:

- Strategic project is the 2019/2020 Parks and Recreation Master Plan
- Facility projects for 2019-2021 including phase two of Nanaimo Aquatic Centre Roof Replacement, Frank Crane Arena chiller replacement, Beban Complex sloped roof and structure, and the facilities and park amenities Condition Assessment Program
- Parks infrastructure projects including Harewood Centennial Youth Park and Serauxmen Stadium field lighting
- Parks and Recreation projects not included in plan include: Beban Park complex – power distribution replacement, Departure Bay Activity Centre, curling club upgrades and replacements, Chase River Activity Centre seismic upgrade, Beacon House phase two, Serauxmen Stadium redevelopment and the Caledonia Park redevelopment

Karen Fry, Fire Chief, provided an overview of Public Safety project highlights which included the following information:

- Purchase of a ladder truck, two pumper trucks, rescue truck, and logistic truck
- Fire station #1 replacement,
- Bastion Street and Harbour Front Parkades phased membrane renewals
- Projects not included in Draft Project Plan include the police operations building expansion

Committee discussion took place regarding used vehicles, a timeframe on the parkades and the Equipment Depreciation Fund.

K. Fry vacated the Shaw Auditorium at 1:41 p.m.

## 2. Investing in Canada Infrastructure Program – Grant Program

Michelle Miller, Financial Analyst, provided an overview of the Investing in Canada Infrastructure Program a Community, Culture and Recreation Grant Program, and included details such as the aims of the grant, funding commitment by the federal and provincial government of up to 73.33% of the project cost, stacking rules, project eligibility, completion deadlines and application deadlines.



Richard Harding, Director, Parks and Recreation, provided an overview and presentation of the projects eligible for the grant including the Harewood Youth Park, the Maffeo-Sutton Playground and the Port Theatre expansion. His presentation included an outline of each of the potential projects which included:

Harwood Youth Park Overview:

- Timeline for the Harewood Youth Park includes six phases
- Community partners including Harewood Neighbourhood Association, Nanaimo Skateboard Association
- Linked to Parks, Recreation and Culture Master Plan 2005
- Phases currently in the Draft 2019-2023 Financial Plan
- Cost and funding
- Benefits of the project

Maffeo-Sutton Playground Overview:

- Current playground is at the end of life and is not inclusive or universally accessible
- Timeline for Maffeo-Sutton Playground includes three phases
- Details of the project
- Projected cost of phases and funds assigned to project in 2018-2022 Financial Plan
- Benefits of the project

Lisa Bhopalsingh, Manager, Community and Cultural Planning provided an overview on the Port Theatre Expansion which included the following information:

- Need for studio theatre and rehearsal spaces
- 2014 Council assigned funding and co-signed loan
- Project supported in the City's 2014-2020 Cultural Plan and Strategic Plan Update
- Expansion details
- Expansion Budget and process for budget bylaw amendment
- Benefits of the project
- Next steps

Committee discussion took place regarding shortfalls, which projects are ready to go, changes to the financial plan for the Port Theatre expansion and, implications in future for borrowing for the waterfront expansion.

3. Budget Recap

By unanimous consent Council agreed to postpone the Budget Recap to the 2018-DEC-05, Special Finance and Audit Meeting.

4. Question Period

No one in attendance wished to ask questions.

4. ADJOURNMENT:

It was moved and seconded at 2:09 p.m. that the meeting terminate. The motion carried unanimously.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
ACTING MAYOR

CERTIFIED CORRECT:

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

**MINUTES**  
SPECIAL FINANCE AND AUDIT COMMITTEE MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
WEDNESDAY, 2018-DEC-05, AT 9:00 A.M.

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Present: Councillor I. W. Thorpe, Chair  
Councillor S. D. Armstrong  
Councillor D. Bonner  
Councillor T. Brown  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor J. Turley

Absent: Mayor L. Krog

Staff: J. Rudolph, Chief Administrative Officer  
R. J. Harding, Director of Parks and Recreation (arrived 9:10 a.m., vacated 11:22 a.m.)  
D. Lindsay, Director of Community Development  
B. Sims, Director of Engineering and Public Works  
K. Fry, Fire Chief  
T. Doyle, Deputy Fire Chief  
L. Mercer, Acting Director, Financial Services  
W. Fulla, Manager, Business, Asset & Financial Planning  
A. Groot, Manager, Facility Planning & Operations  
S. Gurrie, City Clerk (vacated at 10:50 a.m.)  
S. Snelgrove, Deputy Corporate Officer  
J. Vanderhoef, Recording Secretary

1. CALL THE SPECIAL FINANCE AND AUDIT COMMITTEE MEETING TO ORDER:

The Special Finance and Audit Committee Meeting was called to order at 9:00 a.m.

2. APPROVAL OF THE AGENDA:

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

3. PRESENTATIONS:

(a) Review and Wrap up Session 2019 – 2023 Draft Financial Plan

Introduced by Jake Rudolph, Chief Administrative Officer.

Laura Mercer, Acting Director, Financial Services, and Wendy Fulla, Manager, Business, Asset and Financial Planning, provided a presentation regarding:

- Projected Property Tax Increases – 5.41% for 2019
- Projected User Fees
- Key Drivers for Budget Increase
- Staff recommended changes – revise estimate for 2019 growth to reduce projected property tax increase by 0.10%
- Project Funding Levels – General Taxation

R. Harding entered the Shaw Auditorium at 9:10 a.m.

Wendy Fulla, Manager, Business, Asset and Financial Planning, presented the Finance and Audit Committee with topics for discussion beginning with Project Funding Levels – General Taxation.

Committee discussion took place regarding the effect of Waterfront Walkway expenses on the budget.

Wendy Fulla, Manager, Business, Asset and Financial Planning, continued her presentation and spoke regarding the RCMP contract increase.

Committee discussion took place as follows:

- RCMP upcoming union vote and increases to the contract
- 3 additional officers are requested due to increase in workload and growth in the community

Wendy Fulla, Manager, Business, Asset and Financial Planning, continued her presentation as follows:

- Strategic Infrastructure Reserve – extending the transition period to five years for Fortis Gas revenue
- Fortis Gas revenue previously went to General Revenue account
- Economic Development: 2019 – 2023 Draft Financial Plan is a status quo budget for Economic Development

Committee discussion took place as follows:

- Allocating money for economic workshops in the future
- Maintaining status quo for 2019 Draft Financial Plan and reassessing economic development next year with better understanding of community priorities and further deliberations

Wendy Fulla, Manager, Business, Asset and Financial Planning, continued her presentation as follows:

- Asset Management – 1% annual increase for contribution to General Asset Management Reserve extended to 2022 to address infrastructure funding gap
- Rebuilding the Snow and Ice Reserves

Committee discussion took place regarding the increased funding of Snow and Ice Reserves compared to previous years.

Wendy Fulla, Manager, Business, Asset and Financial Planning, continued her presentation as follows:

- Proposed new positions included in the Draft Plan – Manager Communications, two Bylaw Enforcement Officers, Community Development Administrative Support, Parking and Street Use Coordinator, Public Works Clerk/Dispatcher, and Special Events Coordinator
- Other proposed new positions – additional Automated Truck and Refuse Collector in 2020 and 2022
- Positions that were proposed but not included in the Draft Plan

Committee discussion took place as follows:

- Is there a business case to suggest whether or not some of the positions proposed could save the City money
- Allocating one year of funding towards a buyer position in Purchasing and Stores

Wendy Fulla, Manager, Business, Asset and Financial Planning, continued her presentation and spoke regarding the Fire Departments request for four additional firefighters.

Karen Fry, Fire Chief, spoke regarding the current Fire Department staff struggling to meet the required standards for emergency response times, the impact on firefighters relating to increased overtime and the resulting increased sick time and medical leaves.

The Committee discussed the potential timeframe for hiring additional firefighters.

Jake Rudolph, Chief Administrative Officer, suggested that the Finance and Audit Committee review each recommendation separately and make decisions to work from.

It was moved and seconded that the Finance and Audit Committee review each of the Staff recommendations, discuss their merits and provide a motion to modify, reject or accept. The motion carried unanimously.

Committee discussion took place regarding:

- Impact of reducing the 2018 Approved Funding - \$5.8 million

- List of projects and where funding for projects is allocated
- Restoring staffing levels and moving projects forward that have been stalled
- One Port Drive work has been allocated to 2018 expenditures

It was moved and seconded that the Finance and Audit Committee recommend that Council set the 2019 Draft Funding Level for Project Funding – General Taxation at \$6.9 million, a funding increase of \$1.1 million over 2018. The motion carried unanimously.

Committee discussion took place regarding the proposed RCMP contract increase.

It was moved and seconded that the Finance and Audit Committee recommend that Council increase the RCMP contract to include 15 new members, 3 per year, over a 5 year period 2020 - 2024. The motion carried unanimously.

It was moved and seconded that the Finance and Audit Committee recommend that Council increase the growth estimate for 2019 to \$1.3 million from \$1.2 million. The motion carried unanimously.

Committee discussion took place regarding:

- Review of Strategic Infrastructure Reserve
- Possible obligations relating to the use of the Annual Casino Revenue Reserve
- Strategic Infrastructure Reserve Fund is used to cover debt financing, property acquisition and Waterfront Walkway borrowing
- Allocating \$400,000 to General Reserves instead of Strategic Infrastructure Reserve

It was moved and seconded that the Finance and Audit Committee recommend that Council extend the transition period of the annual Casino Revenue to the Strategic Infrastructure Reserve from 4 years to 5 years and eliminate the 2019 increase in funding. The motion carried.

Opposed: Councillors Bonner, Brown, Hemmens

Committee discussion took place regarding:

- Reassessing the long term financial plan in 2020
- Funding being allocated towards review of budget changes, consultation and community engagement
- Council Initiatives Reserve being used for other formats
- Budget for Economic Community Development Management position

It was moved and seconded that the Finance and Audit Committee recommend that Council maintain the status quo for Economic Development – Service Delivery in the 2019 - 2023 Draft Financial Plan. The motion carried unanimously.

The Special Finance and Audit Committee Meeting recessed at 10:22 a.m.

The Special Finance and Audit Committee Meeting reconvened at 10:40 a.m.

Laura Mercer, Acting Director, Financial Services, provided the Finance and Audit Committee with an updated proposed property tax rate of 4.91% for the 2019, based on the motions made so far during this meeting.

Committee discussion took place regarding asset management and unsustainable infrastructure being addressed.

It was moved and seconded that the Finance and Audit Committee recommend that Council continue with the 1% annual increase for contributions to General Asset Management Reserve, to address the infrastructure funding gap. The motion carried unanimously.

Committee discussion took place regarding:

- Funding within the Strategic Infrastructure Reserve being allocated towards projects associated with economic development
- Possible funding options for community engagement

Jake Rudolph, Chief Administrative Officer, suggested that a Committee of the Whole meeting be scheduled to discuss facilitation of community engagement.

It was moved and seconded that the Finance and Audit Committee recommend that Council move \$50,000, to create an internal order for Public Engagement, under the Office of the Chief Administrative Officer, to facilitate community engagement in the new year, to be funded from the Strategic Infrastructure Reserve. The motion carried unanimously.

Committee discussion took place regarding:

- Funding for worst case scenarios
- Severe winter this year could be covered by 2018 Surplus
- Possibility of amending the budget if there is a severe snow fall
- Combining the Engineering and Public Works Reserve and Parks and Recreation Reserve into one with a funding cap of \$800,000
- Risk tolerance

It was moved and seconded that the Finance and Audit Committee recommend that Council rebuild the Engineering and Public Works (ENGPW) Snow and Ice Reserve and the Parks and Recreation Snow and Ice Reserve as follows:

- ENGPW target balance - \$900,000 by end of 2022
- Parks and Recreation - \$300,000 by end of 2021

2019 budget for reserves - \$275,000

- \$200,000 – ENGPW
- \$75,000 – Parks and Recreation

The motion was defeated unanimously.

Opposed: Councillors Armstrong, Bonner, Brown, Geselbracht, Hemmens, Maartman, Thorpe, Turley

Committee discussion took place regarding:

- Reducing the Engineering and Public Works Reserve from \$200,000 to \$100,000, for one year
- Engineering and Public Works Reserve target balance becoming \$800,000

S. Gurrie vacated the Shaw Auditorium at 10:50 a.m.

It was moved and seconded that the Finance and Audit Committee recommend that Council reduce the contribution to the Engineering and Public Works Snow and Ice Reserve in 2019 to \$100,000. The motion carried unanimously.

Committee discussion took place regarding:

- Bringing staffing levels up to capacity
- Parking and Street Use Coordinator position – relieve workload in Engineering Department
- Cost recovery from ticketing covering the cost of bylaw enforcement position
- Implementation of the Active and Sustainable Transportation Coordinator
- Bylaw positions assisting with the RCMP workload

Wendy Fulla, Manager, Business, Asset and Financial Planning, provided the Finance and Audit Committee with an update on the proposed property tax rate with the additional changes included. The proposed rate is currently 4.81% for 2019 and the 2020 property tax rate has increased to 3.46%.

Committee discussion continued as follows:

- Making decision with the future in mind
- Concerns for public safety and the need for more bylaw officers
- \$100,000 removed from Snow and Ice Reserve being used to fund a staffing position

It was moved and seconded that the Finance and Audit Committee recommend that Council approve the following new positions listed in the 2019 Draft Plan:

- City Administration - Manager, Communications
- Public Safety - Bylaw Enforcement Officer – Parking Patroller (Hospital Area Parking Strategy)
- Public Safety - Bylaw Enforcement Officer – Parking Patroller (CPSO Office)
- Community Development - Administrative Support
- Engineering and Public Works - Parking and Street Use Coordinator
- Engineering and Public Works - Public Works Clerk/Dispatcher
- Parks and Recreations - Special Events Coordinator

The motion carried unanimously.

R. Harding vacated the Shaw Auditorium at 11:22 a.m.



Committee discussion took place regarding:

- Request for additional automated truck and refuse collectors
- Working with the Regional District of Nanaimo and possibly sharing equipment
- Amortization and cost of new vehicles
- Funding of additional trucks and refuse collectors through Sanitation User Fees

It was moved and seconded that the Finance and Audit Committee recommend that Council include an additional Automated Truck and Refuse Collector in January 2020, truck to be budgeted in 2019, and another in July 2022, to be funded from the Sanitation User Fees. The motion carried unanimously.

Committee discussion took place regarding:

- Encouraging alternative modes of transportation
- Funding options to cover costs for new positions
- Decreasing the property tax rate
- Clarification regarding the proposed Active and Sustainable Transportation Coordinator position
- Priorities of staffing needs for 2019
- Developing active transportation options

Jake Rudolph, Chief Administrative Officer, suggested scheduling a Committee of the Whole meeting to discuss the City's current status regarding transportation.

Committee discussion continued regarding:

- Adding positions to the Draft Budget in the new year
- Using reserve funds to fund operations
- Potential infrastructure savings by getting more people off the roads
- Infrastructure needed to support cycling such as trails and bike lanes
- Optimal allocation of resources

It was moved and seconded that the Finance and Audit Committee recommend that Council add the Active and Sustainable Transportation Coordinator position to the Draft Plan. The motion was defeated.

Opposed: Councillors Armstrong, Geselbracht, Thorpe, Turley

Committee discussion took place regarding:

- GIS Technology falls under the Information Technology Department
- Adding GIS Technologist will not increase the 2019 Property Tax Rate

It was moved and seconded that the Finance and Audit Committee recommend that Council include a one year Temporary GIS Technologist position in 2019, to be funded from the 2018 Surplus. The motion carried unanimously.

Committee discussion took place regarding:

- Recycling Policy Advisor position being included in Sanitary User Fee Rates
- “3 R’s Contract” with Regional District of Nanaimo may provide funding or shared use of a Recycling Policy Advisor
- Marginal change to the Draft Budget with the inclusion of this position
- Discussions with the Nanaimo Recycling Exchange and non-profit organizations before adding an in house position
- Small impact to budget in future years
- Optimal timeframe for adding Recycling Policy Advisor position

It was moved and seconded that the Finance and Audit Committee recommend that Council add the Recycling Policy Advisor position to the Draft Plan, to be funded through Sanitation User Rates. The motion was defeated.

Opposed: Councillors Armstrong, Geselbracht, Hemmens, Maartman, Thorpe, Turley

Committee discussion took place regarding:

- Proposed Property Tax Rate 2019 and increases anticipated for 2020
- Timeframe for adoption of the provisional budget – first readings of bylaw potentially December 17<sup>th</sup> and adoption in January, 2019
- No time to hold a session regarding reserves prior to the adoption of the provisional budget
- One large entity defaulting on property taxes and risks related
- Restructuring of Reserve Policy
- Reserves are not planned to increase over the next few years
- Levelling out the increase in proposed property tax rates

It was moved and seconded that the Finance and Audit Committee recommend that Council allocate \$1 million out of the Tax Reserve Fund and apply it towards other reserves in order to reduce the tax rate by 1%. The motion was defeated.

Opposed: Councillors Armstrong, Brown, Geselbracht, Hemmens, Maartman, Thorpe, Turley

Committee discussion took place regarding:

- Request for four career firefighters
- Increase number of firefighters to address the increased number of calls for service and relieve current workload
- Remuneration for staff who take mental health or sick leaves
- The four proposed firefighters would be assigned to current crews
- Ratio of paid firefighters versus on call firefighters across the Province and on call firefighters ability to meet required standards

It was moved and seconded that the Finance and Audit Committee recommend that Council include an additional four career firefighter positions to the 2019 Draft Plan. The motion carried.

Opposed: Councillors Hemmens, Turley

Sky Snelgrove, Deputy Corporate Officer, advised the Finance and Audit Committee that the recommendations made today would go forward to the next scheduled Council meeting 2018-DEC-10 to be adopted by Council prior to the draft bylaw being presented to Council for its first readings 2018-DEC-17.

Committee discussion took place regarding the timeframe for changes to the provisional budget.

Wendy Fulla, Manager, Business, Asset and Financial Planning, provided the Finance and Audit Committee with an update on the proposed property tax rate with the additional changes. The proposed property tax rate for 2019 is currently 4.97%.

It was moved and seconded that Finance and Audit Committee recommend that Council approve the Draft 2019 – 2023 Financial Plan with the proposed changes from 2018-DEC-05. The motion carried unanimously.

4. ADJOURNMENT:

It was moved and seconded at 12:30 p.m. that the meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER

Regular Committee of the Whole Meeting Agenda 2019-FEB-11:

<https://pub-nanaimo.escribemeetings.com/Meeting.aspx?Id=c38e76c7-b8b8-46bd-b7db-be5ea275d667&Agenda=Merged&lang=English>

February 20, 2019 Finance and Audit Committee Agenda:

<https://pub-nanaimo.escribemeetings.com/FileStream.ashx?DocumentId=21144>

DATE OF MEETING February 25, 2019

AUTHORED BY WENDY FULLA, MANAGER, BUSINESS, ASSET AND FINANCIAL PLANNING

SUBJECT **2018 – 2022 FINANCIAL PLAN AMENDMENT BYLAW**

## **OVERVIEW**

### **Purpose of Report**

To introduce “Financial Plan Amendment Bylaw 2019 No. 7253.04” for first, second and third readings, for changes that have occurred since the bylaw was last amended on 2019-SEPT-17.

### **Recommendation**

1. That “Financial Plan Amendment Bylaw 2019 No. 7253.04” (To amend the 2018 – 2022 Financial Plan), pass first reading;
2. That “Financial Plan Amendment Bylaw 2019 No. 7253.04” pass second reading; and
3. That “Financial Plan Amendment Bylaw 2019 No. 7253.04” pass third reading.

## **BACKGROUND**

The *Community Charter*, Section 165 (1) mandates that the City must adopt a financial plan, by bylaw annually. Further, *Community Charter*, Section 165 (2) provides that the financial plan may be amended from time to time, by bylaw. Budget bylaw amendments are required where new expenditures require additional sources of funding, or when budgets are transferred between operating and capital funds.

The revisions are:

- Alternative Transportation Education & Marketing – Expenditure budget increased by \$6,000 from \$27,200 to \$33,200, funded from a private contribution from Island Health for Fall Bike to Work and School Event.
- Bowen Road Traffic Signal Coordination – Expenditure budget increased by \$33,300 from \$34,000 to \$67,300, funded from private contributions from ICBC.
- Neighbourhood Parks – Expenditure budget increased by \$2,520 for tree removal, funded from grant from the Municipal Insurance Association of BC for removal of dangerous trees.
- Cliff McNabb Arena: Sound System – Expenditure budget increased by \$5,000 from \$14,230 to \$19,230, funded from a \$5,000 private contribution from the Nanaimo Skating Club. An additional \$2,045 was also added to the budget by a budget transfer as per Attachment A.
- Bus Shelters – Expenditure budget increased by \$92,560 from \$53,725 to \$146,285, which will increase the number of new bus shelters from two (2) to four (4) and reduce the City’s cost per shelter. Funding is from the Regional District of Nanaimo through the

BC Transit Bus Shelter Program and a Federal Infrastructure Upgrades Program that BC Transit received.

- Property Acquisition: 1125 Farquhar Street Partial Property Acquisition – Expenditure budget added for \$194,750, funded from Property Sales Fund. Report to Council 2018-MAR-19.
- Frank Crane Arena Mechanical – Expenditure budget in year 2 (2019) added for \$471,211, funded from Facility Development Reserve. Report to Council 2018-DEC-12.

The revisions due to budget transfers between operating and capital expenditures are summarized in Attachment A.

## **OPTIONS**

1. That “Financial Plan Amendment Bylaw 2019 No. 7253.04” (To amend the 2018 – 2022 Financial Plan), pass first reading;

That “Financial Plan Amendment Bylaw 2019 No. 7253.04” pass second reading; and

That “Financial Plan Amendment Bylaw 2019 No. 7253.04” pass third reading.

- **Budget Implication:** The net effect of the changes is to increase the 2018 expenditures budget by \$334,130 and the 2019 expenditures budget by \$471,211.
- **Legal Implication:** Adoption of the budget bylaw amendment ensures that spending is within legal limits.
- **Strategic Priorities Implication:** Taking responsibility to be an excellent municipal government is a Council priority.

2. Table the report and request more information from staff. |

## **SUMMARY POINTS**

- The 2018 – 2022 budget bylaw amendment captures budget changes with additional funding sources and budget transfers between operating and capital funds identified to the end of the year. |

## **ATTACHMENTS**

- Attachment A
- “Financial Plan Amendment Bylaw 2019 No. 7253.04 |

**Submitted by:**

Wendy Fulla  
Manager, Business, Asset and Financial  
Planning |

**Concurrence by:**

Laura Mercer  
Acting Director, Financial Services |



## Attachment A

Project	\$	Total \$
<b>General Operating Expenditures</b>		
Real Estate Dept	(10,702)	
Sustainability: Parkade Lighting Upgrade	65	
Fire Fleet Replacement: Boat Trailer	(2,362)	
Bastion St Parkade: Exterior	17,120	
Parking Meter Damage	7,000	
NAC: Furniture/Equipment Replacement	(3,370)	
Cliff McNabb Arena: Washrooms/Dressing Rooms	(5,327)	
Lower & Middle Chase Dams	(37,892)	
NIC: Replace Chairs/Table	(20,000)	
Civic Facilities Condition Assessment Program	(10,600)	
NAC: Moveable Floor	(6,800)	
Civic Properties: Roofing Strategy	(25,000)	
Public Arts: Parks	18,459	
Linley Point Bridge	(410)	
Protection Island Tennis Court Improvements	(2,963)	
Beban Complex: Exterior	(10,500)	
NIC: Doors	(1,750)	
Hammond Bay @ Lagoon PED Flashers	(475)	
Traffic Calming Program	32,064	
Railway Crossing Repairs	(322)	
Street Light Upgrades Annual Program	(14,300)	
Sidewalks: Power Washing Downtown Area	(14,656)	
Fleet: Small Tools Replacement	327	
Fitzwilliam @ Wallace Countdown Timers/Buttons	(2,565)	
Hammond Bay Drainage: 1362 to 1380 Ivy Lane	14,000	
Small Scale Street Improvements	16,000	
Turner @ Glacier Way Crosswalk	(1,410)	
Departure Bay Slope Stabilization	11,361	
Curb and Sidewalk: 6154 Brickyard Rd	30,000	
<b>General Operating Expenditures - Total</b>		<b>(25,008)</b>
<b>Sanitary Sewer Operating Expenditures</b>		
Sanitary Sewer Road Rehab	(100,000)	
Sanitary Sewer: 634 Railway Ave	(35,000)	
<b>Sanitary Sewer Operating Expenditures - Total</b>		<b>(135,000)</b>
<b>Waterworks Operating Expenditures</b>		
Water Road Rehab	(141,107)	
<b>Waterworks Operating Expenditures - Total</b>		<b>(141,107)</b>

<b>General Capital Expenditures</b>		
Bastion St Parkade Renewal	(24,185)	
Property Acquisition: 5260 Tanya Drive	10,702	
Fire Fleet Replacement: Zodiac	2,362	
Frank Arena: Facility Amenities	23,075	
NAC: Facility Amenities	5,327	
Beban Pool: Facility Amenities	6,000	
Cliff McNabb Arena: Sound System	2,045	
Beban Complex: Mechanical	15,100	
Curling Club: Mechanical	25,000	
NAC: Plumbing	6,800	
Cinnabar Tennis Courts	3,373	
Local Road Rehab Paving Program	(32,064)	
Sidewalk Program: Dover Rd	14,978	
Bruce (8th to Southside) Cycling	(16,000)	
Wild Otter Esmt VIP 52002 Drainage	(14,000)	
Departure Bay Seawall & Utility Project	(18,459)	
Fleet Small Equipment: Message Board	(327)	
Construction Equipment: Excavator	4,450	
Flodar (for Chase Dam)	37,892	
Bruce Area Rehab & Cycling Project	(4,703)	
Jingle Pot Rd Drainage: 2413 to 2331 JP	(36,658)	
LED Street Light Conversion Project	14,300	
<b>General Capital Expenditures - Total</b>		<b>25,008</b>
<b>Sanitary Sewer Capital Expenditures</b>		
Poplar St Utility Upgrade	1,316	
Terminal Ave South Utility Project	16,910	
634 Railway Ave Sanitary Sewer	116,774	
<b>Sanitary Sewer Capital Expenditures - Total</b>		<b>135,000</b>
<b>Waterworks Capital Expenditures</b>		
Dufferin Cres Watermain Cost Share	57,260	
Poplar St Utility Upgrade	43	
Woodlands Area Watermain	1,804	
Laguna Area Water Project	12,000	
Haliburton St Area Watermain & PED/CYC	70,000	
<b>Waterworks Capital Expenditures - Total</b>		<b>141,107</b>
		-

CITY OF NANAIMO

BYLAW NO. 7253.04

A BYLAW TO CONFIRM AND ADOPT THE FINANCIAL PLAN

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The Municipal Council of the City of Nanaimo in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the “Financial Plan Amendment Bylaw 2019 No. 7253.04”.

2. Amendments

“FINANCIAL PLAN BYLAW 2017 NO. 7253” is hereby amended as follows:

(1) Delete Schedule “A” in its entirety and replace with the attached Schedule “A”.

PASSED FIRST READING \_\_\_\_\_  
PASSED SECOND READING \_\_\_\_\_  
PASSED THIRD READING \_\_\_\_\_  
ADOPTED \_\_\_\_\_

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MAYOR

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CORPORATE OFFICER

**Schedule A**  
**City of Nanaimo**  
**2018 - 2022 Financial Plan**

	2018	2019	2020	2021	2022
Revenues:					
Revenue from Property Value Taxes	103,503,494	108,298,729	111,620,306	114,882,735	118,208,748
Revenue from Parcel Taxes	41,182	41,594	42,010	42,430	42,430
Revenue from Fees & Charges	43,867,208	48,012,074	51,646,833	53,251,295	54,929,956
Revenue from Other Sources	32,260,707	27,904,909	25,611,401	25,612,477	26,023,766
	179,672,591	184,257,306	188,920,550	193,788,937	199,204,900
Expenses:					
General Operating Expenditures	125,232,445	121,921,407	123,733,283	125,822,999	129,210,059
Sanitary Sewer Operating Expenditure:	4,495,390	4,495,401	4,585,770	4,643,353	4,754,302
Waterworks Operating Expenditures	9,646,936	9,468,404	9,635,911	9,466,691	9,629,251
Interest Payment on Municipal Debt	1,760,793	1,890,515	2,003,036	2,028,337	2,004,307
Amortization	24,811,956	25,209,009	25,187,531	25,845,151	25,512,389
Annual Surplus/Deficit	13,725,071	21,272,570	23,775,019	25,982,406	28,094,592
Add back:					
Amortization	24,811,956	25,209,009	25,187,531	25,845,151	25,512,389
Capital Expenditures					
General Capital Expenditures	52,394,269	26,708,714	24,893,425	17,902,114	18,238,450
Sanitary Sewer Capital Expenditures	9,261,443	9,389,000	5,168,602	2,127,746	6,459,611
Waterworks Capital Expenditures	20,046,913	11,017,456	7,933,200	11,468,900	7,545,850
Proceeds from Municipal Borrowing	(7,819,475)	(6,000,000)	(7,200,000)	(240,269)	-
Principal Payment on Municipal Debt	3,830,062	4,621,267	5,007,538	4,779,312	4,895,265
		-			
Transfers between Funds:					
Transfers to/(from) Accumulated Surplus	(39,176,185)	745,142	13,159,785	15,789,754	16,467,805
Financial Plan Balance	-	-	-	-	-

DATE OF MEETING FEBRUARY 25, 2019

AUTHORED BY DAVID LABERGE, MANAGER OF COMMUNITY SAFETY

**SUBJECT “PARKS, RECREATION AND CULTURE REGULATION AMENDMENT BYLAW 2019 NO. 7073.07” AND “BYLAW NOTICE ENFORCEMENT AMENDMENT BYLAW 2018 NO. 7159.04”**

## **OVERVIEW**

### **Purpose of Report**

To present for consideration amendments to the City of Nanaimo “Parks, Recreation and Culture Regulation Bylaw 2008 No. 7073” and “Bylaw Notice Enforcement Bylaw 2012 No. 7159” relating to taking overnight shelter in City parks, and other regulatory matters.

### **Recommendation**

That:

1. “Parks, Recreation and Culture Regulation Amendment Bylaw 2019 No. 7073.07” (To allow for overnight shelter in City parks, and other regulatory matters) pass first reading;
2. “Parks, Recreation and culture Regulation Amendment Bylaw 2019 No. 7073.07” pass second reading;
3. “Parks, Recreation and culture Regulation Amendment Bylaw 2019 No. 7073.07” pass third reading;
4. “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.04” (To update enforcement penalty rates) pass first reading;
5. “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.04” pass second reading; and,
6. “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.04” pass third reading.

## **BACKGROUND**

Homelessness and the use of public park space for overnight shelter is a pressing social issue in the community.

In *Abbotsford (City) v. Shantz*, 2015 BCSC 1909, the Supreme Court of British Columbia provides an analytical framework for municipalities to enact bylaws relating to the regulation of public spaces relating to the use of overnight shelters. Key points in this decision include:

- Allowing homeless to set up shelters overnight while taking them down during the day reasonably balances the needs of the homeless and the rights of other residents of the City.
- A minimally impairing response is to allow overnight shelters to be erected in public spaces between 7:00 p.m. and 9:00 a.m. the following day.

- The question of which public spaces the shelters should be permitted between these times is a legislative choice. Factors which should be considered include;
  - distinguishing developed and non-developed parks and public spaces;
  - taking into consideration the proximity to services for homeless individuals;
  - whether areas should be designated as environmentally sensitive;
  - ensuring individuals can sleep, rest, shelter, stay warm, eat, wash and attend to personal hygiene; and,
  - whether such areas may be occupied on a consistent or rotating basis after consideration of each unique area.

Proposed amendments to the City's "Parks, Recreation and Culture Regulation Bylaw 2008 No. 7073" are required to effectively regulate overnight shelter in parks and public spaces. Schedule 'D' identifies "Prohibited Parks and Parks Amenity Areas" where overnight shelter is not permitted. Areas not identified in Schedule D would be permissible locations for overnight shelter within City parks.

Parks with complete bans or restrictions around amenities have been chosen to reduce conflicts between potential campers and park users. Waterfront parks in the downtown and within the Nanaimo Harbour are deemed prohibited from overnight shelter. These parks are generally 'open-space' areas with heavy usage, tourism, public use and special events that take place at various times and hours of the year. Specific amenity areas in other parks (such as playgrounds and playfields) have minimum distances established to again reduce potential conflicts between campers and park users. There are other parks which have not been identified as prohibited, specifically Beban Park, Bowen Park, and Colliery Dam as they are broader parks that can balance the rights of all members of the community for usage and access. These parks have areas where individuals can have overnight shelter in reasonable privacy and away from the general movement of pedestrians, traffic and other users. They also provide closer access to facilities, including washrooms and showers, for those taking overnight shelter (one of the considerations put forth through case law). The proposed bylaw amendment seeks to reasonably balance the needs of the homeless and the rights of other residents of the City in a manner consistent to current case law.

The "Parks, Recreation and Culture Regulation Amendment Bylaw 2019 No. 7073.07" contains a number of other amendments, including provisions relating to the use of chainsaws in parks and general updating of definitions. These amendments are recommended to address potential public safety and health matters not previously contained in the bylaw.

## **OPTIONS**

A. That:

1. "Parks, Recreation and Culture Regulation Amendment Bylaw 2019 No. 7073.07" (To allow for overnight shelter in City parks, and other regulatory matters) pass first reading;

2. "Parks, Recreation and culture Regulation Amendment Bylaw 2019 No. 7073.07" pass second reading;
3. "Parks, Recreation and culture Regulation Amendment Bylaw 2018 No. 7073.07" pass third reading;
4. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.04" (To update enforcement penalty rates) pass first reading;
5. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.04" pass second reading; and,
6. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.04" pass third reading.

B. That Council provide alternative direction to Staff.

#### **SUMMARY POINTS**

- Proposed amendments to the City's "Parks, Recreation and Culture Regulation Bylaw 2008 No. 7073" provide legal authority to prohibit sheltering in developed park spaces.
- Homeless individuals without access to public shelters can take overnight shelter in public parks/areas not designated in Schedule D between 7 pm & 9 am.
- Temporary shelters must be taken down and removed after 9 am.
- Proposed amendments are required to manage and enforce the erection of temporary overnight shelter, and are consistent with case law.
- Prohibited areas in Schedule "D" have been identified to reduce potential conflicts between campers and other park users.
- Accompanying amendments to the "Bylaw Notice Enforcement Bylaw 2012 No. 7159" enable ticketing enforcement and dispute adjudication of the City's Parks Regulation Bylaw amendments.

#### **ATTACHMENTS**

Attachment A: "Bylaw Notice Parks, Recreation and Culture Regulation Bylaw 2008 No. 7073" Consolidated Version

Attachment B: "Bylaw Notice Parks, Recreation and Culture Regulation Amendment Bylaw 2019 No. 7073.07"

Attachment C: "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.04"

#### **Submitted by:**

David LaBerge  
Manager of Community Safety

#### **Concurrence by:**

Richard Harding  
Director of Parks and Recreation

**“PARKS, RECREATION AND CULTURE REGULATION BYLAW 2008 NO. 7073”**

*Consolidated Version*

2013-JUN-24

Includes Amendments: 7073.01, 7073.02, 7073.03, 7073.04, 7073.05, 7073.06



CITY OF NANAIMO

BYLAW NO. 7073

A BYLAW TO REGULATE PARKS, RECREATION AND CULTURE SERVICES AND  
FACILITIES CITY OF NANAIMO

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WHEREAS the Council may acquire, accept and hold any property in the municipality for pleasure, recreation or community uses of the public, and may make rules and regulations governing the management, maintenance, improvement, operation, control and use of such property;

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

1. Title

This Bylaw may be cited as "PARKS, RECREATION AND CULTURE REGULATION BYLAW 2008 No. 7073.

PART I - INTERPRETATION

2. Interpretation

In this Bylaw unless the context requires otherwise:

"Activity Centre"	means: (a) Beban Park Recreation Centre and Beban Pool located at 2300 Bowen Road, Nanaimo, BC  (b) Frank Crane Arena located at 2300 Bowen Road, Nanaimo, BC  (c) Cliff McNabb Arena located at 2300 Bowen Road, Nanaimo, BC  (d) Bowen Park Recreation Complex located at 500 Bowen Road, Nanaimo, BC  (e) Kin Pool located at 500 Bowen Road, Nanaimo, BC  (f) Departure Bay Activity Centre located at 1415 Wingrove Street, Nanaimo, BC  (g) Harewood Activity Centre located at 195 Fourth Street, Nanaimo, BC
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	<p>(h) Kin Hut Activity Centre located at 2730 Departure Bay Road, Nanaimo, BC</p> <p>(i) Nanaimo Ice Centre located at 750 Third Street, Nanaimo, BC</p> <p>(j) Port Theatre located at 125 Front Street, Nanaimo, BC</p> <p>(k) Centre for the Arts Nanaimo located at 150 Commercial Street, Nanaimo, BC</p> <p>(l) Community Performing Arts Centre located at 25 Victoria Road, Nanaimo, BC</p> <p>(m) Centennial Building, located at 2300 Bowen Road, Nanaimo, BC</p> <p>(n) Rotary Field House, located at 850 Third Street, Nanaimo, BC</p>
"Agent"	means a person who is a volunteer or contractor of the City authorized by the City to perform services on behalf of the City.
"City"	means the City of Nanaimo.
"Commission"	means the Board of Parks, Recreation and Culture Commissioners appointed by Council pursuant to a Bylaw adopted under the <i>Community Charter</i> .
"Cooking Fire"	means a fire ignited in a barbeque device fuelled only by gas or propane.
"Cycle"	means a device having any number of wheels, which is propelled by human power or electric power and upon which a person may ride.
"Director"	means the person duly appointed as the Director of Parks, Recreation and Culture, from time to time by Council and includes any person appointed or designated by the Director of Parks, Recreation and Culture to act on his behalf.
"Highway"	<p>(a) includes every highway within the meaning of the <i>Highway Act</i>, and every road, street, lane or right-of-way designed or intended for, or used by the general public for the passage of vehicles within a park; and,</p>

	(b) for the purposes of this Bylaw, <i>highway</i> does not include sidewalks or other places or passages owned, possessed or operated by the City of Nanaimo for the exclusive use of pedestrians, cycles, skateboards, roller blades and scooters.
"Liquor"	(a) fermented, spirituous and malt liquors; and, (b) combinations of liquors; and, (c) drinks and drinkable liquids that are intoxicating, including beer, or a substance that, by being dissolved or diluted is capable of being made a drinkable liquid that is intoxicating and that is declared by order of the Lieutenant Governor in Council to be liquor.
"Litter"	means any filth, garbage, rubbish, offensive matter or discarded material of any kind.
"Lodging"	means erecting a structure, improvement or shelter of some kind and includes a tent, lean-to or other shelter made of cardboard or tarpaulin.
"Nanaimo Aquatic Centre"	means the land and recreation centre facility improvements located at 741 Third Street, Nanaimo, BC and having a legal description of Lot A, Section1, Nanaimo District, Plan VIP71878.
"Off Road Vehicle"	means any off road motorcycle, all terrain vehicle, snowmobile, tracked vehicle, dune buggy, go cart, golf cart or any similar vehicles, but excludes a motorized wheelchair or medic chair.
"Oliver Woods Community Centre"	means the land and recreation centre facility improvements located at 6000 Oliver Road, Nanaimo, BC and having a legal description of Lot 1, DL 14, LD 58, Plan VIP 82682.
"Overnight Abode"	means taking up overnight lodging for the purposes of sleeping, staying, dwelling or residing.
"Park"	means play areas, play lots, playgrounds, play fields, trails, public squares, open spaces and other places including recreation or cultural facilities which are owned, possessed or operated by the City of Nanaimo and which are used, reserved or dedicated for public Parks, Recreation and Culture purposes.
"Park Licence Use Agreement"	means a written agreement between the City and a person establishing the terms and conditions of use of a Park which is issued by the Director.
"Public Beach"	means any beach area located within a Park.

"Sign"	means any structure, painting, or device that identifies, describes, promotes, advertises or directs.
"Smoke or Smoking"	means the inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe or other lighted smoking equipment, burning tobacco.
"Special Use"	means any commercial or non-commercial service, activity or event which attracts or requires participants or spectators, and includes, but is not restricted to, a festival, sport competition, tournament, wedding, group picnic, group celebration, group training or group lesson, trade or any other shows, processions, performances, exhibitions, ceremonies, concerts, political or other demonstrations, gatherings, meetings, festivals, rowing regalia, horse shows, dog shows, fishing derbies, orienteering, television or motion picture filming, special event, seminars, workshops, programs, organized socials, recreational events, conventions, sales, display or information kiosks, concessions, use of a horse drawn vehicle.
"Temporary Abode"	means taking up transitory, short-term or interim lodging for the purposes of sleeping, staying, dwelling or residing.
"Traffic Control Device"	means a sign, signal, line, parking meter, spitter machine, marking, space, barrier, or device placed or erected by the Director of Engineering and Public Works pursuant to the City of Nanaimo Traffic and Highways Bylaw.
"Trail"	means any passage way where the public has access or is invited for the purpose of providing for pedestrian traffic, cycling, electric bicycles, wheelchairs or medic chairs.
"Vehicle"	means a device in, upon, or by which, a person or thing is, or may be, transported or drawn upon a highway or other land surface, except a device designed to be moved by human power, and excludes Off Road Vehicles.

## PART II - PARK REGULATIONS

### 3. Prohibited Acts

No person shall do any of the following things in a park:

#### 3.1 Conduct themselves in any disorderly manner including:

- (a) using or operating any device or behaving in a manner as to disturb, interfere with, intimidate or obstruct the free use and enjoyment of the park by other persons.
- (b) interfering with or disturbing the conduct of any game, sport or activity.

- (c) interfering with any City employee or agent in the performance of their duties.

- (d) participating in any activity in an area of a park where prohibited by signs.

3.2 Jeopardize the personal safety of any person by:

- (a) violating the direction of any person in charge of any organized activity that is authorized by a Park Licence Use Agreement.

- (b) using any equipment, materials or items in any pool or bathing beach which are dangerous, hazardous or likely to injure a person using the pool or bathing beach.

3.3 Permit any animal under their ownership or custody to:

- (a) run at large unless in a designated off leash area that is designated by signage.

- (b) feed upon any vegetation.

- (c) be on a public beach during the months of May through September inclusive.

- (d) be on the deck of a wading pool or a spray pool.

3.4 Enter, occupy or remain in a park:

- (a) contrary to Schedule "A" of this bylaw.

- (b) for the purposes of taking up temporary abode or overnight abode.

- (c) by crossing any area where signs have been erected pursuant to this Bylaw forbidding such entering or crossing.

- (d) when directed to leave a park by a Peace Officer or any City employee or its agents.

3.5 Operate or ride a cycle without wearing an approved bicycle helmet that meets the standards and specifications prescribed pursuant to the *Motor Vehicle Act*. This applies to a parent or guardian of a person under the age of sixteen (16) who knowingly permits or authorizes the person to operate or ride as a passenger on a cycle within a park without wearing an approved bicycle safety helmet.

- 3.6 Cycle, skateboard, roller blade or use any similar means of conveyance on any portion of a highway, trail or passageway owned or operated by the City of Nanaimo Parks, Recreation and Culture where prohibited by traffic control devices.
- 3.7 Destroy, damage, break, or injure any shrub, plant, turf or flower.
- 3.8 Destroy, damage, cut down, top or remove any tree.
- 3.9 Plant any tree, sapling, shrub or flower.
- 3.10 Destroy, damage, deface or remove any building, fence, bench, sign, ornament, structure, other material or thing.
- 3.11 Build, place or erect any building or structure of any kind.
- 3.12 Foul, pollute, or deposit any injurious, noxious or offensive substance, object, or matter in any fountain, lake, pool, pond, stream or other body of water.
- 3.13 Litter.
- 3.14 Place, erect, deliver, distribute, post, paint or affix by any means any sign, advertisement, handbill, poster, advertising card or device of any kind whatsoever except as provided for under the City's Traffic and Highways Bylaw or in locations designated and authorized by the Director.
- 3.15 Set fire to or discharge any fireworks or other explosive material of any kind except in accordance with the City of Nanaimo Fireworks Bylaw.
- 3.16 Ignite any fire, or cause, or permit, any fire to be ignited or to burn in the open air or in any device, except a cooking fire that is permitted in locations identified by traffic control devices and is permitted by the City of Nanaimo Fire Protection and Emergency Services Bylaw.
- 3.17 Discard or place on the ground any lighted match, cigar, cigarette or other burning substance.
- 3.18 Consume or possess any alcohol or liquor at any time, except where the said liquor is possessed pursuant to, and in compliance with, a license under the *Liquor Control and Licensing Act* and is authorized, in writing, by the Director.
- 3.19 Have a procession, performance, show, exhibition, organized sports or other event, ceremony, concert, political or other demonstration, gathering, or meeting, in or on, any park without Park Licence Use Agreement or authorization, in writing, by the Director.
- 3.20 Sell, barter, offer or advertise for sale any refreshments, service, article, commodity, product without a Park Licence Use Agreement.
- 3.21 Undertake any activity or action that is contrary to any sign or traffic control device erected in a park.

- 3.22 Use any change house, dressing room, structure or building for any other purpose than that of which the building or structure is intended.
- 3.23 Leave, discard, store or abandon personal belongings or chattels of any kind.
- 3.24 Drive, operate or park any vehicle, except a currently licensed vehicle, in any area of a park, except on a highway or a designated area provided for the parking of vehicles.
- 3.25 Drive, operate or park any off road vehicle.
- 3.26 Operate any motorboat on Westwood Lake unless authorized to do so by the Director.
- 3.27 Smoke anywhere on all City managed recreation properties including: trails, plazas, parks, beaches, and recreation facilities; except in designated smoking areas. (Bylaw 7073.05)
- 3.28 Smoke contrary to any posted signs.

4. Removed, Detained or Impounded

- 4.1 Any personal belongings, chattels, or structures that are removed, detained or impounded, shall be stored for a period of thirty (30) days.
- 4.2 If the person entitled to possession of them has failed to pay the fees set out in this section, in the time allowed, and it appears to the Director that the items have a market value, the materials may then be sold, by public auction, to the highest bidder. Otherwise, if the Director is of the opinion that the items have no market value, they may be discarded as garbage.
- 4.3 Any personal belongings, chattels, or structures that have been detained, removed or impounded and stored may be recovered by the owner upon full payment of the following fees:
  - (a) impound fee \$25.00
  - (b) storage fee \$ 10.00 per day.

5. Administration

The Director is the official charged with administration of this Bylaw.

6. Application

This Bylaw does not apply to those who are performing their duties as the City's employees or agents.

7. Signage

The Director is hereby authorized to order the placing or erection of any applicable signage in parks at such places as he may designate in order to regulate the use of a park or any portion of a park and in order to give effect to the provisions of this Bylaw, or any other applicable Bylaw of the City.

PART III - ENFORCEMENT

8. Offence

Except as otherwise provided in this Bylaw, any person who violates any of the provisions of this Bylaw, or who permits or allows any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this Bylaw shall be liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000.00); or, if an information is laid by means of a ticket, in accordance with the procedure set out in the *Offence Act*, a fine as stipulated in Schedule "C" of this Bylaw. Each contravention of this bylaw shall be considered to be a separate offence.

PART IV - AGREEMENTS

9. Park Licence Use Agreement

9.1 A Park Licence Use Agreement shall be required where any portion of a park is used by members of the public for a special use.

9.2 The Director is hereby delegated authority to grant or refuse any request for a Park Licence Use Agreement, or to stipulate conditions or limitations in any Park Licence Use Agreement as he or she may see fit.

9.3 Any appeal regarding the issuance or refusal of a Park Licence Use Agreement shall be made to the Parks, Recreation and Culture Commission and the Commission shall make recommendations to the Council regarding the License.

9.4 Upon receiving the report of the Parks, Recreation and Culture Commission, the Council shall either confirm the decision of the Director with respect to the granting of the Park Licence Use Agreement or vary their decision in any way that it sees fit.

9.5 The decision of Council regarding the granting of a Park Licence Use Agreement shall be final and there shall be no appeal from the decision whatsoever.

10. Fees and Charges

The fees for the use of Parks shall be as set out in Schedule "B" attached hereto and forming a part of this Bylaw.



PART V - GENERAL

11. Remainder of Bylaw to be Maintained Intact

In the event that any portion of this Bylaw is declared ultra vires by a Court of competent jurisdiction, then such portion shall be deemed to be severed from the bylaw to the intent that the remainder of the bylaw shall continue in full force and effect.

12. Repeal

"PARKS, RECREATION AND CULTURE REGULATION BYLAW 2007 NO. 7053 and all amendments and schedules thereto are hereby repealed.

## SCHEDULE "A"

### HOURS OF OPERATION

Unless there is a declared Fire Hazard, the hours of operation shall be the following:

<b>LOCATION</b>	<b>HOURS OF OPERATION</b>
<b><u>PARKS</u></b> Maffeo Sutton Diana Krall Plaza McGregor Park Georgia Park Queen Elizabeth Park E&N Trail Parkway Trail	24 hours per day
<b><u>LOUDON PARK</u></b>	6:00 a.m. to 6:00 p.m. from October 01 to March 01; and, 6:00 a.m to 10:00 p.m. from March 01 to September 30.
<b><u>ALL OTHERS</u></b>	6:00 a.m. to 9:00 p.m. from November 01 to March 01  6:00 a.m to 11:00 p.m. from March 01 to October 31
<b>RECREATION CENTRES</b> (Beban Park, Bowen Park, Oliver Woods, Nanaimo Aquatic Centre, Nanaimo Ice Centre)	24 hours per day as needed
<b>ACTIVITY CENTRES</b>	6:00 a.m. to 2:00 a.m.
<b>NIGHT LIGHTED PLAY AREAS</b>	6:00 a.m. to 11:00 p.m.

**SCHEDULE “B”**

**FEES AND RENTAL POLICY 2013-SEP-01 to 2016-AUG-31**  
**SUMMARY**

General Principles for Fees, Charges and Rentals

Drop-In Fees and Charges Categories

Admission Fees – Arenas, Pools and Gymnasiums

Facility Booking Cancellation Policy

Arena Rental Rates

Aquatic Facilities Rental Rates

Community Centres / Halls – Categories of Use

Facilities – Community Meeting Spaces

Community Meeting Space Rental Discounts

Facility Rental Rates

Off-Campus Facilities Rental Rates

Oliver Woods Community Centre Gymnasium

Centennial Building

Self-Contained Recreation Vehicle Camping in City Parks

Long-Term Storage Rental Space

Brechin Boat Ramp Annual Parking Pass

Department Programs

Equipment Rentals and Increased Service Levels

Sports Field Rates

Sports Field / Lacrosse Box Lighting Charges

Picnic Shelters – Sandy Volleyball Courts – Tennis Courts – Lacrosse Boxes

City Parks – Plazas – Pavilions – Amphitheatres – Grounds – Parking Lots

### **GENERAL PRINCIPLES FOR FEES, CHARGES AND RENTALS**

1. Fees, charges and rentals should supplement tax appropriations as a source of revenue for Parks, Recreation and Culture Department services and facilities and should not be the primary source of funds for their operation. The objective is to subsidize admission fees for children up to 50% of the adult rate for the equivalent service. Students and seniors are subsidized up to 25% of the adult rate.
2. Cost of administering and collecting revenues should not be disproportionate to the actual revenue gained.
3. The extension of Parks, Recreation and Culture services should be based on the need and not on the income value of the services.
4. Special services or exclusive privileges should entail a charge.

Examples:

- (a) expendable materials - arts & crafts supplies.
  - (b) consumable materials - food, skate shop.
  - (c) specialized instruction - pottery, dance, gymnastics.
  - (d) high cost facility - arena, pool, complex, field.
  - (e) use of equipment - chairs, tables, kitchen, sport.
  - (f) protection of property - personal, parking, police.
  - (g) exclusive occupancy - ice, floor, field parking, building.
  - (h) admissions - skate, swimming, dances, shows.
5. Department programs to take precedence over rental allocations. Consideration for exceptions will be given to multi-day special events. Priority given to, but not restricted to, events occurring over two or more consecutive days, events sponsored by local organizations or having direct local economic impact, or events open to the general public or having a clear benefit to the community at large.
  6. Concession operations in their many forms (food, skates, boats, lockers, vending products, alcoholic products, boat ramps, novelties and sale items) are to be profit-making services or licensed out to the private sector according to City Council policy.
  7. Financial assistance for access to City recreation services will be provided to individuals in accordance with the Leisure Economic Access Program (LEAP) policy.
  8. Fee revisions and adjustments will normally occur commencing September 01 of each year. Fees will be reviewed by the Parks, Recreation and Culture Commission and approved by Council.
  9. All fees subject to applicable taxes unless otherwise specified.
  10. Additional Staffing/Overhead Costs: Where additional staff or services are requested charges will be assessed based on staff time, staff overhead and equipment costs on a case by case basis. Where services are requested outside regular business hours a minimum 4 hour charge may apply.

## **DROP-IN FEES AND CHARGES CATEGORIES**

Child (2 years and under).....	Free
Child .....	3 to 12 years
Youth/Student.....	13 to 18 years / or valid student card
Adult.....	19 to 59 years
Senior.....	60 to 79 years
Senior (80 years and older) .....	Free
Family.....	Maximum 2 adults & 3 children* OR 1 adult & 4 children**. Additional family member over the fifth member to pay 10% of drop-in/RecPass rate***

\* An adult must accompany children into family sessions.

\*\* Under 19 years of age.

\*\*\* Reside in same home.

### **FACILITY BOOKING CANCELLATION POLICY**

The Facility Booking Cancellation Policy applies to all Department facilities.

1. For bookings up to eight (8) hours in duration including preparation and clean up, cancellations in writing must be received a minimum of four (4) working days in advance, otherwise, the Licensee will be required to pay the full rental fee for the following bookings:
  - (a) at Community Centres and Activity Centres for functions in categories A and B in the Fees and Rentals Policy.
  - (b) at the aquatic facilities and Oliver Woods Gymnasiums for regular hourly rental bookings.
  - (c) at arenas for regular floor or ice rental bookings.
  - (d) at the Centennial Building.
2. For bookings greater than eight (8) hours in duration including preparation and clean up, cancellation in writing must be received at least ninety (90) days in advance. A facility rental payment as determined by the facility manager will be paid at the time of the booking. 50% of the rental will be required ninety (90) days prior to the event. Cancellation notice of less than ninety (90) days will result in a charge of one-half of the rental fees plus any cost incurred for the following bookings:
  - (a) at Community Centres and Activity Centres for major functions (functions in categories C, D, E, and F in the Fees and Rentals Policy).
  - (b) at the aquatic facilities and Oliver Woods Gymnasiums for major events or swim meets or tournaments.
  - (c) at arenas for major bookings including concerts, trade shows, and circus events.
  - (d) at the Centennial Building.
3. Cancellation verbally or in writing must be received a minimum of four working days prior to scheduled use for all playfields. Charges for field use after the date of use will be reversed only in the event of a rain out and only if notification is given within seven days of the date of originally scheduled use.
4. Bookings made where there is less than the minimum cancellation time period will require payment by cash or credit card at the time of the booking.
5. For bookings greater than four (4) hours in duration on more than two (2) consecutive days, including preparation and clean up, cancellation in writing for non-regular functions must be received at least ninety (90) days in advance. A facility rental payment as determined by the facility manager will be paid at the time of the booking. 50% of the rental will be required ninety (90) days prior to the event. Cancellation notice of less than ninety (90) days will result in a charge of one-half of the rental fees plus any cost incurred for the following bookings: Community Centres; Activity Centres; Aquatic Centres; and Arenas for children's camps, all age sports training camps and festivals.

<b>ADMISSION FEES – ARENAS, POOLS AND GYMNASIUMS</b>			
<b>General Admissions (includes Tax)</b>	<b>(3%)2013/14</b>	<b>(0%)2014/15</b>	<b>(3%)2015/16</b>
Child (2 years and under)	Free	Free	Free
Child - 3 to 12 years	\$3.50	\$3.50	\$3.75
Student - 13 to 18 years	\$5.00	\$5.00	\$5.25
Adult - 19 to 59 years	\$6.75	\$6.75	\$7.00
Senior - 60 to 79 years	\$5.00	\$5.00	\$5.25
Senior – 80 years and over	Free	Free	Free
Family - Max. 2 adults & 3 children or 4 children & 1 adult	\$13.50	\$13.50	\$14.00
Family – Additional child/ additional student	\$0.35/\$0.50	\$0.35/\$0.50	\$0.40/\$0.55
<b>Arena Skate Rentals (includes Tax)</b>			
Child, Student, Senior	\$2.75	\$3.00	\$3.00
Adult	\$3.50	\$3.75	\$3.75
Family Skate Rental	\$6.50	\$7.00	\$7.00
Helmets	\$0.50	\$0.50	\$0.50
Skate Sharpening	\$5.50	\$5.50	\$5.50
<b>Economy Card (min. 10) (includes Tax)</b>			
Child	\$28.00	\$28.00	\$30.00
Student	\$40.00	\$40.00	\$42.00
Adult	\$54.00	\$54.00	\$56.00
Senior	\$40.00	\$40.00	\$42.00
Shower Pass	\$35.00	\$35.00	\$37.50
<b>3 Month REC Pass (includes Tax)</b>			
Child	\$95.50	\$95.50	\$101.25
Student/Senior	\$135.00	\$135.00	\$141.75
Adult	\$182.25	\$182.25	\$189.00
Family	\$364.50	\$364.50	\$378.00
<b>6 Month REC Pass (includes Tax)</b>			
Child	\$168.00	\$168.00	\$180.00
Student/Senior	\$240.00	\$240.00	\$252.00
Adult	\$324.00	\$324.00	\$336.00
Family	\$648.00	\$648.00	\$672.00
<b>12 Month REC Pass (includes Tax)</b>			
Child	\$252.00	\$252.00	\$270.00
Student/Senior	\$360.00	\$360.00	\$378.00
Adult	\$486.00	\$486.00	\$500.00
Family	\$972.00	\$972.00	\$1,000.00

**NOTES:** Based on general admission rates of 3 times per week or 12 times per month, the following average savings would be achieved for purchasing a REC Pass:

3 months	25% savings against single admission;
6 months	33% savings against single admission;
12 months	50% savings against single admission.

Prices do not apply to promotional pricing.

### **ARENA RENTAL RATES**

<b>ICE RENTAL HOURLY</b>		<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
1.	Youth	\$78.28	\$80.63	\$83.05
2.	Adult Prime (Sept 1 – March 31)	\$156.56	\$161.26	\$166.10
3.	Adult (off-season) (April 1 to August 31)	\$126.69	\$130.49	\$134.41
4.	Commercial and Major Events (capped at 10 hours)	\$383.16	\$394.65	\$406.49

<b>DRY FLOOR HOURLY</b>		<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
1.	Youth	\$44.29	\$45.62	\$46.99
2.	Adult	\$88.58	\$91.24	\$93.98
3.	Adult League (Practice) (No Admission Charged)	\$73.13	\$75.32	\$77.58
4.	Commercial and Major Events (capped at 10 hours)	\$383.16	\$394.65	\$406.49

<b>EXTRA FEES</b>		<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
1.	T.V. Lights (per hr.)	\$43.26	\$44.56	\$45.89

<b>DEAD ICE TIME/ DEAD DRY FLOOR TIME</b>		<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
1.	Per Person per ½ hour	\$10.30	\$10.60	\$10.90
2.	Per Person per hour	\$17.50	\$18.00	\$18.50

**NOTES:**

1. A Security Deposit may be requested for any rentals.
2. If Licensee requires more tables and chairs than normally allocated to the specific facility, the charge will be at cost for rental, labour and transportation.



### AQUATIC FACILITIES RENTAL RATES

	Private			Community Groups 10% Discount			Youth 50% Discount		
LANES:	2013/ 2014	2014/ 2015	2015/ 2016	2013/ 2014	2014/ 2015	2015/ 2016	2013/ 2014	2014/ 2015	2015/ 2016
1 lane	\$19.89	\$20.29	\$20.69	\$17.90	\$18.26	\$18.62	\$9.95	\$10.14	\$10.35
2 lanes	\$39.78	\$40.58	\$41.39	\$35.80	\$36.52	\$37.25	\$19.89	\$20.29	\$20.69
3 lanes	\$59.67	\$60.86	\$62.08	\$53.70	\$54.78	\$55.87	\$29.84	\$30.43	\$31.04
4 lanes	\$79.56	\$81.15	\$82.77	\$71.60	\$73.04	\$74.50	\$39.78	\$40.58	\$41.39
5 lanes	\$99.45	\$101.44	\$103.47	\$89.51	\$91.30	\$93.12	\$49.73	\$50.72	\$51.73
6 lanes	\$119.34	\$121.73	\$124.16	\$107.41	\$109.55	\$111.75	\$59.67	\$60.86	\$62.08
7 lanes	\$139.23	\$142.01	\$144.85	\$125.31	\$127.81	\$130.37	\$69.62	\$71.01	\$72.43
8 lanes	\$159.12	\$162.30	\$165.55	\$143.21	\$146.07	\$148.99	\$79.56	\$81.15	\$82.77
16 lanes	\$318.24	\$324.60	\$331.10	\$286.42	\$292.14	\$297.99	\$159.12	\$162.30	\$165.55
BEBAN:	2013/ 2014	2014/ 2015	2015/ 2016	2013/ 2014	2014/ 2015	2015/ 2016	2013/ 2014	2014/ 2015	2015/ 2016
Slide Only	\$123.42	\$125.89	\$128.41	\$111.08	\$113.30	\$115.57	\$61.71	\$62.94	\$64.20
Leisure Only	\$158.10	\$161.26	\$164.49	\$142.29	\$145.14	\$148.04	\$79.05	\$80.63	\$82.24
Leisure & Slide	\$224.40	\$228.89	\$233.47	\$201.96	\$206.00	\$210.12	\$112.20	\$114.44	\$116.73
37 Metre Pool	\$159.12	\$162.30	\$165.55	\$143.21	\$146.07	\$148.99	\$79.56	\$81.15	\$82.77
Complete	\$382.50	\$390.15	\$397.95	\$344.25	\$351.14	\$358.16	\$191.25	\$195.08	\$198.98
Shallow End	\$82.62	\$84.27	\$85.96	\$74.36	\$75.85	\$77.36	\$41.31	\$42.14	\$42.98
NAC:	2013/ 2014	2014/ 2015	2015/ 2016	2013/ 2014	2014/ 2015	2015/ 2016	2013/ 2014	2014/ 2015	2015/ 2016
Slides Only	\$245.82	\$250.74	\$255.75	\$221.24	\$225.66	\$230.18	\$122.91	\$125.37	\$127.88
Leisure Only	\$315.18	\$321.48	\$327.91	\$283.66	\$289.34	\$295.12	\$157.59	\$160.74	\$163.96
Leisure Slides	\$459.00	\$468.18	\$477.54	\$413.10	\$421.36	\$429.79	\$229.50	\$234.09	\$238.77
Complete	\$774.18	\$789.66	\$805.46	\$638.01	\$650.77	\$663.79	\$387.09	\$394.83	\$402.73

**NOTES:**

1. Club and outside group rentals/pricing do not include staffing, a minimum of 2 staff are required during swim club rentals.
2. For each additional staff required (ratio 1:50) there will be an additional charge to cover staff costs.
3. Rentals outside regular hours of operation (refer to public schedule), are required to pay for staffing.

### **COMMUNITY CENTRES/HALLS – CATEGORIES OF USE**

<b>Classification</b>		<b>Function</b>	
1.	Local registered child and youth leisure groups and societies that use facilities for provision of leisure-oriented activities that are open to community.	A.	Activities to carry out the business of an organization or group. Excludes activities with liquor licenses or catered functions. (max.4 hours).
2.	Local government and educational bodies along with their respective department function, social services and fraternal groups, and local registered adult leisure groups and societies.	B.	Activities to carry out the business of an organization or group. Excludes activities with liquor licenses or catered functions. (max.8 hours).
		C.	Dinner Meetings, Showers and Teas (excluding Dances, Concerts) and Shows without admission.
3.	Local private, religious, labour, business and political groups and/or individuals.	D.	Adult dances and/or Socials, Banquets. (max. 1 day)
4.	Commercial and "outside" groups and/or individuals.	E.	Youth Dances and/or Socials.
		F.	Concerts, Trade Shows, Conventions and Shows with admission fees and/or sales of merchandise. (max. 1 day)

#### **NOTES:**

- For Function "F" in each rental category - "Concerts and Shows ..." - Rentals may be based on a percentage of revenue instead of flat rate rental.
- Liquor Permits – Events involving service of alcohol must be covered by an approved Liquor Permit and the location of bar must be agreed to by Department Management prior to event.
- Set-ups for functions at Recreation Centres is \$29 for each fifty (50) chairs/tables, and \$2.30 per table for tables-only functions.
- Rental rates for bookings involving Retail Sales by Commercial Organizations can be based on 10% of gross sales by resident merchants and 20% of gross sales for non-resident merchants, against a minimum flat rate, at the discretion of the facility Manager. A City of Nanaimo business license is required.
- "Outside" group and/or individual is any group or individual with a mailing address outside Nanaimo or Electoral Areas: A-Cedar, South Wellington, B-Gabriola, C-Extension, East Wellington and the District of Lantzville. "Outside" groups will be charged at the Classification Rate 4.
- Non-Prime Rental Rate applies at community centre and hall for events that commence and finish on Sunday. Applicable to all renters except commercial and outside groups (Classification 4). Rental charge for dinner meetings, socials, events with admission fees (Function C, D, E and F) would be at the program/workshop rate (Function B) against a percentage of the gate receipts when an admission is charged.
- An additional 50% of rental fees will be required for closing the entire facility for a single function, at the discretion of the facility manager (e.g. concerts or sporting events).

## **FACILITIES**

### **COMMUNITY MEETING SPACES**

	<b>Name</b>	<b>Dimensions</b>	<b>Meeting Capacity</b>	<b>Rental Group</b>
1.	Beban Social Centre Auditorium A	48 x 80	315	5
2.	Beban Social Centre Auditorium B	48 x 80	315	5
3.	Beban Social Centre Auditorium A and B	80 x 96	700	6
4.	Beban Social Centre Lounge	46 x 63	230	4
5.	Beban Social Centre Single Meeting Room	24 x 35	50	2
6.	Beban Social Centre Double Meeting Room	35 x 48	100	3
7.	Beban Social Centre Triple Meeting Room	35 x 72	150	4
8.	Bowen Complex Activity Room #1	44 x 28	97	3
9.	Bowen Complex Activity Room #2	35 x 25	71	2
10.	Bowen Complex Activity Room #3	36 x 25	71	2
11.	Bowen Complex Auditorium	74 x 52	306	5
12.	Bowen Complex Clubhouse	50 x 24	80	3
13.	Bowen Complex Games Room #1	21 x 13	18	1
14.	Bowen Complex Games Room #2	21 x 13	18	1
15.	Bowen Complex Games Room #3	21 x 13	18	1
16.	Bowen Complex Conference Room	34 x 13	18	1
17.	Centennial Building	60 x 146	725	3
18.	Cliff McNabb Conference Room	22 x 18	33	1
19.	Departure Bay Activity Centre	64 x 54	276	4
20.	Frank Crane VIP Room	16 x 24	20	1
21.	Harewood Activity Centre	41 x 26	85	2
22.	Kin Hut Activity Centre	35 x 29	85	2
23.	Maffeo Auditorium	44 x 25	103	2
24.	Nanaimo Aquatic Centre Jack Little Room A	30 x 35	80	2
25.	Nanaimo Aquatic Centre Jack Little Room B	35 x 35	100	2
26.	Nanaimo Ice Centre – Lounge	50 x 26	100	3
27.	Oliver Woods Community Centre – Single Room	37 x 22	60	2
28.	Oliver Woods Community Centre – Double Room	37 x 44	120	3
29.	Oliver Woods Community Centre – Triple Room	43 x 70	180	4
30.	Oliver Woods Community Centre – Conference Room	20 x 25	36	1
31.	Rotary Field House	43 x 23	85	2

### **COMMUNITY MEETING SPACE RENTAL DISCOUNTS**

Rental rates as shown previously, minus appropriate discount based on specific classification and function.

<b>1.</b>	<b>Approved Registered Youth Leisure Groups:</b>	<b>Discount</b>
A.	Meetings (4 hours maximum)	50%
B.	Programs, Workshops, Courses & Seminars (8 hours maximum)	50%
C.	Dinner Meetings, Showers, Teas, Shows w/o admission	20%
D.	Adult Dances, Weddings, Socials, Receptions, Banquets	20%
E.	Youth Dances, Socials	20%
F.	Concerts, Shows and Sales	40%

<b>2.</b>	<b>Approved Government, Education, Social Service, Fraternal and Adult Leisure Groups:</b>	<b>Discount</b>
A.	Meetings (4 hours maximum)	30%
B.	Programs, Workshops, Courses & Seminars (8 hours maximum)	30%
C.	Dinner Meetings, Showers, Teas, Shows with no admission	20%
D.	Adult Dances, Weddings, Socials, Receptions, Banquets	20%
E.	Youth Dances, Socials	20%
F.	Concerts, Shows and Sales	20%

<b>3.</b>	<b>Private, Religious, Labour, Business, Political Groups and Individuals:</b>	<b>Discount</b>
A.	Meetings (4 hours maximum)	10%
B.	Programs, Workshops, Courses & Seminars (8 hours maximum)	10%
C.	Dinner Meetings, Showers, Teas, Shows with no admission	10%
D.	Adult Dances, Weddings, Socials, Receptions, Banquets	10%
E.	Youth Dances, Socials	10%
F.	Concerts, Shows and Sales	10%

<b>4.</b>	<b>Commercial and Outside Groups:</b>	<b>Discount</b>
A.	Meetings (4 hours maximum)	0%
B.	Programs, Workshops, Courses & Seminars (8 hours maximum)	0%
C.	Dinner Meetings, Showers, Teas, Shows with no admission	0%
D.	Adult Dances, Weddings, Socials, Receptions, Banquets	0%
E.	Youth Dances, Socials	0%
F.	Concerts, Shows and Sales	0%

Bylaw 7073 Consolidated  
(Bylaw 7073.03, 7073.06)

FACILITY RENTAL RATES																													1.02
	Group 1 0-500 sq. ft.			Group 2 500-1200 sq. ft.			Group 3 1200-2000 sq. ft.			Group 4 2000-3000 sq. ft.			Group 5 3000-6000 sq. ft.			Group 6 6000+ sq. ft.			Kitchens						Hourly Rates				
	Beban Dressing Rooms Beban Stage Bowen Meeting Rooms Cliff McNabb Conference Frank Crane Arena VIP			Beban Single Bowen Activity 2 OR 3 NAC A OR B OWCC Hemlock OWCC Monarch 1 OR 2 OWCC Salal 1 OR 3 OWCC Tree Frog			Beban Double Room Bowen Activity Room 1 Bowen Activity Room 2 AND 3 Bowen Clubhouse OWCC Monarch 1 AND 2 OWCC Salal 2 NIC Lounge			Beban Lounge Beban Triple NAC A AND B OWCC Salal 1 AND 2 OWCC Salal 2 AND 3			Beban Auditorium A OR B Bowen Auditorium OWCC Salal 1, 2 AND 3			Beban Auditorium A & B Beban Auditorium B & Lounge			Beban Kitchenette Bowen Activity #1 Kitchen			Beban Kitchen Bowen Kitchen			Group 1-3	Group 4	Group 5	Group 6	
	2013/14	2014/15	2015/16	2013/14	2014/15	2015/16	2013/14	2014/15	2015/16	2013/14	2014/15	2015/16	2013/14	2014/15	2015/16	2013/14	2014/15	2015/16	2013/14	2014/15	2015/16	2013/14	2014/15	2015/16					2013-2016
1. APPROVED REGISTERED YOUTH LEISURE GROUPS																													
A. Meetings: 4 hours maximum	24.91	25.41	25.91	31.16	31.78	32.42	44.25	45.13	46.04	59.49	60.68	61.89	152.13	155.18	158.28	251.71	256.74	261.87	25.59	26.10	26.63	48.30	49.26	50.25	14.17	19.05	48.74	80.41	
B. Programs, Workshops, Courses, Seminars (8 hrs max.)	34.58	35.27	35.97	51.90	52.94	53.99	65.73	67.04	68.38	93.39	95.26	97.16	202.62	206.68	210.81	304.28	310.36	316.57	25.59	26.10	26.63	48.30	49.26	50.25	21.05	29.92	64.90	97.46	
C. Dinner Mtgs Showers, Teas, Shows w/o Admission	72.19	73.63	75.10	108.40	110.56	112.77	167.04	170.38	173.78	254.48	259.57	264.76	407.13	415.28	423.58	619.61	632.00	644.64	40.94	41.76	42.60	77.28	78.82	80.40	40.13	61.14	97.81	148.85	
D. Adult Dances, Weddings, Socials, Receptions, Banquets				174.78	178.27	181.84	258.89	264.06	269.35	380.60	388.21	395.98	553.23	564.29	575.58	774.52	790.01	805.81	40.94	41.76	42.60	77.28	78.82	80.40	49.76	73.14	106.31	175.44	
E. Youth Dances, Socials				108.40	110.56	112.77	167.04	170.38	173.78	254.48	259.57	264.76	407.13	415.28	423.58	619.61	632.00	644.64	40.94	41.76	42.60	77.28	78.82	80.40	40.13	61.14	97.81	148.85	
F. Concerts, Conventions, Shows and Sales				131.08	133.70	136.38	194.17	198.05	202.01	285.45	291.16	296.98	414.92	423.21	431.68	684.65	698.35	712.31	30.70	31.32	31.94	57.96	59.12	60.30	37.31	54.86	79.73	131.58	
2. APPROVED GOVERNMENT, EDUCATION, SOCIAL SERVICE, FRATERNAL AND ADULT LEISURE GROUPS																													
A. Meetings: 4 hours maximum	34.87	35.57	36.28	43.62	44.49	45.38	61.94	63.18	64.45	83.28	84.95	86.65	212.99	217.25	221.59	352.3896	359.44	366.63	35.82	36.54	37.27	67.62	68.97	70.35	19.84	26.67	68.23	112.57	
B. Programs, Workshops, Courses, Seminars (8 hrs max.)	48.40	49.37	50.35	72.65	74.11	75.59	92.02	93.86	95.74	130.74	133.36	136.03	283.67	289.35	295.13	425.9826	434.50	443.19	35.82	36.54	37.27	67.62	68.97	70.35	29.48	41.88	90.86	136.44	
C. Dinner Mtgs Showers, Teas, Shows w/o Admission	72.19	73.63	75.10	108.40	110.56	112.77	167.04	170.38	173.78	254.48	259.57	264.76	407.13	415.28	423.58	619.6092	632.00	644.64	40.94	41.76	42.60	77.28	78.82	80.40	40.13	61.14	97.81	148.85	
D. Adult Dances, Weddings, Socials, Receptions, Banquets				174.78	178.27	181.84	258.89	264.06	269.35	380.60	388.21	395.98	553.23	564.29	575.58	774.5166	790.01	805.81	40.94	41.76	42.60	77.28	78.82	80.40	49.76	73.14	106.31	175.44	
E. Youth Dances, Socials				108.40	110.56	112.77	167.04	170.38	173.78	254.48	259.57	264.76	407.13	415.28	423.58	619.6092	632.00	644.64	40.94	41.76	42.60	77.28	78.82	80.40	40.13	61.14	97.81	148.85	
F. Concerts, Conventions, Shows and Sales				174.78	178.27	181.84	258.89	264.06	269.35	380.60	388.21	395.98	553.23	564.29	575.58	912.5634	930.81	949.43	40.94	41.76	42.60	77.28	78.82	80.40	49.76	73.14	106.31	175.44	
3. PRIVATE, RELIGIOUS, LABOUR, BUSINESS, POLITICAL GROUPS AND INDIVIDUALS																													
A. Meetings: 4 hours maximum	44.84	45.74	46.65	56.08	57.20	58.35	79.64	81.23	82.86	107.08	109.22	111.41	273.84	279.32	284.90	453.0738	462.14	471.38	46.05	46.97	47.91	86.93	88.67	90.45	25.50	34.29	87.72	144.73	
B. Programs, Workshops, Courses, Seminars (8 hrs max.)	62.23	63.47	64.74	93.41	95.28	97.19	118.31	120.68	123.09	168.11	171.47	174.90	364.72	372.02	379.46	547.689	558.64	569.82	46.05	46.97	47.91	86.93	88.67	90.45	37.89	53.85	116.82	175.42	
C. Dinner Mtgs Showers, Teas, Shows w/o Admission	81.20	82.83	84.48	114.94	117.24	119.59	187.91	191.67	195.51	286.28	292.01	297.85	458.03	467.19	476.54	697.068	711.01	725.23	46.05	46.97	47.91	86.93	88.67	90.45	45.14	68.78	110.03	167.45	
D. Adult Dances, Weddings, Socials, Receptions, Banquets				196.63	200.56	204.57	291.24	297.07	303.01	428.18	436.74	445.47	622.37	634.82	647.52	871.32	888.75	906.53	46.05	46.97	47.91	86.93	88.67	90.45	55.97	82.29	119.61	197.37	
E. Youth Dances, Socials				121.95	124.39	126.88	187.91	191.67	195.51	286.28	292.01	297.85	458.03	467.19	476.54	697.07	711.01	725.23	46.05	46.97	47.91	86.93	88.67	90.45	45.14	68.78	110.03	167.45	
F. Concerts, Conventions, Shows and Sales				196.63	200.56	204.57	291.24	297.07	303.01	428.18	436.74	445.47	622.37	634.82	647.52	1026.98	1047.52	1068.47	46.05	46.97	47.91	86.93	88.67	90.45	55.97	82.29	119.61	197.37	
4. COMMERCIAL AND OUTSIDE GROUPS																													
A. Meetings: 4 hours maximum	49.82	50.81	51.83	62.312	63.56	64.83	88.49	90.25	92.06	118.97	121.35	123.78	304.27	310.35	316.56	503.4108	513.48	523.75	51.17	52.20	53.24	96.59	98.53	100.50	28.34	38.11	97.46	160.81	
B. Programs, Workshops, Courses, Seminars (8 hrs max.)	69.15	70.53	71.94	103.80	105.87	107.99	131.46	134.09	136.77	186.78	190.52	194.33	405.25	413.35	421.62	608.5422	620.71	633.13	51.17	52.20	53.24	96.59	98.53	100.50	42.11	59.82	129.80	194.91	
C. Dinner Mtgs Showers, Teas, Shows w/o Admission	90.23	92.03	93.87	135.50	138.21	140.97	208.79	212.97	217.23	318.10	324.46	330.95	508.92	519.10	529.48	774.5166	790.01	805.81	51.17	52.20	53.24	96.59	98.53	100.50	50.15	76.42	122.26	186.06	
D. Adult Dances, Weddings, Socials, Receptions, Banquets				218.47	222.84	227.30	323.61	330.08	336.68	475.75	485.26	494.97	691.53	705.36	719.47	968.1432	987.51	1007.26	51.17	52.20	53.24	96.59	98.53	100.50	62.19	91.43	132.90	219.30	
E. Youth Dances, Socials				135.50	138.21	140.97	208.79	212.97	217.23	318.10	324.46	330.95	508.92	519.10	529.48	774.5166	790.01	805.81	51.17	52.20	53.24	96.59	98.53	100.50	50.15	76.42	122.26	186.06	
F. Concerts, Conventions, Shows and Sales				219.19	223.57	228.04	323.61	330.08	336.68	475.75	485.26	494.97	691.53	705.36	719.47	1141.08	1163.91	1187.18	51.17	52.20	53.24	96.59	98.53	100.50	62.19	91.43	132.90	219.30	

## **DEPARTMENT PROGRAMS**

Seasonal Programs – As advertised.

## **EQUIPMENT RENTALS AND SERVICE LEVELS**

### **EQUIPMENT:**

1. The City maintains a basic equipment inventory at each facility appropriate for, and included with, in-house facility use. If in-house users require equipment outside the basic inventory this equipment will be made available if possible, at an additional fee.
2. Equipment rental fees will be set per day of use and will cover replacement of the item based on a calculation of estimated use and expected lifespan.
3. Rental of facility equipment to outside users is not available. Exceptions may be made at the discretion of the Director of Parks, Recreation & Culture. Where the Director approves exceptions, rental fees will apply. Delivery/return of equipment is not included with outside user equipment rental.
4. Those using equipment must return it in the condition it was received and accept responsibility for repair or replacement costs of equipment damaged or lost.

### **SERVICE:**

1. The City maintains a basic level of service at each facility appropriate for, and included with in-house facility use. If in-house users require an increased level of service over and above the basic service, it will be made available if possible, at an additional fee.
2. An increased level of service may also be available to outside users if possible, at an additional fee.
3. Cost for increased level of service will be made available at staffing costs (wage and overhead) plus 15% administration, or contractor cost plus 15% administration.

### **CENTENNIAL BUILDING**

	<b>2013/2014 (5%)</b>	<b>2014/2015 (5%)</b>	<b>2015/2016 (5%)</b>
<b>Approved Youth Non-Profit (50%)</b>			
Per Hour	\$16.79	\$17.63	\$18.51
Max 4 hours recreational	\$48.63	\$51.06	\$53.61
Max 8 hours recreational	\$71.78	\$75.37	\$79.14
Event without admission – per day	\$130.23	\$136.74	\$143.58
Event with admission/Event with Sales ** - per day	\$199.69	\$209.67	\$220.16
<b>Approved Adult Non-Profit (25%)</b>			
Per Hour	\$25.18	\$26.44	\$27.76
Max 4 hours recreational	\$72.93	\$76.58	\$80.41
Max 8 hours recreational	\$107.66	\$113.04	\$118.69
Event without admission – per day	\$195.35	\$205.12	\$215.38
Event with admission/Event with Sales ** - per day	\$299.53	\$314.51	\$330.24
<b>Private (10%)</b>			
Per Hour	\$30.22	\$31.73	\$33.32
Max 4 hours recreational	\$87.52	\$91.89	\$96.49
Max 8 hours recreational	\$129.19	\$135.65	\$142.43
Event without admission – per day	\$234.42	\$246.14	\$258.45
Event with admission/Event with Sales ** - per day	\$359.42	\$377.42	\$396.29
<b>Commercial</b>			
Per Hour	\$33.57	\$35.25	\$37.01
Max 4 hours recreational	\$97.24	\$102.10	\$107.21
Max 8 hours recreational	\$143.55	\$150.72	\$158.26
Event without admission – per day	\$260.46	\$273.49	\$287.16
Event with admission/Event with Sales ** - per day	\$399.38	\$419.36	\$440.31

\*\* Events with sales may be subject to 15% of gross revenues vs. flat fee.  
Tables and chairs not included in fees.

<b>Off-Campus Facilities Rental Rates</b>			
		500-1200 sq. ft.	2000-3000 sq. ft.
		Harewood Activity Centre Rotary Field House Kin Hut Miner's Cottage	Departure Bay Activity Centre
<b>1. APPROVED REGISTERED YOUTH LEISURE GROUPS</b>			
A.	Meetings: 4 hours maximum	30.55	58.32
B.	Programs, Workshops, Courses, Seminars (8 hours max.)	50.88	91.56
C.	Showers, Teas, Shows w/o Admission	106.27	249.49
D.	Adult Dances, Weddings, Socials, Receptions, Banquets	171.35	373.14
E.	Youth Dances, Socials	106.27	249.49
F.	Concerts, Shows and Sales	128.51	279.85
<b>2. APPROVED GOVERNMENT, EDUCATION, SOCIAL SERVICE, FRATERNAL AND ADULT LEISURE GROUPS</b>			
A.	Meetings: 4 hours maximum	42.76	81.65
B.	Programs, Workshops, Courses, Seminars (8 hours max.)	71.23	128.18
C.	Showers, Teas, Shows w/o Admission	106.27	249.49
D.	Adult Dances, Weddings, Socials, Receptions, Banquets	171.35	373.14
E.	Youth Dances, Socials	106.27	249.49
F.	Concerts, Shows and Sales	171.35	373.14
<b>3. PRIVATE, RELIGIOUS, LABOUR, BUSINESS, POLITICAL GROUPS AND INDIVIDUALS</b>			
A.	Meetings: 4 hours maximum	54.98	104.98
B.	Programs, Workshops, Courses, Seminars (8 hours max.)	91.58	164.81
C.	Showers, Teas, Shows w/o Admission	119.56	280.68
D.	Adult Dances, Weddings, Socials, Receptions, Banquets	192.77	419.78
E.	Youth Dances, Socials	119.56	280.67
F.	Concerts, Shows and Sales	192.77	419.78
<b>4. COMMERCIAL AND OUTSIDE GROUPS</b>			
A.	Meetings: 4 hours maximum	61.09	116.64
B.	Programs, Workshops, Courses, Seminars (8 hours max.)	101.76	183.12
C.	Showers, Teas, Shows w/o Admission	132.84	311.86
D.	Adult Dances, Weddings, Socials, Receptions, Banquets	214.19	466.42
E.	Youth Dances, Socials	132.84	311.86
F.	Concerts, Shows and Sales	214.19	466.42

**OLIVER WOODS COMMUNITY CENTRE GYMNASIUMS**

<b>HOURLY RATES</b>	<b>2013 / 2014</b>	<b>2014 / 2015</b>	<b>2015 / 2016</b>
Commercial (non-sport)	\$130.38	\$138.20	\$146.50
Non-Profit / Adult & Private	\$37.10	\$39.33	\$41.68
Non-Profit / Youth	\$19.08	\$20.23	\$21.44
Commercial (Sport)	\$58.30	\$61.80	\$65.51



### **SELF-CONTAINED RECREATION VEHICLE CAMPING IN CITY PARKS**

Overnight camping in City Parks is prohibited under the provisions of this Bylaw. Authorization to provide exemptions from the Bylaw is granted by the Director of Parks, Recreation and Culture through the issuance of a Park License Agreement pursuant to the Bylaw. Park License Agreements for overnight camping in parks are infrequent and on exceptional occasions.

YEAR	FEE PER NIGHT
2013	\$25.00
2014	\$26.25
2015	\$27.55
2016	\$28.95

### **LONG-TERM STORAGE RENTAL SPACE**

Parks, Recreation Complex, Activity Centres:  
\$6.50 / sq. ft. / year Minimum \$50.00 / year

Field Houses/Centennial Building:  
\$5.50 / sq. ft. / year Minimum \$50.00 / year

### **BRECHIN BOAT RAMP ANNUAL PARKING PASS**

	2014	2015	2016
Boat Trailer and Vehicle	\$ 70.00	\$ 75.00	\$ 75.00
Car Top Boat	\$ 45.00	\$ 50.00	\$ 50.00

#### **NOTES:**

1. Purchase of single use passes are available on-site.
2. Annual Brechin Boat Ramp passes are valid for one year from date of purchase.
3. Parking passes must be displayed on the dash of the vehicle while parked at the Brechin Boat Ramp Parking Lot.
4. Purchase of a pass does not guarantee parking space availability.

### **SPORTS FIELD RATES**

<b>Category</b>	<b>Field Classification</b>	<b>2013/14 (per field or ball diamond)</b>	<b>2014/15 (per field or ball diamond)</b>	<b>2015/16 (per field or ball diamond)</b>
Adult/Commercial (18 years & over) Practice/Game	Synthetic Turf	\$30.00/hour	\$32.00/hour	\$34.00/hour
	"A" Field	\$24.00/hour	\$25.00/hour	\$26.00/hour
	"B" Field	\$12.00/hour	\$12.50/hour	\$13.00/hour
	"C" Field	\$8.25/hour	\$8.50/hour	\$8.75/hour
Adult (18 years & over) Tournament	Synthetic Turf	\$189.00/day	\$198.00/day	\$208.00/day
	"A" Field	\$157.00/day	\$165.00/day	\$173.00/day
	"B" Field	\$78.00/day	\$82.00/day	\$86.00/day
	"C" Field	\$51.00/day	\$54.00/day	\$57.00/day
Youth (under 18 years) Practice/Game	Synthetic Turf	\$13.00/hour	\$14.00/hour	\$15.00/hour
	"A" Field	\$5.00/hour	\$5.50/hour	\$6.00/hour
	"B" Field	\$2.50/hour	\$2.75/hour	\$3.00/hour
	"C" Field	\$1.75/hour	\$2.00/hour	\$2.25/hour
Youth (under 18 years) Tournament	Synthetic Turf	\$93.00/day	\$108.00/day	\$123.00/day
	"A" Field	\$32.00/day	\$35.00/day	\$38.00/day
	"B" Field	\$16.00/day	\$17.50/day	\$19.00/day
	"C" Field	\$10.50/day	\$11.50/day	\$12.50/day

### **SPORTS FIELD CLASSIFICATIONS**

<b>ARTIFICIAL TURF FIELDS</b>	Field #1 - Merle Logan Field #2
<b>"A" FIELDS</b>  Full size turf fields with field house	Elaine Hamilton Field (formerly Trofton) May Richards Bennett Pioneer Park Beban Park Gyro Playfields Harewood Centennial Park Big Field Caledonia Park (includes one field house only) Serauxmen Sports Fields
<b>"B" FIELDS (50% discount)</b>  Full size turf field with no field house OR Small turf field with field house	Harry Wipper Park Pleasant Valley Park Departure Bay Centennial Park Bowen Park West Playfield Sid Clark Gyro Park (Wentworth Street) Beban Park Gyro Playfields Mansfield Park Harewood Centennial Park Small Field Robins Park Practice Area Comox Gyro Park Robins Park
<b>"C" FIELDS (66% discount)</b>  Small turf field with no field house OR Non turf field with or without field house	Diver Lake Park Deverill Park (formerly Haliburton Street Park) Barney Moriez Park Groveland Park

NOTES:

1. Commercial and Special Events: each field is \$300.00 per day or 15% of gross revenues, plus cost of other services as required.
2. Staff call-out resulting from lights being left on or facilities not being properly secured after rental: \$120.00.
3. Field rental rates do not include lighting charges.
4. The Tournament rate is calculated at a maximum of 8 hours per day.

### **SPORTS FIELD / LACROSSE BOX LIGHTING CHARGES**

1. Artificial Turf Field Lighting Charges:

- a. Practice level lighting - \$13.00 per hour
- b. Game level lighting - \$16.00 per hour

There will be no block booking discount for lighting on the artificial turf fields.

2. \$13.00 per hour for a single use of lights on grass sports fields or lacrosse boxes. Minimum rental charge \$15.00 per contract.
3. 30% winter block booking discount applicable between September 15 and April 15 when booking the same hour(s) of use each week for a minimum period of 8 consecutive weeks on grass fields.

25% summer block booking discount applicable between April 16 and September 14 when booking the same hour(s) of use each week for a minimum period of 8 consecutive weeks on grass fields.

- (a) Light rental costs are to be paid within 30 days of contract being issued; otherwise discount is not applicable.
- (b) Block booking discounts are applied to accommodate unscheduled cancellations due to weather conditions, field conditions or field maintenance. Refunds for cancellations against a block booking will not be made.

4. Lighting charges to be applied:

September 15	to October 31	after 7:00 p.m.
November 1	to April 15	after 5:00 p.m.
April 16	to September 14	after 9:00 p.m.

5. Pleasant Valley Sports Field lighting to be charged at extra cost to exclusive user.

6. Lighting charges apply to:

Harewood Centennial Park Lions Lacrosse Box  
Bowen Park Lions Lacrosse Box  
Robins Park Field  
Robins Park Practice Field  
Departure Bay Centennial Park Field  
Mansfield Park Field  
Comox Park Field  
Harewood Centennial Park Big Field  
Harewood Centennial Park Small Field  
Merle Logan Field  
Second Artificial Turf Field  
Pleasant Valley Field  
Deverill Park Field

### PICNIC SHELTERS

	2013/14	2014/15	2015/16
Up to 4 hours	\$58.00	\$58.00	\$59.50
4-8 hours	\$96.00	\$96.00	\$100.00
Over 8 hours	\$127.50	\$127.50	\$132.00

- Access to power and water included.

### SAND VOLLEYBALL COURTS

	2013/14	2014/15	2015/16
4 courts	\$9.25/hour	\$9.50/hour	\$9.75/hour
1 court	\$3.50/hour	\$4.00/hour	\$4.00/hour
Tournament	\$60.00/day	\$61.00/day	\$62.00/day

### TENNIS COURTS

	2013/14	2014/15	2015/16
Bowen Park – 3 courts	\$21.00/hour	\$21.50/hour	\$22.00/hour
Beban Park – 3 courts	\$21.00/hour	\$21.50/hour	\$22.00/hour
Departure Bay Centennial – 2 courts	\$13.25/hour	\$13.50/hour	\$13.75/hour

- Public use for general play at no charge during daylight hours.
- Bowen tennis court light timer tokens: first come, first served use, \$10 per hour, (discounts do not apply).
- Department lessons will have preference if court availability is limited.

### LACROSSE BOXES

Bowen Lions, Harewood Centennial:

	2013/14	2014/15	2015/16
Lacrosse Boxes	\$6.00/hour	\$6.50/hour	\$6.50/hour

- Extra charge for lights, where available.

### DISCOUNTS FOR PICNIC SHELTERS / SAND VOLLEYBALL COURTS TENNIS COURTS / LACROSSE BOXES

Adult groups: 0%  
Youth groups: 50%

- Permits for these facilities guarantee priority use.
- Drop-in use is allowed at no charge when facilities are not booked.

**CITY PARKS – PLAZAS – PAVILIONS – AMPHITHEATRES – GROUNDS – PARKING LOTS**

Local not-for-profit groups and societies hosting events/activities <u>open and free of charge</u> to the general public.	\$25.00 per day
Local not-for-profit groups and societies providing events/activities <u>at a charge</u> to the general public.	\$200.00 per day
Private groups hosting <u>events not open to the public</u> , i.e. weddings, staff picnics.	\$50.00 (2 hour maximum) \$25.00/extra hour booked
Commercial businesses <u>offering regularly scheduled programs to the public</u> at a cost, i.e. fitness classes.	\$50.00 per quarter
Commercial or outside organizations hosting events/activities <u>open free of charge</u> to the general public.	\$150.00 per day
Commercial or outside organizations hosting events/activities <u>open at a charge</u> to the general public.	\$200.00 - up to 200 estimated attendees \$500.00 – up to 500 estimated attendees \$1,000.00 – 500+ attendees PER 12 hour day Or 15% of gate
Hydro use – applies to all group type requiring access to power.	\$25.00 per day

**NOTES:**

1. The objective of these fees is to help recover some of the cost involved in maintaining these open spaces for the benefit of the community.
2. Park bookings do not imply that the public will not be allowed to access the park in which the reserved area is situated. Groups holding a park booking are simply granted priority use of the designated space for the term stated within the contract.

## **SCHEDULE "C"**

### **FINE SCHEDULE**

Fines for tickets issued pursuant to this Bylaw, shall be as follows:

<b>DESCRIPTION OF OFFENCE</b>	<b>SECTION</b>	<b>FINE</b>
Obstruct free use and enjoyment of park.	3.1 (a)	\$150.00
Disturb game, sport or activity.	3.1 (b)	\$150.00
Interfere with City employee	3.1 (c)	\$150.00
Activity in area not designated for that purpose	3.1 (d)	\$150.00
Fail to obey person in charge of activity	3.2 (a)	\$150.00
Use hazardous device in pool/beach	3.2 (b)	\$150.00
Permit animal to run at large	3.3 (a)	\$150.00
Permit animal to feed on vegetation	3.3 (b)	\$150.00
Permit animal on public beach	3.3 (c)	\$150.00
Permit animal on pool deck	3.3 (d)	\$150.00
Enter/Remain in park during restricted hours	3.4 (a)	\$150.00
Occupy for Lodging	3.4 (b)	\$150.00
Cross area where sign prohibits.	3.4 (c)	\$150.00
Remain when directed to leave	3.4 (d)	\$150.00
Ride or permit riding of a cycle without approved helmet.	3.5	\$150.00
Cycling/skating/skateboarding in prohibited area	3.6	\$150.00
Damage park plants	3.7	\$150.00
Cut down tree	3.8	\$500.00
Plant any tree, sapling, shrub, flower	3.9	\$150.00
Damage park property	3.10	\$150.00
Build any structure	3.11	\$150.00
Pollute fountain, lake, pool, pond or stream	3.12	\$150.00
Littering	3.13	\$150.00
Distribute/affix signs/posters/device	3.14	\$150.00
Discharge/ignite fireworks or other explosive material	3.15	\$250.00
Cause fire to be ignited	3.16	\$150.00
Discard any lighted match, cigar, cigarette, or other substance	3.17	\$250.00
Consume or possess liquor in park	3.18	\$150.00
Show or performance without license	3.19	\$150.00
Sell service or commodity	3.20	\$150.00
Activity contrary to Sign or Traffic Control Device	3.21	\$150.00
Use building/structure for contrary to purpose	3.22	\$150.00
Leave personal belongings	3.23	\$150.00
Drive/park vehicle where prohibited	3.24	\$150.00
Drive/park off road/all terrain vehicle	3.25	\$150.00
Operate any motorboat	3.26	\$150.00
Smoke anywhere on all City managed recreation properties including: trails, plazas, parks, beaches, and recreation facilities; except in designated smoking areas	3.27	\$150.00
Smoke contrary to signs	3.28	\$150.00
Fail to obtain a park License agreement	9.1	\$150.00

CITY OF NANAIMO

BYLAW NO. 7073.07

A BYLAW TO AMEND THE CITY OF NANAIMO "PARKS, RECREATION AND  
CULTURE REGULATION BYLAW 2008 No. 7073"

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The Council of the City of Nanaimo in open meeting assembled, hereby ENACTS  
AS FOLLOWS:

1. Title

This Bylaw may be cited as "Parks, Recreation and Culture Regulation  
Amendment Bylaw 2019 No. 7073.07".

2. Amendments

"PARKS, RECREATION AND CULTURE REGULATION BYLAW 2008 NO. 7073"  
is hereby amended as follows:

(1) Add Section 2 "Authority" to follow Section 1 "Title" as follows:

"2. Authority

2.1 The Director is hereby authorized to appoint or designate  
person, including Bylaw Enforcement Officers, Peace  
Officers, and the RCMP, to act on the Director's behalf."

(2) Add Section 3 "Administration" to follow the Section 2 "Authority" as  
follows:

"3. Administration

3.1 The Director is the official charged with administration of  
this Bylaw.

3.2 Nothing in this Bylaw prohibits any person from performing  
his or her duties as an agent or employee of the City, and  
a person who does something prohibited by this Bylaw as  
part of that person's duties as an employee or agent of the  
City does not contravene this Bylaw

3.3 The Director is hereby authorized to order the placing or  
erection of signs in parks at such places as the Director  
may designate in order to regulate the use of a park, or  
any portion of a park, and in order to give effect to the



provisions of this Bylaw and other applicable Bylaw of the City.”

(3) Renumber Section 2 “Interpretation” to Section 4.

(4) Add the following definitions under Section 4 “Interpretation”:

“Environmentally Sensitive Area”	means an area as defined in the City of Nanaimo “Official Community Plan 2017 No. 6500”
“Homeless Person”	means a person with no fixed address and no access to public shelter facilities
“ <i>Motor Vehicle Act</i> ”	means the <i>Motor Vehicle Act</i> , [RSBC 19961], C. 318
“Recreational Vehicle”	means a motor vehicle designed or used primarily for accommodation during travel or recreation, but does not include a motor vehicle that has attached to it a structure (a) designed or used primarily for accommodation during travel or recreation, and (b) designed or intended to be detachable
“Temporary Shelter”	means a structure, improvement, shield or cover used or intended to be used to house or protect people or things, and includes a tent, tarp, lean-to or other shelter made of cardboard, tarpaulin, canvas, nylon, polyester, plastics, metal, logs, brush, branches, or other materials or things

(5) Replace the following definitions in Section 4. “Interpretation”:

“Overnight Abode”	means taking up overnight lodging for the purposes of sleeping, staying, dwelling, or residing, including in a Temporary Shelter
“Public Beach”	means any beach area adjacent to a lake or ocean located within a Park and includes the shore between the water and the cultivated or developed land which can be comprised of, but not limited to, sand, pebbles, rocks, gravel, groundcover and includes the shore between the water and includes the cultivated or developed land below the walkway at Departure Bay Beach to the low water mark

"Traffic Control Device"	means any sign, signal, line, parking meter, spitter machine, marking, space, barrier, or device placed or erected by the Director of Engineering and Public Works pursuant to the City of Nanaimo "Traffic and Highways Regulation Bylaw 1993 No. 5000"
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(6) Delete the following definition in Section 4 "Interpretation":

"Smoke or Smoking"	means inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe or other lighted smoking equipment, burning tobacco.
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(7) Delete Section 3 to Section 3.28 Prohibited Acts in it's entirely and replace with the following:

"5. Prohibited Acts

No person shall do any of the following things in a park:

5.1 Conduct themselves in any disorderly manner including:

- (a) using or operating any device or behaving in a manner as to disturb, interfere with, intimidate or obstruct the free use and enjoyment of the park by other persons.
- (b) interfering with or disturbing the conduct of any game, sport or activity.
- (c) interfering with any City employee or agent in the performance of their duties.
- (d) participating in any activity in an area of a park where prohibited by signs.
- (e) participating or engaging in an activity in a park or an area of a park that is not designated for that activity, or in which that activity is prohibited.

5.2 Put at risk personal safety of any person by:

- (a) violating the direction of any person in charge of any organized activity that is authorized by a Park Licence Use Agreement.
- (b) using any equipment, materials or items in any pool or bathing beach which are dangerous, hazardous or likely to injure a person using the pool or bathing beach.

- 5.3 Permit any animal under their ownership or custody to:
- (a) run at large unless in a designated off leash area that is designated by signage.
  - (b) feed upon any vegetation.
  - (c) be on a public beach during the months of May through September inclusive.
  - (d) be on the deck of a wading pool or a spray pool.
- 5.4 Enter, occupy or remain in a park:
- (a) Contrary to Schedule "A" of this bylaw unless permitted to do so pursuant to Section 7 of this Bylaw.
  - (b) for the purposes of taking up permanent, temporary, or overnight abode, unless permitted to do so pursuant to Section 7 of this Bylaw.
  - (c) by crossing any area where signs have been erected pursuant to this Bylaw forbidding such entering or crossing.
  - (d) when directed to leave a park by a Bylaw Officer, Peace Officer or any City employee or its agents.
  - (e) in any vehicle for the purposes of taking up permanent, temporary, or overnight abode, unless parking for Newcastle Island attendance or with the written permission of the Director.
- 5.5 Operate or ride a cycle without wearing an approved bicycle helmet that meets the standards and specifications prescribed pursuant to the *Motor Vehicle Act*. This applies to a parent or guardian of a person under the age of sixteen (16) who knowingly permits or authorizes the person to operate or ride as a passenger on a cycle within a park without wearing an approved bicycle safety helmet.
- 5.6 Cycle, skateboard, roller blade or use any similar means of conveyance on any portion of a highway, trail or passageway owned or operated by the City of Nanaimo Parks, Recreation and Culture unless within an area of a park designated for such purpose, or where permitted to do so by a traffic control device or signs installed by the City, the Province, or the Federal Government.

- 5.7 Destroy, damage, break, remove or injure any shrub, plant, turf, flower or other vegetation.
- 5.8 Destroy, damage, cut down, top, deface or remove any trees.
- 5.9 Plant any tree, sapling, shrub, flower, or other vegetation.
- 5.10 Destroy, damage, deface or remove any building, fence, bench, sign, ornament, structure, log, wood, branches, or other material or thing.
- 5.11 Build, place or erect any building or structure of any kind.
- 5.12 Foul, pollute, or deposit any injurious, noxious or offensive substance, object, or matter in any fountain, lake, pool, pond, stream or other body of water.
- 5.13 Litter.
- 5.14 Place, erect, deliver, distribute, post, paint or affix by any means any sign, advertisement, handbill, poster, advertising card or device of any kind whatsoever except as provided for under the City's Traffic and Highways Bylaw or in locations designated and authorized by the Director.
- 5.15 Set fire to or discharge any fireworks or other explosive material of any kind except in accordance with the City of Nanaimo "Fireworks Regulation Bylaw 2007 No. 7049."
- 5.16 Ignite any fire, or cause, or permit, any fire to be ignited or to burn in the open air or in any device, except a cooking fire that is permitted in locations identified by traffic control devices and is permitted by the City of Nanaimo "Fire Protection and Life Safety Bylaw 2011 No. 7108" and is not ignited during a declared fire hazard or Provincial fire ban.
- 5.17 Discard or place on the ground, or on or in any combustible material, any lighted item including a match, cigarette, cigar, pipe, e-cigarette, vapour equipment or other lighted smoking equipment, burning tobacco, cannabis, or other weed or substances.
- 5.18 Consume or possess any open alcohol or liquor at any time, except where the said alcohol or liquor is consumed or possessed pursuant to, and in compliance with, a

license under the Liquor Control and Licensing Act and is authorized, in writing, by the Director.

- 5.19 Have a procession, performance, show, exhibition, organized sports or other event, ceremony, concert, political or other demonstration, gathering, or meeting, in or on, any park without Park Licence Use Agreement or authorization, in writing, by the Director.
- 5.20 Sell, barter, offer or advertise for sale any refreshments, service, article, commodity, or product without a Park Licence Use Agreement.
- 5.21 Undertake any activity or action that is contrary to any sign or traffic control device erected in a park.
- 5.22 Use any change house, dressing room, structure or building for any other purpose than that of which the building or structure is intended.
- 5.23 Leave, discard, store or abandon personal belongings or chattels of any kind.
- 5.24 Drive, operate or park any vehicle, except a currently licensed vehicle, in any area of a park, except on a highway or a designated area provided for the parking of vehicles.
- 5.25 Drive, operate or park any off road vehicle.
- 5.26 Operate any motorboat on Westwood Lake unless authorized to do so by the Director.
- 5.27 Operate any chainsaw or vegetation cutting, mowing or trimming equipment within a park unless permitted to do so by the Director.
- 5.28 Wash, clean or repair a vehicle in a park, except where a vehicle is parked in a park and, while parked, an emergency repair to that vehicle is necessary.
- 5.29 Urinate or defecate in or on any park except in a provided public or private toilet.
- 5.30 Use or access an electrical service or any other utility in a park without written permission of the Director.
- 5.31 Operate any amplifying system or loudspeaker without the written permission of the Director.

5.32 Deposit any yard waste, soil, wood, rocks, garbage or filth, discarded materials or rubbish of any kind.”

(8) Delete Section 4 “Removed, Detained or Impounded” in its entirety and replace with the following:

“6. Removed, Detained or Impounded

6.1 The Director has authority to impound, detain or remove any personal belongings, chattels or structures that are found in a park and may store or dispose of such items at the Director’s discretion.

6.2 All personal belongings, chattels, or structures that are removed, detained or impounded, may at the discretion of the Director, be immediately disposed of as garbage, or may be stored for a period of thirty (30) days.

6.3 If the person entitled to possession of the impounded items has failed to recover them and pay the fees set out in this section, in the time allowed, and it appears to the Director that the items have a market value, the items may then be sold, by public auction, to the highest bidder. If the Director is of the opinion that the items have no market value, then those items may be discarded as garbage if in the time allowed the person entitled to them has not recovered those items and paid the fees set out in this section.

6.4 All personal belongings, chattels, or structures that have been detained, removed or impounded and stored may be recovered by the owner upon full payment of the following fees:

(a) impound fee	\$25.00
(b) storage fee	\$10.00 per day”

(9) Delete Section 5. “Administration” in its entirety.

(10) Delete Section 6 “Application” in its entirety.

(11) Delete Section 7. “Signage” in its entirety and replace with the following:

“7. Temporary Shelter

7.1 Notwithstanding Section 5.4(a) and 5.4(b) of this Bylaw, where there is no shelter accommodation available in the City, a homeless person may, without written permission of the Director, erect and occupy a temporary shelter in a City park, provided:

- (a) the temporary shelter is erected and occupied, and temporary overnight accommodation is undertaken, only between the hours of 7:00pm (1900 hrs) one day and 9:00am (0900 hrs) the following day; and
- (b) the temporary shelter be entirely dismantled and removed from the park by 9:00 am (0900 hrs) each day; and
- (c) notwithstanding Section 7.1(a), a temporary shelter cannot be erected or occupied, and temporary overnight accommodation must not take place in those parks, or, on or within 20 metres of the Parks Amenity Areas as listed in Schedule "D" of this Bylaw.

7.2 Where any temporary shelter has not been removed from the park as required or has been located in an area identified in Schedule "D" or Section 7.1 of this Bylaw, the City or its agents may remove, detain or impound the temporary shelter and may, at the discretion of the Director, immediately dispose of the shelter or store the shelter pursuant to Section 6 of this Bylaw.

7.3 All belongings or incidental materials found to be associated with a temporary shelter must be removed at the same time and in the same manner as the temporary shelter and if not removed, the City or its agents may remove, detain or impound the belongings or incidental materials and may, at the discretion of the Director, immediately dispose of the belongings or incidental materials or store the belongings and incidental materials pursuant to Section 6 of this Bylaw."

(12) Delete Section 8. "Offence" in its entirety and replace with the following:

"8. Offence

8.1 Every person who violates any of the provisions of this Bylaw, or who causes, suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who carries out or who suffers, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this Bylaw, or who fails to comply with any order, direction or notice given under this Bylaw in addition to any other penalties provided for in this Bylaw, shall be liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000.00), or to imprisonment of not

more than six (6) months, or both; or if an information is laid by means of a Municipal Ticket Information in accordance with the procedure set out in Part 8, Division 3 of the *Community Charter*, a fine as stipulated in Schedule “C” of this Bylaw; or if the Local Government Bylaw Notice Enforcement Act applies, and a Bylaw Notice is laid in accordance with that Act, a penalty in accordance with Bylaw Notice Enforcement Bylaw 2012 No. 7159, Schedule “A”.

8.2 Each day that an offence against this bylaw continues or exists shall be deemed to be a separate and distinct offence.”

(13) Delete Section 9.1 and replace with the following:

“9.1 No Person shall use a park or portion of a park for a special purpose except on the terms and conditions specified by a Park Licence Use Agreement issued by the Director.”

(14) Delete Section 11 “Remainder of Bylaw to be Maintained Intact” and replace with the following:

“11. Schedules

Council authorizes that Schedule “A”, “B”, “C”, and “D” may be omitted and established by resolution where the schedule can be more conveniently contained in a resolution.”

(15) Inserting a new Section 12 as follows:

“12. Remainder of Bylaw to be Maintained Intact

In the event that any portion of this Bylaw is declared ultra vires by a Court of competent jurisdiction, then such portion shall be deemed to be severed from the bylaw to the intent that the remainder of the bylaw shall continue in full force and effect.”

(16) Renumbering Section 12. “Repeal” to Section 13.

(17) Delete the introductory sentence in Schedule “A” and replace with the following:

“The hours of operation for parks shall be the following, unless changed at the discretion of the Director for operational purposes.”

(18) Delete Schedule “C” in its entirety and substituting the attached Schedule “C”.

(19) Add the attached Schedule “D” – Prohibited Parks and Parks Amenity Areas.



PASSED FIRST READING: \_\_\_\_\_  
PASSED SECOND READING: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

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MAYOR

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CORPORATE  
OFFICER

## **SCHEDULE "C"**

### **FINE SCHEDULE**

Fines for tickets issued pursuant to this Bylaw, shall be as follows:

<b>DESCRIPTION OF OFFENCE</b>	<b>SECTION</b>	<b>FINE</b>
Obstruct free use and enjoyment of park.	5.1(a)	\$150.00
Disturb game, sport or activity.	5.1(b)	\$150.00
Interfere with City employee	5.1(c)	\$150.00
Activity contrary to signs	5.1(d)	\$150.00
Activity not designated	5.1(e)	\$150.00
Fail to obey person in charge of activity	5.2(a)	\$150.00
Use hazardous device in pool/beach	5.2(b)	\$150.00
Permit animal to run at large	5.3(a)	\$150.00
Permit animal to feed on vegetation	5.3(b)	\$150.00
Permit animal on public beach	5.3(c)	\$150.00
Permit animal on pool deck	5.3(d)	\$150.00
Enter/Remain in park during restricted hours	5.4(a)	\$150.00
Occupy for lodging	5.4(b)	\$150.00
Cross area where sign prohibits.	5.4(c)	\$150.00
Remain when directed to leave	5.4(d)	\$150.00
Occupy vehicle for abode	5.4(e)	\$150.00
Ride or permit riding of a cycle without approved helmet.	5.5	\$150.00
Cycling/skating/skateboarding in prohibited area	5.6	\$150.00
Damage park vegetation	5.7	\$150.00
Damage or cut down tree	5.8	\$500.00
Plant any tree or other vegetation	5.9	\$150.00
Damage park property or thing	5.10	\$150.00
Build any structure	5.11	\$150.00
Pollute fountain, lake, pool, pond or stream	5.12	\$150.00
Litter	5.13	\$150.00
Distribute/affix signs/posters/device	5.14	\$150.00
Discharge/ignite fireworks or other explosive material	5.15	\$250.00
Cause fire to be ignited	5.16	\$150.00
Discard any lighted match, cigar, cigarette, or other substance	5.17	\$250.00
Consume or possess liquor in park	5.18	\$150.00
Show or performance without license	5.19	\$150.00
Sell service or commodity	5.20	\$150.00
Activity contrary to Sign or Traffic Control Device	5.21	\$150.00
Use building/structure contrary to purpose	5.22	\$150.00
Leave personal belongings	5.23	\$150.00
Drive/park vehicle where prohibited	5.24	\$150.00
Drive/park off road/all terrain vehicle	5.25	\$150.00
Operate any motorboat	5.26	\$150.00
Operate chainsaw or equipment	5.27	\$150.00
Repair or wash vehicle	5.28	\$150.00
Urinate/defecate in park	5.29	\$150.00
Use electrical or utility service	5.30	\$150.00

Operate amplify system or loudspeaker	5.31	\$150.00
Deposit materials or waste	5.32	\$150.00
Erect shelter in prohibited park	7.1	\$150.00
Shelter erected during prohibited hours	7.1(a)	\$150.00
Fail to remove shelter	7.1(b)	\$150.00
Erect shelter in prohibited area	7.1(c)	\$150.00
Fail to remove belongings	7.3	\$150.00
Fail to obtain a Park License Agreement	9.1	\$150.00

SCHEDULE "D"  
Prohibited Parks and Parks Amenity Areas

**PARKS**

Maffeo Sutton Park;  
Georgia Park;  
Queen Elizabeth II Promenade;  
McGregor Park;  
Kinsmen Park and Departure Bay Seawall; and  
City Hall and surrounding grounds.

**PARKS AMENITY AREAS**

No temporary overnight shelter on or within 20 metres of:

playgrounds, spray parks or pools;  
bike parks, skateboard parks, tennis courts, or other sports courts;  
sports fields, sports field buildings, stadiums or dugouts;  
stages or bleachers;  
washroom facilities, picnic shelters or gazebos; and  
recreational facilities.

No temporary overnight shelter on:

pathways, bridges, docks or wharfs;  
environmental sensitive areas;  
sidewalks, medians, and boulevards;  
public squares; and  
horticultural display areas or ornamental gardens.

CITY OF NANAIMO

BYLAW NO. 7159.04

A BYLAW TO AMEND THE CITY OF NANAIMO "BYLAW NOTICE ENFORCEMENT  
BYLAW 2012 NO. 7159"

The Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS  
FOLLOWS:

1. Title

This Bylaw may be cited as "Bylaw Notice Enforcement Amendment Bylaw 2018  
No. 7159.04"

2. Amendments

"BYLAW NOTICE ENFORCEMENT BYLAW 2012 NO. 7159" is hereby amended  
as follows:

2.1 By deleting from Schedule "A" designated "Parks, Recreation and Culture  
Regulation Bylaw 2006 No. 7073" in the fine table and substituting therefore:

**"Parks, Recreation and Culture Regulation Bylaw 2008 No. 7073**

SECTION	DESCRIPTION OF OFFENCE	Penalty	Early Payment Penalty	Late Payment Penalty
5.1(a)	Obstruct free use and enjoyment of park.	\$150.00	\$112.50	\$187.50
5.1(b)	Disturb game, sport or activity.	\$150.00	\$112.50	\$187.50
5.1(c)	Interfere with City employee	\$150.00	\$112.50	\$187.50
5.1(d)	Activity contrary to signs	\$150.00	\$112.50	\$187.50
5.1(e)	Activity not designated	\$150.00	\$112.50	\$187.50
5.2(a)	Fail to obey person in charge of activity	\$150.00	\$112.50	\$187.50
5.2(b)	Use hazardous device in pool/beach	\$150.00	\$112.50	\$187.50
5.3(a)	Permit animal to run at large	\$150.00	\$112.50	\$187.50
5.3(b)	Permit animal to feed on vegetation	\$150.00	\$112.50	\$187.50
5.3(c)	Permit animal on public beach	\$150.00	\$112.50	\$187.50
5.3(d)	Permit animal on pool deck	\$150.00	\$112.50	\$187.50
5.4(a)	Enter/Remain in park during restricted hours	\$150.00	\$112.50	\$187.50
5.4(b)	Occupy for lodging	\$150.00	\$112.50	\$187.50
5.4(c)	Cross area where sign prohibits.	\$150.00	\$112.50	\$187.50
5.4(d)	Remain when directed to leave	\$150.00	\$112.50	\$187.50
5.4(e)	Occupy vehicle for abode	\$150.00	\$112.50	\$187.50
5.5	Ride or permit riding of a cycle without approved helmet.	\$150.00	\$112.50	\$187.50

5.6	Cycling/skating/skateboarding in prohibited area	\$150.00	\$112.50	\$187.50
5.7	Damage park vegetation	\$150.00	\$112.50	\$187.50
5.8	Damage or cut down tree	\$500.00	\$375.00	
5.9	Plant any tree or other vegetation	\$150.00	\$112.50	\$187.50
5.10	Damage park property or thing	\$150.00	\$112.50	\$187.50
5.11	Build any structure	\$150.00	\$112.50	\$187.50
5.12	Pollute fountain, lake, pool, pond or stream	\$150.00	\$112.50	\$187.50
5.13	Litter	\$150.00	\$112.50	\$187.50
5.14	Distribute/affix signs/posters/device	\$150.00	\$112.50	\$187.50
5.15	Discharge/ignite fireworks or other explosive material	\$250.00	\$187.50	\$312.50
5.16	Cause fire to be ignited	\$150.00	\$112.50	\$187.50
5.17	Discard any lighted match, cigar, cigarette, or other substance	\$250.00	\$187.50	\$312.50
5.18	Consume or possess liquor in park	\$150.00	\$112.50	\$187.50
5.19	Show or performance without license	\$150.00	\$112.50	\$187.50
5.20	Sell service or commodity	\$150.00	\$112.50	\$187.50
5.21	Activity contrary to Sign or Traffic Control Device	\$150.00	\$112.50	\$187.50
5.22	Use building/structure for contrary to purpose	\$150.00	\$112.50	\$187.50
5.23	Leave personal belongings	\$150.00	\$112.50	\$187.50
5.24	Drive/park vehicle where prohibited	\$150.00	\$112.50	\$187.50
5.25	Drive/park off road/all-terrain vehicle	\$150.00	\$112.50	\$187.50
5.26	Operate any motorboat	\$150.00	\$112.50	\$187.50
5.27	Operate chainsaw or equipment	\$150.00	\$112.50	\$187.50
5.28	Repair or wash vehicle	\$150.00	\$112.50	\$187.50
5.29	Urinate/defecate in park	\$150.00	\$112.50	\$187.50
5.30	Use electrical or utility service	\$150.00	\$112.50	\$187.50
5.31	Operate amplify system or loudspeaker	\$150.00	\$112.50	\$187.50
5.32	Deposit materials or waste	\$150.00	\$112.50	\$187.50
7.1	Erect shelter in prohibited park	\$150.00	\$112.50	\$187.50
7.1(a)	Shelter erected during prohibited hours	\$150.00	\$112.50	\$187.50
7.1(b)	Fail to remove shelter	\$150.00	\$112.50	\$187.50
7.1(c)	Erect shelter in prohibited area	\$150.00	\$112.50	\$187.50
7.3	Fail to remove belongings	\$150.00	\$112.50	\$187.50
9.1	Fail to obtain a Park License Agreement	\$150.00	\$112.50	\$187.50

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PASSED FIRST READING: \_\_\_\_\_  
PASSED SECOND READING: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

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MAYOR

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CORPORATE OFFICER

DATE OF MEETING FEBRUARY 25, 2019

AUTHORED BY DAVID LABERGE, MANAGER OF COMMUNITY SAFETY

**SUBJECT CITY OF NANAIMO “PUBLIC NUISANCE BYLAW 2019 NO. 7267”  
AND CITY OF NANAIMO “BYLAW NOTICE ENFORCEMENT  
AMENDMENT BYLAW 2019 NO. 7159.05”**

## **OVERVIEW**

### **Purpose of Report**

To present for consideration the City of Nanaimo “Public Nuisance Bylaw 2019 No. 7267” to repeal the City of Nanaimo “Public Nuisance Bylaw 2003 No. 5648”, and to present amendments to “Bylaw Notice Enforcement Bylaw 2012 No. 7159”.

### **Recommendation**

That:

1. “Public Nuisance Bylaw 2019 No. 7267” (To update and consolidate offences relating to nuisances, disturbances and uncivil behaviour) pass first reading;
2. “Public Nuisance Bylaw 2019 No. 7267” pass second reading;
3. “Public Nuisance Bylaw 2019 No. 7267” pass third reading;
4. “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05 (To include new offences and an updated fine schedule) pass first reading;
5. “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05” pass second reading; and,
6. “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05” pass third reading.

## **BACKGROUND**

The City of Nanaimo’s “Public Nuisance Bylaw 2003 No. 5648” was enacted in 2003 to provide police with enforcement measures to address nuisances, disturbances and uncivil behaviours, particularly in relation to the downtown core and entertainment district.

It is proposed that the “Public Nuisance Bylaw 2003 No. 5648” be repealed and replaced with an updated “Public Nuisance Bylaw 2019 No. 7267” which includes new offences and an updated fine schedule. Features of the new bylaw would include:

- The offence of “public urination, vomiting or defecation” would include provisions for a “reasonable excuse” where the contravention was inevitable or unavoidable (not including the consequences of consuming alcohol or narcotics).
- New offences relating to public nudity and engaging in indecent acts.
- Prohibiting the entry into City Parkades for purposes other than parking or removing a vehicle. (This is currently an offence set out in the City of Nanaimo “Traffic and Highways Regulation Bylaw 1993 No. 5000.”)



- A new offence relating to the placing or scattering of chattels on a sidewalk, highway, park or public place, and measures to remove, impound or dispose of objects. (This adds clarity to an offence set out in the "Traffic and Highways Regulation Bylaw 1993 No. 5000.")
- A new offence for consuming liquor in any Park or unlicensed public place.
- A new offence for obstructing, interfering with, or hindering a Peace Officer or City employee in the performance of their duties.
- New offences related to smoking in specified locations.

The proposed bylaw updates and consolidates offences relating to nuisances, disturbances and uncivil behaviour commonly addressed by police and City bylaw officers, particularly in respect to the downtown and entertainment district.

The penalty for all offences described in the "Public Nuisance Bylaw 2003 No. 5648" was \$150.00. The penalty for all offences in the new "Public Nuisance Bylaw 2019 No. 7267" is \$250.00 with two exceptions: Graffiti offences carry a fine of \$500.00 and smoking offences are \$150.00.

An amendment of the "Bylaw Notice Enforcement Bylaw 2012 No. 7159" is required for ticketing and enforcement of the penalty sections of the "Public Nuisance Bylaw 2019 No. 7267".

## **OPTIONS**

A. That:

1. "Public Nuisance Bylaw 2019 No. 7267" (To update and consolidate offences relating to nuisances, disturbances and uncivil behaviour) pass first reading;
2. "Public Nuisance Bylaw 2019 No. 7267" pass second reading;
3. "Public Nuisance Bylaw 2019 No. 7267" pass third reading;
4. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05 (To include new offences and an updated fine schedule) pass first reading;
5. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05" pass second reading; and,
6. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05" pass third reading.

B. That Council provide Staff with alternative direction.

## **SUMMARY POINTS**

- The "Public Nuisance Bylaw 2003 No. 5648" was used almost exclusively by police to ameliorate nuisances, disturbances and uncivil behaviour matters, particularly in the downtown core and entertainment district.

- The newly proposed “Public Nuisance Bylaw 2019 No. 7267” provides important amendments, new offences and updated fine amounts to assist police and City bylaw officers to eliminate nuisances, disturbances and occurrences of uncivil behaviour.
- New offences relating to public nudity, indecent acts, unlawful entry into City Parkades, chattel obstruction, unlawful consumption of liquor, obstruction of Peace Officers and smoking in parks or certain public places are introduced.

## **ATTACHMENTS**

Attachment A: “Public Nuisance Bylaw 2019 No. 7267”

Attachment B: “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05”

### **Submitted by:**

David LaBerge  
Manager of Community Safety

### **Concurrence by:**

Karen Fry  
Director of Public Safety

CITY OF NANAIMO

BYLAW NO. 7267

A BYLAW TO PREVENT AND PROHIBIT NUISANCES AND DISTURBANCES

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WHEREAS the City of Nanaimo wishes to promote a safe, comfortable and inviting community for all of its citizens, businesses and visitors;

WHEREAS the small minority of persons that creates nuisances and disturbances and that, in general, engages in uncivil behaviour threatens the quality of life desired by the population as a whole; and

WHEREAS it is in the public interest for the City to take the necessary measures to eliminate nuisances, disturbances and occurrences of uncivil behaviour.

NOW THEREFORE the Council of the City of Nanaimo in open meeting assembled HEREBY ENACTS AS FOLLOWS:

1. Title

This Bylaw shall be cited as the City of Nanaimo "PUBLIC NUISANCE BYLAW 2019 No. 7267.

2. Definitions

In this Bylaw:

"Bylaw Enforcement Officer" means a person appointed by the Municipal Council as a Bylaw Enforcement Officer.

"City" means the City of Nanaimo.

"City Parkade" means the City parking structures and facilities located upon the following lands:

a. **Bastion Street Parkade**, situated at lands with a civic address of 236 Bastion Street, Nanaimo, and legally described as Lot 1, Plan 26912, Nanaimo District

b. **Harbour Front Parkade**, situated at lands with a civic address of 51 Gordon Street, and legally described as Lot 1, Section 1 and part of the bed of the public harbor, Nanaimo District, Plan VIP65156, except parts in Air Space Plan VIP65336 and Air Space Plan VIP65337.

	<p>c. <b>Port of Nanaimo Centre Parkade</b>, situated at lands with a civic address of 101 Gordon Street, and legally described as LT A, Sec 1, LD 32, and of the bed of the public harbor of Nanaimo, PLN VIP79754, Lot A, Section 1, Nanaimo District, and of the bed of the public harbor of Nanaimo, Plan VIP 79754.</p>
"Consume"	in relation to Liquor, includes putting liquor to any use, by drinking or otherwise, and includes possessing liquor in an open or unsealed container.
"E-Cigarette"	means any product or device containing an electronic or battery-powered heating element capable of vaporizing an e-substance for inhalation or release into the air, whether or not the device resembles a cigarette.
"E-Substance"	means a solid, liquid, or gas that, on being heated, produces a vapour for use in an E-Cigarette, regardless of whether the solid, liquid, or gas contains nicotine.
"Establishment"	has the same meaning as in the <i>Liquor Control and Licensing Act</i> , SBC 2015, c. 19.
"Event Site"	has the same meaning as in the <i>Liquor Control and Licensing Act</i> , SBC 2015, c. 19.
"Graffiti"	includes any unauthorized inscription, drawing, writing, pictorial representation, message or slogan made on any surface by means of paint, chalk, ink or other substances, or by chisel, hammer, stone or other device.
"Highway"	includes every road, street, lane, alley and right-of-way designed or intended for or used by the general public for the passage of vehicles, and every place or passage way to which the public, for the purpose of parking or servicing of vehicles, has access or is invited; and every place or passage way owned or operated by the City of Nanaimo for the purpose of providing off-street parking.
"Liquor"	has the same meaning as in the <i>Liquor Control and Licensing Act</i> , SBC 2015, c. 19;
"Park"	means any space owned or leased by the City, province, or federal government and used, reserved, or dedicated for use as a play area, play lot, playground, play field, trail, public square, open space, beach, or other parks, recreation, or culture purposes, whether or not the space is zoned or formally designated for that purpose.
"Peace Officer"	has the same meaning as in the <i>Criminal Code</i> , RSC 1985, c. C-46.

"Person"	means a natural person.
"Public Place"	includes every sidewalk, park, courtyard, square, walkway, parkade and any other area open to public use.
"Smoke" or "Smoking"	means to inhale, exhale, burn, consume, or carry while lighted or activated:  (a) a cigarette, cigar, pipe, bong, hookah, or other lighted smoking equipment which burns tobacco, cannabis, or any other plant, herb, or weed substance; and  (b) an e-cigarette or e-substance.

3. General Prohibitions

- 3.1 No person shall engage in drunkenness, profane swearing or indecent, obscene or grossly insulting language on a Highway or in a Public Place.
- 3.2 No person shall impede or obstruct any other person on a Highway or Public Place, excluding lawful picketing as provided in the BC Labour Code.
- 3.3 No person shall stand on a Highway or Public Place in such a manner which impedes or obstructs the free movement of other persons or vehicular traffic.
- 3.4 No person shall participate in a fight or other similar physical confrontation on a Highway or in a Public Place.
- 3.5 No person shall deposit or throw bottles, broken glass or other rubbish on any Highway or in a Public Place.
- 3.6 No person shall place graffiti on walls, fences or other surfaces in or visible from a Highway or Public Place.
- 3.7 No person shall, without reasonable excuse, urinate, vomit, or defecate on or in a Highway or Public Place.
  - (a) For the purposes of this section, a "reasonable excuse":
    - (i) means a situation in which the contravention was inevitable or unavoidable, and the person in contravention had no reasonable opportunity to take an alternative course of action to avoid contravening this section; and
    - (ii) does not include any situation in which the contravention is caused in part by the consumption of alcohol or narcotics.
- 3.8 No person shall in any Public Place, or on private property while exposed to public view:

- (a) be nude or clad in a manner which offends against public decency and order;
  - (b) engage in an indecent act, including masturbation; or
  - (c) contravene any provision of the *Criminal Code*, R.S.C., 1985, c. C-46 concerning indecent acts, indecent exhibition, or public nudity.
- 3.9 No person may dress or undress in a Park or Public Place, except in a place specifically provided for that purpose.
- 3.10 Except where otherwise directed by a Peace Officer, Bylaw Enforcement Officer, or other person authorized by the City, no person shall enter or remain in a City Parkade except:
  - (a) the owner or driver of a vehicle for the purpose of parking that vehicle at, or removing that vehicle from, the City Parkade, or for the purpose of attending at that vehicle while it is parked at the City Parkade;
  - (b) the passenger of a vehicle referred to in subsection (a), while that vehicle is being parked at, remains parked at, or is being removed from the City Parkade;
  - (c) a Peace Officer or Bylaw Enforcement Officer while carrying out his or her duties; or
  - (d) an officer, employee, contractor, or agent of the City for the purpose of inspecting, maintaining, administering, or constructing improvements within a City Parkade.
- 3.11 No person shall place, leave, keep, store, distribute, or scatter, or cause or permit to be placed, left, kept, stored, distributed, or scattered, any personal chattels or belongings, including any tent, sleeping bag, backpack, suitcase, or shopping cart, on or in any sidewalk, Highway, Park or other Public Place.
  - (a) A Peace Officer or Bylaw Enforcement Officer may remove, detain, impound, or cause the removal, detention, or impounding, of any object unlawfully occupying the sidewalk, Highway, Park, or Public Place in contravention of this Bylaw.
  - (b) After the detention, removal, or impoundment of an object under this section, a person entitled to the object may obtain its release by:
    - (i) signing an undertaking that the person will not again place the object on or in any sidewalk, Highway, Park, or other Public Place; and
    - (ii) paying the City the fees prescribed in Schedule "B".
  - (c) The Director of Engineering must cause the detained object to be discarded as garbage if the person entitled to the possession of the object does not

obtain the release of the object under subsection 3.11(b) within 30 days of the date of detention.

- 3.12 No person shall consume liquor in any Park or other Public Place, unless within the licensed area of an Event Site or Establishment.
- 3.13 No person may interfere with, hinder, or obstruct any Peace Officer or employee of the City, including a Bylaw Enforcement Officer, in the exercise or performance of his or her powers, duties, or functions.
- 3.14 Except in an area specifically designated for smoking, no person shall smoke in any Park, City Parkade, on any property owned or leased by the City, or within 10m of any Establishment, public transit exchange, transit shelter or transit stop

4. Exemptions

Peace Officers, Bylaw Enforcement Officers, on-duty City employees and persons authorized by the City who, through their actions, impede or obstruct the free movement of persons or vehicular traffic on Highways or in Public Places, are excluded from the prohibitions and penalties contained in this Bylaw.

5. Enforcement

Bylaw Enforcement Officers and Peace Officers are hereby authorized to enforce this Bylaw by means of a Municipal Ticket Information, or if authorized to do so, by means of a Bylaw Offence Notice.

6. Penalty

Every person who violates any of the provisions of this Bylaw, or who causes, suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who carries out or who suffers, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this Bylaw, or who fails to comply with any order, direction or notice given under this Bylaw in addition to any other penalties provided for in this Bylaw, shall be liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000.00); or, if an information is laid by means of a Municipal Ticket Information or a Bylaw Offence Notice, in accordance with the procedure set out in the *Community Charter* or the *Local Government Bylaw Notice Enforcement Act*, a fine as stipulated in Schedule "A" of this Bylaw.

7. Jurisdiction

This Bylaw is applicable to and enforceable in the entire City.

8. Severability

If any section or subsection of this Bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the Bylaw without affecting the validity of the remainder of the Bylaw.

9. Schedules

Council authorizes that Schedule 'A' and 'B' may be omitted and established by resolution where the schedule can be more conveniently contained in a resolution.

10. Repeal

"Public Nuisance Bylaw 2003 No. 5648" is hereby repealed.

PASSED FIRST READING: \_\_\_\_\_  
PASSED SECOND READING: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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



## SCHEDULE A

Fines for tickets issued pursuant to this Bylaw shall be as follows:

DESCRIPTION OF OFFENCE	SECTION #	AMOUNT OF FINE
Disturb peace, quiet and enjoyment of the community	3.1	\$250.00
Impede or obstruct a person	3.2	\$250.00
Impede or obstruct free movement of persons or vehicles	3.3	\$250.00
Participate in fight or similar physical confrontation	3.4	\$250.00
Deposit or throw bottles, broken glass or other rubbish	3.5	\$250.00
Place graffiti on walls, fences or other surfaces	3.6	\$500.00
Urinate, vomit, or defecate on Highway or in Public Place	3.7	\$250.00
Engage in Nudity or Indecent Act	3.8	\$250.00
Dress or Undress in Public Park, Swimming Pool, or Beach	3.9	\$250.00
Unlawfully Enter or Remain in a City Parkade	3.10	\$250.00
Chattel Obstruction	3.11	\$250.00
Unlawful Consumption of Liquor in Park or Public Place	3.12	\$250.00
Obstruct City Employee, Bylaw Enforcement Officer, or Peace Officer	3.13	\$250.00
Smoke in any Park or Public Place	3.14	\$150.00

## **SCHEDULE B**

Fees payable before the release of an impounded object pursuant to section 3.11(b)(ii) of this Bylaw shall be as follows:

<b>DATE OF RELEASE PAYMENT</b>	<b>FEE PAYABLE PER OBJECT</b>
Within 7 Calendar Days of Date of Impound	\$15
Within 14 Calendar Days of Date of Impound	\$30
After 14 Calendar Days of Date of Impound	\$45

CITY OF NANAIMO

BYLAW NO. 7159.05

A BYLAW TO AMEND THE CITY OF NANAIMO "BYLAW NOTICE ENFORCEMENT BYLAW  
NO. 7159"

The Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.05".

2. Amendment

The City of Nanaimo "Bylaw Notice Enforcement Bylaw 2012 No 7159" is hereby amended as follows:

- 2 (1) By deleting in its entirety Schedule "A" Public Nuisance Bylaw 2003 No. 5648 and substituting therefore:

**PUBLIC NUISANCE BYLAW 2019 NO. 7267**

Section	Description	Penalty	Early Payment Penalty	Late Payment Penalty
3.1	Disturb peace, quiet and enjoyment of the community	\$250.00	\$187.50	\$312.50
3.2	Impede or obstruct a person	\$250.00	\$187.50	\$312.50
3.3	Impede or obstruct free movement of persons or vehicles	\$250.00	\$187.50	\$312.50
3.4	Participate in fight or similar physical confrontation	\$250.00	\$187.50	\$312.50
3.5	Deposit or throw bottles, broken glass or other rubbish	\$250.00	\$187.50	\$312.50
3.6	Place graffiti on walls, fences or other surfaces	\$500.00	\$375.00	\$625.00
3.7	Urinate, vomit, or defecate on Highway or in Public Place	\$250.00	\$187.50	\$312.50
3.8	Engage in Nudity or Indecent Act	\$250.00	\$187.50	\$312.50
3.9	Dress or Undress in Public Park, Swimming Pool, or Beach	\$250.00	\$187.00	\$312.50
3.10	Unlawfully Enter or Remain in a City Parkade	\$250.00	\$187.00	\$312.50
3.11	Chattel Obstruction	\$250.00	\$187.50	\$312.50

3.12	Unlawful Consumption of Liquor in Park or Public Place	\$250.00	\$187.50	\$312.50
3.13	Obstruct City Employee, Bylaw Enforcement Officer, or Peace Officer	\$250.00	\$187.50	\$312.50

PASSED FIRST READING: \_\_\_\_\_  
PASSED SECOND READING: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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

DATE OF MEETING FEBRUARY 25, 2019

AUTHORED BY DORIS FOURNIER, MANAGER, MUNICIPAL INFRASTRUCTURE

SUBJECT CROSS CONNECTION CONTROL AMENDMENT BYLAW

## **OVERVIEW**

### **Purpose of Report**

To introduce "Cross Connection Control Amendment Bylaw 2019 No. 7249.01" and "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.06" for three readings.

### **Recommendation**

That:

1. "Cross Connection Control Amendment Bylaw 2019 No. 7249.01" (To adopt amendments for consistent enforcement) pass first reading;
2. "Cross Connection Control Amendment Bylaw 2019 No. 7249.01" pass second reading;
3. "Cross Connection Control Amendment Bylaw 2019 No. 7249.01" pass third reading;
4. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.06" (For ticketing and enforcement of penalty sections of the new Cross Connection Control Bylaw) pass first reading;
5. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.06" pass second reading; and,
6. "Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.06" pass third reading.

## **BACKGROUND**

The Waterworks Operating Permit, issued by Island Health was amended to include a requirement to implement a Cross Connection Control Program. "Cross Connection Control Bylaw 2018 No. 7249" was adopted in March of 2018 and the City is implementing the program. A Cross Connection Control Program Coordinator was hired in 2018 to launch and oversee the program.

The main aspects of a Cross Connection Control Program include:

- Inspection of private and public premises for cross connections between the drinking water and hazardous systems.
- Establishing requirements to address cross connection risks that are identified on public and private premises, usually changes to on-site plumbing.
- Enforcement of the bylaw, inventory and data management to track cross connection prevention devices installed within the City of Nanaimo.

The proposed Cross Connection Control Bylaw Amendments are primarily required to enable the City Bylaw staff to issue fines for offences. The original bylaw included fines; however, the

mechanism for applying them was inconsistent with the Enforcement Bylaw. There are also some housekeeping changes.

An amendment to the “Bylaw Notice Enforcement Bylaw 2012 No. 7159” is required for fine enforcement of the “Cross Connection Control Bylaw 2018 No. 7249”. ]

## **OPTIONS**

1. That:
  1. “Cross Connection Amendment Bylaw 2019 No. 7249.01” (To adopt amendments for consistent enforcement) pass first reading;
  2. “Cross Connection Amendment Bylaw 2019 No. 7249.01” pass second reading;
  3. “Cross Connection Amendment Bylaw 2019 No. 7249.01” pass third reading;
  4. “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.06” (For ticketing and enforcement of penalty sections of the new Cross Connection Control Bylaw) pass first reading;
  5. “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.06” pass second reading; and,
  6. “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.06” pass third reading.
    - **Enforcement Implication:** With the current Schedule A for fines in the “Cross Connection Control Bylaw 2018 No. 7249”, Bylaw staff cannot enforce fines that are issued. The amendments proposed, will correct this problem.
2. That Council recommend changes to bylaws “Cross Connection Control Amendment Bylaw 2019 No. 7249.01” and “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.06”. ]

## **SUMMARY POINTS**

- “Cross Connection Control Bylaw 2018 No. 7249” was adopted in March 2018 and the City is in the process of implementing the Cross Connection Control Program.
- The Cross Connection Control Program will reduce the risk of contamination from customers’ premises and further protect the public water supply.
- The Cross Connection Control Program will require public and private property owners and lease holders to upgrade their plumbing systems.
- The bylaw requires amendments to ensure consistent enforcement. ]

## **ATTACHMENTS**

Attachment A – “Cross Connection Control Bylaw 2018 No. 7249” (for reference)  
Attachment B – “Cross Connection Control Amendment Bylaw 2019 No. 7249.01”  
Attachment C – “Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.06” ]

**Submitted by:**

D. Fournier  
Manager, Municipal Infrastructure

**Concurrence by:**

P. Rosen  
Sr. Manager, Engineering

**Concurrence by:**

D. Laberge  
Manager, Community Safety

## City of Nanaimo

## BYLAW NO. 7249

## A BYLAW RESPECTING CROSS CONNECTION CONTROL

WHEREAS the Council of the City of Nanaimo may by bylaw operate and maintain a Municipal Water System Cross Connection Control Program.

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

1. Title

This Bylaw may be cited as "Cross Connection Control Bylaw 2018 No. 7249"

2. Definitions

2.1 In this Bylaw:

"Approved Backflow Prevention Assembly"	means a backflow preventer that is designed to be tested and repaired in-line and to meet the design and testing criteria requirements of the CSA standards B64 Series (most current editions) or a device that is designed as part of a water meter and approved by the Director of Engineering and Public Works;
"Authorized Agent"	includes a Person representing the City of Nanaimo by written consent;
"Auxiliary Water Supply"	means any water available on or to a premises originating from a source or system, other than that from the City of Nanaimo Waterworks System;
"Backflow"	means the reverse direction from normal direction of flow of water or Used Water, as a result of back-siphonage or backpressure;
"Backflow Assembly Test Report"	means a form provided by or approved for use by the City of Nanaimo to be used when testing an approved backflow prevention assembly to record all pertinent information and test data;



"Backflow Assembly Tester"	means a person holding a valid certificate from the American Water Works Association, British Columbia Section for testing backflow prevention assemblies and approved by Director of Engineering and Public Works;
Backflow Preventer"	means a mechanical apparatus installed in a water system that prevents backflow of contaminants into the potable water system and to meet the design and installation criteria requirements of the CAN/CSA standards B64 Series most current editions, or a device that is designed as part of a water meter and approved by the City of Nanaimo;
"Cross Connection"	means any actual or potential physical connection whereby the potable water system is or would be connected, directly or indirectly, with any non-potable or unapproved private water supply system, sewer, drain, conduit, well, pool, storage reservoir, plumbing fixture, or any other device which contains, or may contain, non-potable or contaminated water, liquid, gases, sewage, or other waste, of unknown or unsafe quality which may be capable of imparting a pollutant or contaminant into the potable water system as a result of backflow;
"CSA"	is the abbreviation for the Canadian Standards Association;
Director of Engineering and Public Works"	means the person duly appointed as such from time to time by Council or pursuant to duly delegated authority and includes any person appointed or designated by the Director of Engineering and Public Works to act on his or her behalf;
"Discontinue"	means to terminate the arrangement between the City of Nanaimo and the Owner for the supply of water and to Shut Off the service, disconnect, or remove it;

"Hydrant or Temporary Use Permit"	means the approval process and documents issued by the City of Nanaimo for any Person requesting water from a fire hydrant, stand pipe, or temporary water connection for purposes other than emergency fire protection;
"Inspect"	means an on-site review by the City of Nanaimo of the premises water use, meters, piping, equipment, operating conditions and maintenance records for the purpose of evaluating conformity with the terms and conditions of this Bylaw;
"Non-potable water"	means water that does not meet Health Canada's Guidelines for Canadian Drinking Water Quality;
"Non-potable water system"	means an assembly of pipes, fittings, valves, and appurtenance that collects and distributes non-potable water;
"Occupant"	means any person who is the lessee or occupier of any premises to which water is supplied from the City of Nanaimo Waterworks System;
"Owner"	means the registered owner, or the person named as the registered owner on the tax roll by reason of agreement for sales of any lands and premises to whom the City of Nanaimo supplies water;
"Person"	shall, in addition to its ordinary meaning, include a firm or partnership, company or corporation. In addition, throughout this Bylaw where the context requires, the singular shall be held to mean and to include the plural and the masculine, the feminine or body corporate;
"Potable Water"	Means water that meets Health Canada's Guidelines for Canadian Drinking Water Quality;
"Premises"	means any real property and buildings on it;

“Premise Isolation”	means a Backflow Preventer for protection provided at the entrance to a building or property;
“Private Water System”	means any privately owned pipe and fittings intended for the delivery or distribution of water within Premises or to a property;
“Service”	means the supply of water from the Waterworks System to any person;
“Service Connection Point”	means the point of physical connection between the Waterworks System and a Private Water System;
“Turn Off”	means to turn off the water supply by closing a City of Nanaimo owned valve or curb stop or by any other means approved by the City;
“Turn On”	means to allow the flow of water by opening a City of Nanaimo owned valve or by any other means approved by the City;
“Used Water”	means any Potable Water which is no longer in the water distribution system including Potable Water that has moved downstream or past the Service Connection Point (water meter) and/or the property line to the Private Water System;
“Waterworks System”	means the water distribution system owned by City of Nanaimo.

2.2 Standards referenced in this Bylaw shall be the most recent release of the applicable standard in effect from time to time.

### 3. Water Supply and Pressure

3.1 The City of Nanaimo does not

- (a) warrant or guarantee water pressure or the continuous supply of water, or
- (b) accept responsibility at any time for the maintenance of pressure in its water mains or for increases or decreases in pressure.

- 3.2 The City of Nanaimo is authorized, without notice, to change operating water pressure and to Turn Off the water supply for the purposes of making repairs, extensions, alterations or improvements, or for any other reason.
- 3.3 The City of Nanaimo does not warrant or represent that the water in the Waterworks System will not, from time to time, contain sediments, deposits, or other foreign matter.
- 3.4 Where steam or hot water boilers or other equipment is fed with water by pressure directly from the Waterworks System, the City of Nanaimo shall not be liable for any injury or damage which may result from such pressure or from lack of such pressure or any injury or damage resulting from the improper installation of a Backflow Preventer.

4. Inspection

- 4.1 Without limiting the right of entry of the City under section 16(6) of the *Community Charter*, as a condition of Service to property the employees or Authorized Agents of the City Public Works Department, and Bylaw Enforcement Officers of the City of Nanaimo, are authorized, pursuant to and subject to section 16 of the *Community Charter* to enter on property subject to this Bylaw to:
  - 4.1.1. access the private water system located on private property at all reasonable hours in order to inspect the Premises to determine the existence of conditions, connections or Cross Connections that contravene this Bylaw.
  - 4.1.2. Impose minimum standards that must be met and satisfied relating to the type and method of Backflow prevention;
  - 4.1.3. Inspect the type of Backflow Preventer, the installation and state of maintenance and repair of same;

5. Condition of Service

- 5.1 Service supplied by the City of Nanaimo to a Premises or property shall only be provided where, in the opinion of the City of Nanaimo, the Waterworks System has been and remains effectively protected from any actual or potential Cross Connections existing at or within a Private Water System.
- 5.2 The City of Nanaimo shall not provide water nor Turn On a water valve to provide Service to the occupants of any newly renovated, constructed or reconstructed Premises until the Private Water System in such Premises has been protected from Cross Connections and in conformance with the CSA B64.10 or has been approved by the Director of Engineering and Public Works.

6. Cross Connection Prohibited

Subject to the provisions of this Bylaw:

- 6.1 No Person shall create a Cross Connection by connecting, causing to be connected, or allowing to remain connected to the City of Nanaimo Waterworks System, any device, piping, fixture, fitting, container, appliance or any other chattel or thing which may under any circumstances allow non-potable water, Used Water, wastewater or any chemical, liquid, gas or other substance to enter the Waterworks System.

7. Regulations

- 7.1 If the Director of Engineering and Public Works determines that the configuration of any water connection creates a risk of contamination to the Waterworks System, he or she may require the Owner or Occupant, at their sole expense, to install or cause to be installed a Backflow Preventer on the Private Water System where the Service Connection Point enters the building and downstream of the water meter, or in another location approved by the City of Nanaimo.
- 7.2 Where any condition is found to exist which the Director of Engineering and Public Works determines may expose the Waterworks System to risk of contamination, the Director of Engineering and Public Works is authorized to take one or more of the following actions:
- 7.2.1. give notice to the Owner or Occupant to correct the condition or Cross Connection(s) at the sole expense of the Owner or Occupant within 30 days or a specified time period as indicated in a notice issued by the City of Nanaimo; or
- 7.2.2. Turn Off or Discontinue Service until the condition or Cross Connection is corrected.
- 7.3 A Person to whom a notice under section 7.2.1 applies must eliminate or control the condition or Cross Connection giving rise to the notice by installing a Backflow Preventer, conforming to the CAN/CSA B64.10
- 7.4 Neither the failure to send or deliver a notice, nor the failure to receive a notice, relieves an Owner or Occupant from the regulations or requirements of this Bylaw.
- 7.5 Any Owner or Occupant whose Service has been Turned Off or Discontinued pursuant to this Bylaw is not entitled to a restoration of Service until all requirements of this Bylaw or an order or requirement under this Bylaw have been met and the Owner or Occupant has paid to the City of Nanaimo all costs associated with the Turn Off / Turn On of Service.

8. Testing, Maintenance and Repair of Backflow Prevention Assemblies

- 8.1 The Owner or Occupant shall provide to the City of Nanaimo within thirty (30) days of initial installation, repair or relocation of an Approved Backflow Prevention Assembly, a City of Nanaimo Backflow Assembly Test Report, completed by a Backflow Assembly Tester confirming the following:
- 8.1.1. the installation and test date of the Approved Backflow Prevention Assembly;
  - 8.1.2. the specific location of the Approved Backflow Prevention Assembly and what Cross Connection or hazard it is intended to isolate;
  - 8.1.3. the manufacturer, model, size and serial number of the Backflow Preventer installed; and
  - 8.1.4. that it is an Approved Backflow Prevention Assembly, installed correctly and in proper operating condition.
- 8.2 An Owner or Occupant must inspect and test the Approved Backflow Prevention assembly, at the sole expense of the Owner or Occupant, using a Backflow Assembly Tester, upon installation, after repair and at least once in every consecutive twelve (12) month period thereafter.
- 8.3 Where an Owner or Occupant fails to have an approved Backflow Preventer tested, the City of Nanaimo is authorized to notify the Owner or Occupant that the Backflow Preventer must be tested within 30 days or a specified time period indicated in a notice issued by the City of Nanaimo.
- 8.4 Any Person that removes a Backflow Preventer from a plumbing system must obtain prior written consent of the Director of Engineering and Public Works. Prior written consent is not required when a Backflow Preventer is removed and is immediately replaced with an equivalent Backflow Preventer and provided details are submitted to the City on a test report.
- 8.5 Where an Approved Backflow Prevention Assembly fails to function as designed or does not meet the test criteria set forth by the CAN/CSA B64.10.1 "Manual for Maintenance and Field Testing of Backflow Preventers" an Owner or Occupant must repair the Backflow Preventer and then retest it 30 days or otherwise in a notice issued by the City of Nanaimo.
- 8.6 Despite section 8.2, the Director of Engineering and Public Works may require more frequent testing of a Backflow Preventer where he or she determines this is necessary to protect the Waterworks System.

9. Temporary Water Use Connection

- 9.1 No Person shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or appliance to a fire hydrant, stand pipe or any other temporary water connection:

- 9.1.1. in a manner which, under any circumstances, may allow Used Water, Non- Potable water, wastewater or any liquid or substance of any kind to enter the City of Nanaimo Waterworks System;
- 9.1.2. without using an Approved Backflow Prevention Assembly which has been approved and installed in accordance with the City of Nanaimo Cross Connection Control Program; and
- 9.1.3. without first obtaining a Hydrant or Temporary Water Use Permit.

9.2 In addition to any other penalties that may be applicable under this Bylaw, any Person who contravenes this section may be refused access to Service through the use of a fire hydrant or temporary water connection.

#### 10. Auxiliary and Non-Potable Water Supplies

- 10.1. An Owner or Occupant of a premise that contains or has access to an Auxiliary Water Supply or system must ensure premises isolation of such facility with a Backflow Preventer corresponding to the degree of hazard as stipulated in the CSA B64.10.
- 10.2. There shall be no direct connection between a non-potable Auxiliary Water System and any other Potable Water system unless otherwise approved by the Director of Engineering and Public Works.
- 10.3. All piping, exposed standpipes, fittings, valves and outlets for non-potable water systems must be permanently identified and marked in conformance with the CSA B128.1 "Design and Installation of Non-Potable Water Systems".

#### 11. Commercial and Agricultural Irrigation Use

- 11.1 Where a Cross Connection exists between the City of Nanaimo Waterworks System and a Private Water System, in addition to the general provisions stated in this Bylaw, the Owner or Occupant shall also comply with the following:
  - 11.1.1. All agricultural use properties shall be subject to premise isolation with a Backflow Preventer corresponding to the degree of hazard as stipulated in the CSA B64.10.
  - 11.1.2. Prior to commencement of operation of the Private Water System in each irrigation season, the Owner or Occupant or any Person operating a commercial or agricultural irrigation system must cause the Approved Backflow Prevention Assembly to be inspected and tested, at the Owner's or Occupant's expense, by a Backflow Assembly Tester, in accordance with section 8.2 of this Bylaw.

11.1.3. An Owner of property must install and use an approved reduced pressure principal backflow assembly whenever fertilizers, chemicals or any other substance detrimental to health are introduced into an irrigation piping system.

12. Penalty Section

- 12.1 Any Person who contravenes any provision of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000.00).
- 12.2 Each day that a violation exists or is permitted to exist constitutes a separate offence.
- 12.3 This Bylaw may be enforced by means of a ticket in the form prescribed for that purpose under section 264 of the Community Charter.
- 12.4 Pursuant to section 264(1)(b) of the Community Charter, Bylaw Enforcement Officers are designated to enforce this Bylaw.
- 12.5 Pursuant to section 264(1)(c) of the Community Charter, the words or expression in Column 2 of Schedule "A" to this Bylaw designate the offence committed under the Bylaw section numbering appearing in Column 1 opposite the respective words or expression.
- 12.6 Pursuant to section 265(1)(a) of the Community Charter, the fine amount in Column 3 of Schedule "A" to this Bylaw is the fine amount that corresponds to the section number and words or expression set out in Columns 1 and 2 opposite the fine amount.
- 12.7 Council hereby delegates the authority to refer any disputed tickets to the Provincial Court to the City of Nanaimo Chief Administrative Officer and to Bylaw Enforcement Officers.

13. Forms and Schedules

- 13.1 Schedule "A" attached to this Bylaw form a part of this Bylaw.

PASSED FIRST READING: 2018-MAR-05  
PASSED SECOND READING: 2018-MAR-05  
PASSED THIRD READING: 2018-MAR-05  
ADOPTED: 2018-MAR-19

\_\_\_\_\_  
W. B. MCKAY

MAYOR

\_\_\_\_\_  
S. SNELGROVE

DEPUTY CORPORATE  
OFFICER



## Schedule "A" Fine Schedule

Description of Offence	Section	Daily Fine
a. Where an Owner or Occupant Fails to eliminate a cross connection or control a cross connection by the Installation of a Backflow Preventer upon given notice.	7.3	\$ 500.00
b. Where an Owner or Occupant Fails to inspect and test an Approved Backflow Prevention Assembly, using a backflow assembly tester, upon installation, after repair and then every consecutive twelve (12) month period	8.2	\$ 200.00
c. Where a Person removes a Backflow Preventer from a plumbing system without prior written consent of the Director of Engineering and Public Works.	8.4	\$ 200.00
d. Where an Owner or Occupant Fails to, repair and retest an Approved Backflow Preventer in the time period specified in a notice issued by the City of Nanaimo.	8.5	\$ 200.00
e. Where a Person connects to a fire hydrant, stand pipe or other temporary water connection without using an Approved Backflow Prevention Assembly and without obtaining a hydrant or temporary water use permit.	9.1.2 & 9.1.3	\$ 200.00
f. Where an Owner or Occupant creates a direct connection with a non-potable auxiliary water system without the approval by the Director of Engineering and Public Works.	10	\$ 500.00

CITY OF NANAIMO

BYLAW NO. 7249.01

A BYLAW TO AMEND THE CITY OF NANAIMO "CROSS CONNECTION CONTROL BYLAW  
2018 NO. 7249"

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The Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as "Cross Connection Control Amendment Bylaw 2019 No. 7249.01".

2. Amendment

The City of Nanaimo "Cross Connection Control Bylaw 2018 No. 7249" is hereby amended as follows:

(1) Add 6.2 of Section 6 "Cross Connection Prohibited":

6.2 A person who creates an illegal Cross Connection shall be liable for all costs associated with the work undertaken by the City or its agent to restore the Waterworks System.

(2) Delete 8.1 of Section 8 "Testing, Maintenance and Repair of Backflow Prevention Assemblies" and replace with:

8.1 The Owner or Occupant or Backflow Assembly Tester, shall provide, to the City of Nanaimo within thirty (30) days of initial installation, repair or relocation of an Approved Backflow Prevention Assembly, a City of Nanaimo Backflow Assembly Test Report, completed by a Backflow Assembly Tester confirming the following:

(3) Delete title of Section 12 "Penalty Section" and replace with:

12. Penalty

(4) Delete 12.1 to 12.7 of Section 12 "Penalty Section", in their entirety, and replace with:

12.1 Every person who violates any of the provisions of this Bylaw, or who causes, suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who carries out or who suffers, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this Bylaw, or who fails to comply with any order, direction or notice given under this Bylaw in addition to any other penalties provided for in this Bylaw, shall be liable on summary conviction to a fine not exceeding

Ten Thousand Dollars (\$10,000.00), or to imprisonment of not more than six (6) months, or both; or if an information is laid by means of a Municipal Ticket Information in accordance with the procedure set out in Part 8, Division 3 of the Community Charter, a fine as stipulated in Schedule "A" this Bylaw; or if the Local Government Bylaw Notice Enforcement Act applies, and a Bylaw Notice is laid in accordance with that Act, a penalty in accordance with Bylaw Notice Enforcement Bylaw 2012 No. 7159, Schedule "A".

12.2 Each day the Offence against this Bylaw continues or exists shall be deemed to be a separate and distinct offence.

(5) Delete Section 13 "Forms and Schedules", in its entirety, and replace with:

13. Schedules

13.1 Council authorizes that Schedule "A" may be omitted and established by resolution where the schedule can be more conveniently contained in a resolution.

(6) Delete Schedule "A" Fine Schedule, in its entirety, and replace with:

**Schedule "A"**  
**Fine Schedule**

SECTION	DESCRIPTION OF OFFENCE	PENALTY
6.1	Allow Entry of Non-Potable Water or other Substances into the Waterworks System	\$200.00
7.3	Fail to Install Approved Backflow Preventer	\$500.00
8.1	Fail to Provide a Backflow Assembly Test Report	\$200.00
8.2	Fail to Inspect and Test Approved Backflow Preventer	\$200.00
8.4	Remove Backflow Preventer without Consent	\$200.00
8.5	Fail to Repair Non-Functioning Backflow Preventer	\$200.00
9.1.2	Fail to Install a Backflow Preventer on a Temporary Connection	\$200.00
9.1.3	Install Temporary Water Connection Without Permit	\$200.00
10.1	Fail to Provide Premises Isolation with Backflow Preventer	\$500.00
10.2	Connect Non-Potable and Potable Water Systems Without Approval	\$500.00
10.3	Fail to Permanently Mark Apparatus For Non-Potable Water System	\$500.00

11.1.3	Fail to Install or Use Approved Reduced Pressure Principal Backflow	\$500.00
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PASSED FIRST READING \_\_\_\_\_  
PASSED SECOND READING \_\_\_\_\_  
PASSED THIRD READINGS \_\_\_\_\_  
ADOPTED \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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

CITY OF NANAIMO

BYLAW NO. 7159.06

A BYLAW TO AMEND THE CITY OF NANAIMO "BYLAW NOTICE ENFORCEMENT  
BYLAW 2012 NO. 7159"

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The Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS  
FOLLOWS:

1. Title

This Bylaw may be cited as "Bylaw Notice Enforcement Amendment Bylaw 2019  
No. 7159.06".

2. Amendments

"BYLAW NOTICE ENFORCEMENT BYLAW 2012 NO. 7159" is hereby amended  
as follows:

2.1 By adding "Schedule "A" Fine Schedule" from designated "Cross Connection  
Control Bylaw 2018 No. 7249" in the fine table:

**Cross Connection Control Bylaw 2018 No. 7249**

SECTION	DESCRIPTION OF OFFENCE	Penalty	Early Payment Penalty	Late Payment Penalty
6.1	Allow Entry of Non-Potable Water or other Substances into the Waterworks System	\$200.00	\$150.00	\$250.00
7.3	Fail to Install Approved Backflow Preventer	\$500.00	\$375.00	-
8.1	Fail to Provide a Backflow Assembly Test Report	\$200.00	\$150.00	\$250.00
8.2	Fail to Inspect and Test Approved Backflow Preventer	\$200.00	\$150.00	\$250.00
8.4	Remove Backflow Preventer without Consent	\$200.00	\$150.00	\$250.00
8.5	Fail to Repair Non-Functioning Backflow Preventer	\$200.00	\$150.00	\$250.00
9.1.2	Fail to Install a Backflow Preventer on a Temporary Connection	\$200.00	\$150.00	\$250.00
9.1.3	Install Temporary Water Connection Without Permit	\$200.00	\$150.00	\$250.00
10.1	Fail to Provide Premises Isolation with Backflow Preventer	\$500.00	\$375.00	-

10.2	Connect Non-Potable and Potable Water Systems Without Approval	\$500.00	\$375.00	-
10.3	Fail to Permanently Mark Apparatus For Non-Potable Water System	\$500.00	\$375.00	-
11.1.3	Fail to Install or Use Approved Reduced Pressure Principal Backflow	\$500.00	\$375.00	-

PASSED FIRST READING \_\_\_\_\_  
PASSED SECOND READING \_\_\_\_\_  
PASSED THIRD READING \_\_\_\_\_  
ADOPTED \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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

DATE OF MEETING FEBRUARY 25, 2019

AUTHORED BY AMRIT MANHAS, ECONOMIC DEVELOPMENT OFFICER

**SUBJECT HOME-BASED BUSINESS REGULATION REVIEW**

## **OVERVIEW**

### **Purpose of Report**

To present Council with the results of the home-based business regulation review. |

### **Recommendation**

That Council:

1. receive the report titled "Home-Based Business Regulation Review" dated 2019-FEB-25; and
2. direct Staff to return to an upcoming Council meeting with amendments to "Zoning Bylaw 2011 No. 4500", "Sign Bylaw 1987 No. 2850" and "Off-Street Parking Regulations Bylaw 2018 No. 7266" relating to the home-based business regulations.

## **BACKGROUND**

At the 2016-APR-11 Committee of the Whole meeting, Council received delegations pertaining to a proposed home-based bakery business. After receiving the delegations, Council directed Staff to review the City's home-based business regulations and prepare a report for Council.

This report sets out the findings of the review and identifies a number of changes that Council may wish to consider to update the bylaw.

There are approximately 2,300 licensed home-based businesses operating in the city today, providing approximately 3,400 jobs and covering a wide range of sectors of the economy. Home-based businesses make up 38% of all business licences in the city and they have become an important contributor to Nanaimo's economy.

The City of Nanaimo has regulated home-based businesses since 1993. A home-based business can either be a business operated at home, where most of the work is carried out at the home of the operator, or a business operated from home where the home is used as a base but much of the work is done offsite.

The existing home-based business regulations (Attachment A) are set out in Section 6.20 of "Zoning Bylaw 2011 No.4500" (the "Zoning Bylaw"). The regulations are intended to respect and balance the interests of the businesses and the surrounding neighbourhoods in which businesses are located. Ideally, home-based businesses should operate in a manner that does not adversely affect the quality and liveability of the neighbourhood. The most common concerns raised by neighbours relate to traffic, parking, and noise impacts.

Section 6.19 of the Zoning Bylaw specifies daycare regulations and is currently under a separate review.

## Home-Based Business Regulations Review

Staff undertook a comprehensive review of the home-based business regulations that included:

- reviewing best practices from 15 BC municipalities (Attachment B);
- meetings with Staff from Economic Development, Business Licensing, Current Planning, Bylaw Services, Transportation, and Community and Cultural Planning to discuss existing issues and areas where updates are required;
- conducting a home-based business Needs Assessment Survey (2018-JUL);
- meeting with the Neighbourhood Network and the Chamber of Commerce;
- conducting an open house at the Vancouver Island Conference Centre (2018-DEC-04); and
- posting information boards and a survey on the City website (2018-DEC-31, see Attachment C for results).

Feedback from the community consultation process was used to draft the proposed amendments to the current regulations around the following topics:

- permitted uses;
- lot size and size of business;
- lot size and permitted uses;
- number of clients permitted daily and group sessions;
- number of employees;
- parking requirements;
- hours of operation; and
- signage.

## Proposed Zoning Bylaw Amendments

The following is a summary of the proposed changes to the Zoning Bylaw as a result of the review of the home-based business regulations:

### 1. New Classification System

The existing home-based business regulations apply to all residential dwellings in the city regardless of lot size.

As part of the review, it was identified that the regulations could be updated to reflect the unique circumstances of operating a home-based business within a condominium/townhouse or a small lot, versus a regular-sized city lot and a large lot. As such, the following classification is recommended based on best practices from other communities:

Type	Lot size
1	$\leq 450\text{m}^2$
2	$>450\text{m}^2$ , but $\leq 2,020\text{m}^2$ (half acre)
3	$>2,020\text{m}^2$ (half acre)

There are 1,635 residential lots within Nanaimo that are  $2,020\text{m}^2$  (half acre) or larger. Home-based business on these lots would be classified as Type 3 (Attachment D) assuming there is a



street frontage of 30m or more. These properties could potentially accommodate more onsite parking and offer a larger buffer between dwellings that can accommodate certain activities not permitted under Type 1 or Type 2.

## 2. Location and Size

Home-based businesses are permitted to operate from a dwelling unit, secondary suite, carriage house, or accessory building. Currently, a business is permitted varying floor space depending on whether the home-based business is located in the primary dwelling, secondary suite, both units, or the accessory building. The update proposes no change to this.

The review has indicated that the Gross Floor Area of a home-based business could be further streamlined as outlined below:

Type	Gross Floor Area*
1	30% up to 28m <sup>2</sup> (300ft <sup>2</sup> )**
2	50% GFA up to 100m <sup>2</sup> (1,076ft <sup>2</sup> )
3	50% GFA up to 140m <sup>2</sup> (1,500ft <sup>2</sup> )

\*The maximum GFA is applicable regardless of the number of businesses in a location.

\*\* For Type 1 properties, the home-based business must be in the primary dwelling unit.

## 3. Vehicle Trips

The existing regulations allow a home-based business a maximum of five return vehicle trips per day. The proposed update maintains five return vehicle trips per day for Type 1; however, increases vehicle trips for Type 2 to eight and up to ten return vehicle trips for Type 3. The increase for Type 2 and Type 3 was proposed as a way of accommodating most businesses.

Type	Maximum Return Vehicle Trips
1	5
2	8
3	10

## 4. Non-Resident Employees on Premises

Currently, a home-based business is permitted one non-resident employee if the business is located in the primary dwelling unit, but not if it is located in the secondary suite. Under the proposed changes, Type 1 businesses would not be permitted a non-resident employee, Type 2 businesses would be permitted one non-resident employee, and Type 3 businesses would be permitted two non-resident employees.

Type	Maximum Permitted Number of Employees
1	0
2	1
3	2

## 5. Hours of Operations

Currently, the hours of operation for home-based businesses are between 7am - 9pm and no changes have been deemed required through the process.

## 6. Signage

Under the existing regulations, a home-based business is permitted one sign per business (size specifications set out in "Sign Bylaw 1987 No. 2850" (the "Sign Bylaw"). Through the review process, it is recommended that the Sign Bylaw be amended to permit one sign per dwelling unit regardless of the number of home-based businesses. The sign may include names of all businesses operating at the location.

## 7. Permitted/Prohibited Uses

The City of Nanaimo Zoning Bylaw permits a wide variety of activities as a home-based business, with only the following uses prohibited:

- Retail stores
- Auto body shop, vehicle storage, wrecking or dismantling.
- Storage, wrecking, dismantling, structural repair, painting or metal plating of vehicles and equipment, including motor vehicles, recreational vehicles, boats and other water vessels, aircraft, all-terrain vehicles and snowmobiles, heavy equipment and machinery.
- Pet day care, boarding kennel, animal training and commercial dog breeder.
- Commercial sawmill.

The review of the home-based business regulations recommends the following updates:

Type 1	
Prohibited	<i>Personal Services</i> – includes hair, skin, nails, personal wellness, and body modification services such as tattooing, piercing, and micro-blading, etc.
Permitted	<i>Limited Animal Services</i> – includes dog walking, pet sitting, pet grooming, training therapy and will be permitted as a mobile only (offsite).
Type 3	
Permitted	<i>Limited Retail</i> : for products manufactured in the home-based business <i>Limited Auto Repair</i> : must be fully contained within a building and have must not discharge or emit odorous, toxic or noxious matters or vapours, heat, glare, noise, vibration, smoke, dust or effluent across any lot line.

## 8. Parking & Access

The City of Nanaimo recently adopted "Off-Street Parking Regulations Bylaw 2018 No.7266". Under the bylaw, a home-based business is required to provide one parking spot per dwelling.

Based on the feedback received through the process, Staff recommend that the Parking Bylaw be amended to exempt the parking requirement for home based businesses that do not have clients coming to the premises.

In addition, it is recommended that the Parking Bylaw be amended to limit marshalling and staging to on-site parking associated with the residence for a home-based businesses.

In the scenario where customers access a home-based business via a private easement agreement, the business owner will be required to obtain approval from the neighbouring property owner prior to issuance of a business license. This requirement doesn't apply to home-based businesses that do not generate traffic or have employees coming to the property.

## **OPTIONS**

### **A. That Council:**

1. receive the report titled "Home-Based Business Regulations Review" dated 2019-FEB-25; and
2. direct Staff to return to an upcoming Council meeting with amendments to "Zoning Bylaw 2011 No. 4500", "Sign Bylaw 1987 No. 2850" and "Off-Street Parking Regulations Bylaw 2018 No. 7266" relating to the home-based business regulations.
  - **Budget Implication:** There are no direct budget implications through these proposed changes. The update to the regulations may provide more certainty to businesses and induce business formation in the community, which would have a positive impact on the local economy.
  - **Legal Implication:** The City solicitor will review the proposed changes prior to the amendments being brought forward to Council.
  - **Policy Implication:** Goal Four of the Official Community Plan is to "Promote a Thriving Economy".
  - **Engagement Implication:** As part of the process, all home-based businesses in Nanaimo were invited to participate in an online survey to provide feedback. An open house was held on 2018-DEC-04 to present the proposed changes and the display boards and on-line survey were available for the public to comment.
  - **Strategic Priorities Implication:** Economic Health is one the City's four community values and the plan recognizes the need for diverse jobs and an innovative atmosphere to support creativity and entrepreneurialism.
  - **Political Implication:** Updating the Home-Based Business Regulations would show Council's commitment to promoting economic development in the community.

### **B. That Staff be directed to not proceed with the proposed Home-Based Business regulations changes at this time.**

- **Budget Implication:** There are no direct budget implications if the proposed changes to the Home-Based Business regulations were not implemented.
- **Policy Implication:** Goal Four of the Official Community Plan is to "Promote a Thriving Economy".
- **Engagement Implication:** As part of the process, all home-based businesses in Nanaimo were invited to participate in an online survey to provide feedback. An open house was held on 2018-DEC-04 to present the proposed changes, and the display boards and on-line survey were available for the public to comment.
- **Strategic Priorities Implication:** Economic Health is one the City's four community values and the plan recognizes the need for diverse jobs and an innovative atmosphere to support creativity and entrepreneurialism.

### **SUMMARY POINTS**

- Home-based businesses comprise 38% of all business licences within the city of Nanaimo and generate around 3,400 jobs.
- At the 2016-APR-11 Committee of the Whole meeting, Council directed Staff to review the home-based business bylaw and prepare a report for Council.
- Staff undertook a comprehensive review of the existing regulations, undertook best practice research, and conducted a survey with business owners to identify areas for improvement. The proposed changes were presented at an open house on 2018-DEC-04 and were made available on-line.
- The regulations are intended to respect and balance the interests of the businesses and the surrounding neighbourhoods in which businesses are located.
- If Council provides direction to incorporate the changes, a separate Staff report will be brought forward for Council's consideration with the necessary bylaw amendments.

### **ATTACHMENTS**

ATTACHMENT A: Existing Home-Based Business Regulations

ATTACHMENT B: Best Practices from 15 BC Municipalities

ATTACHMENT C: Open House Boards and Survey Results

ATTACHMENT D: Residential Lots Half Acre or Larger

#### **Submitted by:**

Bill Corsan  
Deputy Director, Community Development

#### **Concurrence by:**

Dale Lindsay  
Director, Community Development

## 6.20 HOME BASED BUSINESS

- 6.20.1. More than one home based business shall be permitted per dwelling.
  - 6.20.1.2 Any person residing within the dwelling unit or secondary suite may be engaged in the home based business, and the business license holder of a home based business shall be a resident of the dwelling unit or secondary suite in which the home based business is originating.
  - 6.20.1.3 A maximum of one non-resident home based business employee is permitted to work in the dwelling unit.
  - 6.20.1.4 Notwithstanding Subsection 6.20.1.2., where there is a home based business within a secondary suite, no non-resident home based business employee shall be permitted to work on the parcel for that home based business.
- 6.20.2 The home based business shall be wholly contained in either the dwelling or an accessory building, or a combination thereof, subject to the following:
  - 6.20.2.1. In a dwelling unit, the home based business shall not occupy more than 100m<sup>2</sup> of the dwelling unit, or 50% of the dwelling unit, whichever is less.
  - 6.20.2.2. Where the home based business is located in an accessory building, the home based business shall not occupy more than 42m<sup>2</sup>.
  - 6.20.2.3 Where a home based business is located within a secondary suite, the home based business shall be wholly contained within the secondary suite and shall not occupy more than 42m<sup>2</sup> or 50% of the secondary suite, whichever is less.
  - 6.20.2.4 Notwithstanding Subsections 6.20.1., where a dwelling contains a secondary suite and both the dwelling unit and the secondary suite each contain a home based business, or portion thereof:
    - a) the home based business for the secondary suite shall not occupy more than 42m<sup>2</sup>, or 50% of the secondary suite, whichever is less; and
    - b) the home based business for the principal dwelling unit shall not occupy more than 60m<sup>2</sup>, or 50% of the dwelling unit, whichever is less.
  - 6.20.2.5 Notwithstanding Subsection 6.20.2.1., where a home based business is contained within both the dwelling and the accessory building, the sum total of the Gross Floor Area shall not exceed 100m<sup>2</sup>, or 50% of the dwelling unit, whichever is less.
  - 6.20.2.6 Where a home based business involves vehicle or equipment repair or service, all vehicles, machinery and equipment under repair must be wholly contained within the dwelling unit, secondary suite or accessory building, and shall not, at any time, be stored outside of a building.
  - 6.20.2.7 All storage related to the home based business must be wholly contained within permanent buildings.

- 6.20.3. The following uses are specifically prohibited as a home based business:
  - 6.20.3.1 Retail stores.
  - 6.20.3.2 Auto body shop, vehicle storage, wrecking or dismantling.
  - 6.20.3.3 Storage, wrecking, dismantling, structural repair, painting or metal plating of vehicles and equipment, including motor vehicles, recreational vehicles, boats and other water vessels, aircraft, all-terrain vehicles and snowmobiles, heavy equipment and machinery.
  - 6.20.3.4 Pet day care, boarding kennel, animal training and commercial dog breeder.
  - 6.20.3.5 Commercial sawmill.
- 6.20.4 The home based business shall not discharge or emit odorous, toxic, or noxious matters or vapours, heat, glare, noise, vibration, smoke, dust, effluent or other emission hazard, electrical interference or radiation across any lot line.
- 6.20.5. Home based businesses shall not generate significantly more traffic than the dwelling would.
  - 6.20.5.1. Notwithstanding the foregoing, no more than 10 vehicle trips to or away from the dwelling unit or accessory building generated by the home based business or businesses shall be permitted per day between the hours of 7am and 9pm. No vehicle trips generated by the home based business or businesses shall be permitted between 9pm and 7am.
- 6.20.6. Home based businesses must have a valid City of Nanaimo business license.
  - 6.20.6.1. The City reserves the right to confirm compliance with the above regulations on an annual basis. Renewal of business licenses will be granted on this basis and shall not be automatic.
- 6.20.7. A home based business shall be permitted in any dwelling unit regardless of zoning classification provided it meets all other applicable requirements of this section.
- 6.20.8. In addition to the foregoing, the following regulations apply to home based businesses within recreational vehicles.
  - 6.20.8.1. Notwithstanding Subsection 6.20.8., a home based business shall not be permitted to operate from a recreational vehicle; unless a home based business is located within the R11 Zone, in which case not more than one home based business shall be permitted per recreational vehicle.
  - 6.20.8.2. Notwithstanding Subsection 6.20.9.1., the home based business must be wholly contained within the recreational vehicle or an accessory enclosed deck or patio.
  - 6.20.8.3. Only those persons who reside within the recreational vehicle may be engaged within the home based business.
  - 6.20.8.4. Notwithstanding Subsection 6.20.6., no commercial vehicles ancillary to the home based business shall be stored or parked on the lot.

## ATTACHMENT B

### Municipal Comparison of Home-Based Business Regulations

Municipality	Permitted Client Daily Visits	Permitted Employee(s)	Client + Employee Parking Requirements
Prince George	<p>Level 1: Three clients (24 hr. period).</p> <p>Level 2: One client during 60 consecutive minutes (except one instruction class once a week for up to 5 students).</p> <p>Level 3: Two clients during 60 consecutive minutes.</p>	<p>Level 1: Resident only.</p> <p>Level 2: Resident &amp; one non- resident employee.</p> <p>Level 3: Resident &amp; two non- resident employees.</p>	<p>Silent on parking.</p> <p>Level 1: one home-based business vehicle parked on premises.</p> <p>Level 2: two home-based business vehicle parked on premises.</p> <p>Level 3: three home-based business vehicle parked on premises. One may be a heavy vehicle.</p>
Maple Ridge	<p>On site, only by apt. scheduled in advance.</p> <p>Type 1: Up to six clients per day (limited to tutoring and lesson uses only).</p> <p>Type 2: Up to 10 clients per day per lot</p> <p>Type 3: Up to 16 clients per day per lot</p>	<p>Type 1: one non-resident employee provided parking is accommodated on-site.</p> <p>Type 2: two non-resident employees provided parking is accommodated on-site</p> <p>Type 3: three non-resident employees provided parking is accommodated on-site.</p>	<p>One space per non-resident employee.</p>
Abbotsford	<p>Level 1: No Visits.</p> <p>Level 2: Shall not generate significant vehicular traffic impacts.</p> <p>Level 3: Same as Level 2.</p>	<p>Level 1: Resident only.</p> <p>Level 2: Resident &amp; one non-resident employee.</p> <p>Level 3: Resident &amp; two non-resident employees.</p>	<p>Level 1: Zero</p> <p>Level 2: One additional parking space for a non-resident employee.</p> <p>Level 3: Two additional parking spaces for non-resident employees.</p>
Burnaby	Silent	No non-resident employees unless a home occupation child care facility.	Silent
Coquitlam	Silent	No more than one non-resident employee.	Silent
Delta	Silent	Resident/Family members no more than two persons/resident.	Silent

Langley Township	One commercial vehicle visit per day & shall not create demand for client parking.	Big Rural: max three non-residents.  Small Rural: max two non-residents.  Urban: max one non-resident.  CD: no non-resident.	One space per non-resident employee.
Langley City	Silent	One resident. One non-resident.	Silent
Mission	10 patrons/students at one time.	Big Rural: max five employees; four non-resident.  Rural: max four employees; three non-resident.  Urban: max three employees; two non-resident.	One for each non-resident employee.  Two off-street parking spaces for uses involving patrons/students.
Richmond	Max three clients on the premises at any one time.	Only by resident.	Silent
Pitt Meadows	Max of two clients on premise at any one time.	Not more than two employees and one must reside in DU.	Silent
Port Coquitlam	Tutoring: three at once; 10 per day.  Animal: four pets per day.  Other: five business visitors (including deliveries) per day.	A/RS/RD Zones: max three employees; one non-resident.  If tutoring or animal, one employee.  RTh/RRh/RA/CD/C Zones: no more than two, both must be residents.	A/RS/RD: two off-street parking spaces.  Silent for all other zones.
Port Moody	Silent	Two employees.	Silent
Surrey	Silent	Immediate family members only.	Silent
Vancouver	Not permitted.	Not permitted (unless both live at same address).	Silent



## ATTACHMENT C

# WELCOME

to the City of Nanaimo  
Home-Based Business Update Open House



**Thank you for attending this Open House**  
**At today's event you can:**

- **Explore the boards:** There are 15 boards and we encourage you to review them all to learn more about the proposed Home-Based Business Update.
- **Learn** about the results of the “needs assessment” home-based business survey conducted in July 2018.
- **Ask questions:** City Staff are here tonight to answer any questions you may have.
- **Fill out a Proposed Home-Based Business Regulations Survey!** Paper surveys are available today and the survey is also available online at [www.nanaimo.ca/goto/home-basedbusiness](http://www.nanaimo.ca/goto/home-basedbusiness) until December 31, 2018

## WHAT IS A HOME-BASED BUSINESS?

A home-based business can be either:

- A business operated **AT** home – where most of the work of the business is carried out at the home of the operator(s); or
- A business operated **FROM** home – where the home is used as a base, but much of the work is done outside the home.

## WHY ARE WE HERE?

Your City Council wants to hear from you about the proposed changes to the home-based business regulations.

## WHY UPDATE THE HOME-BASED BUSINESS ZONING REGULATIONS?

- The home-based business regulations are contained within Zoning Bylaw 4500. An update to the home-based business regulations requires a bylaw amendment and public hearing process.
- The home-based business regulations were first introduced in 1993.
- The intent of the review is to update, improve and modernize the regulations to support and facilitate home-based businesses while balancing the needs of the neighbourhoods in which these businesses operate.

## WHAT DO THE UPDATES CONSIDER?

- Permitted uses;
- How lot size relates to home-based business size;
- How lot size relates to the type of activities permitted;
- The number of employees allowed in a home-based business;
- The number of daily visits, and maximum number of clients at one time that can be accommodated by a home-based business.

(Please see Boards 6 – 13 for more information)

### DON'T FORGET TO FILL OUT A SURVEY

Surveys are available today in print or online and available to complete until December 31, 2018.

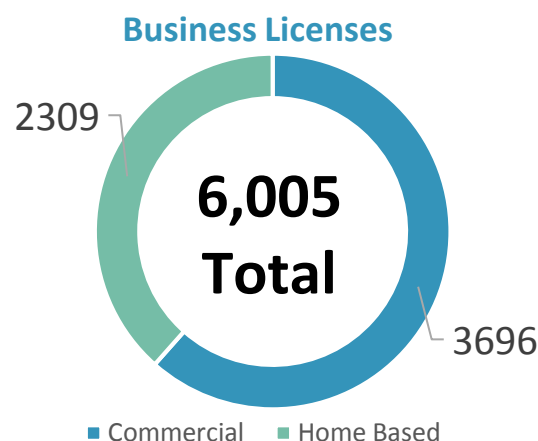
Details available online

[www.nanaimo.ca/goto/home-basedbusiness](http://www.nanaimo.ca/goto/home-basedbusiness)



## HOME-BASED BUSINESSES ARE AN IMPORTANT CONTRIBUTOR TO NANAIMO'S ECONOMY

- As at August 2018, there were 2,309 licensed home-based businesses in Nanaimo.
- They account for roughly 38% of all business licenses issued by the City.
- The vast majority of the home-based businesses are sole proprietorships (70.4%), followed by limited companies (22.9%) and partnerships (6.5%).
- Home-based businesses represent approximately 3,400 people who either own or who are employed by a licensed home-based business.



### Nanaimo Home-Based Businesses by Industry Sector

Sector	Number of Businesses	% of HBB
Construction	612	26.50
Professional, Scientific & Technical Services	391	16.93
Admin. Support, Waste Management & Remedial Services	293	12.69
Health Care & Social Assistance / Child Day-Care Services	240	10.39
Arts, Entertainment & Recreation	113	4.89
Retail Trade / Non-Store Retailers	107	4.63
Manufacturing	54	2.34
Transportation & Warehousing	46	1.99
Educational Services	39	1.69
Real Estate, Rental & Leasing	29	1.26
Information & Cultural Industries	20	0.87
Accommodation & Food Services	16	0.69
Finance & Insurance	11	0.48
Wholesale Trade	10	0.43
Agriculture, Forestry, Fishing & Hunting	6	0.26
<b>Total</b>	<b>2,309</b>	<b>100.00</b>

## HOW HOME-BASED BUSINESSES AFFECT A NEIGHBOURHOOD

- A goal of the home-based business regulations is to balance the residential character of neighbourhoods with economic opportunities for residents wishing to operate a small-scale business.
- Common issues associated with home-based businesses in Nanaimo include traffic, parking and noise.
- This update takes into consideration the trend towards higher density developments over time, and the opportunity to permit new uses in larger lots.

In July 2018, City of Nanaimo's Economic Development department conducted a Home-Based Business Survey. The objectives of the Home-Based Business Survey were to:

- Obtain general information about the home-based businesses operating in Nanaimo.
- Identify the use of information technology and communication tools by home-based businesses
- Gather information about growth and development goals of home-based businesses
- Feedback on the community as a place to do business.
- Identify the support needs and challenges facing home-based businesses
- Identify information that businesses would like to receive.

The Survey questionnaire was directly e-mailed to a majority of the home-based businesses. A total of 442 questionnaires were returned. There was a 19% return rate, representing nearly 1 in 5 businesses completing the survey. Key findings of the Home-Based Business Survey are below:

## Profile of Businesses

- Almost one fifth of home-based business owners surveyed are classified as 'Professional Scientific and Technical', followed closely by Construction related business at 17.7%.
- The largest portion of home-based business owners (32.2 %) have been operating their current business for 1-4 years. 42% of the home-based businesses are less than 4 years old. Nearly 16% of business owners have been in operation for 20 years or more.
- Vast majority (68%) of the home-based businesses are sole proprietorships, followed by one in four being registered as a corporation.
- 85% of home-based business owners have completed some form of post-secondary education and or training. The highest level of educational attainment achieved by any of the principle owners of the home-based businesses surveyed is a University Degree or higher (44%).
- Seven out of ten (70%) business owners surveyed reported their home-based business is their primary source of income.
- On average one third (32.9%) of home-based business owner's work between 35 and 50 hours each week. Nearly half (49.1%) of the home-based businesses work less than 35 hours per week.
- Vast majority of the home-based businesses (64.2%) serve the local market, followed by 16.1% serving the regional market.
- Over one in four (26.3%) home-based business owners state their top reason for starting a home-based business was to realize a lifelong dream or to turn a hobby into a business. 17% of the business owners saw an opportunity or a gap in the market place as an inspiration for starting a home-based business. 16.7% state their top reason for starting a home based business was the ability to earn more money verses other forms of employment.
- 26% of the home-based businesses outsource work.

## Technology & Communications

- Seven in ten home-based businesses have access to either wireless (55.2%), DSL/ADSL (9.4%) or fibre optic (4.8%) internet connections. Less than two percent (1.6%) of home-based businesses have no internet connection.
- Nearly two thirds (64%) of home-based businesses have a company website.
- The three prevailing uses of business internet for the home-based business owners surveyed are: e-mail (96.8%) Internet banking (84.3%) research (77.2%).
- 42.5% of home-based businesses engage in online trade and sales. A further 5.5% are interested in exploring opportunities to do online trade and sales. One in every ten home-based business is conducting between 76-100% of their sales through the internet.

## Growth & Development

- Approximately half (49.2%) of the home-based businesses surveyed have sales above \$50,000 per annum. One in every four businesses have sales above \$100,000 per annum and 13.4% of the business make sales above \$200,000 per annum.
- Eight out of every ten home-based businesses surveyed expect sales to grow over the next year. 5.5% of the businesses expect sales to grow by fifty percent or more from current levels. Majority of businesses (35.4%) expect sales to grow between 1% and 9%.
- Sales have been increasing for nearly 55% of the businesses over time. 38.6% report no change in sales trend.
- The vast majority of home-based businesses (45.3%) report status quo as plans for the next five years. 37.6% of the businesses want to increase the size of their businesses over the next five years. 8% of the businesses surveyed plan on reducing the size of their business, while approximately 9% will either sell or close their business. From the home based businesses that are looking to expand operations, 6.7% intend to move into commercial premises.
- When asked which of a list of business operation related activities were completed in the past 12 months, advertising (44.5%) was the top activity engaged in. The next highest activity was direct marketing campaign at 16.2%.
- Six out of ten businesses would prefer to stay small so that they can continue to operate their business from home. A significant portion of the home-based businesses (42.9%) would like to explore opportunities to expand their businesses. 3.1% of these businesses are involved in exporting and a further 4.6% indicate their business has exporting potential.
- The three main issues impacting home-based business owners and the operation of their businesses are:
  - Increasing costs (57.3%);
  - Time management (41.7%); and
  - Competition and sales are tied at third place (28.4%).
- When asked which seminars and workshops home-based businesses would be interested in attending, the top five selected were:
  1. Business Planning;
  2. Time Management;
  3. Financing/Capital;
  4. Information and Technology; and
  5. Peer Mentoring and Networking.

## Community

- The vast majority (73%) of the home-based businesses view Nanaimo as a positive location for their business.
- Nearly half of the home-based businesses (46.6%) state the business climate is better today compared to five years ago. 37.8% believe the business climate has not changed while 15.5% believe it is worse today compared to five years ago.
- Nearly six out of ten businesses expect the business climate to improve over the next five years, while three out of ten expect conditions to remain the same.



## HOW TO ENSURE MY HOME-BASED BUSINESS WILL NOT DISTURB MY NEIGHBOURS?

The home-based business should be entirely contained within a dwelling unit or an accessory building, or a combination thereof.

All storage related to the home-based business must be wholly contained within permanent buildings.

Where a home-based business involves vehicle or equipment repair or service, all vehicles, machinery and equipment under repair must be wholly contained within the dwelling unit, secondary suite or accessory building, and shall not, at any time, be stored outside of a building.

Home-based business should not involve activities that emit odors, noxious or toxic matter or vapours, heat, glare, noise vibration, smoke, dust, effluent or other emission hazard, electrical interference or radiation across any lot line.

Home-based businesses should not generate significantly more traffic than a normal dwelling would.

Home-based businesses are permitted one sign but otherwise there should be no external indication that the building is being used for a non-residential purpose.

Home-based businesses must comply with other City Bylaws, including but not limited to, the Noise Control Bylaw and the Animal Control & Licensing Bylaw.



## WHERE CAN I OPERATE MY HOME-BASED BUSINESS?

- A home-based business is allowed in **both** the main dwelling unit that makes up the home as well as in a secondary suite or detached carriage house **and** in an accessory building.
- Certain types of home-based businesses are allowed to operate in a multi-family unit (e.g. apartment, condo, or townhouse).
- A home-based business is not permitted to operate from a recreational vehicle unless it is located within the R11 zone.

## HOW MUCH SPACE CAN MY HOME-BASED BUSINESS USE?

- On a multi-family lot or a small lot less than or equal to 450m<sup>2</sup> in size up to 30% of the gross floor area to a maximum of 28m<sup>2</sup> (300 ft<sup>2</sup>)  
*also called Type 1 Home-Based Businesses*
- On medium size single family lots greater than 450m<sup>2</sup> and less than or equal to 2,020m<sup>2</sup> (half acre) in area up to 50% of the gross floor area, to a maximum of 100m<sup>2</sup> (1,076 ft<sup>2</sup>)  
*also called Type 2 Home-Based Businesses*
- On large properties, 2,020m<sup>2</sup> (half acre) or larger, up to 50% of the gross floor area, to a maximum of 140m<sup>2</sup> (1,500 ft<sup>2</sup>)  
*also called Type 3 Home-Based Businesses*
- The maximum gross floor area restriction is applicable regardless of the number of businesses in a location.
- Family Daycares (16 or less children in care) which are licensed under the *Community Care and Assisted Living Act* are exempt from these size limitations.

### WHAT DO THESE TERMS MEAN?

**Dwelling Unit:** one or more rooms used for the residential accommodation of a family.

**Secondary Suite:** a dwelling unit contained within the same building as the family residential unit.

**Carriage House:** a detached self-contained dwelling unit in the rear yard (also known as a laneway house or garden suite).

**Accessory Building:** a building or structure incidental to the principal single family dwelling unit such as a detached garage, shed, boat house, pool house, etc.

**Gross Floor Area:** the total area of all the floors of all dwelling units on a lot.



## HOW MANY VEHICLE TRIPS CAN I HAVE PER DAY?

- The proposed update would allow daily visits by clients, by appointment only:
  - Up to 5 return vehicle trips per day for Type 1 Home-Based Businesses
  - Up to 8 return vehicle trips per day for Type 2 Home-Based Businesses
  - Up to 10 return vehicle trips per day for Type 3 Home-Based Businesses
- Appointments are recognized as opportunities to provide services, commission work, or to take possession of previously purchased materials.



## HOW MANY CLIENTS CAN I HAVE AT ONE TIME?

- The proposed update would allow a home-based business:
  - 1 client at any one time for Type 1 Home-Based Businesses\*
  - Up to 2 clients at any one time for Type 2 Home-Based Businesses\*
  - Up to 5 clients at any one time for Type 3 Home-Based Businesses\*

\* Subject to the daily vehicle trip limit.

## HOW MANY EMPLOYEES CAN I HAVE?

The proposed update would allow a home-based business:

- No non-resident employee for Type 1 Home-Based Businesses
- 1 non-resident employee for Type 2 Home-Based Businesses\*
- 2 non-resident employees for Type 3 Home-Based Businesses\*

\* Subject to parking requirements

## WHAT ARE MY PARKING REQUIREMENTS?

- All non-resident employee parking must be provided on-site.

### TYPE 1, 2 & 3 HOME-BASED BUSINESSES

You may notice the reference to 'Type 1', 'Type 2' and 'Type 3':

- Type 1 includes home-based businesses on small multi-family and single family lots less than or equal to 450m<sup>2</sup> in area.
- Type 2 includes home-based businesses on single family lots greater than 450m<sup>2</sup> and less than or equal to 2,020m<sup>2</sup> in area.
- Type 3 includes home-based businesses on lots greater than 2,020m<sup>2</sup> in area.



## PERMITTED USES

The City of Nanaimo strictly prohibits certain types of uses as home-based business, see the list on Board 13. The most common types of Home-Based Business activities include:

### Health Services

- Includes chiropractors, registered massage therapists (RMTs), physicians, and traditional Chinese medicine practitioners, amongst others.



### Personal Services

- Includes services involving hair, skin, nails and personal wellness. Body modification services such as tattooing, piercing and micro blading. Requires an initial inspection by Vancouver Island Health Association at the home-based business address.

### Professional Services

- Includes accountants, architects, engineers, financial consultants, lawyers, notary publics, planners, and real estate agents, amongst others.



### Construction & Building Maintenance Services

- Includes trade contractors for services to interior and exterior of buildings, building contractors, waste removal services, janitorial services and more.



## Animal Services

- Permits dog walking, pet sitting and pet grooming.
- Mobile-based operations permitted for Type 1 and on-site operations only permitted for Type 2 and 3
- Commercial kennels, breeding, dog boarding and dog daycares are not permitted as a home-based business use.

## Small Scale Manufacturing & Home Craft

- Covers the small scale production of goods, including art, photography, jewelry, food, bath & beauty products, clothing, and toys.



## Education & Training

- Includes academic tutoring and music lessons. Expanded interpretation would include non-academic uses, such as yoga.
- Group session restrictions apply to this category



## Sales

- Permit off-site, online and mobile-based sales but does not include general retail sales.



## TYPE 3 HOME-BASED BUSINESS

There are opportunities on properties greater than 2,020m<sup>2</sup> (half acre) in area to accommodate additional uses that are not permitted under Type 1 or Type 2 home-based businesses. These would be called *Type 3 Home-Based Businesses*.

Please see the next board for a map of all properties within the City of Nanaimo greater than or equal to 2,020m<sup>2</sup>.

Possible Type 3 uses include:

- Drop-in Retail - Artisanal and Antique Sales
- Auto Repair
- Interested in others? Let us know by filling out a survey!

**Share your thoughts on the proposed Type 3 Home-Based Business by filling out a survey!**





## WHAT DO YOU THINK?

Please note the proposed regulations are applicable to new businesses only, existing businesses are permitted to continue to operate.

### General Regulations

Parameter	Current Regulations	Regulation Options		
		Type 1 ( $\leq 450m^2$ )	Type 2 ( $> 450m^2$ and $\leq 2,020m^2$ (half acre))	Type 3 ( $> 2,020m^2$ (half acre))
Location	Per Dwelling Unit, Secondary Suite, Carriage House and Accessory Building	Multi-Family Unit or Small Lot Single Family Dwelling	Single Family Dwelling, Secondary Suite, Carriage House or Accessory Building	Single Family Dwelling, Secondary Suite, Carriage House or Accessory Building
Size (based on Gross Floor Area (GFA))	Varies depending on # of businesses and in which unit	30% GFA, up to $28m^2$ ( $300 ft^2$ )	50% GFA, up to $100m^2$ ( $1,076 ft^2$ )	50% GFA, up to $140m^2$ ( $1,500 ft^2$ )
Customer Vehicle Trips	Maximum 5 return vehicle trips	Maximum 5 return vehicle trips	Maximum 8 return vehicle trips	Maximum 10 return vehicle trips
Group Sessions	Current regulations silent on this	Restricted to Tutoring and Lessons only; capped at 1 client at a time	Capped at 2 clients at one-time	Capped at 5 clients at one-time
Employees	1 non-resident employee if business is in primary dwelling unit – otherwise none.	0 non-resident employees	1 non-resident employee subject to on-site parking	2 non-resident employees subject to on-site parking
Hours of Operation	7am – 9pm	7am – 9pm	7am – 9pm	7am – 9pm
Signage	1 per location	1 per location	1 per location	1 per location
Parking	1 on-site	<ul style="list-style-type: none"> <li>1 unless business is online or offsite.</li> </ul>	<ul style="list-style-type: none"> <li>1 unless business is online or offsite.</li> <li>Additional parking per non-resident employee required.</li> </ul>	<ul style="list-style-type: none"> <li>1 if receive client 1 unless business is online or offsite.</li> <li>Additional parking per non-resident employee required.</li> </ul>

# SUMMARY OF PROPOSED CHANGES

## 13

Type 2: In discussion with Neighbourhood Associations it was suggested that auto & small marine engine repair be allowed as a Type 2 use. What do you think?

### Prohibited Uses

- Retail Stores
- Wrecking or Dismantling, Structural Repair, Painting or Metal Plating of Vehicle and Equipment
- Pet Day Care, Boarding Kennel, Animal Training and Commercial Dog Breeding
- Commercial Sawmill
- Auto Body Shop
- Vehicle Storage

The above business types are not permitted as a home-based business within the City of Nanaimo.

### Permitted Uses

Below is a list of permitted uses as a home-based business. Please note this list is not intended to be an exhaustive list of all business permitted but is intended to capture major categories of businesses.

**Note: Daily visits by clients permitted by appointment only.**

	Current Regulations	Type 1 ( ≤ 450m <sup>2</sup> )	Type 2 ( > 450m <sup>2</sup> and ≤ 2,020m <sup>2</sup> (half acre) )	Type 3 ( > 2,020m <sup>2</sup> (half acre) )
<b>Health Services</b>	Permitted	Permitted	Permitted	Permitted
<b>Personal Services</b>	Permitted	Not Permitted	Permitted	Permitted
<b>Construction &amp; Building Maintenance Services (no marshalling)</b>	Permitted	Permitted	Permitted	Permitted
<b>Professional Services</b>	Permitted	Permitted	Permitted	Permitted
<b>Small Scale Manufacturing / Home Craft</b>	Permitted	Permitted	Permitted	Permitted
<b>Education &amp; Training</b>	Permitted	Permitted (see Group Sessions)	Permitted (see Group Sessions)	Permitted (see Group Sessions)
<b>Sales</b>	Permitted (On-line and Off-Site)	Permitted (On-line and Off-Site)	Permitted (On-line and Off-Site)	Permitted (On-line and Off-Site)
<b>Limited Animal Services (dog walking, pet sitting, pet grooming only)</b>	Permitted – Limited	Permitted (Mobile Only)	Permitted (Mobile or On-Site) (On-Site: 1 pet at one time, 5 daily max)	Permitted (Mobile or On-Site) (On-Site: 2 pets at one time, 10 daily max)
<b>Drop-in Retail (Artisanal and Antique Sales)</b>	Not Permitted	Not Permitted	Not Permitted	Permitted
<b>Auto &amp; Small Marine Engine Repair</b>	Permitted	Not Permitted	Not Permitted	Permitted
<b>Family Daycare</b>	Permitted	Permitted – Restricted *Subject to VIHA	Permitted – Restricted *Subject to VIHA	Permitted *Subject to VIHA

# THANK YOU

for taking the time to look over the proposed updates to the home-based business regulations.

## WE WANT TO HEAR FROM YOU!

Please take the opportunity to provide your thoughts and comments through our survey available today or online at:

[www.nanaimo.ca/goto/home-basedbusiness](http://www.nanaimo.ca/goto/home-basedbusiness)

Survey closes December 31, 2018

P: (250) 755-4465

W: [www.nanaimo.ca](http://www.nanaimo.ca)



# City of Nanaimo Home-Based Business Survey FINAL REPORT

December 2018



## SURVEY FINDINGS

The following section outlines the findings from the *Proposed Home-Based Business Regulations Survey*. The profile of survey respondents is examined first and is followed by an analysis.

**Question 1 asked respondents to indicate whether they currently operated a home-based business, were considering starting a home-based business, operated a business from a commercial premise or were an interested Nanaimo resident.**

The feedback from Question 1 was that 6 respondents currently operated a home-based business, 3 respondents were considering starting a home-based business and 5 respondents were interested Nanaimo residents.

**Question 2 asked respondents who are currently operating a home-based business the length of time they have been in operation, if they employ an employee, and if they envision growing their business in any capacity.**

The feedback from Question 2 was that 2 respondents were in operation for under 2 years, 1 respondent has been in operation for 3-5 years and 4 respondents had been in operation for 5 or more years. 3 respondents employ an employee and 5 respondents envision growing their business within their home.

We provided the survey respondents with the following information:

*A number of new directions are being proposed for home-based businesses in Nanaimo, including:*

- *The types of activities permitted as a home-based business.*
- *How unit/lot size related to home-based business size.*
- *The number of non-resident employees allowed in a home-based business.*
- *The number of daily visits that can be accommodated by a home-based business.*

*You may notice the reference to a 'Type' of home-based business:*

*Type 1: includes home-based businesses within multi-family developments or on small residential lots less than or equal to 450m<sup>2</sup>.*

*Type 2: includes home-based businesses on residential lots greater than 450m<sup>2</sup> and less than or equal to 2,020m<sup>2</sup> (half acre).*

*Type 3: includes home-based businesses on residential lots over 2,020m<sup>2</sup> (half acre).*

### Size & Location

*Home-based businesses are permitted to operate from the primary dwelling unit, secondary suite, carriage house or accessory building. The update proposes no change to this. In multi-family and small lot single family dwellings less than 450m<sup>2</sup>, the home-based business must be in the primary dwelling unit.*

*Currently, a business is permitted varying floor space depending on whether the home-based business is located in the primary dwelling, secondary suite, both units, or the accessory building. The proposed regulations permit 30% Gross Floor Area (GFA), up to 28m<sup>2</sup> (300 sq. ft.), for Type 1. The proposed updates would allow a home-based business 50% GFA, up to 100m<sup>2</sup> (1,076 sq. ft.), for Type 2 and 50% GFA, up to 140m<sup>2</sup> (1,500 sq. ft.) for Type 3.*



**Question 3: Do you support permitting 30% GFA, up to 28m<sup>2</sup> (300 sq. ft.), for Type 1 Home-Based Businesses?**

10 Respondents agreed with permitting 30% GFA and 4 Respondents didn't agree with the proposed regulation.

**Question 4: Do you support permitting 50% GFA, up to 100m<sup>2</sup> (1,076 sq. ft.), for Type 2 Home-Based Businesses?**

8 Respondents agreed with permitting 50% GFA and 6 respondents didn't agree with the proposed regulation.

**Question 5: Do you support permitting 50% GFA, up to 140m<sup>2</sup> (1,500 sq. ft.), for Type 3 Home-Based Businesses?**

9 Respondents agreed with permitting 50% GFA and 4 respondents didn't agree with the proposed regulation.

**Daily Visits**

*Currently, the zoning regulations allow a home-based business a maximum of five return vehicle trips per day. The proposed update would maintain five return vehicle trips per day for Type 1, and introduce up to eight return vehicle trips for Type 2 and up to ten return vehicle trips for Type 3.*

*For home-based businesses requiring group visits, it is proposed Type 1 be restricted to tutoring and lessons only and capped at one client at a time, subject to the daily maximum vehicle trips detailed above. It is proposed Type 2 be capped at two clients at one time and Type 3 be capped at five clients at one time, subject to the daily maximum return vehicle trips detailed above.*

**Question 6: Do you support increasing the permitted number of return vehicle trips to eight for Type 2 Home-Based Businesses?**

Respondents were split with 7 in support of the increase and 7 not supporting the increase of return vehicle trips for Type 2 Home-Based Businesses.

**Question 7: Do you support increasing the permitted number of return vehicle trips to ten for Type 3 Home-Based Businesses?**

9 Respondents agreed with increasing the permitted number of return vehicle trips for Type 3 home-based businesses and 5 respondents did not agree.

**Question 8: Do you support restricting Type 1 Home-Based Businesses to tutoring and lessons only and one client at a time?**

8 Respondents agreed with the restriction on Type 1 home-based businesses and 6 respondents were not in agreement.

**Question 9: Do you support permitting up to two clients at one time for Type 2 Home-Based Businesses?**

6 Respondents agreed with permitting up to two clients at one time for Type 2 home-based businesses and 8 respondents were not in agreement.

**Question 10: Do you support permitting up to five clients at one time for Type 3 Home-Based Businesses?**

8 Respondents agreed with the permitting up to five clients at one time for Type 3 home-based businesses and 6 respondents were not in agreement.

**Employees**

*Currently, a home-based business is permitted one non-resident employee if the business is located in the primary dwelling unit, but not if it is located in the secondary suite. Under the proposed home-based business regulations Type 1 businesses would not be allowed a non-resident employee, Type 2 businesses would be allowed one non-resident employee and Type 3 businesses would be allowed two non-resident employees. Non-resident employee parking must be provided onsite.*

**Parking**

*The City of Nanaimo recently passed a new parking bylaw. Under this bylaw a home-based business that has no clients coming to the premise is exempt from the requirement to provide a parking spot. An onsite parking spot must be provided for each non-resident employee.*

**Question 11: Do you support the proposed restriction to not allow any non-resident employees for Type 1 Home-Based Businesses?**

Respondents were split with 7 in support and 7 not in support of the not allowing any non-resident employees for Type 1 home-based businesses.

**Question 12: Do you support permitting up to one non-resident employee, subject to parking requirements, for Type 2 Home-Based Businesses?**

9 Respondents agreed with the permitting up to one non-resident employee, subject to parking requirements, for Type 2 home-based businesses and 5 respondents were not in agreement.

**Question 13: Do you support permitting up to two non-resident employees, subject to parking requirements, for Type 3 Home-Based Businesses?**

9 Respondents agreed with the permitting up to one non-resident employee, subject to parking requirements, for Type 3 home-based businesses and 5 respondents were not in agreement.

**Hours of Operation**

*Currently the hours of operation for home-based businesses are between 7am – 9pm.*

**Question 14: Do you support keeping the hours of operation between 7am – 9pm?**

Respondents were split with 7 in support and 7 not in support of the keeping the hours of operation the same.

**Respondents who did not support keeping the hours of operation between 7am – 9pm were asked what hours they would suggest. The answers are below.**

- 9am to 8pm
- 8am to 6pm

- 9am – 5pm
- 6am – 9pm
- 8am – 7pm
- Depends on business (baker)
- 8am – 8pm

## Signage

*Currently a home-based business is permitted one sign (size specifications in Sign Bylaw). The proposed regulations permit one sign per location regardless of the number of home-based businesses. The sign may include names of all businesses operating at the location.*

### **Question 15: Do you support permitting one sign per location?**

13 Respondents were in support of permitting one sign per location, only 1 respondent was not in agreement.

## Permitted Uses

*The City of Nanaimo Zoning Bylaw permits a wide variety of activities as a home-based business. A number of activities are restricted or outright prohibited due to their impact on neighbourhoods through noise, traffic, odours, vibration, smoke, dust, effluent, etc.*

*The home-based business update proposes that “personal services” not be permitted in Type 1. (Personal services involve hair, skin, nails and personal wellness and body modification services such as tattooing, piercing and micro-blading, etc.)*

*Limited animal services (dog walking, pet sitting, pet grooming, training therapy, but not, commercial kennels, breeding, dog boarding and dog daycares) are permitted as a home-based business*

### **Question 16: Do you support that “personal services” should not be permitted as a Type 1 Home-Based Business?**

9 Respondents agreed that “personal services” should not be permitted as a Type 1 home-based businesses and 4 respondents did not support.

### **Question 17: Do you agree that ‘animal services’ should be permitted as ‘mobile only’ for Type 1 Home-Based Businesses?**

All respondents agreed that animal services should be permitted as ‘mobile only’ for Type 1 home-based businesses.

### **Question 18: Do you support that ‘animal services’ should be permitted as ‘mobile only’ and ‘on-site’ for Type 2 and Type 3 Home-Based Businesses?**

9 Respondents support that ‘animal services’ should be permitted as ‘mobile only’ and ‘on-site’ for Type 2 and Type 3 home-based businesses. 5 Respondents did not support this.

## Additional Uses

*There are opportunities for Type 3 home-based businesses to accommodate certain activities. Both drop-in retail for artisanal products and auto repair are being proposed in the home-based business regulations as a Type 3 use.*

**Question 19: Do you support drop-in retail for artisanal products as a Type 3 Home-Based Business use?**

11 Respondents support drop-in retail for artisanal products as a Type 3 home-based business. 2 Respondents did not support this.

**Question 20: Do you support auto repair as a Type 3 Home-Based Business?**

8 Respondents support auto repair as a Type 3 home-based business. 6 Respondents did not support this.

**Respondents were then asked if there were any other uses that you feel should be permitted as a Type 3 Home-Based Business? The answers are below:**

- No
- Inside vehicle or equipment

**The final question for Respondents asked if they have any other thoughts comments or suggestions about the proposed updates to the home-based business regulations. The answers are attached.**

## Q22 Do you have any other thoughts, comments or suggestions about the proposed updates to the home-based business zoning regulations?

Answered: 12 Skipped: 2

#	RESPONSES	DATE
1	I think there could be an increase for square footage of businesses that are on 1 acre or more...	12/26/2018 9:22 PM
2	The City of Nanaimo is currently reviewing it's Home Based Business (H.B.B.) regulations to "support HBB's while balancing the needs of neighbourhoods". The new proposals are based on a recent survey, returned by 19% of HBB operators. Six objectives to support HBB's were identified in the July survey, there were no objectives to support neighbourhoods. If anything the proposals for Type 2 and Type 3 will increase stress on some neighbourhoods. The original HBB guidelines were introduced in 1993. Since then our society and governments on all levels have moved to more consultation, transparency and inclusion when making decisions that impact others. In the process of reviewing the HBB's the EDD at City Hall have done this from the business perspective but not from a neighbourhood perspective. To make the new HBB proposals more balanced, with transparency, inclusion and consultation in mind, at the very least a written notification needs to be sent to the neighbours living on the same block as the business. This would allow concerns to be shared before the licence is granted. Given that 38% of the business licences issued in Nanaimo are for HBB's, I want to suggest more oversight. Are HBB's tracked? Does the City know how many HBB's there are on a given block? Often there are more than one business. If another business was licenced, how would that affect traffic, parking, noise? Before issuing a licence is the proposed site visited? Any concerns / disputes a neighbourhood may have with a new HBB needs to be heard by an independent oversight committee. Currently there is no mechanism for neighbourhood to appeal. Which is wrong. I recognise cost is a factor with the changes I propose. I suggest these costs be a part of the business license.	12/17/2018 3:45 PM
3	neighbours should have some input as to what happens next door to them as part of the approval process	12/14/2018 3:28 PM
4	Be very clear what the response is to activities not allowed in a residential home-based business i.e. using a single-family home as a multi-client gym, having clients before and after allowed hours, parking violations etc. Concrete actions should be expected for violations. Neighbours shouldn't have to track the traffic to/from these businesses and complaints should be followed up with an actual investigation.	12/5/2018 5:09 PM
5	Consideration needs to be given to shared driveways and impact of traffic across access granted by easement.	12/5/2018 12:54 PM
6	Yes, I think the number of employees allowed in each of the types of home-based businesses is unnecessarily restrictive. If parking on-site is available, I would support 1 employee for type 1, 2 or 3 employees for type 2, and up to 4 employees for type 3. I am the only resident in my home, so if my home-based business has 2, or even 3 employees, that is still less people than a typical family of 4 or 5. I also think the number of visits per business type is overly restrictive, especially if it includes sales, deliveries and customer visits. I don't think the limits as set out encourage home-based business, productivity and innovation in Nanaimo.	12/5/2018 10:35 AM
7	Q.3 - should be 1,500 sq. ft. Q.4 - should be 1,500 sq. ft. (What does the lot size have to do with sq. ft.?) Q.6 - should be more, can't make a living off 8 clients Q.7 - should be more, can't make a living off 10 clients (or 5 each if you have one employee) Q.9 - needs to be more Q.11 - should allow one, no vacation, or if you do, business stops?! Q.12 - need more! brick and mortar businesses are becoming less necessary with online market - need more than one employee! Q.15 - yes, but allow a freestanding sign! everyone has one even though they are not allowed. Allow it and tax it! Moving in the right direction, but overall very disappointing. Nanaimo needs to allow more clients and more employees for home businesses. With these bylaws people can't make a living and they will just break the laws anyway. Increase the limits, tax or charge for it if necessary. Music Teacher (8 appointments, 1/2 hour each) - welfare Nails/Hair (5 appointments with 2 stylists, 1 hour each) - welfare Daycare (up to 16 kids, only allowed 10 trips?) - How does that work?	12/5/2018 10:09 AM
8	Q.8 - two as long as enough parking space	12/5/2018 10:02 AM

9	Q18 - Type 2 mobile only and onsite for Type 3	12/5/2018 9:59 AM
10	Q.6 - should be more allowed Q.7 - should be more allowed Q.9 - more clients at a time should be allowed Q.12 - more should be allowed Q.13 - more should be allowed We should be allowed more then 1 sign per home and I think we should have more then 10 return vehicle visits per day.	12/5/2018 9:56 AM
11	Hours of operation should depend greatly on the business	12/5/2018 9:51 AM
12	Type 3 split for inclusion of 1 acre or more allowing additional provisions / employees.	12/4/2018 8:15 PM

## Re: Updating Regulations Governing Small Home-Based Businesses

The City of Nanaimo is currently working on an update of its regulations governing small home-based businesses. This was last done in 1996. Since that time, much has changed in terms of the number of home-based businesses, technologies, and the City's interest in balancing the needs of home-based businesses with neighbourhood character.

Interested residents are encouraged to contact the City of Nanaimo, either in person or on-line, to inform themselves of the complete ongoing review and provide further input. Contact Ms. Amrit Manhas, Economic Development Officer, City of Nanaimo at [amrit.manhas@nanaimo.ca](mailto:amrit.manhas@nanaimo.ca), or 250-755-4465.

SPNA has provided input to date through the following forums:

- Nov 9, 2018 - Chairs of all Neighbourhood Associations were invited to review the City's proposals to date.
- Dec 4, 2018 – General public invite to the Vancouver Island Convention Centre Open House to review the City's **ongoing revised** proposals to date.

SPNA's input to date included:

- 1) **City should consider the distinct differences in many new types of on-line businesses, which do not have staff, consultant partners, or clients arriving on-site, or physical deliveries in/out of the residence.** They do not impact their neighbourhood and as such should not be required to adhere to parking requirements beyond that of a regular residence. *(City of Nanaimo appears to have incorporated this Nov. 9, 2018 suggestion into its Dec 4, 2018 presentation.)*
- 2) **City should provide curbed sidewalks, at a minimum along major arterials, where proposed parking requirements on-site may still rely on overflow on-street parking.** Relying on overflow on-street parking dangerously impacts pedestrians where there are no curbed sidewalks. The most dangerous example provided was Hammond Bay Rd. (HB Rd.), a major arterial, of which only 180m of its 3,400m of shoulder has a curbed sidewalk. The remaining 3,220m has only, at best, a white paint line ***(which only demarks the vehicle lane – it does not demark a designated pedestrian zone – and as such, can be used legally as parking)***. In this example, any reliance on on-street parking will completely impede the disabled, and likely force pedestrians into dangerous and high-speed vehicle lanes.
- 3) **City should review the proposed 8 vehicle trips per day allowed for 'Type 2' businesses.** Others in the Nov 9, 2018 meeting offered multiple examples (photographer/ hairdresser with no staff), where this number would be impractical and

insufficient. Fifteen vehicles trips per day was proposed by others. *(City of Nanaimo has not incorporated this suggestion as of the Dec 4, 2018 presentation.)*

- 4) **City should require a means of turn-around on-site, similar to what appears to be required for commercial zoned businesses, along arterial roads** (HB Rd.). Allowing business traffic to back onto HB Rd. is dangerous, and exacerbates the already compromised flow of traffic along HB Rd.
- 5) **City should better enforce existing rules governing signage.** This includes the allocation of one sign only, of a particular size and placement, as outlined in the existing bylaws governing signs. No allowance should be made for additional sandwich boards, directional signage to the business from blocks away, special promotional signage or decoration, or the long-term parking of commercial vehicles advertising the business.
- 6) **City should not incorporate the proposal by others that all businesses must have a sign.** SPNA agrees it is beneficial for neighbours to know the nature of adjacent businesses, and supports the requirement if there are staff, consultant partners, or clients arriving on-site, or physical deliveries in/out of the residence. Those businesses which do not, do not place an impact on neighbour and should not be required to have a sign as it may compromise security sensitive work, and mistakenly appear to solicit customers.

Thank you to all residents who have provided input or participated in the Open House.



Attention: City of Nanaimo

Re: Home Based Business

I attended your HBB open house (December 4<sup>th</sup>) and appreciate the time and work put into the revisions to date. I would like to add that many of the small business owners would like the RTV to be increased in a formulaic way.

Residential neighbor-hoods have changed dramatically over the years. Many people do not work Monday to Friday 9-5 jobs only; weekend work is common as well as shift work. Convenience stores are now of the common place bordering residential areas. Opening our city to more employment opportunities (that would not be possible due to high commercial rental and minimum 3-5 yr lease time) is an invitation for a stronger commerce community.

One of the factors that we should base balanced changes on is "allotted vehicles per lot size". When R3 zoning was captured into RS1 zoning, more restrictions were introduced.

Stating the obvious, property taxes are higher proportionately to size increase based on comparative uses and potentials etc. (Ex. ½ acre pays less than 1 acre, 1 ½ acres pays more than 1 acre, 2 acres pay more than 1 acre). Consider this as a RVT (Return Vehicle Trip) allotment; in the existing HBB regulations, home residents RVT are unlimited and would remain as such.

- A high density lot (450m<sup>2</sup>), has an average of 2 vehicles with minimum 2 vehicle return trips (VRT) per day at any hour and HBB will allow an additional 5 RVT per day;
- In proportion, if a half acre parcel (2,020 m<sup>2</sup>) was subdivided, that street may produce a minimum of 8 RVT per day (not between specific hours); Compared with type the one proposal, that would be + 20 RVT = 28 RVT.
- 1 acre (4046m<sup>2</sup>) = 16 RVT per day; this would be the equivalent (in comparison of type one) of 40 RVT.
- 2 acres = 32 RVT per day.
- 3 acres = 48 RVT per day.

Employee maximums would be based on lot size as well. Consideration should be given that transportation other than private vehicles may be used (ex. Bus, bike, car pool) Type one = one non resident employee. Type two = 2 non resident employees. Type three, broken down by ½ acre increments = 4 employees, 1 acre = 6 employees, 2 acres = 8 employees, 3 acres = 10 employees; and so on up to 12 employees with "all" parking on property. I would like to see type 1, 2, and 3 HBB's being able to use another HBB for parking if they do not meet their maximum allotment.

**Note:**

If these properties ½ acre + were subdivided, the RVT would easily surpass these proposals for HBB and reduce green space immensely. Keeping larger properties in many residents view are essential for the diversity in wild life. Home base business's are the most quiet polite neighbors generally, no loud outside music (etc) as they show examples of neighborhood respect for customers unlike Airbnb's, generally speaking of course.

Listed below are proposal for review and consideration for changes:

#### Type 1

- 5 RVT per day
- 1 non resident employee

#### Type 2

- Size (based on gross floor area) up to 50% of the GFA.
- Up to 12 VRT per day
- 2 non resident employees
- Parking must be located on the property.
- Storage of vehicle etc. (inside)

#### Type 3

- Based on ½ acre increments would be RVT.
- HBB Size up to 50% of the GFA or Size based above the minimum amount of living / non business area must be 100 m sq. and all other area may be dedicated to business.
- ½ acre 13 RVT per the first half acre and 3 per each half acre increment. Ex. ½ acre = 13 RVT; 1 acre = 16 RVT; 1 ½ acre = 19 RVT and so on up to 5 acres. A limit of 27 RVT would be the cap.
- ½ acre = 2 non resident employees; 1 acre = 4 non resident employees; 2 acres = 8 employees; and so on up to 5 acres with a maximum of 12 employees.
- All parking must be located on the property.
- Up to 20 non-resident employees.
- Note, “Mini storage” inside any structure may be unlimited and non restrictive provided normal safety precautions / laws are followed.

The following to be enhanced to accommodate the above recommendations:

6.20.2.1. In a dwelling unit, the home based business shall not occupy more than 100m<sup>2</sup> of the dwelling unit, or 50% of the dwelling unit, whichever is less. 6.20.2.2. Where the home based business is located in an accessory building, the home based business shall not occupy more than 42m<sup>2</sup>. 6.20.2.3 Where a home based business is located within a secondary suite, the home based business shall be wholly contained within the secondary suite and shall not occupy more than 42m<sup>2</sup> or 50% of the secondary suite, whichever is less. 6.20.2.4 Notwithstanding Subsections 6.20.1., where a dwelling contains a secondary suite and both the dwelling unit and the secondary suite each contain a home based business, or portion thereof: a) the home based business for the secondary suite shall not occupy more than 42m<sup>2</sup>, or 50% of the secondary suite, whichever is less; and b) the home based business for the principal dwelling unit shall not occupy more than 60m<sup>2</sup>, or 50% of the dwelling unit, whichever is less.

## Home Based Businesses and Easements in Nanaimo

### History

There are many lots in Nanaimo (i.e.: Rock City, Robin Hood area) with driveways that cross neighbouring lot(s). Access for the driveway has been granted via easement drafted during the subdivision process. These easements pre-date any Home Based Business Bylaw and are silent on the matter of traffic from home based businesses. An arbitration case in Nanaimo has ruled that, unless specifically prohibited, an easement agreement does not restrict traffic from home based businesses in any way. As a result, residential property owners are subject to business traffic crossing their property without their knowledge or approval.

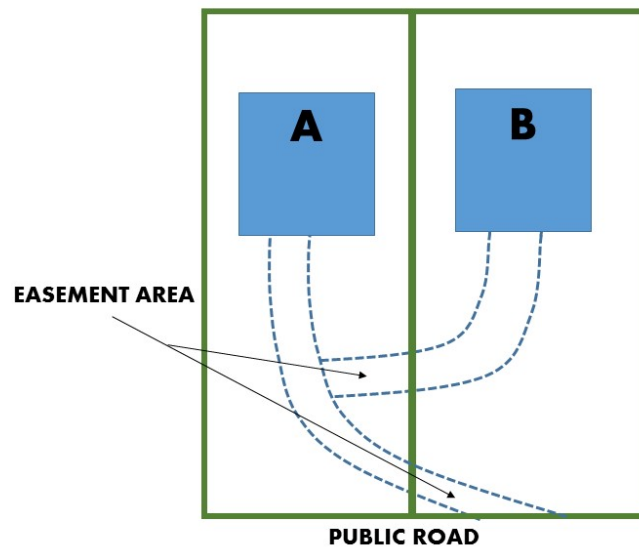
### Concerns

- Depending on the easement agreement, the property owner is responsible for some or all of the driveway maintenance.
- Standard of care for business access is far higher than that for residential access. The addition of business traffic on residential property changes the property owner's risk profile and adds additional maintenance costs.
- This means that the property owner could be sued by a client of a neighbouring business in the event of injury. Rarely do visitors to a residential property attempt to sue the homeowner following an accident on that property. Clients of a business, on the other hand, are more likely to sue and more likely to receive judgement in their favour following an accident.
- The current bylaw does not require the home based business proprietor to consult, obtain approval or notify the property owner that vehicular or pedestrian traffic from a neighbouring home based business will cross their property. Property owners could be unknowingly and unfairly putting themselves at risk.
- A property owner should not incur additional costs or take on additional risk because there is a business being operated out of the residence next door. The City of Nanaimo has a responsibility to protect these property owners.

### Proposal

- In any scenario where traffic accessing a home based business is expected to cross property not owned by the proprietor, the proprietor should be required to obtain approval from the property owner prior to issue of a business licence.
- The above criteria does not apply to a home based business with zero traffic and no employees other than the proprietor (i.e.: mobile, remote or mail-order business).
- If there is an easement agreement in place that specifically names home based business as an acceptable type traffic, then the approval requirement is waived.
- The approval process need not be involved, complicated or expensive.

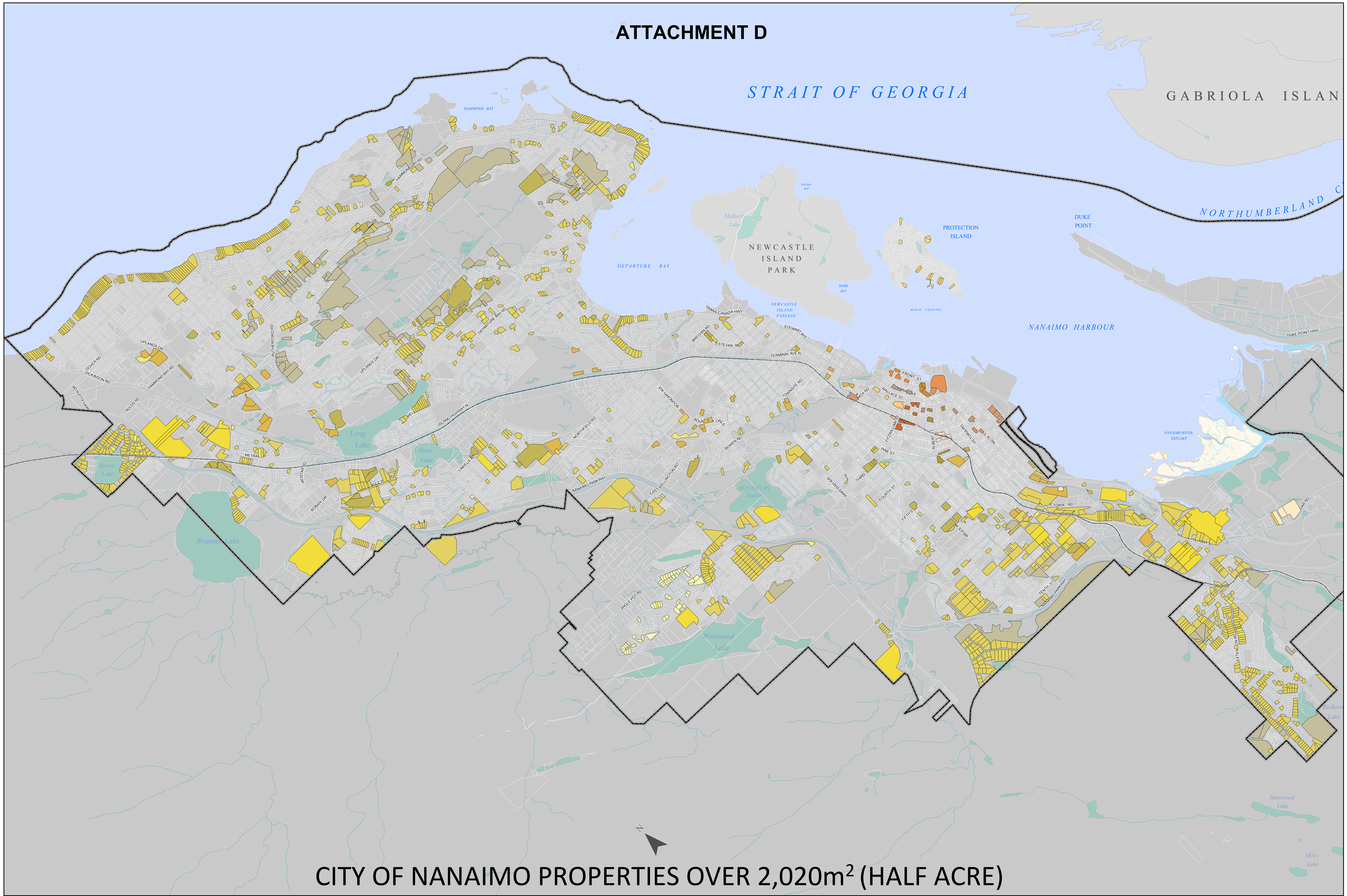
## Example



- "B" decides to open a home based business selling essential oils and brightly patterned leggings. "B" meets all of the criteria with respect to zoning, square footage, maximum vehicle trips per day, and parking availability so a business license is granted.
- However, anyone wishing to patronize the business must cross property owned by "A". Under the current Home Based Business Bylaw, "A" was not required to give consent for this activity. In fact, "A" did not even receive notification that a business license was issued.
- The driveway is steep with several blind spots. It is also frequently subject to black ice in winter. "A" is very concerned about being sued by a client of the home based business.
- Since "A" property is insured for residential use only, "A" decides to notify their insurer of this additional type of traffic. "A" also decides to increase their liability limit on their homeowner's insurance policy and begins paying a higher monthly premium.
- In the winter, "A" becomes more diligent in clearing snow and ice from their driveway. "A" is up early each morning to salt the driveway. Slips, falls, and vehicular accidents pose a significant risk in the winter given the topography of the neighbourhood. "A" has contemplated installing more lighting on the driveway but the household budget is tight.
- "A" soon realizes that they are ostensibly subsidizing "B"s business by way of additional insurance premiums and maintenance costs. While "A" wants a diverse and vibrant community, "A" does not want to shoulder additional costs and responsibilities because "B" elects to run a business from a residential property.



# ATTACHMENT D



CITY OF NANAIMO PROPERTIES OVER 2,020m<sup>2</sup> (HALF ACRE)

**City of Nanaimo**  
Rural and Urban Residential Parcel  
over 0.5 Acre

### Legend

Zone	DT11	DT3	DT6	R1	R14	R1B	R4	R7
	CC1	DT12	DT4	DT7	R10	R15	R2	R5
	DT1	DT2	DT5	DT8	R12	R1A	R3	R6
								R8
								R9

Published: October 12, 2018  
0 0.375 0.75 1.5  
Kilometers  
1:16,000

**CITY OF NANAIMO**  
THE HARBOUR CITY  
gis.support@nanaimo.ca

**DISCLAIMER**  
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DATE OF MEETING February 25, 2019

AUTHORED BY LAINYA ROWETT, MANAGER, CURRENT PLANNING

**SUBJECT REZONING APPLICATION NO. RA397 – 4900 ISLAND HIGHWAY NORTH**

## **OVERVIEW**

### **Purpose of Report**

To present Council with a rezoning application for a site-specific amendment to the Community Corridor (COR3) Zone to permit automobile sales, service, and rental use within the subject property at 4900 Island Highway North.

### **Recommendation**

That Council deny the application and the associated readings to “Zoning Amendment Bylaw 2019 No. 4500.131” (To rezone 4900 Island Highway North in order to permit site-specific automobile sales, service, and rental use).

## **BACKGROUND**

A rezoning application (RA397) for 4900 Island Highway North was received from Holland Planning Innovations Inc., on behalf of 1960400 Ontario Ltd. The applicant is requesting an amendment to the Community Corridor (COR3) Zone in order to permit automobile sales, service, and rental as a site-specific use within the subject property.

Prior to and following the purchase of this property, Staff met with the applicant and other consultants to discuss the proposed amendment, policy implications, opportunities to incorporate additional uses within the proposal, and to advise the applicant that Staff could not support the application as presented (see Attachment A - Summary of Application Timeline). After receiving the application on 2018-AUG-08, Staff brought a report to Council on 2018-SEP-17 requesting that Council deny the application and direct Staff not to proceed with the application review. However, Council directed Staff to proceed with the review and referral process, which has now been completed.

### **Subject Property & Site Context**

<i>Location</i>	The subject property is located in the Long Lake neighbourhood on Wills Road, approximately 70m southeast of the Island Highway and Rutherford Road intersection.
<i>Lot Area</i>	8,561m <sup>2</sup>
<i>Current Zone</i>	COR3 - Community Corridor
<i>Proposed Zone</i>	COR3 - Community Corridor with site-specific automobile sales, service and rental as a stand-alone use.
<i>Official Community Plan Designation</i>	Corridor

The subject property was formerly occupied by Long Lake Nurseries Garden Centre. The nursery opened in 1975 and closed in January 2017. The property was subsequently purchased by the current owner and the nursery buildings demolished, leaving the site vacant. Given the longevity of the nursery, this is the first redevelopment opportunity in 44 years on this site.

The property is a corner lot that is separated from the Island Highway by Wills Road, a frontage road that bends sharply around the northwest corner of the property. The property is centrally located within the Long Lake neighbourhood, approximately 65m from the lake, and is surrounded by a mixture of established uses including:

- Retail (Long Lake Plaza, North Nanaimo Town Centre);
- Office (Lake View Centre, Workers Compensation Board);
- Multiple-family housing (Waterdown Quay, Lakeside Villas);
- Hotels (Inn on Long Lake, The Grand Hotel);
- Seniors' housing and care facilities (Nanaimo Memory and Complex Care); and
- Park and trail access to recreational amenities at Long Lake.

## **DISCUSSION**

### **Proposed Development**

The applicant proposes a site-specific amendment to the existing property zoning (COR3 Zone) in order to permit two stand-alone automobile sales dealerships that would include auto repair and detailing shops. The development concept includes three buildings to accommodate Subaru (1,058 m<sup>2</sup>) and Porsche (794 m<sup>2</sup>) dealerships, as well as a parkade structure (1,544m<sup>2</sup>), with a combined floor area of 3,395 m<sup>2</sup>. The existing Subaru dealership located at 2476 Kenworth Road will relocate and expand within the proposed site, and the former Subaru site will be replaced with similar automobile sales/repair uses. The proposed buildings are anticipated to be two storeys in height, with the dealership offices on the second storey. Vehicle parking onsite includes surface parking and a parkade structure that is to be built near the rear of the property.

The applicant has provided the following rationale in support of the proposed automobile sales, service, and rental use in this location:

- The property has good highway visibility;
- Proximity to other automobile sales, service, and rental uses;
- Proposed access will not disturb neighbours;
- Traffic impacts are "small" on nearby residents;
- Customers to dealerships will support existing local businesses; and
- "The city is growing and needs additional dealerships."

The applicant has also identified the following benefits that could result from the proposed development:

- Upgrades to Wills Road (sidewalk extension, bike lane, parking, and boulevard landscaping);
- Upgraded transit stop as part of the community amenity contribution;

- Landscape buffer between the proposed dealerships and adjacent residences (Waterdown Quay);
- Estimated 70 new jobs as well as construction jobs; and
- Value of investment and increased commercial tax revenue for the City.

For clarification, Staff note that frontage works and services to upgrade Wills Road would be required with any redevelopment of the subject property in order to achieve a functional road and pedestrian facilities, including sidewalk and bike lane improvements. The applicant is proposing their community amenity contribution be directed towards additional off-site improvements to complete a section of sidewalk/bike lane along Wills Road and potentially upgrade a transit stop.

See Attachments for more information.

## Policy & Regulatory Context

### *Official Community Plan*

The Official Community Plan (OCP) designation for the subject property is “Corridor.” Development within Corridors shall be characterized by medium- to high-density residential, mixed-use commercial/residential, office uses, and public amenities. In the past, Corridors were focused on expediting vehicle travel through the city; however, Council’s policies, as outlined in the OCP, support a broader approach where the Corridors evolve with new multiple uses and achieve more efficient land use patterns:

- *“Opportunities to increase the mix and intensity of uses along Corridors will be supported through development and redevelopment opportunities.”*
- *“Corridors shall be the future focus of mid to high residential densities that recognize a human scale and pedestrian oriented form of development.”*

Specifically, the Corridor designation sets a residential density target of 50 to 150 units per hectare, in two- to six-storey building forms. For example, on the subject property, this would equate to 42 to 128 residential units.

Stand-alone commercial uses are discouraged within the Corridor designation, and the overall design of Corridors are intended to:

- *“[S]upport the needs of pedestrians, cyclists, and public transit with aesthetic characteristics that contribute to a vibrant economy and street life.”*

Development of the Corridors in accordance with OCP policies will benefit the city as a whole by linking Urban Nodes and Neighbourhoods with “energetic and human scaled connectors”. The OCP intends that each Corridor will build on the unique characteristics of the surrounding neighbourhood and will contain an “individualized mix of uses and services.”



The OCP addresses automobile sales, service, and rental use within the Light Industrial designation:

- *“Rezoning for vehicle sales, repair, and rental uses may be supported on properties designated Light Industrial and located within the Shenton Road and Boban industrial areas.”*

In recognition of the potential land use impacts (e.g. noise, aesthetic, environmental) that are typically associated with automobile sales, service, and rental use, the OCP considers this use to be more appropriately located within industrial areas, leaving Corridor lands to be redeveloped to the highest and best use. While it may be argued that this direction may have impacts on industrial lands, Staff note that not all industrial lands permit this use; only a specified portion of the community intentionally allows an auto mall. Moving forward, consideration needs to be given to how this use, which requires significant land area, can be best accommodated within the city.

The OCP clarifies the community’s vision to see the auto-oriented corridors of the city evolve into more efficient and sustainable forms of development. Supporting the proposed stand-alone auto-oriented use within the subject property would underutilize this Corridor property, contrary to the OCP, and hinder its future development potential.

#### *Transportation Master Plan*

The Nanaimo Transportation Master Plan (NTMP) reinforces the land use and transportation policies in the OCP by designating Urban Nodes and prominent Commercial Centres in the city as Mobility Hubs. The subject property is located within the focal area of the North Nanaimo Mobility Hub (130m from the mall) and adjacent to the Country Club Mobility Hub. It is also located within 400m of four transit routes, which provide connection to other mobility hubs, and within 150m of the E&N Trail, which provides an active transportation link to the Hospital Area and Downtown Mobility Hubs. A soft-surface pedestrian trail also connects Wills Road (via Lakeview Road trail) to the Long Lake Heights strata housing development on the north side of the Lake. The subject property is, therefore, centrally located and well-connected to the existing Long Lake neighbourhood, recreational amenities, and opportunities for alternative modes of transportation, making it well-suited for a variety of uses and higher-density forms of development.

The NTMP encourages future development within the area to focus on improving pedestrian/cyclist mobility and comfort while breaking down barriers formed by major roads in order to increase the amount of walking and cycling within the mobility hubs. The NTMP would therefore support a street-oriented development within the subject property that improves the pedestrian experience within the neighbourhood.

#### *Community Sustainable Action Plan*

Nanaimo’s Community Sustainability Action Plan supports building a more sustainable community by reaching higher density levels in the Urban Nodes and Corridors identified in the OCP. Goal No. 2 of the Action Plan states that increasing density in these areas “will provide the higher levels of servicing and amenities that will help support greater alternate transportation options and lower greenhouse gas (GHG) emissions over the long term.” The Action Plan recommends the City encourage transit-oriented development (ToD) to promote the

development of higher-density, mixed-use developments with pedestrian and cycling facilities along high-frequency transit routes, such as the area where the subject property is located.

### *Nanaimo Affordable Housing Strategy*

Council adopted the Nanaimo Affordable Housing Strategy in 2018. The Strategy identifies priorities for the City to address non-market and market housing affordability needs across the housing continuum. The Strategy promotes affordable housing through innovations (e.g. density bonus provisions) and partnership agreements between developers and other housing providers. The Strategy reinforces OCP policies to diversify housing options in all neighbourhoods, and to support housing within mixed-use corridor developments in proximity to transit and amenities. With a currently low vacancy rate of 2.4%, and a rapidly growing population, the demand for housing is strong and is reflected in increasing rental rates, according to CMHC. Therefore, the City needs to maximize opportunities to develop sites designated for mixed use to their highest and best use consistent with the OCP and Housing Strategy.

### *Zoning Bylaw – Corridor Land Uses*

The Community Corridor (COR3) Zone was established with the adoption of “Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to recognize *existing* stand-alone commercial uses and to incentivize mixed-use developments within Corridor-designated properties. The COR3 Zone is intended to provide a range of uses to meet the day-to-day needs of the surrounding community, such as multiple-family dwellings, neighbourhood pub, restaurant, personal care facility, office, retail, live/work, seniors’ housing, veterinary clinic, etc. Automobile sales, service, and rental use is not a “permitted use” in the Corridor zones, but is recognized in Section 9.2.3 of the Zoning Bylaw as being “permitted on a site-specific basis” for a number of *existing* properties in the city. The properties were zoned as such when the Zoning Bylaw was introduced in order to recognize existing uses that would have otherwise become non-conforming when the Bylaw was adopted. Rezoning to allow *new* automobile sales, service and rental sites are supported by OCP policy, but only in the Shenton Road and Boban industrial areas, as discussed previously in this Staff report.

The proposed stand-alone automobile sales, service, and rental use does not comply with the intent of the OCP or zoning, as the subject property is not located within the specified industrial areas and the zoning does not allow the use within the subject property.

### *Site-Specific Zoning*

The applicant has referenced in their rationale another site-specific example of automobile sales, service, and rental use in the Corridor Zone, which was approved by Council in 2017. This application involved an OCP amendment and rezoning to allow a mixed-use development on the former Madill industrial lands located at 2560 Bowen Road. The Madill rezoning differs substantially from the proposed amendment at 4900 Island Highway North and should not be considered as a precedent for allowing this auto-oriented use in the Corridor Zone:

- Madill was a ‘brownfield’ (industrial) redevelopment surrounded by existing industrial uses and car dealerships:

- The OCP amendment from Light Industrial to Corridor was supported because the re-designation aligned with adjacent Corridor lands and complied with the general intent of the OCP to allow for mixed-use development in urban areas close to amenities;
- The Madill comprehensive development included a mix of uses (retail, office, seniors' congregate care) with only a portion of the site (35%) allocated to automobile sales, service, and rental use;
- The rezoning accommodated the expansion of an *existing* car dealership (Laird Wheaton GM) from an adjacent property, as well as new dealerships within the established auto precinct area; and
- Madill's land uses were restricted due to limited capacity in the existing road network, so the automobile sales use helped reduce the traffic demand until network upgrades would permit further intensification of uses as permitted in the Corridor Zone.

It is further noted that the Madill development created three new lots (1.8 ha in total) that permit automobile sales, service, and rental use within an existing auto precinct area and, therefore, increased the amount of land dedicated to automobile sales, service and rental within the city.

#### *Land Use Compatibility*

Historically, the subject property functioned as a highway commercial site, but, as previously noted, the OCP policy and zoning have evolved to encourage new forms of development. The neighbourhood fabric has also evolved with the introduction of Mostar Road connecting to the Nanaimo Parkway and the intensification of land uses near the site, making the Long Lake neighbourhood an emerging gateway community. More than 600 residential units exist, or are proposed, within the immediate vicinity of the subject property, as summarized in the following table:

<b>Existing Development (Constructed)</b>	
4949 Wills Road and 4969 Wills Road	92 condominium units (combined total)
4989 Wills Road	79-unit personal care facility (Nanaimo Memory & Complex Care)
4960 Songbird Place	63-unit apartment building
<b>Proposed Development (Active Applications)</b>	
4979 Wills Road	160 senior's housing units
4961 Songbird Place	80-unit apartment building
4800 Cedar Ridge Place	172-unit multi-family development
<b>Total Residential Units</b>	<b>646 units</b>

Due to its proximity to recreational amenities at Long Lake, residential development, shopping and local services, employment centres, and transit, the subject property is strategically located for a more intensive infill development that would contribute positively to the character, density, and human scale of the neighbourhood. Automobile dealerships are by their very nature not pedestrian-oriented development types and typically detract from the pedestrian experience.

Staff, therefore, have serious concerns about the impacts of the proposed automobile sales, service, and rental use in the heart of the Long Lake neighbourhood:

- The proposed amendment would set a precedent for encouraging more automobile sales, service, and rental uses outside of the established auto precinct areas;
- The proposed development will detract from the human scale of the Corridor and the neighbourhood character and development pattern established in the Long Lake neighbourhood;
- The proposed use will hinder the ability to achieve the community's vision for a walkable, human-scale development and diversity of housing options near existing services, employment, transit, and recreational amenities at Long Lake;
- The proposed use would introduce potential land use conflicts with adjacent residential uses (e.g. truck movements near seniors' housing; aesthetic impacts; noise from auto repair services); and
- The proposed stand-alone car dealerships would preclude a more efficient mix of uses, with residential units or local services that better support and complement existing businesses, job opportunities, and residential uses.

#### *Suitability of the Site*

One of the concerns raised by the applicant is the suitability of the site for residential development. The applicant's rationale states that the site is "too close to a busy highway for healthy living and sleeping", given the potential noise from traffic. Staff note a number of residential and mixed-use developments have been constructed, or are currently under construction, adjacent to the Island Highway and other major roads, including but not limited to:

- 775 Terminal Avenue ("Crest") – a 121-unit rental apartment building;
- 5160, 5180, 5190, 5200, 5220, 5240 and 5260 Dublin Way ("Pacific Station") – a mixed-use development that includes commercial units and townhouses along Metral Drive and a rental apartment building located adjacent to the Island Highway, approximately 400m from the subject property;
- 6540 Metral Drive – a mixed-use development containing commercial units and condominiums located across Metral Drive from Home Depot;
- 6975 Island Highway North – three rental apartment buildings with a total of 146 units; and
- various townhouse and apartment form housing on Highland Boulevard, adjacent to a highway speed limit of 70km per hour.

The proposed automobile sales development is in sharp contrast with the contemporary forms of new corridor developments emerging, as envisioned by the OCP, in urban nodes, commercial centres, and mobility hubs. Given the size (8,562m<sup>2</sup>) and dimensions of the subject property, there is sufficient site area to achieve a mixed\*use development with comparable setbacks to existing development along the Island Highway corridor.

#### *Economic Impact*

The value of the automobile sales/service industry in Nanaimo is well-recognized. It is also important for Council to consider the economic benefits of other growing sectors in the city and within the Long Lake neighbourhood. For example, the proposed seniors' congregate housing development at 4979 Wills Road (companion building to the Nanaimo Complex Memory Care

facility) is estimated to be a \$50 million investment in the city and would create approximately 50 new jobs related to seniors' care, in addition to providing new housing options. Staff anticipate bringing this development permit application to Council for consideration in the near future.

In addition to considering housing within the subject property, to address a growing demand and very low vacancy rate (2.4%), redevelopment of this site could offer addition office/retail space, which is in growing demand (office vacancy rate has declined from 10% to 6-7% according to Colliers International).

### **Community Input**

The proposed rezoning application was referred to the Wellington Action Committee (Neighbourhood Association) who provided the following comments (see Attachment G):

- Given the property's strategic location near shopping, transit, schools, lakes and employers, the Association supports higher-density mixed commercial and family housing consistent with the OCP; and
- The Association *"would not be supportive of any rezoning which regresses from the OCP plan."*

### **Community Planning and Development Committee**

On 2018-OCT-16, the Community Planning and Development Committee recommended that Council approve Rezoning Application No. RA397.

### **Conditions of Rezoning**

Should Council wish to proceed with this application, Staff recommend the following conditions be secured prior to final adoption of "Zoning Amendment Bylaw 2019 No. 4500.131":

1. *Community Contribution*

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. The applicant proposes a monetary contribution of \$115,430 at a rate of \$34/m<sup>2</sup> of commercial space to be directed towards active transportation and pedestrian improvements, which are beyond the required frontage works and services.

2. *Road Dedication & Statutory Right-of-Way*

Approximately 1.6m of road dedication is required along the north property line and corner rounding, as well as a statutory right-of-way to protect the sidewalks as proposed along the west property frontage.

3. *Utility Rights-of-Way*

Update existing rights-of-way on the property title to reflect current servicing (water, sanitary, and storm sewer) within the property.

## OPTIONS

1. That Council deny the application and the associated readings to “Zoning Amendment Bylaw 2019 No. 4500.131” (To rezone 4900 Island Highway North in order to permit site-specific automobile sales, service and rental use).
  - **Policy Implication:** Denying the proposed use in this location would reinforce the strategic goals and objectives of the City’s major policy documents, including the OCP, the Transportation Master Plan, Community Sustainable Action Plan, and the Affordable Housing Strategy.
  - **Engagement Implication:** Affirms support for the input received from the broader community when developing these City policy documents.
  - **Strategic Priorities Implication:** Supports the Strategic Values of Environmental Responsibility and Economic Development, recognizing that the proposed low-density land use does not reflect the highest and best use of this key property in the Long Lake neighbourhood.
2. That Council grant first and second reading to “Zoning Amendment Bylaw 2019 No. 4500.131” (To rezone 4900 Island Highway North in order to permit site-specific automobile sales, service and rental use); and direct Staff to secure the community contribution, road dedication, and rights-of-way prior to the adoption of the bylaw, should Council support the bylaw at third reading.
  - **Policy Implication:** Not supported by any of the City’s policies and plans governing land use, transportation, and housing.
  - **Strategic Priorities Implication:** Does not align with the City’s Strategic Values and vision to “shape Nanaimo’s future as a progressive urban and cultural community”.
  - **Add Other Implications:** By permitting the development of this property as a stand-alone car dealership, the City would lose the opportunity to add a higher-density use that would be more appropriate for this particular location in the Long Lake neighbourhood. If approved, it is anticipated this would encourage other similar uses along the Island Highway corridor, contrary to OCP policy direction to cluster these uses in designated areas. |



### **SUMMARY POINTS**

- The City has received a rezoning application for a site-specific amendment to the COR3 Zone to permit two automobile dealerships within the subject property.
- The OCP and other Council policies governing land use, transportation and housing, do not support rezoning in this location for automobile sales, service, and rental use.
- The subject property is designated Corridor, which permits medium- to high-density residential and mixed-use developments with public amenities.
- The property is centrally located and well-suited to promote transit service and alternative modes of transportation.
- The proposed stand-alone auto-oriented use is not the highest and best use of the site and would detract from the residential character of the Long Lake neighbourhood.
- Staff advised the applicant that the proposed use is not appropriate in this location, but could be supported in other areas per OCP policy.
- If approved, the proposed amendment would set a precedent for more auto-oriented uses along the Island Highway corridor contrary to the OCP.
- Staff recommend that Council not support the application and deny the associated readings of “Zoning Amendment Bylaw 2019 No. 4500.131”.

### **ATTACHMENTS**

ATTACHMENT A: Application Timeline Summary  
ATTACHMENT B: Location Plan  
ATTACHMENT C: Conceptual Site Plan and Project Data  
ATTACHMENT D: Conceptual Building Elevations  
ATTACHMENT E: Streetscape / Shadow Study  
ATTACHMENT F: Neighbourhood Association Letter  
ATTACHMENT G: Aerial Photo  
“Zoning Amendment Bylaw 2019 No. 4500.131”

#### **Submitted by:**

L. Rowett  
Manager, Current Planning

#### **Concurrence by:**

D. Lindsay  
Director, Community Development

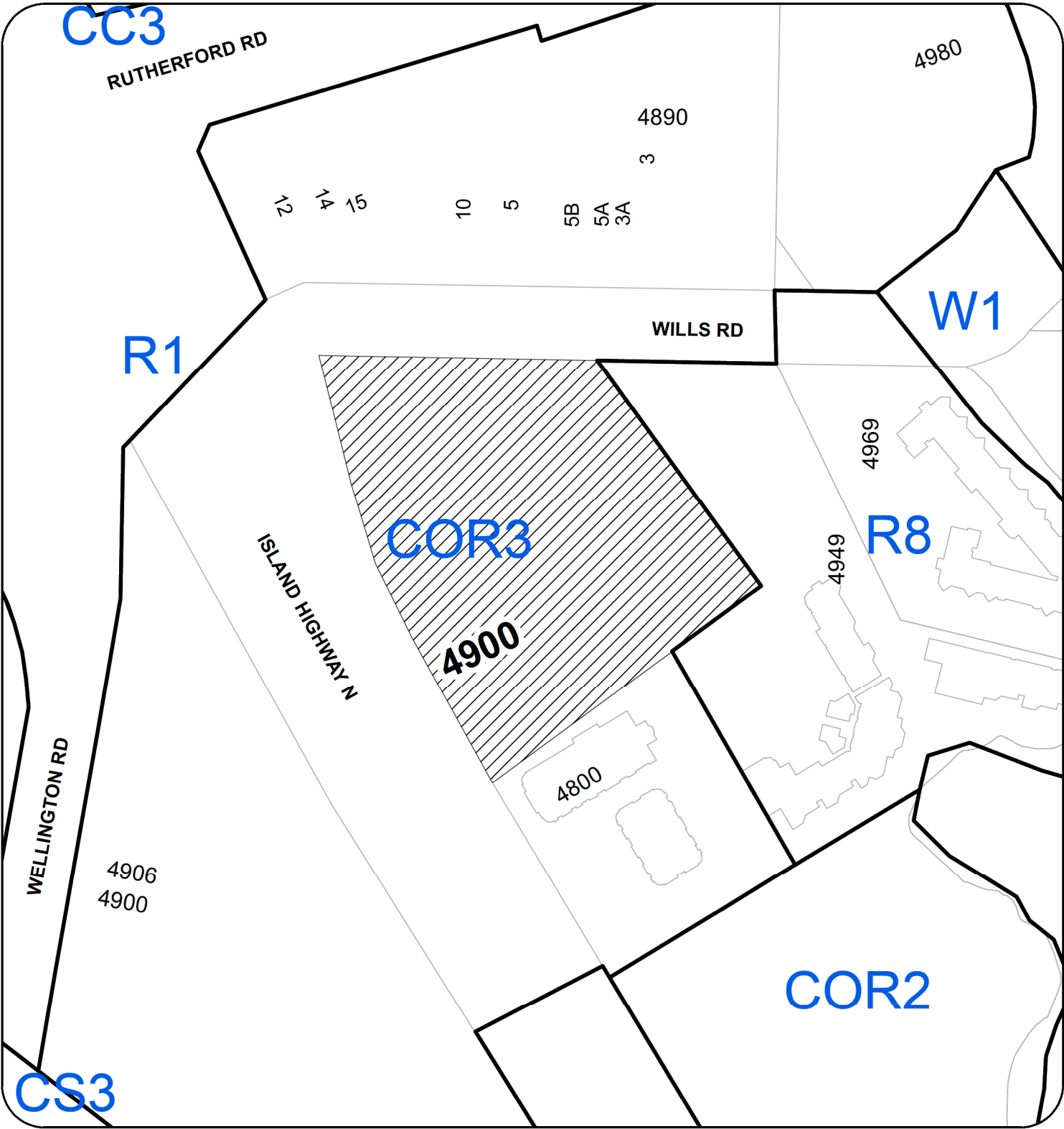
## ATTACHMENT A APPLICATION TIMELINE SUMMARY

### Summary of Application Timeline

February 2017	<ul style="list-style-type: none"> <li>Consultant inquired about process to rezone to allow auto sales use and advised staff that the client was aware staff did not support the rezoning but the client wanted to proceed without staff support.</li> </ul>
March 2017	<ul style="list-style-type: none"> <li>Staff learned the property was purchased with the intent to rezone for a car dealership contrary to staff's advice.</li> <li>Staff met with consultants to discuss rezoning application process and reiterated objections to rezoning.</li> <li>Applicant engaged consultant to undertake traffic impact study.</li> </ul>
June - July 2018	<ul style="list-style-type: none"> <li>Staff met with multiple consultants to discuss rezoning process and reiterate staff's concerns and position.</li> <li>Preliminary engineering and traffic analysis initiated by applicant.</li> <li>Staff provided preliminary comments on site accesses.</li> </ul>
August 2018	<ul style="list-style-type: none"> <li><b>Rezoning application submitted 2018-AUG-08.</b></li> <li>Applicant advised that staff would send a report to Council recommending denial without further review.</li> </ul>
September 2018	<ul style="list-style-type: none"> <li>Report to Council 2018-SEP-17. Council directed staff to proceed with application review.</li> </ul>
October 2018	<ul style="list-style-type: none"> <li>Report to Community Planning and Development Committee 2018-OCT-16.</li> </ul>
December 2018	<ul style="list-style-type: none"> <li>Applicant hosted public open house 2018-DEC-11.</li> <li>Comprehensive letter sent to applicant 2018-DEC-17 summarizing staff's review and position.</li> </ul>
January 2019	<ul style="list-style-type: none"> <li>Applicant responded to comprehensive letter requesting to proceed for 1<sup>st</sup> and 2<sup>nd</sup> reading without any changes to the proposal.</li> </ul>
February 2019	<ul style="list-style-type: none"> <li>Council consideration of bylaw amendment.</li> </ul>

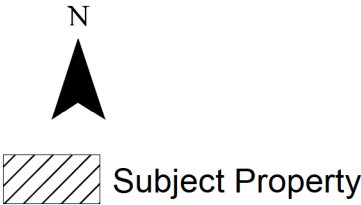


ATTACHMENT B  
LOCATION PLAN



REZONING APPLICATION NO. RA000397  
**LOCATION PLAN**

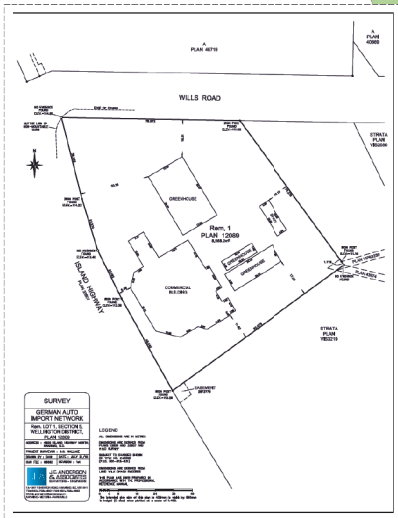
4900 ISLAND HIGHWAY N  
LOT 1, SECTION 5, WELLINGTON DISTRICT  
PLAN 12809 EXCEPT PART IN PLAN 33807



# ATTACHMENT C CONCEPTUAL SITE PLAN and PROJECT DATA



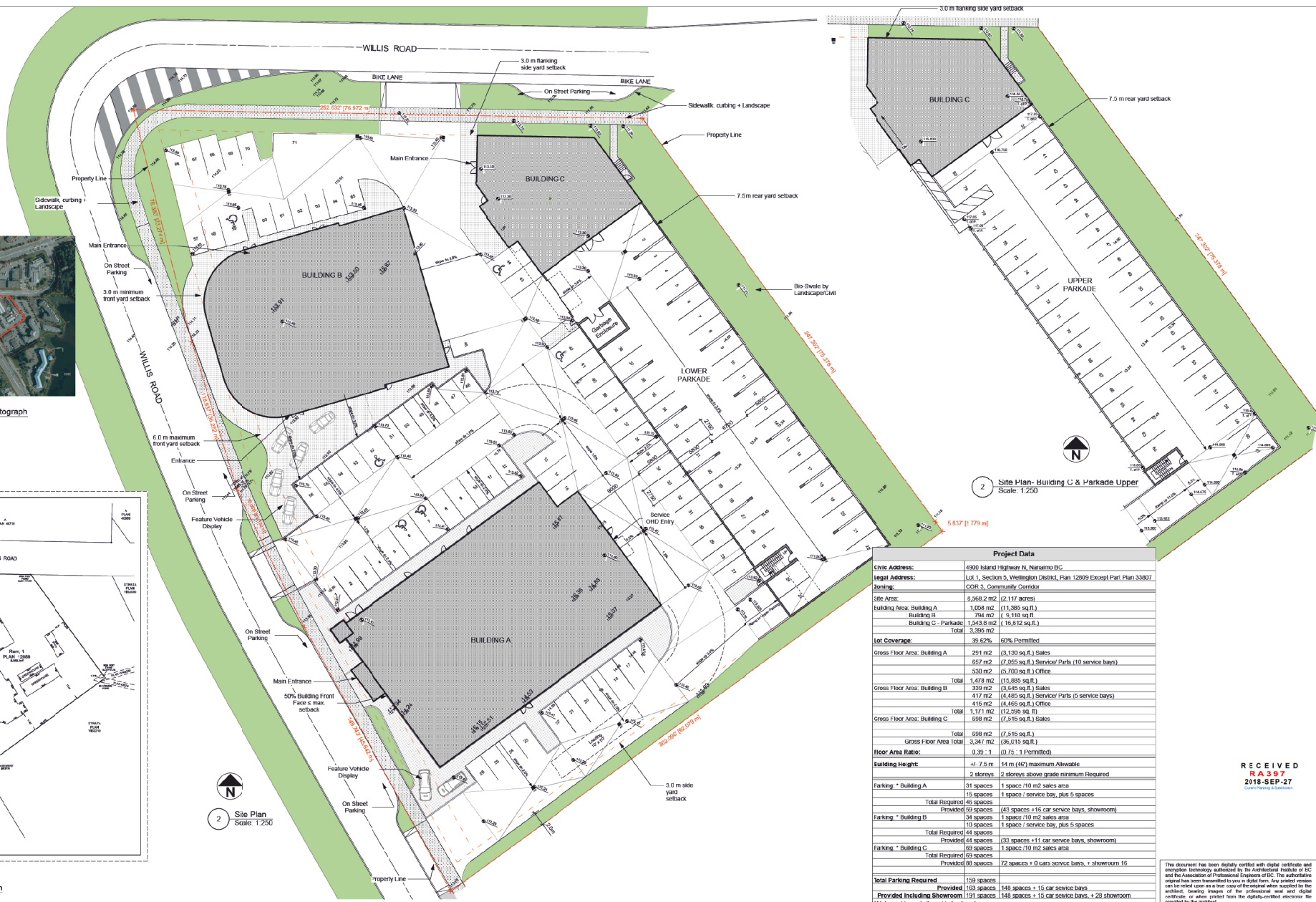
4 Context Aerial Photograph  
Scale: N.T.S.



2 Survey Plan  
Scale: N.T.S.



4900 Island Highway



2 Site Plan - Building C & Parkade Upper  
Scale: 1:250

Project Data	
Civic Address:	4900 Island Highway N, Nanaimo BC
Legal Address:	Lot 1, Section 5, Westinghouse District, Plan 12909 Except Part Plan 33007
Zoning:	CDR 3, Community Corridor
Site Area:	8,968.2 m <sup>2</sup> (2.117 acres)
Building Area: Building A	1,058 m <sup>2</sup> (11,365 sq ft)
Building B	794 m <sup>2</sup> (8,518 sq ft)
Building C - Parkade	1,543.8 m <sup>2</sup> (16,612 sq ft)
Total	3,396 m <sup>2</sup>
Lot Coverage:	35.62% 50% Permitted
Gross Floor Area: Building A	251 m <sup>2</sup> (2,705 sq ft) Sales
	897 m <sup>2</sup> (9,665 sq ft) Service Parts (10 service bays)
	530 m <sup>2</sup> (5,700 sq ft) Office
Total	1,478 m <sup>2</sup> (15,885 sq ft)
Gross Floor Area: Building B	339 m <sup>2</sup> (3,645 sq ft) Sales
	417 m <sup>2</sup> (4,465 sq ft) Service Parts (10 service bays)
	415 m <sup>2</sup> (4,465 sq ft) Office
Total	1,171 m <sup>2</sup> (12,595 sq ft)
Gross Floor Area: Building C	698 m <sup>2</sup> (7,515 sq ft) Sales
Total	698 m <sup>2</sup> (7,515 sq ft)
Gross Floor Area Total	3,347 m <sup>2</sup> (36,015 sq ft)
Floor Area Ratio:	0.38 : 1 (0.75 : 1 Permitted)
Building Height:	± 7.5 m 14 m (46') maximum Allowable
	2 storeys 2 storeys above grade minimum Required
Parking - Building A	31 spaces 1 space / 10 m <sup>2</sup> sales area
	15 spaces 1 space / service bay, plus 5 spaces
Total Required	46 spaces
Provided	59 spaces (43 spaces + 16 car service bays, showroom)
Parking - Building B	34 spaces 1 space / 10 m <sup>2</sup> sales area
	10 spaces 1 space / service bay, plus 5 spaces
Total Required	44 spaces
Provided	44 spaces (33 spaces + 11 car service bays, showroom)
Parking - Building C	69 spaces 1 space / 10 m <sup>2</sup> sales area
Total Required	69 spaces
Provided	85 spaces (72 spaces + 0 cars service bays, + 23 showroom)
Total Parking Required	159 spaces
Provided	193 spaces 148 spaces + 15 car service bays
Provided Including Showroom	191 spaces 148 spaces + 15 car service bays, + 23 showroom
*Note: parking not allowed in front yard	

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2018-SEP-27  
City of Nanaimo

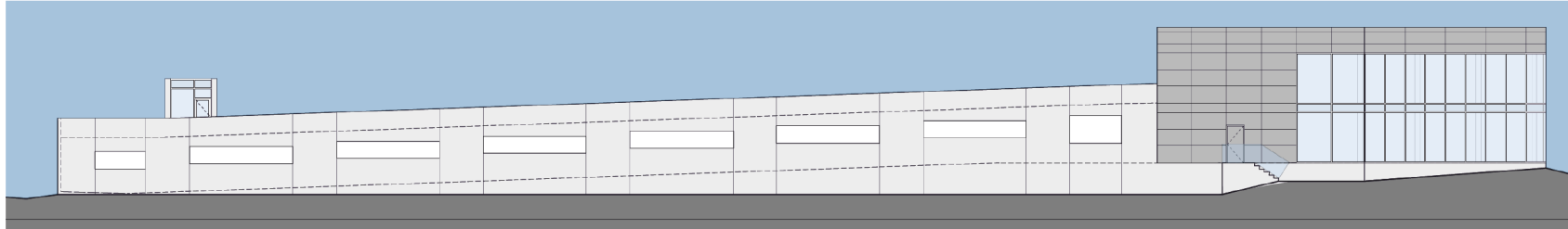
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Project No. 1604  
21 Sept. 2018  
JAMES E. IRWIN ARCHITECT INC.  
NANAIMO, B.C. TEL: 250.755.1000

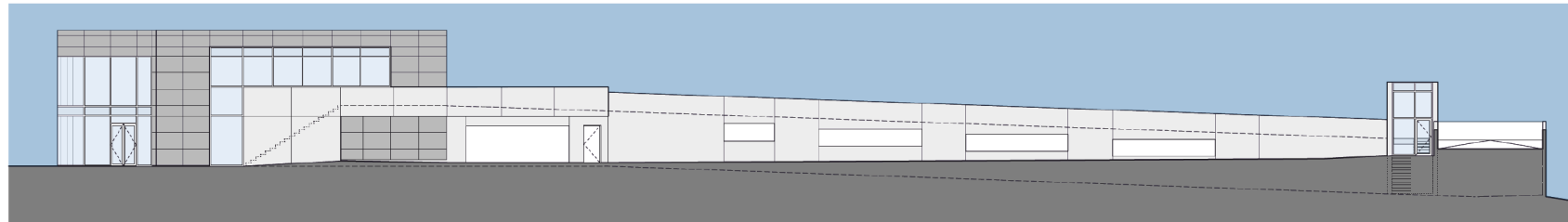
Site Plan A1

## ATTACHMENT D

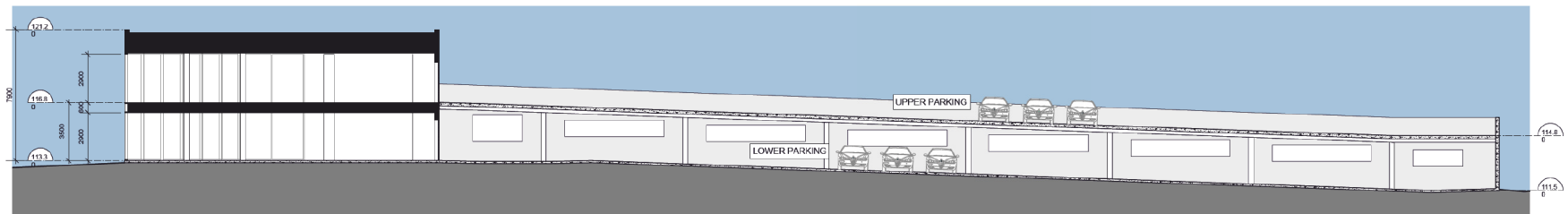
### CONCEPTUAL BUILDING ELEVATIONS



1 Parkade / Building C East Elevation  
scale: n.t.s.



2 Building C / Parkade West Elevation  
scale: n.t.s.



3 North - South Building Section  
scale: n.t.s.

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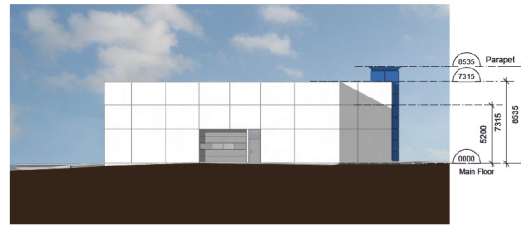


# ATTACHMENT E STREETSCAPE / SHADOW STUDY

1 of 2



4 East Elevation - Building B  
scale: N.T.S.



8 East Elevation - Building A  
scale: N.T.S.



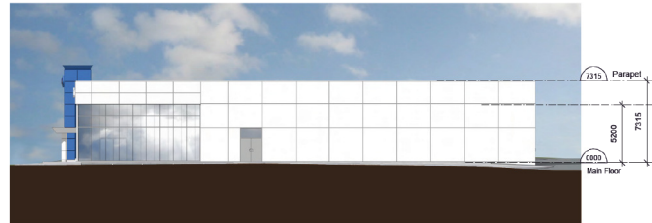
3 North Elevation - Building B  
scale: N.T.S.



7 North Elevation - Building A  
scale: N.T.S.



2 South Elevation - Building B  
scale: N.T.S.



6 South Elevation - Building A  
scale: N.T.S.



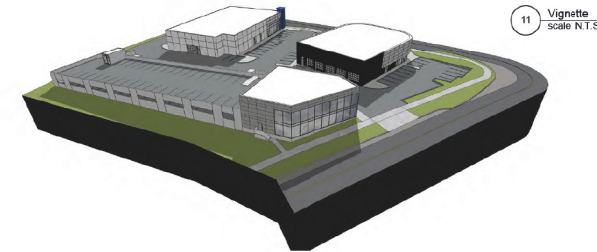
1 West Elevation - Building B  
scale: N.T.S.



5 West Elevation - Building A  
scale: N.T.S.



12 Vignette  
scale: N.T.S.



11 Vignette  
scale: N.T.S.



10 Vignette  
scale: N.T.S.



9 Vignette  
scale: N.T.S.

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City of Vancouver

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4900 Island Highway

Elevations - Vignettes A3

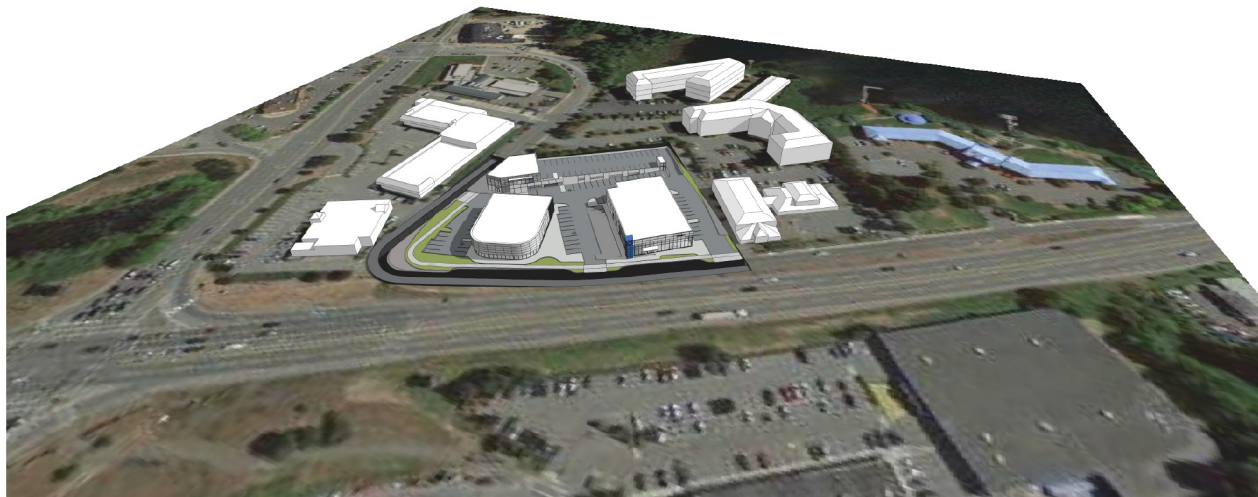
Project No. 1604  
21 Sept 2016  
James E. Irwin ARCHITECT INC.  
Volume 3 of 10: elevations



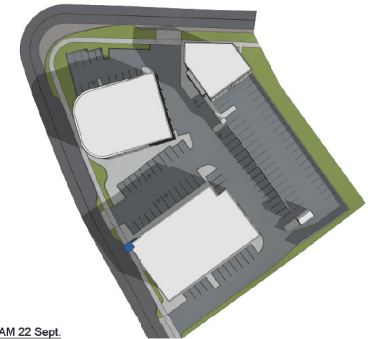
3 Street Scape Wills Road West  
scale: n.t.s.



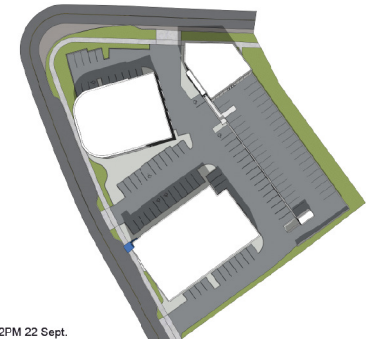
2 Street Scape Wills Road North  
scale: n.t.s.



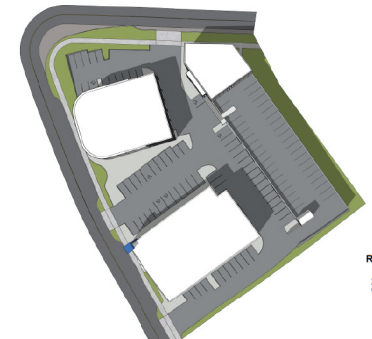
1 Site Context Massing Study  
scale: n.t.s.



4 Shadow Study 9AM 22 Sept.  
scale: n.t.s.



5 Shadow Study 12PM 22 Sept.  
scale: n.t.s.



6 Shadow Study 3PM 22 Sept.  
scale: n.t.s.

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C:\Users\jirwin\Documents

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4900 Island Highway

StreetScape - Context A4

Project No. 1604  
21 Sept 2018  
James E. Irwin ARCHITECT INC.  
Volume 002 of 002 (pages 10-100)

Wellington Action Committee  
3922 Corunna Ave  
Nanaimo BC

**ATTACHMENT F**  
**NEIGHBOURHOOD ASSOCIATION LETTER**

February 13, 2019

City of Nanaimo  
Planning Department  
Nanaimo BC

**RE: 4900 Island Highway North (RA397)**

I would like to thank the City of Nanaimo for its ongoing inclusion of Neighbourhood Associations in planning processes.

Regarding the property located at 4900 Island Highway North (RA397), the Wellington Community Association continues to support the OCP vision for this property.

Given the property's strategic location near shopping, bussing, schools, lakes and employers, the Community Association would support variances to the OCP vision which involved higher density mixed commercial and family housing, as long as the increased density is consistent with the OCP as publicly consulted and agreed upon.

The community association would not be supportive of any rezoning which regresses from the OCP plan.

Respectfully,

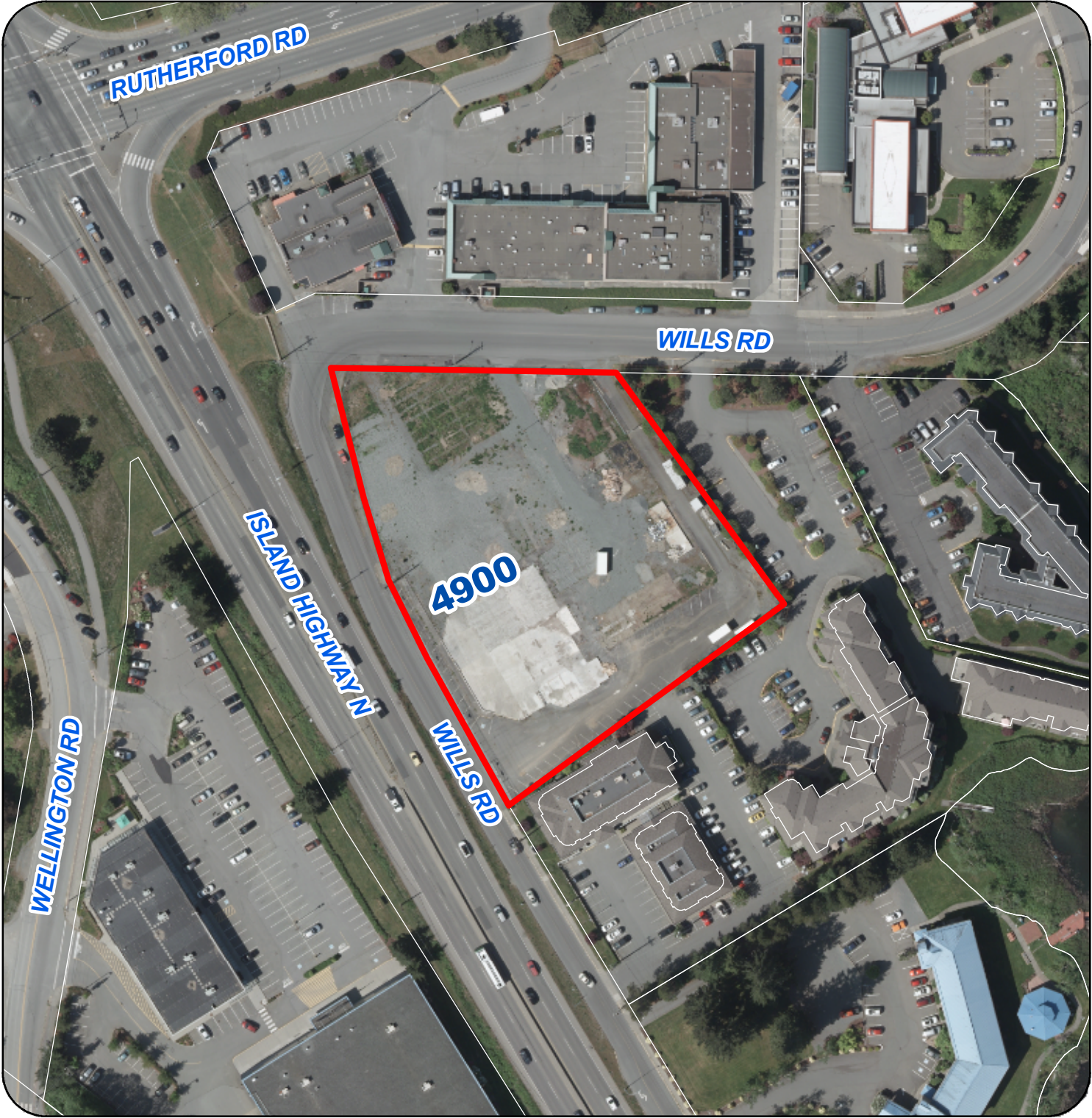


David Murchie

Wellington Action Committee - President



ATTACHMENT G  
AERIAL PHOTO



REZONING APPLICATION NO. RA000397

CITY OF NANAIMO

BYLAW NO. 4500.131

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*;

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

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2019 NO. 4500.131".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:
  - (1) By rezoning the lands legally described as LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 12809 EXCEPT IN PART PLAN 33807 (4900 Island Highway North) from Community Corridor (COR3) to Community Corridor (COR3) with a site-specific use permitting Automobile Sales, Service and Rental, as shown on Schedule A.
  - (2) By amending subsection 9.2.3 to add the following site-specific use:

Automobile Sales, Service and Rental	4900 Island Highway North	LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 12809 EXCEPT IN PART PLAN 33807
--------------------------------------	---------------------------	---

PASSED FIRST READING: \_\_\_\_\_

PASSED SECOND READING: \_\_\_\_\_

PUBLIC HEARING HELD: \_\_\_\_\_

PASSED THIRD READING: \_\_\_\_\_

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: \_\_\_\_\_

COVENANT REGISTERED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

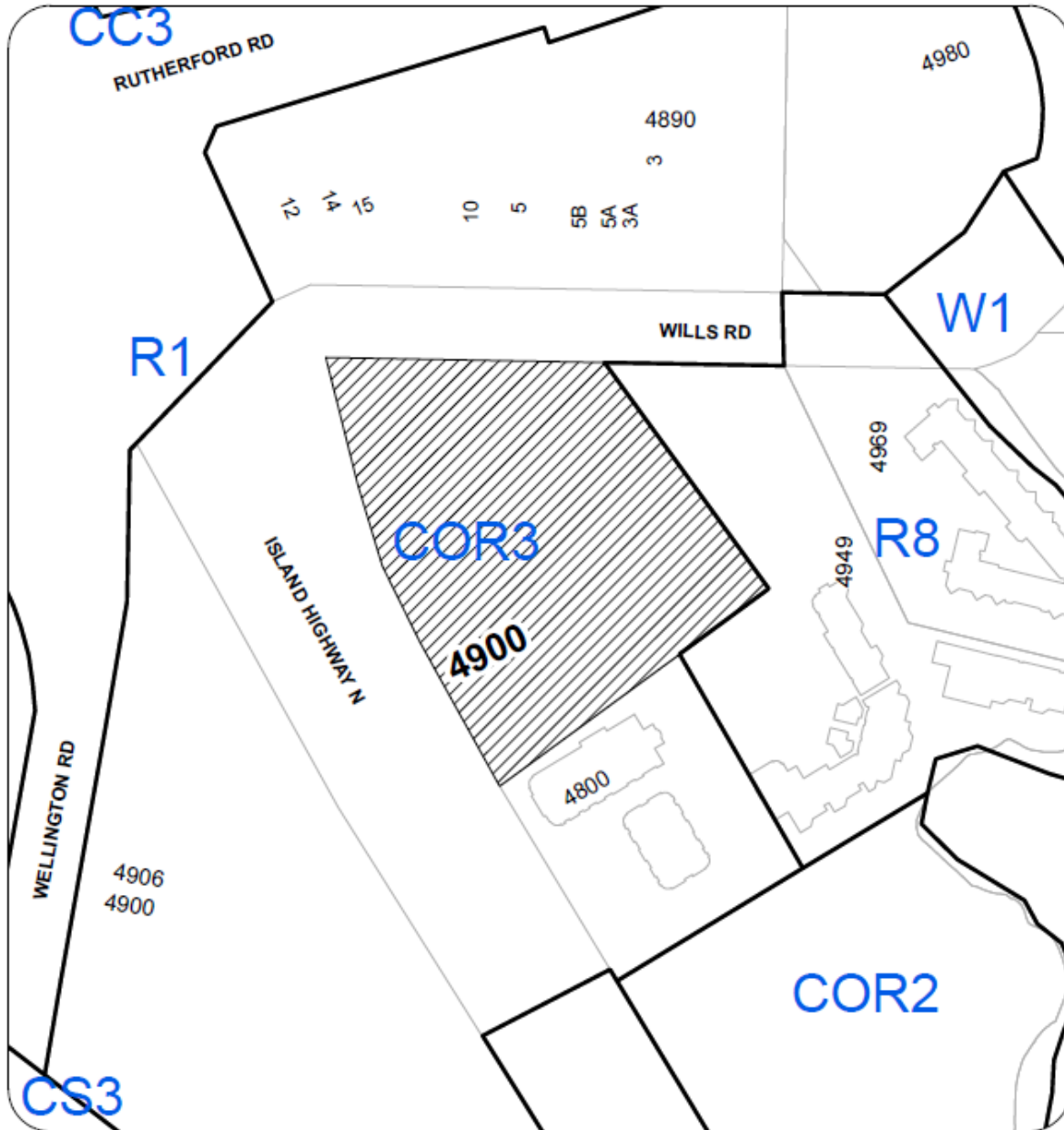
\_\_\_\_\_  
CORPORATE OFFICER

File: RA000397  
Address: 4900 Island Highway North



## SCHEDULE A

### LOCATION PLAN



**REZONING APPLICATION NO. RA000397**

### LOCATION PLAN

4900 ISLAND HIGHWAY N  
LOT 1, SECTION 5, WELLINGTON DISTRICT  
PLAN 12809 EXCEPT PART IN PLAN 33807



### Delegation Request

Mark Holland has requested an appearance before Council.

The requested date is February 25, 2019.

The requested meeting is:  
Council

Presenter's Information:

City: Nanaimo  
Province: BC  
Bringing a presentation: Yes

Details of Presentation:

Presenting on behalf of landowner and as the assigned agent for 4900 Island Highway Rezoning Application.

DATE OF MEETING February 25, 2019

AUTHORED BY DAVE STEWART, PLANNER, CURRENT PLANNING

**SUBJECT DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP374 – 60 BRYDEN STREET**

## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration, a development variance permit application to vary lot coverage, setbacks, and parking requirements in order to replace a single residential dwelling with a new single residential dwelling on an existing undersized lot at 60 Bryden Street.

### **Recommendation**

That Council issue Development Variance Permit No. DVP374 for 60 Bryden Street with the following variances:

- reduce the minimum front yard setback from 4.5m to 1.8m;
- reduce the minimum side yard setback (west side) from 1.5m to 0.91m;
- reduce the minimum rear yard setback from 7.5m to 6m;
- increase the maximum allowable lot coverage from 40% to 44%; and
- reduce the minimum of number of required off-street parking spaces from 2 to 0.

## **BACKGROUND**

A development variance permit application, DVP374, was received from Peter and Sandra King to vary the provisions of City of Nanaimo "Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") and "Off-Street Parking and Regulations Bylaw 2018 No. 7266" (the "Parking Bylaw") in order to construct a new single residential dwelling on the subject property.

### **Subject Property**

<i>Zoning</i>	R8 – Medium Density Residential
<i>Location</i>	The subject property is located mid-block on the north side of Bryden Street, between Stewart Avenue and Newcastle Avenue.
<i>Total Area</i>	183m <sup>2</sup>
<i>Official Community Plan</i>	Map 1 – Future Land Use Designation – Corridor; Map 3 – Development Permit Area No. 9 – Commercial, Industrial, Institutional, Multiple Family and Mixed-Use Commercial/Residential development
<i>Newcastle + Brechin Neighbourhood Plan</i>	Map 1 – Neighbourhood Land Use – Mixed Use Corridor
<i>Relevant Design Guidelines</i>	General Development Permit Area Design Guidelines Newcastle + Brechin Residential Infill Urban Design Guidelines

The subject property is an existing undersized lot located within the Newcastle Neighbourhood on Bryden Street between Stewart Avenue and Newcastle Avenue. The lot is bordered by a single residential dwelling to the west (210 Stewart Avenue) and a vacant residentially-zoned lot at 215 Newcastle Avenue, to the east. The property at 215 Newcastle Avenue previously included a heritage home (the Woodward/Harrison residence), which was demolished in 2015 following a fire. A multiple-family apartment building is located on the opposite side of Bryden Street. The subject property is less than 70m from the Harbourfront Walkway.

An existing single-storey single residential dwelling is located on the subject property, which the applicants plan to remove and replace with a new single residential dwelling. The existing dwelling is non-conforming with respect to lot coverage and all yard setbacks. No parking is currently available onsite for the existing home.

Statutory Notification has taken place prior to Council's consideration of the variances.

## **DISCUSSION**

### **Proposed Development**

The applicant plans to demolish the existing dwelling and replace it with a new two-and-a-half storey single residential dwelling. The gross floor area of the proposed house is 229m<sup>2</sup>.

The subject property is located within the Medium Density Residential (R8) Zone, which permits single residential dwelling use; however, as the applicant is proposing to construct a single residential dwelling, the setback and height requirements within the Single Dwelling Residential (R1) Zone apply.

The existing 183m<sup>2</sup> lot was subdivided from the property located at 210 Stewart Avenue in 1912 and is non-conforming in size. The lot is approximately one-tenth of the required lot size within the R8 Zone (1,800m<sup>2</sup>) and one-third the size of the minimum lot area requirement (500m<sup>2</sup>) within the R1 Zone. The property is also smaller than the City's current required minimum lot area (325m<sup>2</sup>) within a Small Lot (R2) Zone. The required setbacks, if applied, would significantly restrict the building envelope. Variances are requested in order to allow the applicants to construct a new single residential dwelling within a more functional building envelope.

While a form and character design review is not required for a single residential dwelling, the applicant's architect followed the Residential Infill Urban Design Guidelines included within Newcastle + Brechin Neighbourhood Plan. Building elements include generous glazing on the front façade, a covered entryway, and vertical and horizontal front cladding to add visual interest. The upper storey is set back from the lower storeys in order to complement the existing streetscape and reduce the massing of the building. No height variance is requested.

## **Proposed Variances**

### *Minimum Front Yard Setback*

The minimum front yard setback for a single residential dwelling within the R8 Zone is 4.5m. The proposed setback is 1.8m, a proposed variance of 2.7m.

The existing single residential dwelling was constructed very close to the front lot line (less than 1m). The proposed new construction, while requiring a variance, will be set back further from the front property line than the existing dwelling.

A grass boulevard (approximately 9m) exists between the edge of the paved road and the front property line of the subject property. Given the large boulevard space, the proposed dwelling will be set back more than 10m from the street, providing adequate separation from the road.

### *Minimum Side Yard Setback*

The minimum side yard setback for a single residential dwelling within the R8 Zone is 1.5m. The proposed setback is 0.91m from the west property line, a proposed variance of 0.59m.

The subject property has a lot frontage of 9.14m. Given the small size of the property and limited lot frontage, a setback variance is requested on the west side of the lot (abutting 210 Stewart Avenue). A 3m side yard easement exists along the side yard of 210 Stewart Avenue, adjacent to the subject property. Provided the easement remains on title, the proposed dwelling will be nearly 4m from any existing or future building within 210 Stewart Avenue.

### *Minimum Rear Yard Setback*

The minimum rear yard setback for a single residential dwelling within the R8 Zone is 7.5m. The proposed setback is 6m, a proposed variance of 1.5m.

The subject property has a lot depth of 20.12m. Given the small size of the property and limited lot depth, a rear yard variance setback is proposed. The applicants have chosen to request a larger front yard variance and a minimal rear yard setback variance in order to:

- maintain a view corridor within the rear yard for the properties at 210 and 220 Stewart Avenue;
- provide a larger separation between the proposed dwelling and the side yard within 220 Stewart Avenue; and
- preserve a useable yard space for the subject property occupants.

The proposed 6m rear yard setback is the same as that required within the R2 - Small Lot Zone. The zoning requirements within the R2 Zone better align with the subject property's size and dimensions.

### *Lot Coverage*

The maximum allowable lot coverage within the R8 Zone is 40%. The proposed lot coverage is 44%, a variance of 4%.

Given the small size of the subject property, a 4% lot coverage variance is requested. The existing dwelling (to be removed) on the property covers approximately 60% of the property. The proposed dwelling will be in greater conformance with the Zoning Bylaw. The smaller building footprint allows for more yard space and greater separation from neighbouring lot lines.

#### *Off-Street Parking*

The Parking Bylaw requires two parking spaces for single residential properties. The proposed parking provided is zero spaces. This represents a variance of 2 parking spaces.

Given the limited lot frontage, the applicants are requesting the parking requirement be reduced to zero in order to avoid a visual and functional impact created by a large garage entrance and driveway in front of the house. The applicants have worked with their architect to create a pedestrian-scale home to complement the historic streetscape within the Newcastle area. Parking is currently not provided onsite for the existing dwelling unit.

The applicants have advised Staff they intend to own a single vehicle that they plan to park on the boulevard of Bryden Street. Transportation Engineering Staff have reviewed the applicant's proposal and have advised that the demand for on-street parking in this location is low and there is adequate space on the street for additional parking.

The subject property is located within the 600m radius of the Downtown Mobility Hub in the Nanaimo Transportation Master Plan. The site is well serviced by transit, and the Stewart Avenue bikeway and Harbourfront walkway are located in close proximity to the site to support alternative modes of transportation.

Given the unique property size and proposed design solutions, Staff support the proposed variances.

See Attachments for more information.

#### **SUMMARY POINTS**

- Development Variance Permit Application No. DVP374 proposes variances to the front, side and rear yard setbacks, lot coverage and off-street parking requirements.
- The proposed variances would allow a more functional building envelope on an existing undersized lot.
- Bryden Street includes a large boulevard area that separates the building from the road and can accommodate on-street parking.

## **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Location Plan  
ATTACHMENT C: Site Survey - Existing Dwelling  
ATTACHMENT D: Site Survey - Proposed Dwelling  
ATTACHMENT E: Building Renderings  
ATTACHMENT F: Building Elevations  
ATTACHMENT G: Aerial Photo  
ATTACHMENT H: Referral Response |

### **Submitted by:**

L. Rowett  
Manager, Current Planning|

### **Concurrence by:**

D. Lindsay  
Director, Community Planning |

## **ATTACHMENT A PERMIT TERMS AND CONDITIONS**

### **TERMS OF PERMIT**

The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 7.5.1 Siting of Buildings and Section 7.5.7:*
  - to reduce the minimum front yard setback from 4.5m to 1.8m;
  - to reduce the minimum side yard setback (west side) from 1.5m to 0.91m; and,
  - to reduce the minimum rear yard setback from 7.5m to 6m.
2. *Section 7.6.1 Size of Buildings* - to increase the maximum Lot Coverage from 40% to 44%.

The City of Nanaimo "OFF-STREET PARKING REGULATIONS BYLAW 2018 NO. 7266" is varied as follows:

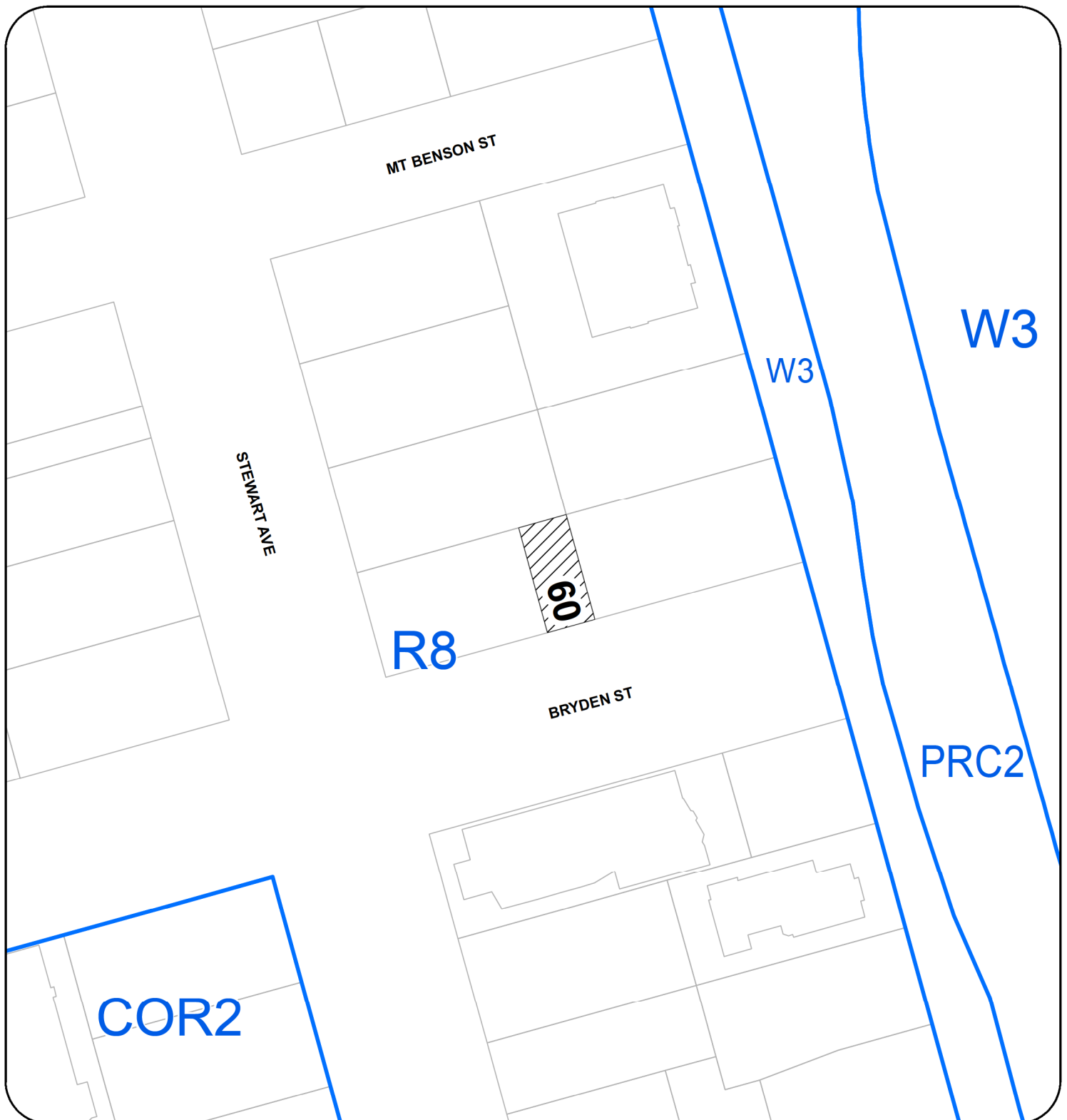
- to reduce the minimum number of required off-street parking spaces from 2 to 0 parking spaces.

### **CONDITIONS OF PERMIT**

1. The subject property shall be developed in accordance with the Site Survey – Proposed Dwelling, prepared by Williamson and Associates Professional Surveyors, dated 2018-NOV-23, as shown on Attachment D.



ATTACHMENT B  
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00374

LOCATION PLAN

CIVIC: 60 BRYDEN STREET  
LEGAL: THE EASTERLY 30 FEET OF LOT 38,  
BLOCK 6, NEWCASTLE TOWN SITE, SECTION 1,  
NANAIMO DISTRICT, PLAN 584



SUBJECT PROPERTY

# ATTACHMENT C SITE SURVEY - EXISTING DWELLING

B.C. LAND SURVEYOR'S SITE PLAN OF:

**THE EASTERLY 30 FEET OF LOT 38, BLOCK 6, NEWCASTLE TOWNSITE,  
SECTION 1, NANAIMO DISTRICT, PLAN 584**

SCALE 1:150

0 1 2 3 4 5 10 metres

DISTANCES AND ELEVATIONS ARE IN METRES.

## NOTES:

CIVIC ADDRESS: 60 BRYDEN STREET, NANAIMO

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.

ELEVATIONS ARE DERIVED FROM INTEGRATED SURVEY  
CONTROL MONUMENTS.

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND /  
OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY  
THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE  
SUBJECT PARCEL(S).

THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION  
WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER  
ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY  
BOUNDARY OF OR APPURTENANT TO THE SUBJECT PARCEL(S).

FIELD SURVEY COMPLETED OCTOBER 2, 2018.

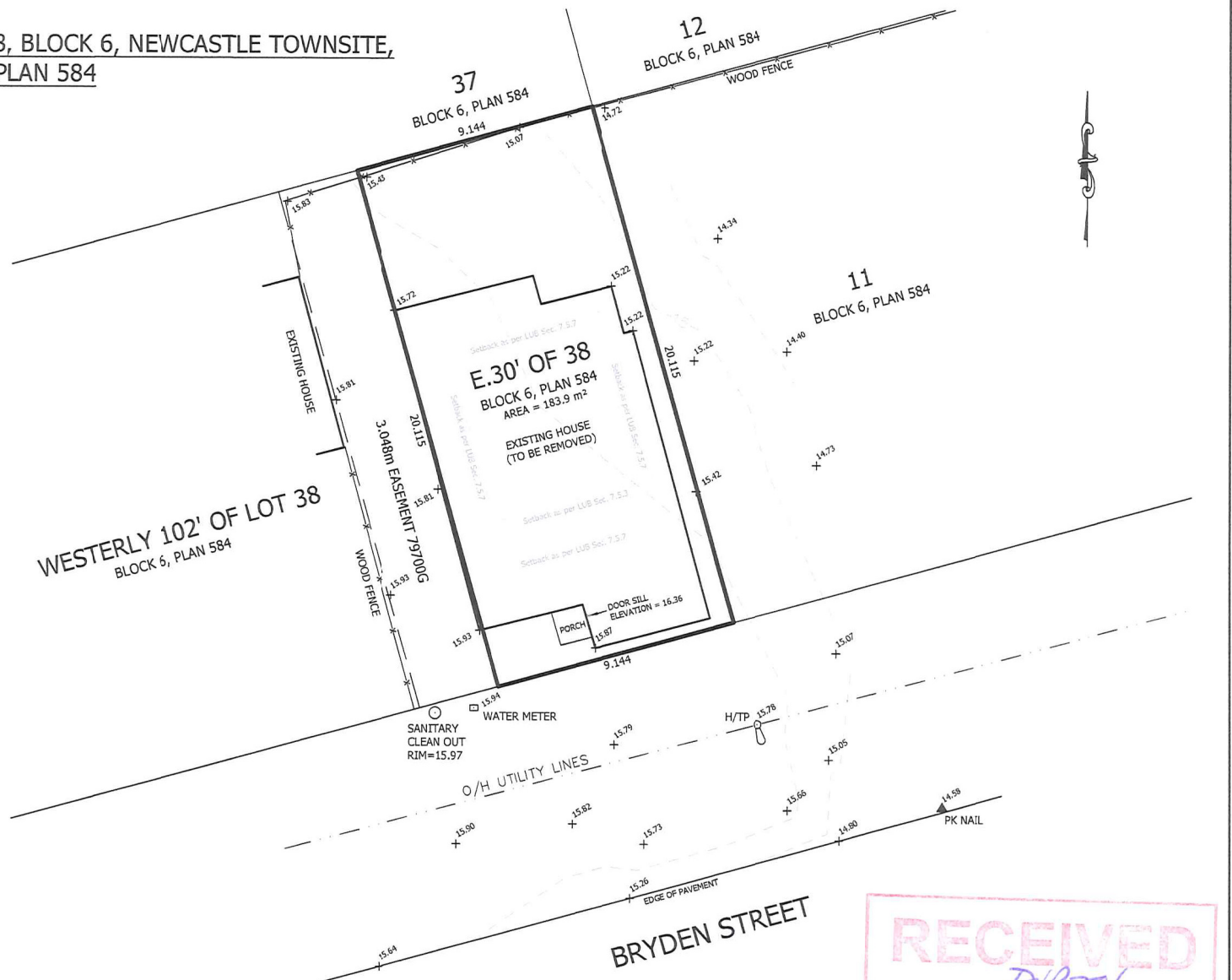
LAND USE ZONING: R8

SETBACKS SHOWN TO BE CONFIRMED BY THE CITY OF NANAIMO  
PLANNING DEPARTMENT.

## LEGEND:

- + 12.34 SPOT ELEVATION.
- H/TP HYDRO AND TEL POLE.
- LAMP STANDARD.
- - - - - CONTOURS (0.5 METRE INTERVAL)

**WILLIAMSON & ASSOCIATES**  
PROFESSIONAL SURVEYORS © 2010  
3088 BARONS ROAD NANAIMO B.C. V9T 4B5  
PHONE: 250-756-7723 FAX: 250-756-7724  
EMAIL: WAPS@WBCS.CA  
FILE: 18105-1 SITE PLAN (BASE PLAN 16098)



**RECEIVED**  
DUP 374  
NOV 28 2018  
CITY OF NANAIMO  
COMMUNITY DEVELOPMENT

# ATTACHMENT D SITE SURVEY - PROPOSED DWELLING

B.C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED HOUSE LOCATION ON:

**THE EASTERLY 30 FEET OF LOT 38, BLOCK 6, NEWCASTLE TOWNSITE,  
SECTION 1, NANAIMO DISTRICT, PLAN 584**

SCALE 1:150



## NOTES:

CIVIC ADDRESS: 60 BRYDEN STREET

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.

ELEVATION DATUM IS DERIVED FROM INTEGRATED SURVEY CONTROL MONUMENTS.

HOUSE DESIGN FROM ELIZABETH MacKENZIE ARCHITECT, DRAWINGS DATED / RECEIVED NOV. 23/18.

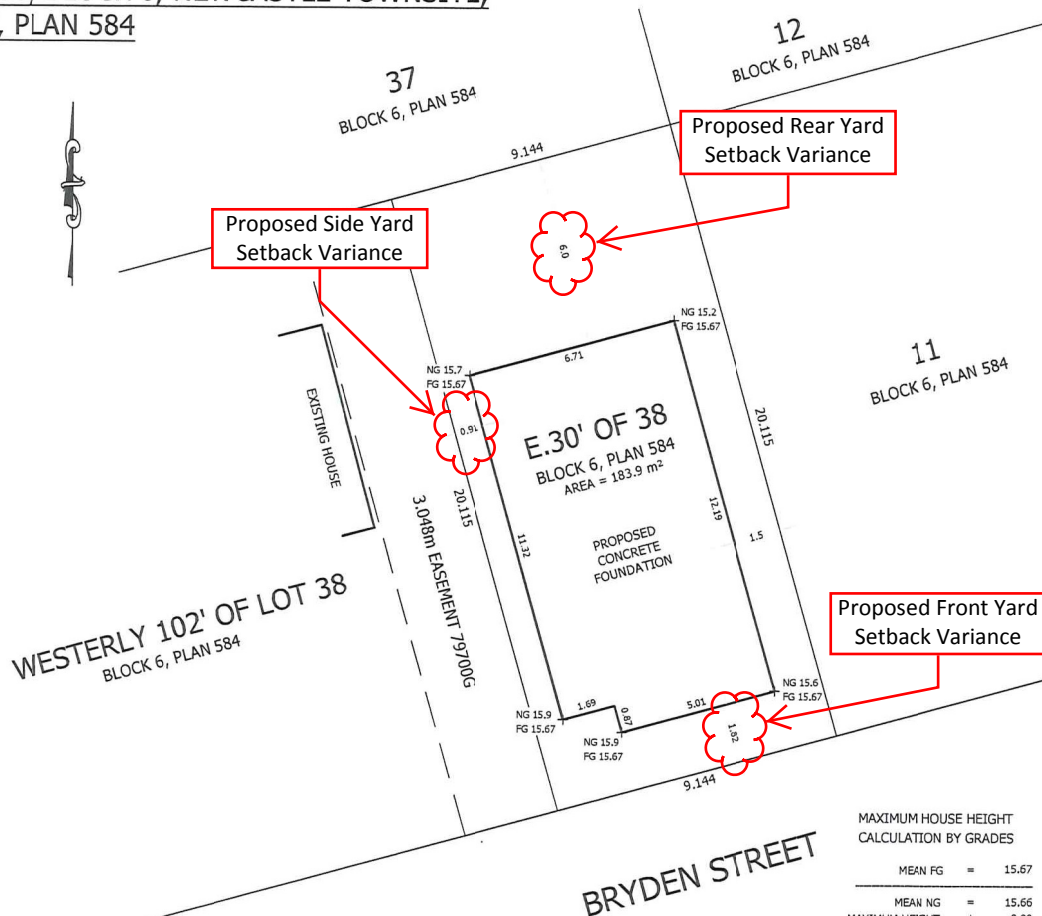
THE UNDERSIGNED CONFIRMS THAT HE HAS BEEN RETAINED BY DR. PETER KING AND MS. SANDRA KING TO PROVIDE FOUNDATION LAYOUT IN ACCORDANCE WITH THE FOUNDATION LOCATION SHOWN ON THIS PLAN.

NG 15.9 DENOTES TYPICAL SPOT ELEVATION OF NATURAL GRADE (NG) IN CONFORMANCE WITH THE CITY OF NANAIMO / RDN ZONING BYLAW.

FG 15.67 DENOTES TYPICAL SPOT ELEVATION OF PROPOSED FINISHED GRADE (FG).

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S).  
THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S).  
THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH BOUNDARY LINES.

**WILLIAMSON & ASSOCIATES**  
PROFESSIONAL SURVEYORS © 2018  
3088 BARONS ROAD NANAIMO B.C. V9T 4B5  
PHONE: 250-756-7723 FAX: 250-756-7724  
EMAIL: WAPS@VIBCLS.CA  
FILE: 18105-2 HEIGHT PLAN (BASE PLAN 16080)



## VARIANCES REQUIRED

(R1 ZONING, SEC 7.5.7)

### WESTERLY SIDE YARD

CITY ALLOWABLE SIDE YARD (SEC 7.5.1) = 1.50m  
PROPOSED SIDE YARD = 0.91m  
VARIANCE REQUIRED = 0.59m

### FRONT YARD

CITY ALLOWABLE FRONT YARD (SEC 7.5.1) = 4.50m  
PROPOSED FRONT YARD = 1.82m  
VARIANCE REQUIRED = 2.68m

### REAR YARD

CITY ALLOWABLE REAR YARD (SEC 7.5.1) = 7.50m  
PROPOSED REAR YARD = 6.00m  
VARIANCE REQUIRED = 1.50m

### LOT COVERAGE

CITY ALLOWABLE COVERAGE (SEC 7.6.1) = 40%  
PROPOSED COVERAGE = 44%  
VARIANCE REQUIRED = 4%

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES & PERMITS:  
- NONE.

THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH THE RESTRICTIONS THEREIN.

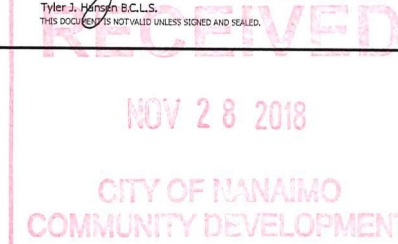
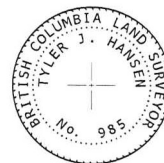
THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS DATE OF: NOVEMBER 23, 2018.

*Tyler J. Hansen*  
Tyler J. Hansen B.C.L.S.  
THIS DOCUMENT IS NOT VALID UNLESS SIGNED AND SEALED.

## MAXIMUM HOUSE HEIGHT CALCULATION BY GRADES

MEAN FG	=	15.67
MEAN NG	=	15.66
MAXIMUM HEIGHT	+	9.00
CON MAXIMUM ROOF PEAK	=	24.66
PROPOSED BASEMENT SLAB	=	12.93
APPROX. HEIGHT TO MAIN	+	2.84
PROPOSED MAIN FLOOR	=	15.77
APPROX. HEIGHT TO SECOND	+	3.08
PROPOSED SECOND FLOOR	=	18.85
APPROX. HEIGHT TO LOFT	+	2.65
PROPOSED LOFT FLOOR	=	21.50
APPROX. HEIGHT TO PEAK	+	3.16
PROPOSED ROOF PEAK	=	24.66

BRYDEN STREET





# ATTACHMENT E BUILDING RENDERINGS

## 60 BRYDEN STREET



1 SOUTH WEST CORNER



2 SOUTH EAST CORNER



3 NORTH EAST CORNER



4 AERIAL VIEW

**NOTES:**  
1. Drawings are Specifications, are instruments of Service, are the Property of the Architect and are not to be reproduced without the permission of the Architect and where made must bear their name.  
2. The party responsible for construction shall verify all dimensions and other data from the drawings with condition of the site. Any discrepancies shall be reported to the Architect immediately.  
3. The Drawings not to be used for construction purposes until signed & sealed or specifically issued for that purpose.

1	FOR DVP	18-11-26
No.	Revision/ Issue/ Printing	Date

Consultant / Consultant Seal

**ELIZABETH  
MacKENZIE  
ARCHITECT**  
4680 Denison Street  
Nanaimo BC, V9R 1C8  
Tel: 250.751.9157 email: emack@denise.ca

**New Home  
King Residence**

AT  
60 Bryden St., Nanaimo, BC

Project

Cover Page

Sheet Title

Checked By: EM

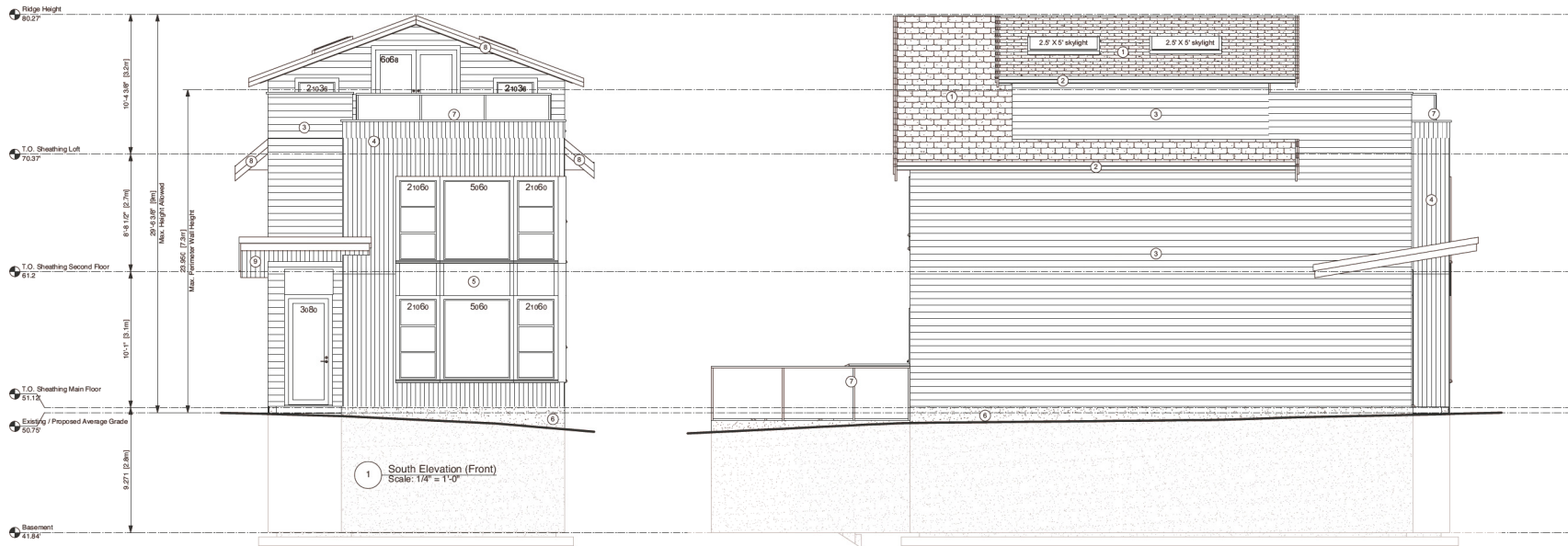
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Date: October 15/18

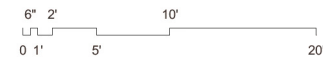
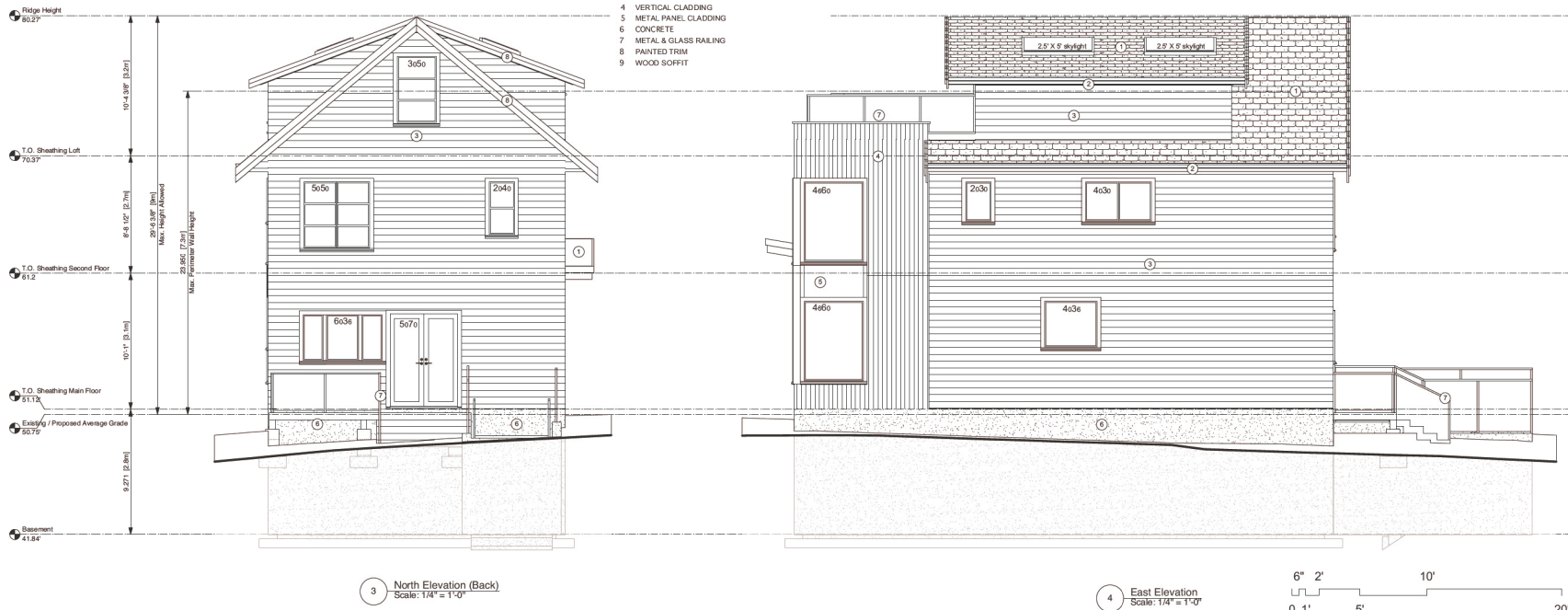
A0.0

# ATTACHMENT F BUILDING ELEVATIONS



## EXTERIOR FINISHES

- 1 DUROID ASHALT SHINGLE
- 2 ALUMINUM GUTTER
- 3 HORIZONTAL CLADDING
- 4 VERTICAL CLADDING
- 5 METAL PANEL CLADDING
- 6 CONCRETE
- 7 METAL & GLASS RAILING
- 8 PAINTED TRIM
- 9 WOOD SOFFIT



**NOTES:**  
1. Drawings and Specifications, as instruments of service, are the property of the Architect who reserves copyright. No reproduction may be made without the permission of the Architect and when made must bear their name.  
2. The party responsible for construction shall verify all dimensions and other data from the drawings with condition of the site. Any discrepancies shall be reported to the Architect immediately.  
3. This Drawing is not to be used for construction purposes until signed & sealed or specifically issued for that purpose.

1	FOR DVP	18-11-22
No.	Revision / Issue / Printing	Date

Consultant / Consultant Seal

**ELIZABETH MacKENZIE ARCHITECT**  
4881 Commercial Drive, Vancouver, B.C. V6R 1E8  
tel: 604.721.9157 email: emac@shaw.ca

**New Home King Residence**

AT  
60 Bryden St., Nanaimo, BC

Project

Elevations  
**RECEIVED**  
**DVP 374**  
2018-NOV-28  
Current Printing

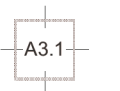
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Scale: 1/4" = 1'-0"

Date: October 15/18







N



**DEVELOPMENT VARIANCE PERMIT NO. DVP00374**

**LEGEND**



SUBJECT PROPERTIES

---

**From:** Warren Jaques <[newcastleneighbours@gmail.com](mailto:newcastleneighbours@gmail.com)>  
**Sent:** Sunday, February 17, 2019 5:03 PM  
**To:** Planning Referrals <[Planning.Referrals@nanaimo.ca](mailto:Planning.Referrals@nanaimo.ca)>  
**Cc:** Caleb Horn <[Caleb.Horn@nanaimo.ca](mailto:Caleb.Horn@nanaimo.ca)>; David Stewart <[David.Stewart@nanaimo.ca](mailto:David.Stewart@nanaimo.ca)>  
**Subject:** SUSPECT: Re: Referral Request - 60 BRYDEN STREET  
**Importance:** Low

I regret the delay in responding to your request regarding the above noted property. I trust that our response can make it into Council's Addendum package.

The NNA Executive and Board recently reviewed this request and it was decided, given the small size of the property, to consider all five variances as a whole package. After considering several factors, from the neighborhood's point of view, the main concern is the parking issue. We believe it is unacceptable to build a brand new home and not provide at least one (1) parking spot. We would not like to see such a precedent set in our area. As well, this is a high traffic area, with the Seawall just around the corner. Everyone is well aware of the many activities in Maffeo-Sutton Park over the Spring/Summer/Fall seasons. We believe the direct variances with both neighbours should be settled between them and the City.

In summary, we would accept a variance of 1 parking spot as being a minimum standard in this particular case.

Lee-Anne Stark, VP & Treasurer, Newcastle Neighbourhood Association

On 1/30/2019 2:12 PM, Planning Referrals wrote:

Hello,

The City of Nanaimo has received a development permit application for the property at 60 Bryden St (DVP00374). The property is located within the Newcastle Neighbourhood Association's area.

Please review the attached information. This information is also available on What's Building at:

<https://www.nanaimo.ca/WhatsBuilding/Folder/DVP00374>

The development variance permit application is currently under review and you are

welcome to provide comments at your earliest convenience by **2019-FEB-13**.

If you have any questions about this application, please do not hesitate to contact me,  
or David Stewart

Thank you,

Lainy Nowak  
Planning Assistant, Current Planning Section  
***Community Development Department***  
(250) 755-4460 ext. 4220





### Delegation Request

Scott Mack, Vic Sweett and Jill Sweett have requested an appearance before Council.

The requested date is February 25, 2019.

The requested meeting is:  
Council

Presenter's Information:

City: Nanaimo  
Province: BC  
Bringing a presentation: Yes

Details of Presentation:

How 60 Bryden Street will impact 210 Stewart Avenue in an adverse way if variances are allowed under application number DVP00374. Desired outcome: That DVP00374 at 60 Bryden Street not be approved.

### Delegation Request

Peter and Sandy King have requested an appearance before Council.

The requested date is February 25, 2019.

The requested meeting is:  
Council

Presenter's Information:

City: Nanaimo

Province: BC

Bringing a presentation: No

Details of Presentation:

To provide details of our request for Development Variance Permit No. DVP374 – 60 Bryden Street.

DATE OF MEETING February 25, 2019

AUTHORED BY CALEB HORN, PLANNING ASSISTANT, CURRENT PLANNING

**SUBJECT DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP377 –  
3583 HAMMOND BAY ROAD**

## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration, a development variance permit application to allow the construction of over-height retaining walls at 3583 Hammond Bay Road.

### **Recommendation**

That Council issue Development Variance Permit No. DVP377 at 3583 Hammond Bay Road with the following variance:

- increase the maximum combined height for retaining walls within the front yard from 1.2m to 3.55m.

## **BACKGROUND**

A development variance permit application, DVP377, was received from Ronald Cotton to vary provisions of City of Nanaimo "Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to increase the maximum height of a retaining wall in front yard. A previous development variance permit, DVP315, was approved on 2017-JUL-10 to increase the maximum height of a retaining wall from 1.2m to 3.2m. A building permit, BP123509, was issued in 2017-AUG-20 for the construction of two concrete block retaining walls. During construction, the total height of the retaining walls was increased to 3.55m to address issues with the underlying bedrock on the site. In order to complete the active building permit, the applicant has requested a variance to allow the height of the retaining walls as constructed.

### **Subject Property**

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located on the west side of Hammond Bay Road near the Chinook Road intersection close to Pipers Lagoon Park.
<i>Total Area</i>	1,609m <sup>2</sup>
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plan – Neighbourhood

The subject property is a steeply sloping lot in an existing single dwelling residential neighbourhood.

Statutory Notification has taken place prior to Council's consideration of the variance.

## **DISCUSSION**

### **Proposed Development**

The Zoning Bylaw considers a retaining wall as a fence for the purposes of regulating height. Additionally, if two or more retaining walls on a slope are structurally dependent on each other, the height is measured from finished grade at the bottom of the lowest retaining wall to the top of the highest retaining wall.

The development includes two retaining walls that are structurally dependent on each other and therefore measured as one. The lower wall is 1.95m high and the upper wall is 1.75m high with 0.15m of vertical overlap, for a total combined height of 3.55m. The retaining walls support the slope and driveway and enable safe maintenance of the area between the walls.

As a condition of a tree removal permit issued at this property, the applicant has planted replacement trees along the bank below the retaining walls that will help screen the walls from the street.

### **Proposed Variance**

#### *Maximum Fence Height (Front Yard)*

The maximum permitted height of a fence or retaining wall in the front yard of an R1-zoned property is 1.2m. The combined height of the two retaining walls is 3.55m, a proposed variance of 2.35m.

The previously-issued development variance permit varied the maximum height of the retaining wall from 1.2m to 3.2m, so the new variance proposes an increase of 0.35m from the previously-approved height.

The retaining wall height is necessary to adequately retain the slope and driveway access to the property. Adjustments were made to the retaining wall block depth as the underlying bedrock on the property made it impractical to locate the retaining walls as deep as originally proposed. The additional retaining wall height accommodates the modified design. The retaining walls were designed by a geotechnical engineer. Their location does not preclude the City from achieving the future road cross-section on Hammond Bay Road. The terracing of the walls and required tree replacement on the slope will reduce the visual impact of the retaining walls from the street.

Increasing the retaining wall height to 3.55m from 3.2m is not anticipated to negatively impact adjacent properties. Staff support the proposed variance.

See Attachments for more information.

### **SUMMARY POINTS**

- Development Variance Permit Application No. DVP377 proposes a variance to increase the maximum combined height of retaining walls in the front yard from 1.2m to 3.55m.
- A previously-issued development variance permit varied the maximum height of the retaining walls from 1.2m to 3.2m, and the new variance request is an increase of 0.35m from the previously-approved height.
- The additional height is required in order to address issues with the underlying bedrock onsite.
- The proposed variance is not anticipated to have a negative impact on adjacent properties or on the City road right-of-way.
- Staff support the proposed variance.

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Location Plan  
ATTACHMENT C: Retaining Wall Detail  
ATTACHMENT D: Photos  
ATTACHMENT E: Aerial Photo

#### **Submitted by:**

L. Rowett  
Manager, Current Planning

#### **Concurrence by:**

D. Lindsay  
Director, Community Development

## **ATTACHMENT A PERMIT TERMS AND CONDITIONS**

### **TERMS OF PERMIT**

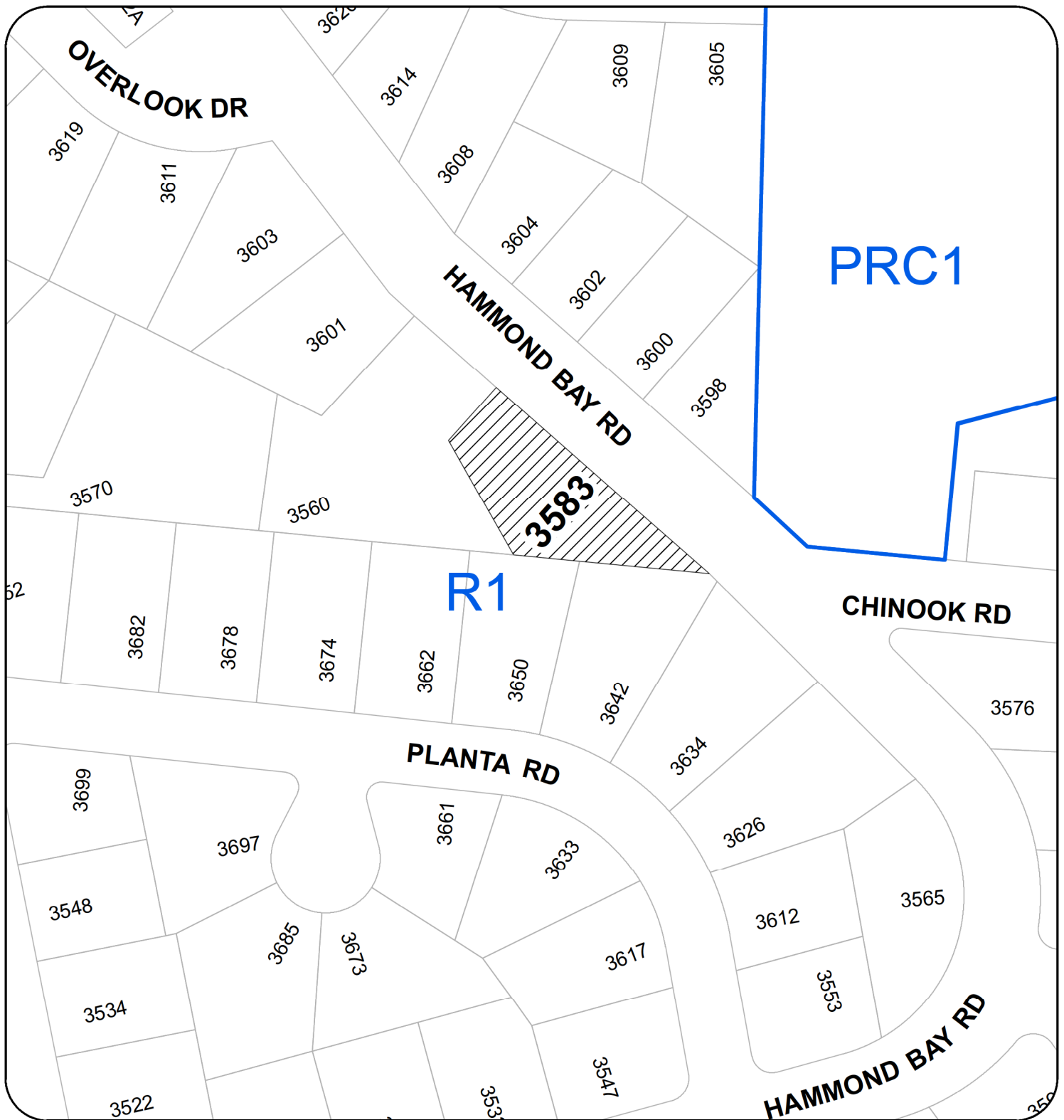
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 6:10.2. Fence Height* – to increase the maximum combined height of retaining walls within the front yard from 1.2m to 3.55m.

### **CONDITIONS OF PERMIT**

1. The subject property shall be developed in accordance with the Retaining Wall Detail prepared by Lewkowich Engineering Associates Ltd., received 2019-JAN-11, as shown on Attachment C.

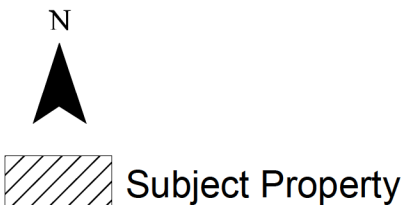
ATTACHMENT B  
LOCATION PLAN



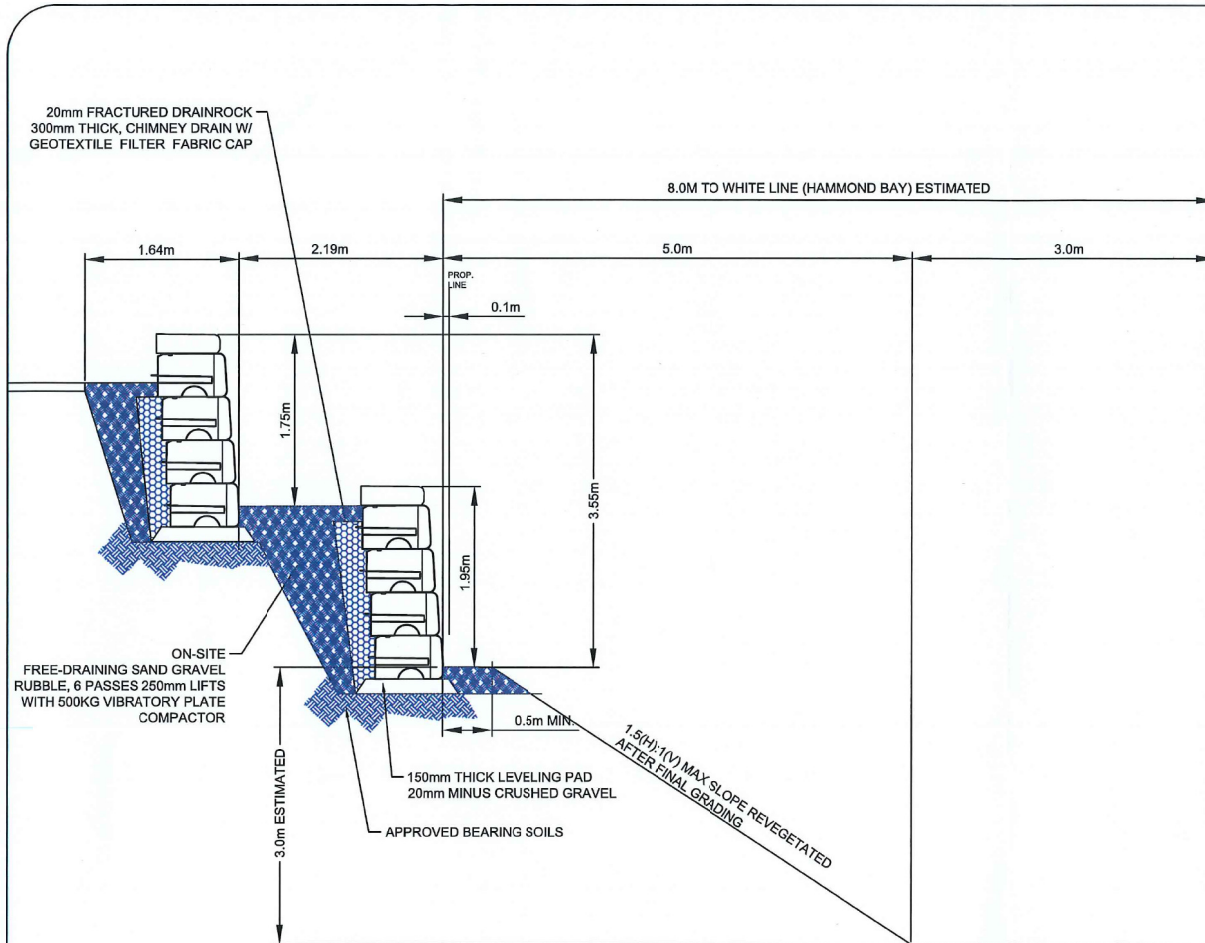
DEVELOPMENT VARIANCE PERMIT NO. DVP00377

LOCATION PLAN

CIVIC: 3583 HAMMOND BAY ROAD  
LEGAL DESCRIPTION: LOT 2 DISTRICT LOT 39  
WELLINGTON DISTRICT PLAN 24613

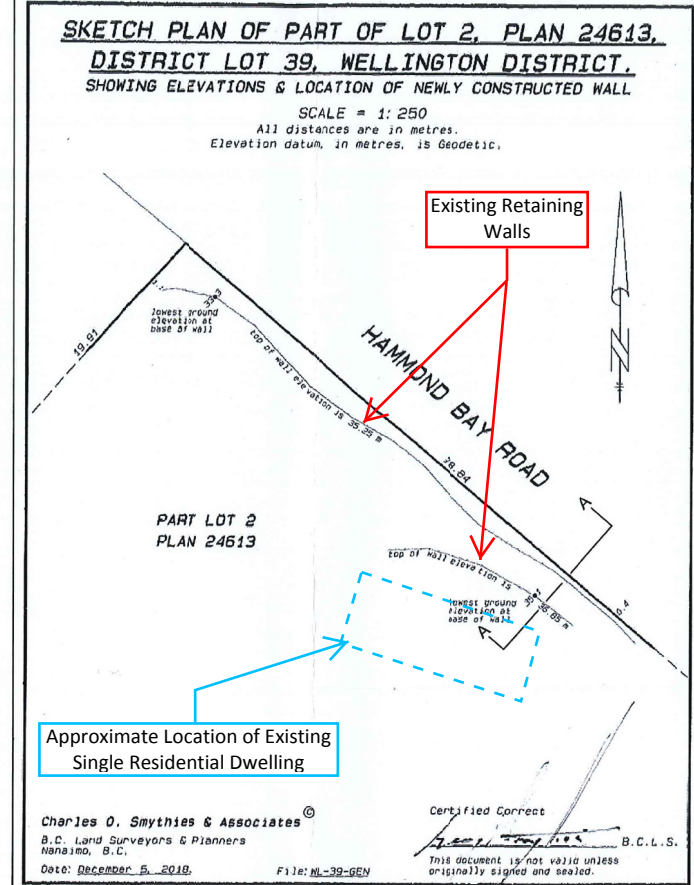


# ATTACHMENT C RETAINING WALL DETAIL



- NOTES:
1. REDI-ROCK 28" DEEP INTERLOCKING BLOCKS
  2. SCH B-C, GEOTECHNICAL QUALITY ASSURANCE PROGRAM COMPLETED FOR BEARING SOILS, BACK FILL AND DEWATERING (CHIMNEY DRAIN).
  3. CHANGES APPROVED BY THE GEOTECHNICAL ENGINEER

**SECTION A-A**  
Scale: 1:25



**RECEIVED**  
**DVP377**  
**2019-JAN-11**  
Current Planning

REV No.	DATE	BY	P.Eng.	REVISION DESCRIPTION	LEGEND	DRAWING TITLE	ENGINEER'S SEAL	PLOT DATE	DRAWN BY	LEA
01	June 16-17	JH	CH	ADD OVERALL HEIGHT DIMENSION		REDI-ROCK RETAINING WALLS		MAY 11-17	JH	Lewkowich Engineering Associates Ltd.
02	NOV. 14-18	JH	CH	AS BUILT		PROJECT NAME FRONT YARD IMPROVEMENTS 3583 HAMMOND BAY ROAD, NANAIMO, BC		REVIEWED BY CH	SCALE AS NOTED	
						LEGAL DESCRIPTION		PROJECT No. F4482	DRAWING No. 01	

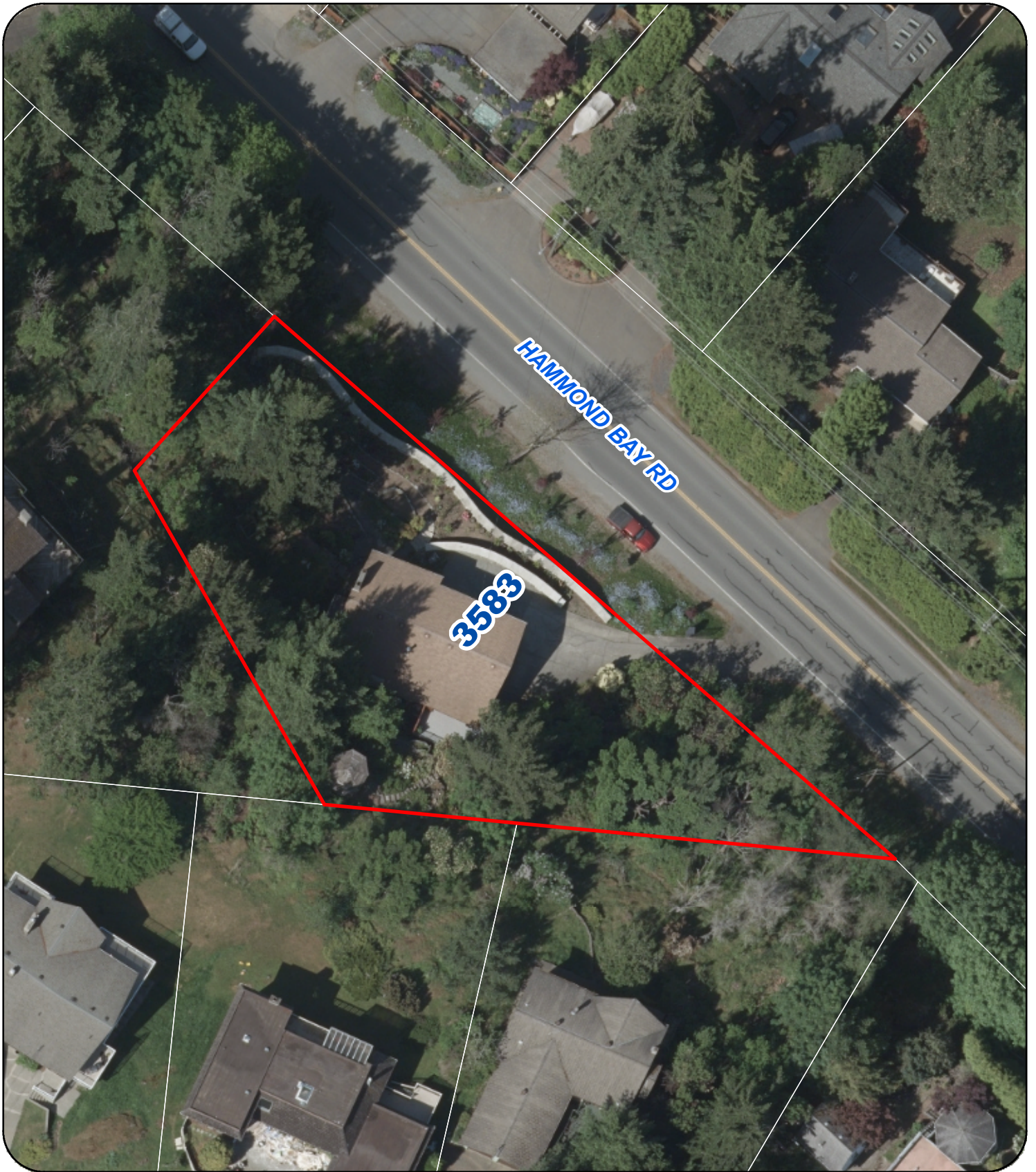


**ATTACHMENT D  
PHOTOS**





ATTACHMENT E  
AERIAL PHOTO



N



**DEVELOPMENT VARIANCE PERMIT NO. DVP00377**

**LEGEND**

 SUBJECT PROPERTY

CITY OF NANAIMO

BYLAW NO. 7268

A BYLAW TO REGULATE SMOKING IN THE CITY OF NANAIMO

---

WHEREAS the Council of the City of Nanaimo has been granted authority under Section 8(3)(i) of the *Community Charter*, S.B.C. 2003, c.26 (the "*Community Charter*") in relation to public health;

AND WHEREAS Section 9(4) of the *Community Charter*, and the Public Health Bylaws Regulation, B.C. Reg. 42/2004, requires that a bylaw to be adopted under subsections 2(a) or (b) of B.C. Reg. 42/2004 not be adopted unless a copy of it is first deposited with the Minister of Health and the local government has consulted with either the Regional Health Board or Medical Health Officer responsible for public health matters within the municipality;

AND WHEREAS a copy of this bylaw has been deposited with the Minister of Health and the Council of the City of Nanaimo has consulted with the Medical Health Officer;

AND WHEREAS it is generally recognized by scientific and medical communities that no level of environmental smoke exposure is safe and scientific research has determined that whether smoking indoors or outdoors exposure to significant levels of environmental smoke can occur;

AND WHEREAS it is desirable for the purposes of maintaining, promoting and preserving the public health of the inhabitants of the City of Nanaimo, to prohibit, regulate and impose requirements in relation to smoking in the City of Nanaimo;

NOW THEREFORE the Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as "Smoking Regulation Bylaw 2018 No. 7268".

2. Definitions

In this Bylaw, unless the context otherwise requires,

"beach"	means an area below the natural high watermark of the Strait of Georgia or any other body of water to which there is a means of public access;
"burning"	"burn" or "burning" means combustion or heating of a substance to produce smoke, vapour, aerosol or other substances that can be inhaled;
"City"	means the City of Nanaimo;
"Controlled Drugs and Substances Act (Canada)"	means the <i>Controlled Drugs and Substances Act</i> , S.C. 1996, c.19;

"customer service area"	means a partially enclosed or unenclosed area, including a balcony, patio, yard or side walk, that is part of or connected to or associated with a business or use in a building, facility or premises that includes the service of food or beverages to persons for consumption on site;
"designated public space"	includes, but is not limited to, public playing fields, public playground, public squares, and outdoor public places where individuals may gather for the purpose of education, worship, entertainment, recreation, business, amusement or queue for the receipt of any service;
" <i>Independent School Act</i> "	means the <i>Independent School Act</i> , R.S.B.C 1996, c. 216;
"park"	means land acquired, reserved or dedicated as community park in accordance with the <i>Community Charter</i> and land acquired, held, occupied, zoned or regulated as park by the City and shall include, without restricting the generality of the foregoing, within such parks, all beaches, public playgrounds, public playing fields, public squares, roadways and paths, but shall not include any highway passing through such parks that have been dedicated as highways by plan of subdivision or that has been laid out, constructed and maintained by the Ministry of Transportation of the Province of British Columbia, or a local government, or that is a public highway under the <i>Highway Act</i> ;
"public playground"	means lands held, occupied, zoned or regulated for use by the public as outdoor areas containing playground equipment;
"public playing field"	means lands held, occupied, zoned or regulated for use by the public as outdoor areas for sporting activities;
"public square"	means land acquired, reserved or dedicated as a public square in accordance with the <i>Local Government Act</i> or <i>Community Charter</i> ;
"responsible person"	means the person who controls, governs or directs the activity carried on within the building, place or premises referred to in this Bylaw and includes the person actually in charge thereof;
" <i>School Act</i> "	means the <i>School Act</i> , R.S.B.C. 1996, c. 412;
"school yard"	means that portion of the lands of a school or francophone school as defined in the <i>School Act</i> or <i>Independent School Act</i> without buildings;
"smoke" or "smoking"	means inhaling, exhaling, burning or carrying of a lighted or activated cigarette, cigar, pipe, e-cigarette, vapour equipment or other lighted smoking equipment, including the burning or lighting or activating of tobacco, cannabis, or other weed or substance, or e-vapour;
"transit stop"	means a sign-posted location where public transit vehicles or vehicles for hire stop to pick up and drop off passengers and includes a transit shelter;
"vapourizing device"	means an electronic device that vapourizes a solid, liquid or gas substance for inhalation.

3. Prohibitions

- 3.1 No person shall smoke, carry or have in his or her possession a burning cigarette or cigar containing tobacco, cannabis or another substance or a pipe containing burning tobacco, cannabis or another substance, or burn tobacco, cannabis or another substance using a pipe, hookah pipe, lighted smoking device or vapourizing device:
- a. in or on any City-owned property, except in designated areas;
  - b. in a park;
  - c. in a designated public space;
  - d. inside any part of a building or structure except in a private residence, hotel or motel room or tent or trailer in a campsite;
  - e. within six (6) metres of a transit stop measured on the ground from any point of the transit stop sign;
  - f. in a school yard;
  - g. in a customer service area;
  - h. contrary to any posted no smoking or vaping sign.
- 3.1.1 Notwithstanding Section 3.1.a., cannabis smoking is not permitted on any City-owned property.
- 3.2 No responsible person shall permit a person to carry or have in his possession a burning cigarette or cigar containing tobacco, cannabis or another substance or a pipe containing burning tobacco, cannabis or another substance, or to burn tobacco, cannabis or another substance using a hookah pipe, lighted smoking device or vapourizing device:
- a. inside any part of a building or structure, except inside a private residence, hotel or motel room, or tent or trailer in a campsite;
  - b. in any area of a customer service area where either or both food and beverages are served or consumed, or both served and consumed.
- 3.3 Sections 3.1 and 3.2 do not apply to a ceremonial use of tobacco in relation to a traditional Aboriginal cultural activity.
- 3.4 Sections 3.1 and 3.2 do not apply to a controlled substance within the meaning of the *Controlled Drugs and Substances Act* (Canada).

4. Posting of Signs

- 4.1 A responsible person must display, or ensure the display of, a sign at all times, in the form established under paragraph 5(1):
- a. at the main entrances to a park;
  - b. at the main entrances to a designated public space;
  - c. at each entrance to a building or structure for which that person is a responsible person except a private residence, hotel or motel room, or a tent or trailer in a campsite;
  - d. inside a vehicle for passenger conveyance, except in a private vehicle;



- e. at any area of a customer service area where either or both food and beverages are served or consumed, or both served and consumed.
- 4.2 A responsible person must display, or ensure the display of, a sign, at all times, on each exterior wall of a building or structure where the prohibition applies, that states:

"Smoking is prohibited within six (6) metres of openings into this building or structure including doors and windows that open and any air intake."

5. Signs

- 5.1 A no-smoking sign shall state,
- a. the phrase "no smoking", or
  - b. a graphic symbol substantially in the form shown on Schedule "B" attached to this Bylaw, which shall be a minimum of six (6) centimeters in diameter,
- and may include
- c. the words "City of Nanaimo Bylaw No.7268 Maximum Penalty \$10,000."
- 5.2 No person shall remove, alter, conceal, deface, write upon or destroy any sign posted pursuant to this Bylaw.
- 5.3 A sign prescribed by former "City of Nanaimo Bylaw 1987 No. 3200" is a lawful no-smoking sign for the purpose of this Bylaw.

6. Offences and Penalties

- 6.1 A person or property owner who contravenes, violates, or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or fails to do anything required by this Bylaw, commits an offence and should be liable on conviction, of a fine of not more than TEN THOUSAND DOLLARS (\$10,000) and not less than the fines prescribed in Schedule 'A' of this Bylaw, the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter* [SBC 2003], c. 26 or the *Offence Act* [RSBC 1996], c. 338 as amended from time to time.
- 6.2 Each day that an offence against the Bylaw continues or exists or is permitted to continue or exist shall be deemed to be a separate and distinct offence.
- 6.3 This Bylaw may be enforced by means of a ticket in the form prescribed for that purpose under section 264 of the *Community Charter*, or if this Bylaw or a contravention of it is designated as one to be enforced by "Bylaw Notice Enforcement Bylaw 2012 No. 7159" by bylaw notice under that Bylaw.

7. Schedules

Council authorizes that Schedules 'A' and 'B' may be omitted and established by resolution where the schedule can be more conveniently contained in a resolution.

8. Severability

If any section, subsection or clause of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw.

9. Citation

This Bylaw may be cited as the City of Nanaimo "Smoking Regulation Bylaw 2018 No. 7268".

10. Effective Date

This Bylaw shall come into full force and effect immediately following adoption.

11. Previous Bylaw Repeal

City of Nanaimo "Smoking Regulation Bylaw 1987 No. 3200" and amendments thereto are hereby repealed.

PASSED FIRST READING: 2018-AUG-13  
PASSED SECOND READING: 2018-AUG-13  
PASSED THIRD READING: 2018-AUG-13  
THIRD READING RESCINDED: 2019-JAN-21  
PASSED THIRD READING AS AMENDED: 2019-JAN-21  
DEPOSITED WITH THE MINISTRY OF HEALTH: 2019-FEB-20  
ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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

**SCHEDULE 'A'**

**FINE SCHEDULE**

Fines for tickets issued pursuant to this bylaw, shall be as follows:

SECTION	DESCRIPTION OF OFFENCE	Penalty
3.1	Smoking where prohibited	\$250.00
3.2	Permit Smoking where prohibited	\$250.00
4.1	Failure to post signs	\$250.00



**SCHEDULE 'B'**

**SIGNS**

The following graphic symbol is prescribed for the purpose of Section 5.1(b)



CITY OF NANAIMO

BYLAW NO. 7159.03

A BYLAW TO AMEND THE CITY OF NANAIMO "BYLAW NOTICE ENFORCEMENT  
BYLAW 2012 NO. 7159"

---

The Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS  
FOLLOWS:

1. Title

This Bylaw may be cited as "Bylaw Notice Enforcement Amendment Bylaw 2019  
No. 7159.03"

2. Amendments

"BYLAW NOTICE ENFORCEMENT BYLAW 2012 NO. 7159" is hereby amended  
as follows:

- (1) By adding the following section to Schedule A "Designated Bylaw  
Contraventions and Penalties", as follows:

**Smoking Regulation Bylaw 2018 No. 7268**

SECTION	DESCRIPTION OF OFFENCE	Penalty	Early Payment Penalty	Late Payment Penalty
3.1	Smoking where prohibited	\$150.00	\$112.50	\$187.50
3.2	Permit Smoking where prohibited	\$150.00	\$112.50	\$187.50
4.1	Failure to post signs	\$150.00	\$112.50	\$187.50

PASSED FIRST READING: 2019-JAN-21  
PASSED SECOND READING: 2019-JAN-21  
PASSED THIRD READING: 2019-JAN-21  
ADOPTED: \_\_\_\_\_

---

MAYOR

---

CORPORATE OFFICER

CITY OF NANAIMO

BYLAW NO. 7274

A BYLAW TO PROVIDE FOR HIGHWAY CLOSURE AND DEDICATION REMOVAL

---

WHEREAS Council has deemed it expedient to stop up, close to traffic and remove highway dedication of a portion of Labieux Road adjacent to 2560 Bowen Road for the purpose of consolidating the adjacent land with the adjacent landowner's lands; and

WHEREAS all lands and premises immediately adjoining, and in the vicinity of the portion of highway that is stopped up and closed are adequately serviced by well-established highways giving convenient access to all such premises; and

WHEREAS pursuant to Sections 40(3) and (4) and Section 94 of the *Community Charter* the City of Nanaimo has published notice of its intention to adopt this Bylaw, has delivered notice to the operators of utilities whose transmission or distribution facilities or work Council considers will be affected, and has provided an opportunity for persons who consider they are affected to make representations to Council.

THEREFORE the Council of the City of Nanaimo, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Highway Closure and Dedication Removal Bylaw 2019 No. 7274".
2. A portion of Labieux Road adjacent to 2560 Bowen Road comprising 296.5m<sup>2</sup>, more or less shown as "Road" on plan EPP88594 prepared by Brock E.J. Williamson, B.C.L.S., a reduced copy of which is attached as Schedule A hereto, is hereby closed to all traffic.
3. The highway dedication of a portion of Labieux Road adjacent to 2560 Bowen Road referred to in Section 2 is hereby removed.

4. His Worship the Mayor and Corporate Officer are hereby authorized to execute all the necessary documents as may be required for the due completion of the aforesaid highway closure and dedication removal.

PASSED FIRST READING: 2019-JAN-21  
PASSED SECOND READING: 2019-JAN-21

Notice of intention to proceed with this bylaw was published on the day 29<sup>th</sup> of January, 2019 and the 31<sup>st</sup> day of January, 2019 in the Nanaimo News Bulletin newspaper, circulating in the City of Nanaimo, pursuant to Section 94 of the *Community Charter*.

PASSED THIRD READING: 2019-FEB-04  
APPROVED BY MINISTRY OF TRANSPORTATION: 2019-FEB-08  
ADOPTED: \_\_\_\_\_

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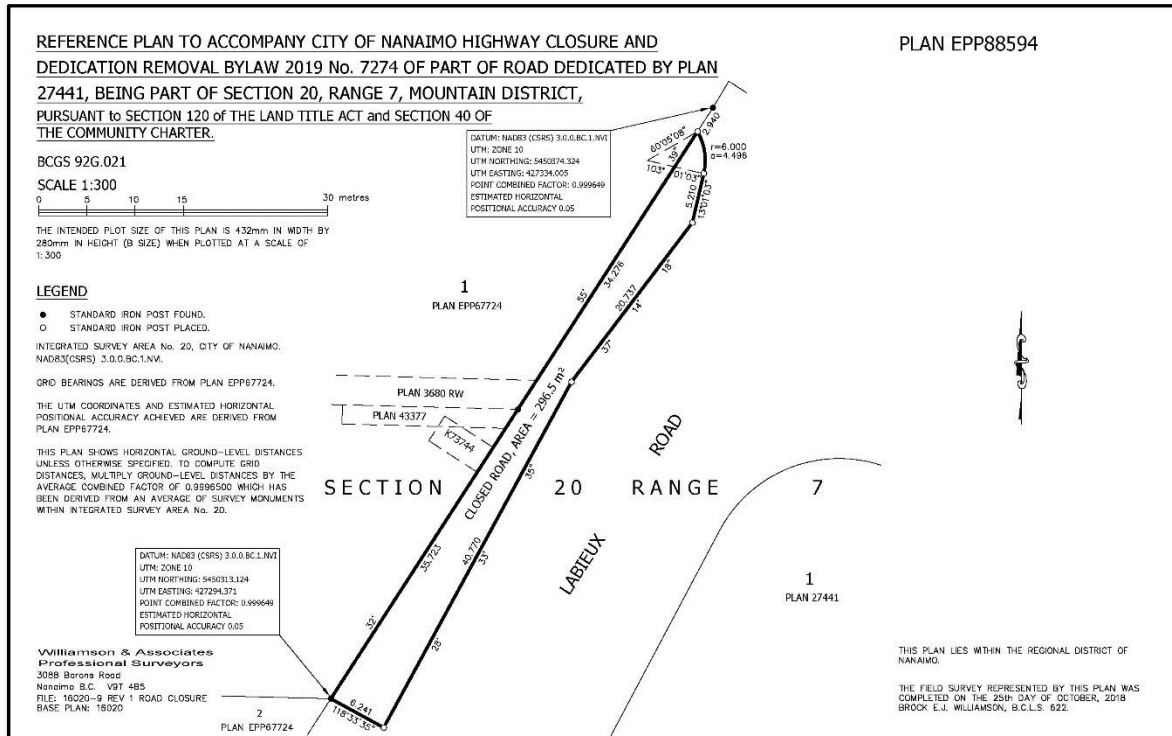
MAYOR

---

CORPORATE OFFICER

File: LD003517

Schedule A



Bylaw 7274  
Page 2

4. His Worship the Mayor and Corporate Officer are hereby authorized to execute all the necessary documents as may be required for the due completion of the aforesaid highway closure and dedication removal.

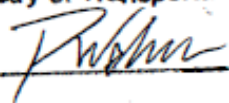
PASSED FIRST READING: 2019-JAN-21  
PASSED SECOND READING: 2019-JAN-21

Notice of intention to proceed with this bylaw was published on the day 29<sup>th</sup> of January, 2019 and the 31<sup>st</sup> day of January, 2019 in the Nanaimo News Bulletin newspaper, circulating in the City of Nanaimo, pursuant to Section 94 of the *Community Charter*.

PASSED THIRD READING: 2019-FEB-04  
APPROVED BY MINISTRY OF TRANSPORTATION: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

Approved pursuant to section 52(3)(a) of  
the *Transportation Act*

this 8<sup>th</sup> day of February, 2019  
Ministry of Transportation and Infrastructure

  
\_\_\_\_\_

\_\_\_\_\_  
MAYOR

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

File: LD003517

4500.055

"Zoning Amendment Bylaw 2014 No. 4500.055" (RA324 – To rezone 4015 and part of 4001 Corunna Avenue from Single Dwelling Residential [R1] to Residential Corridor [COR1] in order to construct an office building).

Passed two readings 2014-JAN-13. Public Hearing 2014-FEB-06. Passed third reading 2014-FEB-06. Ministry of Transportation approval 2014-MAR-04.

4500.132

"Zoning Amendment Bylaw 2019 No. 4500.132" (To rezone 111 Nicol Street to allow a site-specific Cannabis Retail Store use in the Gateway [DT12] Zone).

Passed two readings 2019-JAN-21. Requires Public Hearing and Ministry of Transportation and Infrastructure approval before adoption.

7159.03

"Bylaw Notice Enforcement Amendment Bylaw 2019 No. 7159.03" (To include a schedule of penalties related to "Smoking Regulation Bylaw 2018 No. 7268").

Passed three readings 2019-JAN-21.

7183

"Trapping Bylaw 2013 No. 7183" (To regulate, prohibit and impose requirements respecting body-gripping traps or devices for animals and wildlife).

Passed three readings 2013-NOV-18. Requires Ministry of Forests, Lands and Natural Resource Operations approval prior to adoption.

7268

"Smoking Regulation Bylaw 2018 No. 7268" (To regulate smoking in the City of Nanaimo).

Passed three readings 2018-AUG-13. Deposited with the Ministry of Health Services 2018-AUG-14. Rescinded third reading 2019-JAN-21, amended and passed third reading as amended 2019-JAN-21.

7274

"Highway Closure and Dedication Removal Bylaw 2019 No. 7274" (To provide for highway closure and dedication removal of a portion of Labieux Road adjacent to 2560 Bowen Road)

Passed two readings 2019-JAN-21. Notice of intention to proceed published in the Nanaimo News Bulletin newspaper. Passed third reading 2019-FEB-04. Requires approval of the Ministry of Transportation.

7282

"Port Theatre Borrowing Bylaw 2019 No. 7282" (To authorize the borrowing of up to \$4,500,000 for the construction of the Port Theatre Community Performing Arts Centre).

Passed three readings 2019-JAN-14. Grant approval and Inspector approval required prior to adoption.