



## **AGENDA REGULAR COUNCIL MEETING**

Monday, May 30, 2022

4:00 p.m. to Proceed In Camera, Reconvene Open Meeting 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 THE MEETING 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:

(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;

(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;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(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;

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

*Community Charter* Section 90(2):

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

or between a provincial government or the federal government or both and a third party.

**3. INTRODUCTION OF LATE ITEMS:**

**4. APPROVAL OF THE AGENDA:**

**5. ADOPTION OF THE MINUTES:**

a. Minutes 8 - 9

Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-MAY-09, at 12:36 p.m.

b. Minutes 10 - 18

Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-MAY-16, at 3:00 p.m.

**6. MAYOR'S REPORT:**

**7. RISE AND REPORT**

**8. PRESENTATIONS:**

a. Children's Health Foundation of Vancouver Island re: Jesse's House 19 - 25

Veronica Carroll, CEO, Anita Brassard, Director of Family Programs & Impact, Bryan Thomson, Board Chair and Alan Lowe, Architect, Children's Health Foundation of Vancouver Island, to provide a presentation regarding Jesse's House - a home away from home on the Nanaimo Regional General Hospital campus.

b. Mid Island Business Initiative Society Representatives re: Increasing Challenge of Attracting Workers 26 - 34

Mark Holland and Mid Island Business Initiative Society representatives to provide a presentation regarding the increasing challenge of attracting workers and suggestions for the Community Plan.

**9. COMMITTEE MINUTES:**

a. Minutes 35 - 39

Minutes of the Design Advisory Panel Meeting held electronically on Thursday, 2022-MAR-10 at 5:00 p.m.

b. Minutes 40 - 46

Minutes of the Environment Committee meeting held electronically on Wednesday, 2022-MAR-30, at 5:01 p.m.

- c. Minutes 47 - 50

Minutes of the Design Advisory Panel Meeting held electronically on Thursday, 2022-APR-14 at 5:00 p.m.

- d. Minutes 51 - 55

Minutes of the Design Advisory Panel Meeting held electronically on Thursday, 2022-APR-28 at 5:00 p.m.

- e. Minutes 56 - 59

Minutes of the Finance and Audit Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Wednesday 2022-MAY-18 at 9:00 a.m.

## 10. CONSENT ITEMS:

- a. Finance and Audit Committee Meeting 2022-MAY-18 60

[Note: a link to the 2022-MAY-18 Finance and Audit Committee agenda is attached.]

1. 2021 Statements of Financial Information

That the Finance and Audit Committee recommend that Council accept the 2021 Statement of Financial Information for filing with the Ministry of Municipal Affairs and Housing.

2. CleanBC Better Homes Rebate Program Continuation

That the Finance and Audit Committee recommend that Council allocate \$100,000 from the Climate Action Reserve Fund to support the City of Nanaimo's continued participation in the Province of British Columbia's CleanBC Better Homes Rebate Program.

3. Nanaimo Dragon Boat Festival Funding 2022

That the Finance and Audit Committee recommend that Council approve reallocation of \$12,000 in Downtown Event Revitalization grant monies returned by the Nanaimo Dragon Boat Festival Society to the Fairway Gorge Paddling Club Society.

## 11. DELEGATIONS:

- a. John Horn, Nanaimo John Howard Society 61

John Horn, Nanaimo John Howard Society, to provide Council with a PowerPoint presentation regarding statistics and narrative on rent bank loans, rental subsidies, restorative justice and urban clean up programs.

- b. Deborah Hollins and Jason Harrison, Nanaimo Community Advisory Board

62

Deborah Hollins and Jason Harrison, Nanaimo Community Advisory Board, to provide Council with a PowerPoint presentation regarding the Reaching Home: Homelessness Strategy including the history and future of the Nanaimo Community Advisory Board (NCAB), highlighting the importance of elected officials' participation and providing an invitation for membership.

## 12. REPORTS:

- a. City Plan Bylaw 2022 No. 6600 - First and Second Reading

63 - 71

To be introduced by Dale Lindsay, General Manager, Development Services/Deputy CAO.

[Note: "City Plan Bylaw 2022 No. 6600" is too large to attach to the agenda and is provided separately on the City of Nanaimo website.]

*Purpose: To present Council with "City Plan Bylaw 2022 No. 6600" for consideration of first and second reading in accordance with adoption procedures under Section 477 of the Local Government Act in order to repeal and replace "Official Community Plan Bylaw 2008 No. 6500".*

### Presentation:

[Note: PowerPoint to be distributed on the addendum.]

1. Lisa Bhopalsingh, Director, Community Development.

### Recommendation:

1. That Council has considered the consultation opportunities provided during the development of the "City Plan Bylaw 2022 No. 6600", and has determined that those opportunities are appropriate, and satisfy the requirements of Section 475 of the Local Government Act;
2. That "City Plan Bylaw 2022 No. 6600" pass first reading;
3. That "City Plan Bylaw 2022 No. 6600" pass second reading;
4. That Council:
  - a. considers "City Plan Bylaw 2022 No. 6600" in conjunction with the City of Nanaimo's financial plan;
  - b. considers "City Plan Bylaw 2022 No. 6600" in conjunction with the Regional District of Nanaimo Liquid Waste Management Plan (2014) and Regional Solid Waste Management Plan (2018);



- c. direct Staff to refer “City Plan Bylaw 2022 No. 6600” to the Agricultural Land Commission for comment; and,
- d. direct Staff to arrange a public hearing.

b. Development Approval Information Bylaw

72 - 83

To be introduced by Dale Lindsay, General Manager, Development Services/Deputy CAO.

*Purpose: To present Council with the City of Nanaimo “Development Approval Information Bylaw 2022 No. 7346” to specify the requirements and procedures for the provision of information to address the anticipated impacts of development as part of the development approval process.*

Recommendation:

- 1. That City of Nanaimo “Development Approval Information Bylaw 2022 No. 7346” (To specify development information requirements) pass first reading;
- 2. That City of Nanaimo “Development Approval Information Bylaw 2022 No. 7346” pass second reading; and,
- 3. That City of Nanaimo “Development Approval Information Bylaw 2022 No. 7346” pass third reading.

c. Development Permit Areas Guidelines - Amendment to Zoning Bylaw

84 - 118

To be introduced by Dale Lindsay, General Manager, Development Services/Deputy CAO.

*Purpose: To present Council with amendments to the City of Nanaimo Zoning Bylaw 4500 to include development permit area guidelines, exemptions, and related definitions in addition to other amendments for consistency with the proposed Official Community Plan (City Plan).*

Recommendation:

- 1. That “Zoning Amendment Bylaw 2022 No. 4500.199” (To include development permit area guidelines, exemptions, and related definitions in addition to other amendments for consistency with the proposed Official Community Plan [City Plan]) pass first reading; and,
- 2. That “Zoning Amendment Bylaw 2022 No. 4500.199” pass second reading.

d. Development Permit Application No. DP1219 – 2498 Rosstown Road

119 - 133

To be introduced by Dale Lindsay, General Manager, Development Services/Deputy CAO.

*Purpose: To present for Council's consideration, a development permit application to permit the proposed site works, servicing, and restoration within the watercourse leave strip in conjunction with a subdivision.*

Recommendation: That Council issue Development Permit No. DP1219 at 2498 Rosstown Road to reduce the minimum required watercourse leave strip from 7.5m to 0m in order to allow the proposed site works, servicing, and restoration within the watercourse leave strip area.

e. Alternative Transportation to Special Events 134 - 136

To be introduced by Bill Sims, General Manager, Engineering and Public Works.

*Purpose: To inform Council that Staff will be working with Regional District of Nanaimo Transit and third party contractors to provide free transit shuttle services and bike valet parking for at least four (4) days of Special Events in 2022.*

f. Strategic Priorities Fund Capital Infrastructure Stream 137 - 145

To be introduced by Laura Mercer, Director, Finance.

*Purpose: To provide Council with information on potential projects for the Strategic Priorities Fund Capital Infrastructure Stream and obtain a Council resolution supporting an application under this program stream.*

Recommendation: That Council:

- a. Direct Staff to submit an application to the Strategic Priorities Fund Capital Infrastructure Stream for the Westwood Lake Phase 2 project and that Council commits staff to providing overall grant management; and
- b. Amend the 2022-2026 Financial Plan to add the Westwood Lake Phase 2 project to 2023/2024 for \$1,800,000 funded from the Strategic Priorities Fund.

g. Public Notice Bylaw 146 - 152

To be introduced by Karen Robertson, Deputy City Clerk.

*Purpose: To introduce a bylaw that provides for alternative methods for publication of statutory notices.*

Recommendation:

1. That "Public Notice Bylaw 2022 No. 7325" (To provide for alternative means of publication) pass first reading.
2. That "Public Notice Bylaw 2022 No. 7325" pass second reading.
3. That "Public Notice Bylaw 2022 No. 7325" pass third reading.

13. **BYLAWS:**

- a. Code of Conduct Bylaw 2022 No. 7348 153 - 169  
That “Code of Conduct Bylaw 2022 No. 7348” (To regulate the conduct for Council and Committee Members) be adopted.
- b. Ethics Commissioner Establishment Bylaw 2022 No. 7349 170 - 171  
That “Ethics Commissioner Establishment Bylaw 2022 No. 7349” (To establish an Ethics Commissioner or ad hoc Commissioner) be adopted.
- c. Elected Officials Oath of Office Bylaw 2022 No. 7350 172 - 173  
That “Elected Officials Oath of Office Bylaw 2022 No. 7350” (To establish the oath or solemn affirmation of office for Mayor and the office of Councillor) be adopted.

14. NOTICE OF MOTION:

15. OTHER BUSINESS:

16. QUESTION PERIOD:

17. ADJOURNMENT:

**MINUTES**  
SPECIAL COUNCIL MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2022-MAY-09, AT 12:36 P.M.

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

Staff: J. Rudolph, Chief Administrative Officer  
D. Lindsay, General Manager, Development Services/Deputy Chief  
Administrative Officer  
R. Harding, General Manager, Parks, Recreation and Culture  
B. Sims, General Manager, Engineering and Public Works  
B. Corsan, Director, Corporate and Business Development  
L. Mercer, Director, Finance  
S. Gurrie, Director, Legislative Services  
N. Sponaule, Legislative Communications Clerk  
K. Lundgren, Recording Secretary

1. CALL THE SPECIAL MEETING TO ORDER:

The Special Council Meeting was called to order at 12:36 p.m.

2. APPROVAL OF THE AGENDA:

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

3. BYLAWS:

(a) "Financial Plan Amendment Bylaw 2022 No. 7337.01"

It was moved and seconded that "Financial Plan Amendment Bylaw 2022 No. 7337.01" (To amend the 2022 – 2026 Financial Plan) be adopted. The motion carried.

Opposed: Councillor Turley

(b) "Property Tax Rates Bylaw 2022 No. 7345"

It was moved and seconded that "Property Tax Rates Bylaw 2022 No. 7345" (a bylaw to set the property tax rates for 2022) be adopted. The motion carried.

Opposed: Councillor Turley

4. NOTICE OF MOTION:

(a) Councillor Hemmens - Notice of Motion re: NAC Youth Hub model

Councillor Hemmens advised that she would be bringing forward the following notice of motion for consideration at the 2021-MAY-16 Regular Council Meeting:

"That Council direct Staff to deliver a report on the possible expansion of the NAC Youth Hub model of primary care to other populations and locations in the City."

(a) Councillor Hemmens - Notice of Motion re: Inclusion of space for a new primary care clinic

Councillor Hemmens advised that she would be bringing forward the following notice of motion for consideration at the 2021-MAY-16 Regular Council Meeting:

"That Council direct Staff to pursue the inclusion of space for a new primary care clinic in future public projects, such as Te'tuxwtun or South End Community Center."

5. ADJOURNMENT:

It was moved and seconded at 12:38 p.m. that the meeting adjourn. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**MINUTES**  
REGULAR COUNCIL MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, BC  
MONDAY, 2022-MAY-16, AT 3:00 P.M.

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Present: Mayor L. Krog, Chair  
Councillor D. Bonner  
Councillor T. Brown  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor I. W. Thorpe  
Councillor J. Turley (joined electronically)

Absent: Councillor S. D. Armstrong

Staff: J. Rudolph, Chief Administrative Officer  
D. Lindsay, General Manager, Development Services/Deputy Chief Administrative Officer  
R. Harding, General Manager, Parks, Recreation and Culture  
B. Sims, General Manager, Engineering and Public Works  
L. Bhopalsingh, Director, Community Development  
B. Corsan, Director, Corporate and Business Development  
A. Groot, Director, Facility and Parks Operations  
J. Holm, Director, Development Approvals  
L. Mercer, Director, Finance (joined electronically)  
P. Rosen, Director, Engineering  
J. McAskill, Manager, Facility Asset Planning  
S. Gurrie, Director, Legislative Services  
K. Robertson, Deputy City Clerk  
N. Sponaule, Legislative Communications Clerk  
K. Gerard, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 3:00 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 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:

- (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; 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.

Council moved In Camera at 3:00 p.m.

Council moved out of In Camera at 6:12 p.m.

Council recessed the Open Meeting 6:12 p.m.

Council reconvened the Open Meeting at 7:00 p.m.

### 3. INTRODUCTION OF LATE ITEMS:

- (a) Move recommendation #27 on Attachment A of the Governance and Priorities Committee Recommendations from 2022-MAY-09 Agenda item 10(c)(1) to Separately Addressed Consent Items and add the following delegations:
  - 1. Paul Chapman
  - 2. Liz Sparkes
  - 3. Erin Tzvetcoff
  - 4. Jain Alcock-White
  - 5. Paul Sadler
  - 6. Bruce Martin
- (b) Agenda item 12(c) CleanBC Communities Fund Grant Application for Mechanical Renewal at Nanaimo Aquatic Centre - replace the introduction by Laura Mercer, Director, Finance with Bill Sims, General Manager, Engineering and Public Works.
- (c) Agenda item 12(d) Development Permit Application No. DP1241 - 6330 McRobb Avenue – Add the following delegations:
  - 1. Robin Kelley
  - 2. Daryoush Firouzli

### 4. APPROVAL OF THE AGENDA:

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

5. ADOPTION OF THE MINUTES:

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

- Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-APR-25, at 4:00 p.m.
- Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-MAY-02, at 3:00 p.m.

The motion carried unanimously.

6. MAYOR'S REPORT:

The Mayor spoke regarding the following:

- The Mayor of Nanaimo has issued a formal challenge to the Mayor of Penticton in anticipation of the Nanaimo Clippers and Penticton Vees BCHL Fred Page Cup Finals. The next games will be held in Nanaimo at Frank Crane Arena on May 17<sup>th</sup> and 18<sup>th</sup>
- The Annual Car Trunk Sale returns with registration for vendors now open. Register to reserve a spot by emailing [sorttosstoll@nanaimo.ca](mailto:sorttosstoll@nanaimo.ca). The event will take place from 9:00 a.m. to 2:00 p.m. on July 16, 2022
- Residents are reminded to be careful around our lakes, rivers and ocean as the weather gets warmer and community members spend more time near water
- At the Special Council Meeting held on 2022-MAY-09, Council adopted the 2022 - 2026 Financial Plan
- The City of Nanaimo is currently recruiting workers for the 2022 General Election. Applications are available online and can be emailed to [elections@nanaimo.ca](mailto:elections@nanaimo.ca) or dropped off to the Legislative Services office located at City Hall, 455 Wallace Street
- Democracy is a very important part of our culture and more residents are encouraged to vote as the average turn out per election is 30%

7. RISE AND REPORT:

The Mayor advised that at the In Camera Council Meeting held 2022-MAY-02, Council appointed Kevin Krastel, Marie Leduc, and Kaien Shimizu as at-large members on the Design Advisory Panel for a three-year term. Councillor Brown is the appointed Council representative and Councillor Hemmens is the alternate.

8. COMMITTEE MINUTES:

The following Committee Minutes were received:

- a) Minutes of the Special Advisory Committee on Accessibility and Inclusiveness Meeting held electronically on Wednesday, 2022-MAR-23 at 4:04 p.m.



- b) Minutes of the Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-MAR-28, at 1:00 p.m.
- c) Minutes of the Governance and Priorities Committee meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday, 2022-APR-11, at 1:00 p.m.
- d) Minutes of the Special Governance and Priorities Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Thursday, 2022-APR-21, at 3:30 p.m.
- e) Minutes of the Advisory Committee on Accessibility and Inclusiveness Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Wednesday, 2022-APR-27 at 4:01 p.m.

9. CONSENT ITEMS:

It was moved and seconded that the following items be adopted by consent:

Prior to the vote Mayor Krog announced that Agenda Item 10(b)(1) would be removed and be voted on separately as item 10(c)(1) in Separately Addressed Consent Items.

(a) Advisory Committee on Accessibility and Inclusiveness Recommendations 2022-APR-27

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1. Design Commercial Update

That the Advisory Committee on Accessibility and Inclusiveness support, in principle, the project concept as outlined in the 2022-APR-27 report by James Knight, Capital Project Management Specialists, with the following suggestions for consideration:

- Smooth road surfaces (not textured);
- Accessible washrooms, especially during events;
- Ensure branches from trees are trimmed so that they do not hang below a minimum of seven feet; and
- Encourage the business community to make their businesses fully accessible.

(b) Governance and Priorities Committee Recommendations 2022-MAY-09

That Council:

- 1. Support the amendments to the Draft City Plan as detailed in Attachment A: Draft City Plan – GPC Amendments (attached to the 2022-MAY-16 agenda).
- 2. Support the amendments to the Draft City Plan as detailed in Attachment B: Draft City Plan – Recommended Amendments (attached to the 2022-MAY-16 agenda).

3. Support adding a new policy under section C1.1 of the Draft City Plan to support, prioritize and advocate for low-carbon energy systems in all new construction.

The motion carried unanimously.

(c) Separately Addressed Consent Items

1. Governance and Priorities Committee Recommendation 2022-MAY-09

Attachment A: Recommendation #27

Change the buffer between industrial lands and the Cable Bay Trail from 50 metres to an average of 100 metres.

Delegations:

1. Paul Chapman, Executive Director, Nanaimo and Area Land Trust, spoke regarding the significance of mature forests, habitat, flood mitigation and recreation activities that the Cable Bay Trail supports. He noted that the buffer zone around any trail networks should be 3 times the length of the tallest tree so 100 meters should be the minimum buffer zone for the Cable Bay Trail.
2. Liz Sparkes conveyed concerns regarding loss of green space and habitat. She noted that outdoor recreational activities are a major tourism draw for Nanaimo and highlighted the benefits of parks and trails for the environment and long-term health.
3. Erin Tzvetcoff spoke regarding the benefits of green space, diverse habitats and ecosystems, tourism opportunities, the health benefits of outdoor spaces and walking/hiking trails.
4. Jain Alcock-White spoke regarding the petition, balancing social, economic and development needs; ensuring development does not negatively effect the Cable Bay Trail and changing the focus from industrial development to cultural values.
5. Paul Sadler, Chief Executive Officer, Harmac Pacific Mill, provided a brief history of the Cable Bay Trail and Harmac Pulp Mill. He advised Council that Nanaimo Forest Products, Harmac Pulp Operations, would work with the City of Nanaimo (the City) to ensure that the 100-metre buffer zone is implemented through the rezoning process. Ownership of the area within the 100-metre buffer zone would be transferred to the City through a community contribution and designated as parkland.
6. Bruce Martin, employee, Nanaimo Forest Products, Harmac Pulp Operations, spoke on behalf of all employees and stated that the Cable Bay Trail is an important piece of parkland and all employees are in support the 100 metre buffer zone.

It was moved and seconded that Council direct Staff to change the buffer between industrial lands and the Cable Bay Trail from 50 metres to an average of 100 metres. The motion carried unanimously.

10. REPORTS:

(a) Code of Conduct for Council & Committee Members

Introduced by Sheila Gurrie, Director, Legislative Services.

Karen Robertson, Deputy City Clerk, introduced the proposed Code of Conduct Bylaw, Ethics Commissioner Establishment Bylaw, Elected Officials Oath of Office Bylaw and the Council Spending and Amenities Policy Amendment. She provided an overview of the following:

- A background on the proposed legislation that would require councils to consider developing a code of conduct or review ones if they already exist;
- The following four parts to the proposed Code of Conduct Bylaw:
  - Part 1 - Definitions and Scope
  - Part 2 - Foundational Principles
  - Part 3 - Behavioural Expectations to support the Foundational Principles
  - Part 4 – Accountability and processes for breaches, complaint handling, and disciplinary action to support compliance of Part 3
- The Ethics Commissioner Establishment Bylaw which could be a formally appointed Ethics Commissioner or a Third Party Investigator hired on an as-needed basis;
- The Council Spending and Amenities Policy Amendment that would include compensation breaches to support expectations and to assist in off-setting the costs associated with a formal investigation; and
- The Oath of Office Bylaw, which is a companion document to support the Code of Conduct Bylaw.

Reece Harding, Solicitor, Young Anderson, then advised Council that the City is behind other municipalities in implementing a robust Code of Conduct for local governments. He stated that the proposed changes offer: clear intake processes and jurisdiction to refer items to the appropriate place; a good balance to openness and public transparency; addresses privacy concerns; and protects members involved in an investigation for procedural fairness with clear language around censure and sanctions.

It was moved and seconded that “Code of Conduct Bylaw 2022 No. 7348” (To regulate the conduct for Council and Committee Members) pass first reading. The motion carried unanimously.

It was moved and seconded that “Code of Conduct Bylaw 2022 No. 7348” pass second reading. The motion carried unanimously.

It was moved and seconded that “Code of Conduct Bylaw 2022 No. 7348” pass third reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to remove the word “made” from Section 4.5 of the “Ethics Commissioner Establishment Bylaw 2022, No. 7349”. The motion carried unanimously.

It was moved and seconded that “Ethics Commissioner Establishment Bylaw 2022 No. 7349” (To establish an Ethics Commissioner or ad hoc Commissioner) pass first reading. The motion carried unanimously.

It was moved and seconded that “Ethics Commissioner Establishment Bylaw 2022 No. 7349” pass second reading. The motion carried unanimously.

It was moved and seconded that “Ethics Commissioner Establishment Bylaw 2022 No. 7349” pass third reading. The motion carried unanimously.

It was moved and seconded that “Elected Officials Oath of Office Bylaw 2022 No. 7350” (To establish the oath or solemn affirmation of office for Mayor and the office of Councillor) pass first reading. The motion carried unanimously.

It was moved and seconded that “Elected Officials Oath of Office Bylaw 2022 No. 7350” pass second reading. The motion carried unanimously.

It was moved and seconded that “Elected Officials Oath of Office Bylaw 2022 No. 7350” pass third reading. The motion carried unanimously.

It was moved and seconded that Council endorse the amendments to section two and three of the Council Spending and Amenities Policy related to code of conduct breaches and attendance at in-town or out-of-town meetings as outlined in red within Attachment 4 to the 2022-MAY-16 report by the Deputy City Clerk. The motion carried unanimously.

(b) Downtown Nanaimo Safety Action Plan

Introduced by Dale Lindsay, General Manager, Development Services/Deputy Chief Administrative Officer.

Council discussion took place regarding the graffiti relief grant program and the ambassador program implemented through different agencies.

The Regular Council Meeting recessed at 8:46 p.m.

The Regular Council Meeting reconvene at 8:59 p.m.

It was moved and seconded that Council receive the Downtown Nanaimo Community Safety Action Plan. The motion carried unanimously.

(c) CleanBC Communities Fund Grant Application for Mechanical Renewal at Nanaimo Aquatic Centre

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Introduced by Bill Sims, General Manager, Engineering and Public Works.

Jenn McAskill, Manager, Facility Asset Planning, spoke regarding the CleanBC Communities Fund Grant application for mechanical renewal at the Nanaimo Aquatic Centre (NAC) and stated NAC has been in operation for approximately 20 years and upgrades to the mechanical system are required to ensure longevity.

It was moved and seconded that Council:

1. Direct staff to submit an application to CleanBC's Clean Communities Fund for the Mechanical Renewal at Nanaimo Aquatic Centre (NAC), and commit to funding \$1,493,520 of the project, as well as any cost overruns;
2. Amend the 2022 – 2026 Financial Plan to remove the NAC Boiler Replacement Project in 2024/2025 for \$799,200 funded from the Facility Development Reserve Fund; and
3. Amend the 2022 – 2026 Financial Plan to add the Mechanical Renewal at NAC to 2023/2024 for \$5,600,000 funded from a \$4,106,480 grant, \$1,093,520 from the Facility Development Reserve Fund and \$400,000 from the Climate Action Reserve Fund with project contingent on a successful grant application.

The motion carried.

Opposed: *Councillor Geselbracht*

(d) Development Permit Application No. DP1241 - 6330 McRobb Avenue

Introduced by Jeremy Holm, Director, Development Approvals.

Delegations:

1. Robin Kelley, President/Partner, Camargue Properties Inc., was in attendance to answer questions.
2. Daryoush Firouzli, Architect, was in attendance to answer questions.

It was moved and seconded that Council issue Development Permit No. DP1241 for a multi-family residential development at 6330 McRobb Avenue with a variance to increase the maximum permitted building height from 14.0m to 19.6m. The motion carried unanimously.

11. BYLAWS:

Councillor Bonner vacated the Shaw Auditorium at 9:13 p.m., stating a conflict of interest as he resides near the proposed development.

(a) "Zoning Amendment Bylaw 2021 No. 4500.187"

It was moved and seconded that "Zoning Amendment Bylaw 2021 No. 4500.187" (To rezone the properties at 2220, 2232, 2238, 2246, 2254 Northfield Road, and 2230 Boxwood Road from Single Dwelling Residential [R1], Duplex Residential [R4], Medium Density Residential [R8], and Community Service One [CS1] to Mixed Use Corridor [COR2] with site-specific maximum gross floor area for a grocery store) be adopted. The motion carried unanimously.

Councillor Bonner returned to the Shaw Auditorium at 9:15 p.m.

12. OTHER BUSINESS:

(a) Councillor Hemmens - Motion re: Inclusion of Space for a New Primary Care Clinic

It was moved and seconded that Council direct Staff to pursue the inclusion of space for a new primary care clinic in future public projects, such as the South End Community Centre. The motion carried unanimously.

(b) Councillor Hemmens - Motion re: NAC Youth Hub Model

It was moved and seconded that Council direct Staff to deliver a report on the possible expansion of the NAC Youth Hub model of primary care to other populations and locations in the City. The motion carried unanimously.

13. QUESTION PERIOD:

No one was in attendance to ask questions.

14. ADJOURNMENT:

It was moved and seconded at 9:21 p.m. that the meeting adjourn. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER

# Jesse's House

## A home away from home in Nanaimo



*Champions for the health of every Island family since 1926.*

### Quick background

Who are we?

**Mission:** We invest in the health of Island kids.

**Vision:** All Island kids have access to the health care they need.



*Children may only be 21% of our Island's population, but they are 100% of our future.*

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## CHF in Nanaimo

### Working alongside the Nanaimo community to support children and youth:

- Nanaimo Child Development Centre
- Greater Nanaimo Early Years Partnership
- Nanaimo Aboriginal Centre
- Boys and Girls Clubs of Central Vancouver Island
- Whitecrow Village FASD Society
- City of Nanaimo



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ALEXANDER  
HOSPITAL  
ADVANCING THE FUTURE

## Our next project

A home away from home in Nanaimo

### Families from across the Islands find themselves in Nanaimo for health care

- NRGH hosts one of two NICUs on the Island and other pediatric clinical care
- Nanaimo hosts additional community-based health care services such as dental and assessments
- Pregnant people from rural and remote communities relocate to Nanaimo in advance of their due date

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## The Inspiration



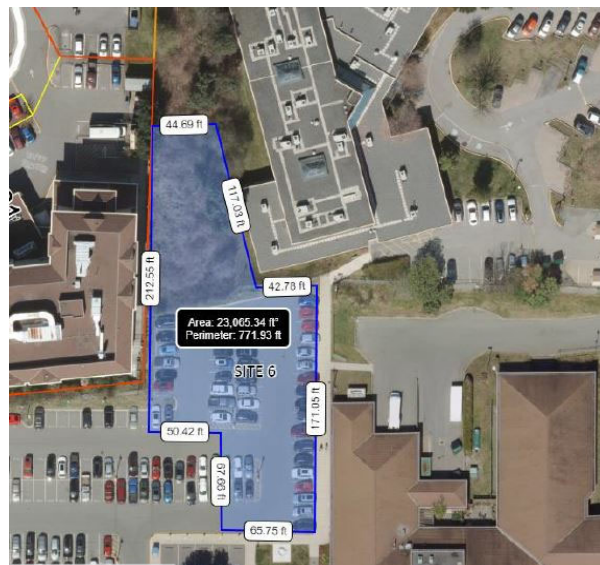
*Sheri and Marlee Shanahan*

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## Location

Nanaimo Regional  
General Hospital  
campus



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OF VANCOUVER ISLAND



## Community benefits

Better health outcomes  
for Island families

- Provides accommodation near health care services
- Removes financial burden related to cost of accommodation

*"I think I had to go through the hardest thing in the world. I don't think I would have mentally made it through that experience if Jeneece Place wasn't there."*

– Misty, Lucy and Clara's mom in Campbell River



Misty, Lucy, and Clara, Campbell River

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FOUNDATION FOR CHILDREN

## Community benefits

Better health outcomes  
for Island families

- Provides a safe, inclusive, and friendly space for patients and their families to call home and find comfort
- Includes amenities such as a kitchen, cultural space, multi-purpose activity room, patio area, and playground
- Facilitates relationship building and peer-to-peer support among home away from home families.

*"Most people from the North Island are born and raised here, or have moved from other provinces. They don't have family to stay with in the bigger centres down Island, so medical treatment or long stays can be very costly. To have a place like Jeneece Place relieves the pressure for northern families so much."*

– Jaime, Aceson's mother  
Port McNeill

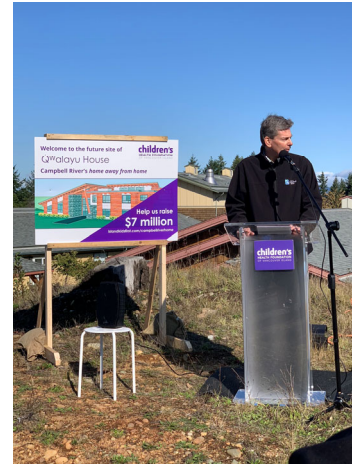


Gabriel family, Port McNeill

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## The process



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## Q'w'ala House

Campbell River

- Opened in August 2021
- Families have stayed more than 400 nights since the house first opened
- Families who stay at Qwalayu House are accessing care at the Campbell River hospital or community based care
- 10-bedrooms with private baths
- Large shared kitchen, living room, quiet rooms, and other shared spaces
- Annual operating costs are \$450,000



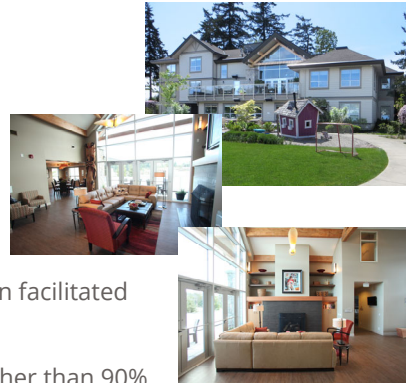
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## Jeneece Place

Victoria

- 10-bedroom facility with private baths
- Large shared kitchen, living room, media room, playground, garden, and art room
- Nearly 4000 stays have been facilitated at the house since opening
- Average occupancy rate higher than 90%
- Ongoing operating costs budgeted at \$470,000 funded by Children's Health Foundation donors with minimal active fundraising needed



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FOUNDATION FOR CHILDREN

## Next steps

- Architect, Alan Lowe, will design the house
- Working toward breaking ground and bringing this resource to the community as soon as possible
- Generating community support and funding for the capital build and operations

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**Thank you!**



# Considering the Implications of the Reimagine Nanaimo Draft OCP

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MAY 2022

NANAIMO COUNCIL

## Overview

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- Land and housing needs
- OCP draft plan
- OCP subarea evaluations
- Infill scenarios
- Conclusions

## Housing needed for economy



**A balanced real estate market requires 5-6x supply more than demand in any unit of time**

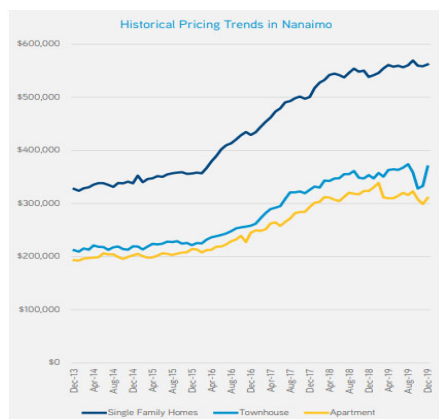
- Eg: 5-6 months of inventory
- 3% vacancy rates

**Housing impacts our economy!**

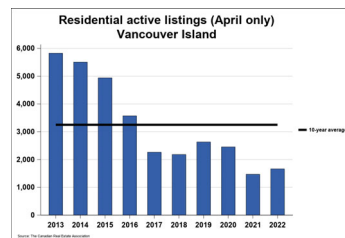
- Attainable housing needed to attract/keep workers.

**The OCP is critical to supporting major capacity for housing immediately.**

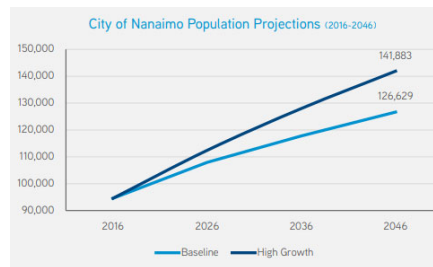
## Housing inventory / prices



Standing Inventory by Dwelling Type					
	Single	Semi-Detached	Row	Apartment	Total
2013	14	4	19	45	82
2014	15	6	7	19	47
2015	24	3	3	27	57
2016	17	4	10	16	47
2017	24	2	10	8	44
2018	43	7	9	0	59
2019	28	4	4	0	36

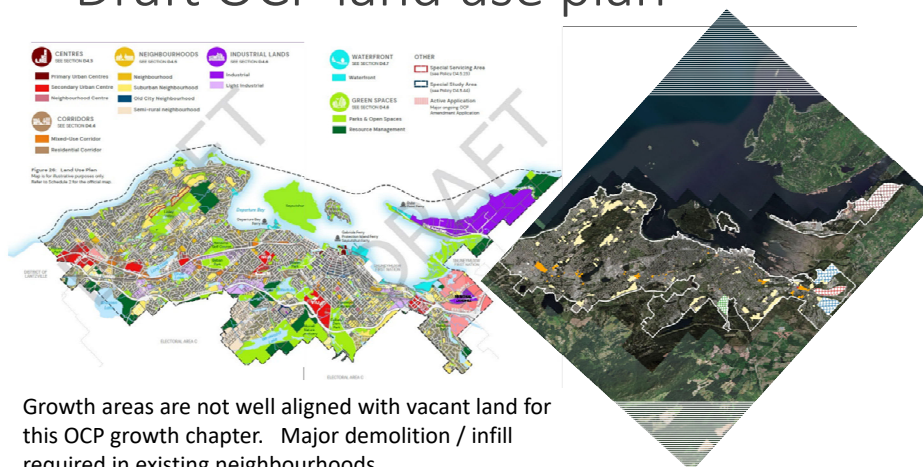


# Land policy is the basis for housing supply



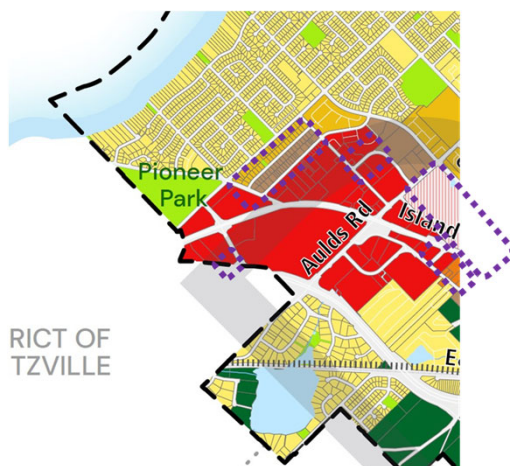
- o **Approx 40,000 new residents in 25 yrs.**
  - o 1,600-1,800/yr = need 800-900 new units EACH YEAR
  - o Plus, existing demographic housing changes
- o **Colliers Study (2019-2020)**
  - o Evaluate land base in context of growth needs
  - o Conclusions
    - o Need 15-21,000 new homes in 25 yrs.
    - o 610,000-780,000 sqft retail
    - o 127,000-160,000 service commercial
    - o 1.1-1.4M sqft office
  - o 592 ha of land is “vacant” and can generally handle the growth
    - o ....So long as the vacant land is in the right location

# Draft OCP land use plan



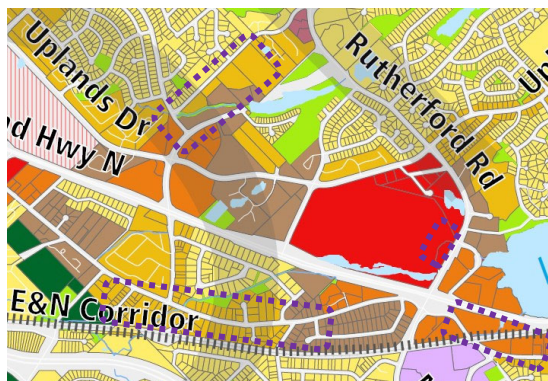


## Woodgrove area



- A large format retail centre, with few sites other than Green Thumb that have significant redevelopment potential.
  - Redeveloping mall parking lots are a major challenge – rarely done for many reasons.
- The high density areas are all successful large format commercial areas and stand little possibility of being developed in the next several decades.
  - Implications of parking and difficulty of presales means growth will go elsewhere.
- Land assembly would be challenging in the residential areas around this area.
  - It can be done but will take time.

## North Nanaimo Mall area



This area has some development potential but most all sites require assembly / displacement of other uses and commercial areas.

### Development potential:

- Along Metral Dr- land assembling and redeveloping existing large lot 1960s/70s homes.
- Some potential sites between Mostar / Galaxy motors, displacing commercial / old light industrial.
- Possible site replacing Sears in the mall.
- Displacement of vehicle dealerships implied

## Country Club area



**This area has development potential but most all will require the assembly and displacement of existing residential or commercial uses.**

### **Development potential:**

- Displacement of car dealerships is implicitly proposed (a significant% of land). Many are new / updated and cannot be forced to leave.
- Around Country Club mall – complex land assembly and demolition of existing older (heritage) housing and light industrial/commercial.
- Small opportunities at Bowen / Labieux.
- Redevelopment of Uplands Dr is possible over time – but underlying home/land values will be significant with organized opposition as it will be a major change in urban fabric.

## Bowen Rd / Hospital area

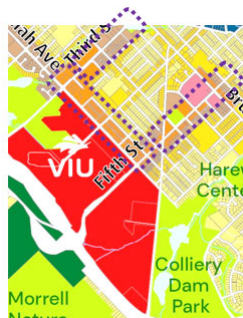


**This area along Bowen / Old Island Highway has some potential to redevelop older sites – displacing existing housing and businesses.**

**The area around the hospital will not easily get redeveloped into high density because it has:**

- Hospital and parking
- Successful commercial clusters
- Schools
- Many nearly new developments

## VIU / Harewood area



### Good redevelopment potential in Harewood – along major routes.

- It is not aligned with the Harewood neighbourhood plan and ultimately, has a relatively limited number of sites.
- Land assembly will take effort and time as most older homes have successful rentals to students – and existing tenants will be displaced.
- (much more of Harewood should be densified)

**VIU has closed their Trust and as such, have no tools with which to redevelop any of their lands – so nothing will occur there** until another entity is created to handle the development.

**DND lands next to university are in Snuneymuxw treaty negotiations and have not been planned for residential** (planned for commercial).

## Old City area



**There are several med/large sites available in the old city (Howard Johnson/ industrial waterfront)**

**The proposed new plan envisions aggressive change and densification.**

**The downtown / waterfront has many challenges**

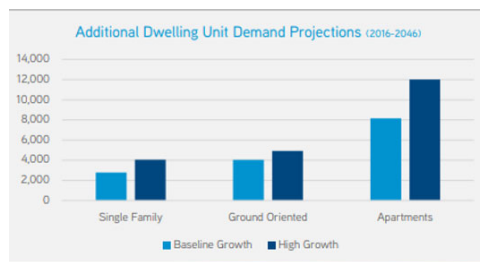
- Contamination
- First Nations claims,
- Port / Industrial land uses.

**While there are a number of small sites throughout the “old city”, the realities of demolishing heritage to install high density is very challenging – and will take a long time.**

- (eg: 388 Machleary)

## Housing to be provided

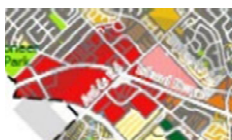
Municipal / Colliers projected housing mix for planning



Survey results (market demand)

Building type	% of population interested
Single family home	92-94%
Suite	33-45%
Duplex	27-35%
Townhouse / rowhouse	49-59%
Apartment / condo (below 6 storeys)	52-57%
Apartment / condo (over storeys)	30-32%
Mixed use building	19-34%

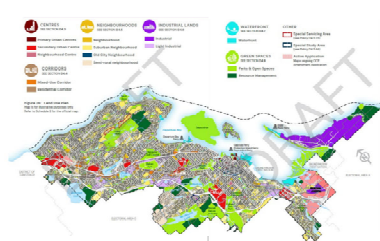
## Green Thumb / Sandstone



- **Significant growth proposed on greenfield sites:**
  - Green thumb = over 2,000 MF units
  - Sandstone = over 2,000 SF/MF units
- **Both need: (before anyone is housed)**
  - Rezoning
  - Servicing / access plans and Works/Services Agreements
  - Subdivision PLA/R
  - Servicing construction design
  - Servicing / access installation
  - Completion / registration at LTO
  - Land sales
  - DP for each site
  - Detailed design
  - Presales / financing
  - BP for each site
  - Construction
  - Occupancy
- **Min 5-10 yrs before first occupancies on either site.**

**Combined density (10,000 pop) is only 50% of total capacity needed in next 10 years.**

## Context summary



- Significant growth expected
- Housing demanded versus planned = misaligned (Single Family!)
- Housing prices directly related to inventory / availability
- Major greenfield sites are 5-10 yrs before first homes occupied.
- Vacant land and density-designated land = partially mis/aligned
  - Malls / VIU etc... have low/nil probability of development
- The next 10yrs of growth will be absorbed within existing neighbourhoods
  - Major demolition/infill will be required in existing neighbourhoods

## Infill scenarios

### Townhouse infill

- 8 units on 2 lots
  - (7k sqft each lot)
- 2 old houses + 1 suite removed
- Net 5 units (10-13 people)
- 3 yrs to completion
- Absorb 3-4 new people/yr
  - (includes rehousing displaced residents)

### 6 storey infill

- 54 units on 3 lots
- 3 old houses + 1 suite removed
- Net 50 units (100 people)
- 4 yrs to completion
- Absorb 25 people/yr
  - (includes rehousing displaced residents)

### 25 storey tower

- 200 new units (400 people)
- 7 yrs to completion
- Absorb 60 people/yr
- (small % of development due to cost, presales req)

## Scenario: for 1% growth rate (~half of actual growth rate) (~1,000 new people/yr + displaced from infill demolitions)

### 33% Growth in Townhouses

- 28 projects / 173 units (330 people) yr completed + occupied
- 1,200 people will be displaced from current affordable older housing and 600 older homes will be demolished over 10 yr OCP window

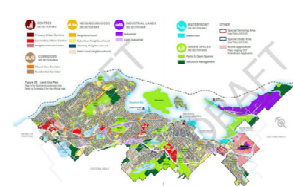
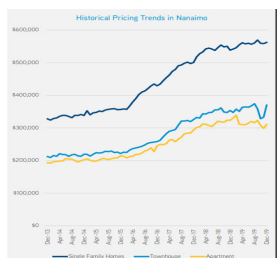
### 67% Growth in 6 Storey Apartments

- 6.5 projects / yr (341 units) completed and occupied
- 480 people will be displaced from current affordable older housing and 240 older homes will be demolished over 10 yr OCP window

#### • Total

- ~200 new townhouse projects and ~60 new 6- storey apartment buildings will need to be approved, built, completed and fully occupied within existing neighbourhoods over the 10yr OCP window.
- 1,680 people will be displaced from 960 existing attainable dwellings will be demolished over the OCP window.

## Conclusion



1. Reimagine Nanaimo is a good 50yr plan
2. The major greenfield sites are 5-10 years to occupancy and will only accommodate approx. 5 yrs of growth.
3. The other greenfield sites are largely misaligned with designated growth areas = most new housing will require demolition of existing attainable homes and displacement of existing residents.
4. The new apartments replacing the older housing will be small and expensive (not family housing).
5. The massive demolition/rebuild of existing neighbourhoods will be very contentious (eg: Machleary).
6. A balanced residential market requires 5-6x supply to demand. The current plan will exacerbate home prices due to the time it takes for development.
7. Adjacent areas in RDN need to be considered for "future study areas" and annexation or people will purchase SF homes in other areas and commute.
8. Need to establish a set of special study areas in OCP for areas that have servicing / immediately adjacent (Extension, Jingle Pot, etc...) and address in RGS update with RDN.
9. Greenfield / edge growth is not sprawl – it can be planned and built as complete neighbourhoods

**MINUTES**  
SPECIAL DESIGN ADVISORY PANEL MEETING  
ELECTRONIC MEETING  
WEDNESDAY, 2022-MAR-10, AT 5:00 P.M.

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PRESENT:   Members:   Kevin Krastel, At Large, Chair  
                              Councillor Brown, vacated the meeting at 6:27 p.m.  
                              Angela Buick, At Large  
                              Tony James, AIBC  
                              Jason Santeford, AIBC  
                              Kate Stefiuk, BCSLA, joined the meeting electronically at 5:41 p.m.  
                              Jill Yuzwa, At Large

                 Absent:    Marie Leduc

                 Staff:     C. Horn, Planner, Current Planning Section  
                              L. Nielsen, Recording Secretary

1.    CALL THE DESIGN ADVISORY PANEL MEETING TO ORDER:

The Design Advisory Panel Meeting was called to order at 5:17 p.m.

2.    INTRODUCTION OF LATE ITEMS:

Add Agenda Item 5(a), request regarding Rotating Chair.

3.    ADOPTION OF AGENDA:

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

4.    PRESENTATIONS:

(a)   Development Permit Application No. DP001259 – 501 Prideaux Street

Introduced by Caleb Horn, Planner, Current Planning Section.

Presentations:

1.    Raymond de Beeld, Architect, Raymond de Beeld Architecture introduced the project team, and property owner Abdullah Ibn Alamir of Conceptx Investment Inc.
2.    Ataur Rahman, Intern Architect of Raymond de Beeld Architecture, presented the project and spoke regarding site and neighbourhood context, existing site conditions, city right-of-way challenges, architectural features and methods used to meet city guidelines, and the proposed rear yard setback and building height variances.

- All parking is located underground with access from Prideaux Street
- An under-the-building resident drop-off area is located on Level 1 adjacent to the lobby, where the refuse enclosure and bicycle parking are also located
- The building will be extended horizontally over the driveway which provides weather protection
- Pedestrian entrances are located along both Prideaux Street and Albert Street
- The building design is complimentary to the surrounding neighbourhood by including pitched roofs, and taking measures to reduce massing
- The corner of the building is stepped back from adjacent residential property
- The exterior materials consist of low maintenance wood-like siding in soft natural colour tones
- Proposed variances include: a front setback variance, due to a statutory right-of-way and a .5m building height to accommodate the design of the building and the site's slope

Kate Stefiuk joined the meeting electronically at 5:41 p.m.

3. Kate Stefiuk, Landscape Architect, Kinship Art Ecology, presented the landscape concept and spoke regarding the streetscape, indigenous and adaptive planting layers, street trees, hardscape features and common space areas.

- The landscape design consists of a generous planting scheme of formalized indigenous and adaptive species planted in layers in formal linear stripes
- The tree palette includes a mix of deciduous trees for seasonal interest
- The covered common space will be softened with plants in planters
- Common resident area (away from the street) includes screening at the end of the driveway, benches, a dog wash, bollard lighting for evening wayfinding.
- There is a path from the common area at the back of the property, leading to Albert Street
- Low bollard lighting will be included along Prideaux Street and Albert Street at the patio entries and entries to the site from the street(s)

Raymond de Beeld, Architect, Raymond de Beeld Architecture, added that CPTED measures are being considered.

Kevin Krastel, Chair, requested Kate Stefiuk remain online for questions.

- A conversation ensued regarding Staff comments pertaining to the tree palette and proposed tree locations to ensure they not interfere with the Albert Street frontage; and, minimum landscape treatment levels around the refuse enclosure.



Kate Stefiuk left the meeting at 5:57 p.m. due to conflict, as a project team member.

Kevin Krastel, Chair, opened the floor for questions to Staff.

No questions were asked.

Panel discussions took place regarding:

- The landscape treatment along Prideaux and Albert Street, and possibly providing a more formal edge or border
- Appreciation was conveyed for the dense palette of trees
- Concerns were raised regarding the proposed front yard setback variance
- The inset walls (interior of the L) and roof structure over the elevator and whether there is any way to enhance them to reflect the other (Albert Street) elevations
- The extent of the front setback into the roadway and concerns regarding the public realm
- The Albert Street elevations and exterior colour choices between the roof and cladding
- Matching the gutters on the sloped roofs with the cladding colour
- The possible addition of pedestrian wayfinding cues
- Programming of the main entrance walkway to the lobby
- The proposed variances and structuring of the motion.

It was moved and seconded that Development Permit Application DP001259 be accepted as presented with support for the proposed variances. The following recommendations were provided:

- Consider the landscape design elements for both street frontages as recommended by the Old City Guidelines; and
- Consider ways to enhance the roofs and wall facades along the inset walls of the west elevations.

The motion carried.

*Opposed: Jill Yuzwa, Jason Santeford*

Councillor Brown left the meeting at 6:27 p.m.

Kate Stefiuk joined the meeting electronically at 6:27 p.m.

(b) Development Permit Application No. DP001263 – 591 Bradley Street

Introduced by Caleb Horn, Planner, Current Planning

Presentations:

1. Raymond de Beeld, Architect of Raymond de Beeld Architecture introduced John Wang (property owner) and the project team and spoke regarding the original Design Advisory Panel presentation (DP1070) for 591 Bradley Street in 2017.

2. Ataur Rahman, Intern Architect of Raymond de Beeld Architecture presented the project and spoke regarding improvements made past the original development permit application, site context, restrictive covenant (access easement east side of property), neighbourhood context (height difference between street level and parkade entrance) and provided photos.
  - The new plan is similar in character to that of the original building, which has been pulled back further from the Millstone River, with the entire original lower storey removed
  - The new design provides a better functional layout for the parkade
  - Solar panels are located over the entire roof
  - A continuous sidewalk connects the site to neighbouring properties
  - Exterior materials will provide a more contemporary look
  - More significant trees will be retained by pushing the building back
  - There is less encroachment into the natural habitat and fewer trees will be taken down
  - Plan improvements include: a reduced building footprint, increased permeable areas, the addition of solar panels to the roof, a green roof, massive retaining wall, bioswales, improved stormwater management system and pedestrian safety measures.
  - Fewer setback variances are required, compared to the original application
3. Victoria Drakeford, Landscape Architect of Victoria Drakeford Landscape Architect presented the landscape plan and spoke regarding the need for invasive species management, riparian areas, layered plantings, the use of trellises and other site furnishings.
  - A stewardship program for the riparian area was suggested
  - As much as possible is being done within a limited amount of available space.
4. Drew Beiderwieden, Physical Engineer, Newcastle Engineering Ltd., provided a brief presentation regarding site civil servicing and spoke regarding stormwater management, City road standards and proposed road and sidewalk improvements for Bradley Street.

Kevin Krastel, Chair, opened the floor for questions to Staff.  
No questions were asked.

Panel discussions took place regarding:

- The use of colour and material all contributing to mitigate the building size and level of interest
- A commendation was made regarding the proposed solar green roof
- The possible addition of windows to the long internal corridor
- The integration of balcony landscaping
- The east elevation wall and views from the east side
- The use of trellises and landscape solutions proposed

- Appreciation was conveyed to the project team for how quickly they came back to the Panel with an alternate design with good environmental solutions
- Site lighting, locations through the site, and not competing with the streetlights

It was moved and seconded that Development Permit Application No. DP001263 be accepted as presented with support for the proposed variances. The following recommendation was provided:

- Consider ways to reduce the massing of the east elevation.

The motion carried unanimously.

5. OTHER BUSINESS:

- (a) Request re: Rotating Chair

Kevin Krastel, Chair introduced Tony James' inquiry as to whether a rotating Chair would be permitted for the Design Advisory Panel.

It was moved and seconded that implementing an alternating/rotating Chair for the Design Advisory Panel be investigated. The motion carried unanimously.

Caleb Horn, Planner, Current Planning Section will follow up with Legislative Services.

6. ADJOURNMENT:

It was moved and seconded at 7:34 p.m. that the meeting terminate. The motion carried unanimously.

---

CHAIR

CERTIFIED CORRECT:

[Signed: Laurie Nielsen]

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RECORDING SECRETARY

**MINUTES**  
ENVIRONMENT COMMITTEE MEETING  
ELECTRONIC MEETING  
WEDNESDAY, 2022-MAR-30, AT 5:01 P.M.

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Present: Councillor B. Geselbracht, Chair  
Councillor D. Bonner  
E. Boulanger, At Large Member  
H. DesRoches, At Large Member (joined electronically 5:10 p.m.)  
L. Frey, At Large Member  
J. Lesemann, At Large Member (vacated 6:24 p.m.)  
L. McCunn, At Large Member (vacated 7:05 p.m.)  
W. Wells, At Large Member

Absent: D. Chen, At Large Member

Staff: J. Rudolph, Chief Administrative Officer  
D. Lindsay, General Manager, Development Services/Deputy Chief Administrative Officer  
R. Harding, General Manager, Parks, Recreation and Culture  
B. Sims, General Manager, Engineering and Public Works  
L. Bhopalsingh, Director, Community Development  
T. Pan, Manager, Sustainability  
M. Elliott, Project Manager, Engineering  
D. Beck, Parks and Open Space Planner  
K. MacDonald, Park and Open Space Planner  
D. Stewart, Environmental Planner  
S. Snelgrove, Deputy Corporate Officer  
A. Mac Coll, Recording Secretary

1. CALL THE ENVIRONMENT COMMITTEE MEETING TO ORDER:

The Environment Committee Meeting was called to order at 5:01 p.m.

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 the Minutes of the Special Environment Committee Meeting held electronically Wednesday, 2022-MAR-09 at 5:01 p.m. be adopted as circulated. The motion carried unanimously.

4. PRESENTATIONS:

(a) CleanBC Roadmap to 2030

Presentation:

1. Ting Pan, Manager Sustainability, provided a presentation. Highlights included:
  - The CleanBC plan was launched in 2018 and it was recognized this plan would only get three quarters of the way to the 2030 climate change targets set by the Province and this project is to close the gap
  - There are 8 pathways across BC's economy where the province can find solutions to Greenhouse Gas (GHG) emissions
  - Examples of pathways that have mature technologies and a ready market are transportation and building sectors for reduction of GHG emissions
  - Pathways with the most impact on local governments are transportation, building, low-carbon energy and community
  - The Province has committed to stronger pricing on carbon pollution
  - New legislation is being developed to cap natural gas utility customers in BC which includes Fortis BC and Pacific Northern Gas
  - Zero carbon new buildings will have an impact on local governments as they are under municipal jurisdiction
  - The Province will provide increased funds to local governments for the Climate Action Revenue Incentive Program to support local climate action plans
  - BC's transportation policy proposals align with the City of Nanaimo's (City) plan direction with focusing on land use and reducing residents necessity to drive
  - Go Electric program in BC and the "right to charge" legislation will support low and medium income residents
  - The BC building code and the BC energy step code focus on energy efficiency with the new standards focused toward reducing pollution
  - Local governments do not have a lot of tools to influence the existing housing market
  - The Property Assessed Clean Energy (PACE) program will be created to help residents achieve energy efficiency and remove the barrier of upfront investments
  - PACE will create enabling legislation for local governments to aide residents through a property tax mechanism to reduce costs
  - The BC Roadmap to 2030 was developed with indigenous engagement and the policies are designed to support reconciliation outcomes

H. DesRoches joined the electronic meeting at 5:10 p.m.

Committee and Staff discussion took place. Highlights included:

- The wording "near elimination" used by the Province and the City's ability to use similar language in the City Plan to strengthen it
- Language is important to reflect the community and Council's direction in the City Plan

- The *Local Government Act* is clear that land use has to be consistent with zoning but city plans do not tie local governments to completing all of the policies
- The baseline measurement for GHG emissions in BC are the 2007 levels, the pandemic raised GHG emissions
- 40% below the 2007 baseline is the target for 2030 with the Province using the Clean BC Roadmap to close the emissions gap
- Stopping and reducing coal powered energy is captured in the low carbon energy policies
- Lowering accepted imports of coal powered energy
- Numbers should be included in the City plan when discussing GHG reductions and emissions

(b) REIMAGINE Policy Review and Update

Introduced by Lisa Bhopalsingh, Director, Community Development.

Presentation:

1. Ting Pan, Manager Sustainability, provided a PowerPoint presentation. Highlights included:

- Policy actions are hard to place in the City Plan as they might meet multiple objectives at once using the doughnut concept framework
- Policy actions will be referenced in each chapter by directing readers to where else it would be included in the City Plan
- Integrated Policy Areas (IPA) are noted at the bottom of each chapter to show related policies
- Some actions designated in a Connected Nanaimo support emission reductions in the transportation section, so it is referenced in the IPA to show the relationship between both
- Staff have added an extra layer of communication for the community by using visual layers and representation to be accessible in an intuitive way
- Staff are encouraging feedback and opinion from residents and ask that Committee members share the link with their networks
- Phase 3 Draft City Plan Review survey closes April 8, 2022 and public engagement will end
- Staff are encouraging feedback and opinions from residents and asked Committee members to share the survey with their networks
- The special public hearing has to be determined by Council, and Staff are aiming for Council to adopt the plan in July
- The public can formally submit their opinion to Council at the special public hearing
- Staff are aiming for 500 participants for the statistically valid survey for the Phase 3 Draft City Plan Review

Committee and Staff discussion took place. Highlights included:

- Engagement was completed with neighbourhood associations

- Staff have been using distribution lists for contacting service clubs, Lions, Rotaries, Newcomers Club and others in Nanaimo and have also presented in person to receive feedback
- Vancouver Island University and School District 68 (SD68) received presentations in some classes about REIMAGINE NANAIMO

Committee and Staff discussion took place on feedback received regarding the Phase 3 Draft Plan structure. Highlights included:

- Wording of policies in the Plan should be edited to clarify policies and actions
- Many policy statements in the Plan contain actions or can be considered actions
- The aim of the policy and its intention could become a structural error in the plan if it is not clearly defined
- Supreme court of Canada has a current case that could have policy implications for municipalities
- Overarching goals are set by Council based on doughnut economics, desired outcomes (objectives), and strategies (policies)
- Policies that may seem like an action are broad in their direction and specific actions would be listed in the action plan
- Staff hosted a target and indicators workshop for Committee members in 2021 to frame and monitor success in meeting the Plan's goals
- The Draft City Plan Phase 3 is currently with the solicitor for review as it must meet a number of tests
- Staff will be doing an overall edit of the entire document using verbatim comments from the steering committee
- Staff will present policies and actions to Council who have the ability to prioritize actions in the plan as they review each year
- Every action should be tied back to a policy
- The strategic document is adopted by bylaw with the actions separated out from it, allowing Council to pivot easily instead of changing the bylaw each year
- The integration of a City plan of this magnitude is likely the first time it has been attempted in Canada
- Language used by each department can have different meanings or definitions based on the use in their department

J. Lesemann disconnected from the meeting at 6:24 p.m.

By unanimous consent, the Environment Committee agreed to move Agenda Item 5(d) Community Engagement and Outreach on Climate and Sustainability to precede Agenda Item 5(C) Public Engagement Summary and Phased Concept Plan for Westwood Lake Park Amenity Improvement Implementation.

(c) Community Engagement and Outreach on Climate and Sustainability

Introduced by Lisa Bhopalsingh, Director, Community Development.

Presentation:

1. Ting Pan, Manager, Sustainability, provided a presentation. Highlights included:
  - Engagement is important for the Draft City Plan to achieve and meet the City's goals
  - Canada project supports climate and sustainability projects with federal funding to support local governments initiatives through the International Council for Local Environmental Initiatives (ICLEI)
  - Agents of change is a program under ICLEI to support local volunteer programs for climate change mitigation
  - The City has partnered with the Regional District of Nanaimo (RDN) and has submitted a successful application
  - 6 volunteer organizations in Nanaimo are in support of this application with the project to continue until 2023
  - Cool it! Program will create the opportunity for climate education workshops in Nanaimo for grades 4-7 and grades 8-12 with a contest for an incentive
  - Ecohack is an Earth Day Canada program that runs Earth Day celebrations as well as unique initiatives like public panel events and leadership training
  - Engagement ideas were requested from each member on how to engage the community on environmental sustainability

Committee discussion took place. Highlights included:

- SD68 has an environmentally focused committee meeting where programs and initiatives could be discussed
- SD68 has a full-time learning coordinator that has an environmental piece in their portfolio, and they could be invited to a meeting with City staff
- Collecting empirical data on the families and children in the Cool it! Program to see if there is statistical change to measure behaviour
- BC Sustainable Energy Association has estimates on their expectations of lower GHG emissions from the program
- The Rotary Club cleans up the City on the 1<sup>st</sup> and the 3<sup>rd</sup> of each month with a large Clean-up event on April 23, 2022
- The City could have someone do a social media take over of the City of Nanaimo social accounts showing effective environmental changes that are low barrier, easy to do and accessible
- The City could have a contest for residents to reward good environmental behaviours to provide an incentive
- Asset management must be done with resiliency and climate change in mind
- The power of visual communicative arts and visual signs make it easy and accessible for people to see the impacts of climate change in the community
- Personalizing stories so that residents can relate to them and relate to climate change



- Bringing awareness to how messages are framed and using the guidance of social psychology when speaking about climate change, literature can be provided

(d) Public Engagement Summary and Phased Concept Plan for Westwood Lake Park Amenity Improvement Implementation

Introduced by Richard Harding, General Manager, Parks, Recreation and Culture.  
Highlights included:

- Westwood Lake Park has not been updated since the 1950's and is a popular recreation area for many user groups
- The proposed beach enhancement will bring the cars farther away from the beach front and enhance the trail around the beach
- An engagement update was undertaken from summer 2020 until fall 2021
- 600 responses were received through the engagement
- Feedback and outreach was also received through REIMAGINE phase 1
- Current design impacts 36 trees and only 1 significant tree with Staff planting trees in a 4 to 1 ratio
- Parking in the concept plan is in the already disturbed areas of the park and will increase the total stalls to 95
- The ability to encourage buses to use the loop at Westwood Lake by creating a larger area for the bus to drop off and turn around

L. McCunn disconnected from the meeting at 7:05 p.m.

- Permeable parking areas, although environmentally friendly, won't allow Staff to plow in a timely manner due to the surface type
- Not putting any lights at the park and keeping with the dark skies goals in the REIMAGINE NANAIMO City Plan
- The conduit for the bathroom will purposefully not have lights to encourage the park to be shut down at dark creating a dawn to dusk park area
- The Advisory Committee on Accessibility and Inclusiveness (ACAI) has reviewed different accessibility stall formats as well as updating the ramps for access into the water to meet all abilities in the community
- Phase two of the Westwood Lake update will address beachfront and how to add more vegetation as well as a new bathroom featuring environmental attributes when built, such as a green roof
- This project will be the first to use the REIMAGINE NANAIMO's process
- Designs for Phase two will be completed in the spring or summer of 2022

Committee discussion took place. Highlights included:

- Council has asked Staff to show how each new project going forward fits into the REIMAGINE Plan
- Consideration of adding glow stones on the pathways at the park
- Invasive plant canisters along the trail for residents to help remove invasive plants from the trail

5. QUESTION PERIOD:

There were no members of the public in attendance to ask questions.

6. ADJOURNMENT:

It was moved and seconded at 7:14 p.m. that the meeting adjourn. The motion carried unanimously.

CERTIFIED CORRECT:

\_\_\_\_\_  
CHAIR

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

**MINUTES**  
DESIGN ADVISORY PANEL MEETING  
ELECTRONIC MEETING  
THURSDAY, 2022-APR-14, AT 5:00 P.M.

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PRESENT:   Members:   Marie Leduc, At Large, Chair  
                              Councillor Brown  
                              Angela Buick, At Large  
                              Tony James, AIBC  
                              Kevin Krastel, At Large  
                              Jason Santeford, AIBC  
                              Kate Stefiuk, BCSLA  
                              Jill Yuzwa, At Large

                  Staff:       C. Horn, Planner, Current Planning Section  
                              L. Rowett, Manager, Current Planning Section  
                              L. Nielsen, Recording Secretary

1.    CALL THE DESIGN ADVISORY PANEL MEETING TO ORDER:

The Design Advisory Panel Meeting was called to order at 5:00 p.m.

2.    INTRODUCTION OF LATE ITEM:

Add Agenda Item 6(a), request for chair coverage for May meetings

Add Agenda Item 6(b), request for panel review of DPA 8 Form and Character Guidelines

3.    ADOPTION OF AGENDA:

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

4.    ADOPTION OF MINUTES

It was moved and seconded that the Minutes of the meeting held in the boardroom of the Service and Resource Centre, 411 Dunsmuir Street, Nanaimo BC, on Thursday 2022-MAR-02 be adopted, as amended. The motion carried unanimously.

5.    PRESENTATIONS:

(a)   Development Permit Application No. DP001249 – 1030 Old Victoria Road

Caleb Horn, Planner, Current Planning Section introduced the project.

Presentations:

1. Ryan Anderson, Owner/Project Manager of OTG Developments Ltd., provided an overview of the project and spoke regarding site history and resultant environmental and geotechnical constraints, zoning, and project development processes.

- Purpose built containers are ideal for this location due to site constraints. The containers are purpose built containers and suited for the site. They are not traditional retrofitted shipping containers.
- Colour will be added to the storage containers
- Lighting was added to the warehouse – infra-red camera and motion detection lighting will be on-site
- Refuse will be enclosed in a locker onsite and will be picked up daily

Ryan Anderson Owner/Project Manager of OTG Developments Ltd., introduced project team members in attendance: Cathy Butler and Mark O'Donoghue of Black Sheep Income Corp., Layne Martin, Designer of Com-Tech Drafting and Design, Jenn Power, Project Manager/Development Planner of OTG Developments Ltd., and Chris Windjack of LADR Landscape Architects.

2. Layne Martin, Designer of Com-tech Drafting and Design presented the design concept for the site and spoke regarding site and neighbourhood context, proposed site layout, increasing landscaping to screen the site.

- Attempting to screen the site from the Island Highway side with vegetative screening
- Pods will be painted and arranged on-site to allow easy vehicle movement
- Hoping to add historical items referring to the mine
- The size of each pod is 100m<sup>2</sup> and if attached they become buildings according to building code and would require piping, wiring and sprinkler

Cathy Butler of Black Sheep Income Corp., spoke regarding the existing building onsite (used for internal storage), signage and remote site management.

3. Chris Windjack, Landscape Architect of LADR Landscape Architects presented the landscape plan and spoke regarding vegetative screening, the retention of native plantings, the introduction of new trees on-site planted in a natural form to blend with the surroundings and the mitigation of invasive species.

- Mass planted drought tolerant ground covers will substitute for lawn (ie. meadow grass and seed mixes)
- Three trees will be removed from the centre portion of the site and a total of 38 trees will be on-site

- A cable trellis system will be added to the main building for vines

Marie Leduc, Chair, opened the floor for questions to Staff  
No question were asked.

Panel discussions took place regarding:

- The property lines and locations of the proposed setback variances
- Individualization and layout of the units (storage pods)
- Suggestions were made regarding wayfinding
- Consistency and quality of signage design within the site, with consideration for the neighbourhood, and possibly reducing the number of signs on-site
- Consistency of colour and design between the main building and the storage pods to reflect a similar character
- The use of bamboo within the landscape plan
- The retention of existing understory vegetation
- The east property line and ways to ensure a strong buffer by way of adding more trees and vegetative screening (hedge)
- Creating more of a park-like feel to the site and adding coastal Douglas fir, possibly in the northwest corner
- Enhancing the front entrance
- Referencing the mining and natural history of the site, possibly through art, signage, and/or landscaping
- Exterior treatment for the existing main building on-site
- The perceived low impact of the storage pods
- Support/non-support for the proposed variances
- The proposed setback variance for the east property line and structuring of the motion

It was moved and seconded that Development Permit Application DP001249 be accepted as presented with support for the proposed variance. The following recommendations were provided:

- Consider ways to individualize the storage pods with colour or finish;
- Consider ways to integrate the existing building through colour and materials;
- Look at ways to pay respect to the history of the site through a piece of public art;
- Consider a more robust landscape integrating more Douglas fir trees in keeping with the history of the site in the local geographical area; and,
- Consider adding a solid landscape buffer along the eastern edge of the property.

The motion carried unanimously.

6. OTHER BUSINESS

- (a) Kate Stefiuk agreed to chair the two meetings scheduled in May during Marie Leduc's absence, as requested.

Caleb Horn, Planner, Current Planning, confirmed that a member/chair calendar would need to be provided to Council for adoption in advance of implementing a rotating Chair. A panel discussion followed. A decision will be made at a future meeting.

Tony James stated he will not be in attendance at the meeting of 2022-APR-28.

Jill Yuzwa stated she is relocating soon and will no longer serve as a panel member.

- (b) Caleb Horn, Planner, Current Planning Section, notified the panel that at the upcoming meeting of April 28<sup>th</sup>, the Design Advisory Panel will review the DPA8 Form and Character Guidelines pertaining to the Relmagine Nanaimo project currently underway. It was suggested the meeting commence at 4:00 p.m. to accommodate a presentation/discussion.
- (c) At its meeting of 2022-MAR-21, Council approved the panel member extension request for Marie Leduc and Kevin Krastel.
- (d) Tony James will not be available for the 2022-APR-28 meeting

7. ADJOURNMENT:

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

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CHAIR

CERTIFIED CORRECT:

[Signed: Laurie Nielsen]

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RECORDING SECRETARY

**MINUTES**  
DESIGN ADVISORY PANEL MEETING  
ELECTRONIC MEETING  
THURSDAY, 2022-APR-28, AT 4:00 P.M.

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PRESENT:   Members:   Marie Leduc, At Large, Chair  
                              Councillor Brown  
                              Angela Buick, At Large  
                              Kevin Krastel, At Large, vacated the meeting at 5:12 p.m.  
                              Jason Santeford, AIBC  
                              Kate Stefiuk, BCSLA

Tony James, AIBC

Staff:           J. Holm, Director, Development Approvals  
                    L. Brinkman, Manager, Community Planning Section  
                    L. Rowett, Manager, Current Planning Section  
                    C. Horn, Planner, Current Planning Section  
                    S. Robinson, Planner, Current Planning  
                    L. Nielsen, Recording Secretary

1.    CALL THE DESIGN ADVISORY PANEL MEETING TO ORDER:

The Design Advisory Panel Meeting was called to order at 4:05 p.m.

2.    ADOPTION OF AGENDA:

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

3.    PRESENTATIONS:

(a)   The Draft City Plan as related to the RelImagine Nanaimo project

Introduced by Lisa Brinkman, Manager, Community Planning

Lisa Brinkman, Manager, Community Planning Section, accompanied by Jeremy Holm, Director, Development Approvals, provided an overview of the Draft City Plan, and spoke regarding amendments to the City's Land Use Plan, environmental considerations, primary objectives, design quality and construction, preservation of neighbourhood character, updating of the guidelines portion of Part 18 of the Zoning Bylaw; and, project timelines.

Jeremy Holm, Director, Development Approvals, discussed proposed exemptions to Part 18 of the Development Permit Guidelines portion of the Zoning Bylaw with the panel.

Lisa Brinkman left the meeting at approximately 4:40 p.m.

Jeremy Holm left the meeting at approximately 4:40 p.m.

(b) Development Permit Application No. DP001247 – 6040 Hammond Bay Road

Sadie Robinson, Planner, Current Planning Section explained the applicant is returning to the panel with a revised landscape concept as requested December 9, 2021.

Presentations:

1. Rasila Herman, Designer of Family Tree Developments presented the landscape concept revisions and spoke regarding: increased plantings and trees, a bioswale feature and pergola with permeable pavers; pathway through the central corridor of the property, the location of refuse containers and private garbage collection, site lighting, electric vehicle charging station locations, use of evergreen shrubs within the landscape buffer, and the repositioning of 1 disabled persons parking stall from Park 2 to Park 1 to prioritize pedestrian movement.

- Most changes were made along the Hammond Bay Road side
- The raised sidewalk width is expanded to enable bike riding through the site's corridor

Panel discussions took place regarding:

- Increasing planting density and defining planting areas
- Design and materials used within the proposed swale area
- Relocation of refuse enclosure
- The possible addition of conifers to the planting palette
- Suggested programming for Park 1

It was moved and seconded that the revised landscape concept for Development Permit Application DP001247 be accepted as presented with the following recommendations:

- Add more planting material in the designated planting areas;
- Consider adding smaller trees to the swale areas;
- Consider a better program for Park 1;
- Consider introducing more conifers to the tree palette; and,
- Look at ways to improve the pedestrian connection along the east property line by relocating the proposed parking space within this area.

The motion carried unanimously.

Kevin Krastel left the meeting at 5:12 p.m.

(c) Development Permit Application No. DP001262 – 921 Terminal Avenue

Sadie Robinson, Planner, Current Planning Section introduced the project.



Presentations:

1. Will Melville, Designer of Delinea Consultants, introduced the project team, and presented the project and spoke regarding neighbourhood and site context, building siting, architectural plans, parking, the landscape plan and proposed yard setback variances.

Project team members in attendance were Gur Minhas of Satgur Developments, Brian Kapuscinski, Architect of BJK Architecture Inc., Nathan Trobridge, Civil Engineering of Newcastle Engineering.

- This project has two front yards and two building entrances, with the main entrance and two ground level units facing Terminal Avenue
- This 3-storey building project proposes 6 affordable housing rental units
- Access to the parking area is from Cypress Street
- 1-bedroom units are approximately 500 sq ft and 2-bedroom units (upper floor) are approximately 1,000 sq ft.
- The three upper floor 2-storey units will have small rooftop decks, while the three lower level units will have at-grade patios
- Exterior materials include fibre cement panels in varying colours and treatments (some in woodgrain finish)
- The landscape plan includes native plant material, the addition of a heavy timber arbor and metal picket fence, and a sawtooth fence which softens the street edge and provides privacy to the lower units

Panel discussions took place regarding:

- Parking, stall sizes and site constraints
- The boulder and cobble feature adjacent to Terminal Avenue possibly serving as an informal bioswale
- Building siting in relation to variances requested on Terminal Avenue
- Exploring the use of natural materials (ie. stone, wood, etc.) to tectonically express the building design
- Shifting the below grade entrance to the other side of the building regarding the proposed yard setbacks
- The transition between multi-family and single residential dwellings
- Possibility of implementing some green features to the project
- The central corridor and whether it, along with the back parking area, can be developed to feel like a courtyard or walkway through the site through landscape design and surface materials
- Three-storey wall facing adjacent neighbour on west side
- The pedestrian connection from Terminal Avenue to Cypress Street frontages

It was moved and seconded that Development Permit Application DP001262 be accepted as presented with support for the proposed variances. The following recommendations were provided:

- Consider revisiting the exterior materials based on the design guidelines to relieve the façade composition; and,
- Consider ways to improve the parking area with surface materials to enhance the pedestrian connection between Terminal Avenue and Cypress Street.

The motion carried unanimously.

The Design Advisory Panel recessed the meeting at 5:59 p.m.

The Design Advisory Panel reconvened the meeting at 6:12 p.m.

(d) Development Permit Application No. DP001264 – 2358 Kenworth Road

Sadie Robinson, Planner, Current Planning Section introduced the project.

Presentations:

1. Brian Kapuscinski, Architect of BJK Architecture Inc., presented the project and spoke regarding neighbourhood and site context, parking, architectural plans, exterior materials, site access, and the proposed building height, front yard setback and parking variances.
  - There is a shared drive aisle off Kenworth Road
  - A landscape enclosure is proposed mid-site for waste, tires, and recycling
  - The showroom is surrounded by a canopy on three sides
  - Proposed green features include: double glazing, well insulated walls (energy control), electric vehicle chargers in parking area, stormwater management techniques, natural lighting, rough-in wiring for future solar panel, and low flush toilets
2. Chris Windjack, Landscape Architect of LADR Landscape Architects Inc., presented the landscape plan and spoke regarding parking, tree retention and planting plans.
  - Landscaping is located around the perimeter of the site
  - Existing trees on adjacent property will be retained, and 31 deciduous trees with higher canopies will be added
  - The refuse/recycling enclosure will be screened with evergreens
  - Surface materials consist of 3-tone paving and permeable pavers
  - A rain garden along the south side will mitigate much water flow
  - Plantings will consist of native, and adaptive species

Panel discussions took place regarding:

- Increasing the west property edge landscape buffer

- Including a green roof on one of the buildings
- Incorporating a roof deck as a private amenity for employees
- Appreciation was conveyed regarding the proposed exterior materials, continuation of the street edge and water management
- Providing as much planting as possible within the landscape plan
- Possibility of including some evergreen trees in the landscape plan
- Adding planters and lighting to the entrance way per the design guidelines
- Incorporating permeable paving where possible
- Possibility of an on-site waste water recycling system

It was moved and seconded that Development Permit Application DP001264 be accepted as presented with support for the proposed variance. The following recommendation were provided:

- Consider an employee amenity area within the landscaping or on a rooftop deck;
- Consider places where more conifers can be added to the landscape plan; and,
- Consider the addition of a green roof.

The motion carried unanimously.

4. OTHER BUSINESS:

In response to Marie Leduc's (Chair) request, Kate Stefiuk agreed to chair the upcoming DAP meetings scheduled in May.

5. ADJOURNMENT:

It was moved and seconded at 6:37 p.m. that the meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

[Signed: Laurie Nielsen]

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RECORDING SECRETARY

**MINUTES**  
**FINANCE AND AUDIT COMMITTEE MEETING**  
**SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,**  
**80 COMMERCIAL STREET, NANAIMO, BC**  
**WEDNESDAY, 2022-MAY-18, AT 9:00 A.M.**

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**Present:** Mayor L. Krog, Chair  
Councillor S. D. Armstrong (joined electronically)  
Councillor D. Bonner  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor I. W. Thorpe (arrived 9:01 a.m.)  
Councillor J. Turley

**Absent:** Councillor T. Brown

**Staff:** D. Lindsay, General Manager, Development Services/Deputy Chief  
Administrative Officer  
R. Harding, General Manager, Parks, Recreation and Culture  
B. Sims, General Manager, Engineering and Public Works  
A. Groot, Director, Facilities and Parks Operations  
J. Holm, Director, Development Approvals  
L. Mercer, Director, Finance  
D. Bailey, Manager, Accounting Services  
T. Pan, Manager, Sustainability  
S. Snelgrove, Deputy Corporate Officer  
A. Mac Coll, Recording Secretary

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

The 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. **ADOPTION OF THE MINUTES:**

It was moved and seconded that the Minutes of the Finance and Audit Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2022-APR-20, at 9:00 a.m. be adopted as circulated. The motion carried unanimously.

Councillor Thorpe entered the Shaw Auditorium at 9:01 a.m.

4. REPORTS:

(a) 2021 Statements of Financial Information

Introduced by Laura Mercer, Director, Finance.

- Each year the Statement of Financial Information (SOFI) is required to be prepared and made public
- The SOFI report contains Council and Staff wages, goods and services, and several other items providing transparency to the community
- The City of Nanaimo (the City) currently has 49.5 million in debt with 11.2 million attributed from borrowing funds for Fire Station #1

Committee discussion took place. Highlights included:

- In the SOFI report, firefighters receiving retro pay due to the International Association of Fire Fighters (IAFF) remuneration showed higher than normal wages
- Staff and all of the hard work they have done during Covid-19
- First responders and their hard work in the City with limited staffing resources

It was moved and seconded that the Finance and Audit Committee recommend that Council accept the 2021 Statement of Financial Information for filing with the Ministry of Municipal Affairs and Housing. The motion carried unanimously.

(b) CleanBC Better Homes Rebate Program Continuation

Introduced by Dale Lindsay, General Manager, Development Services/Deputy Chief Administrative Officer.

- Staff have requested an additional \$100,000 be transferred from the Climate Action Reserve Fund to be used for the CleanBC Better Homes Rebate Program
- Rebates in this program have been well received by the community with funds slated to run out by summer 2022 if the additional \$100,000 is not approved

Committee discussion took place. Highlights included:

- Transferring \$100,000 from the Climate Action Reserve Fund has no implication to the tax rate
- Increase of the rebate amount and the potential to increase public uptake on the program

It was moved and seconded that the Finance and Audit Committee recommend that Council allocate \$100,000 from the Climate Action Reserve Fund to support the City of Nanaimo's continued participation in the Province of British Columbia's CleanBC Better Homes Rebate Program. The motion carried unanimously.

(c) Nanaimo Dragon Boat Festival Funding 2022

Introduced by Richard Harding, General Manager, Parks, Recreation and Culture.

- The Nanaimo Dragon Boat Festival Society (NDBFS) has dissolved and the Fairway Gorge Paddling Club has taken on the responsibility of the event
- City guidelines mention that funds are supposed to go to local groups, but the NDBFS is dissolved and the event would not continue without the Fairway Gorge Paddling Club taking on the organization of the event

Committee discussion took place. Highlights included:

- The number of days the Dragon Boat Festival will be and the beer gardens lengthy application process
- Local charities and opportunity for the money raised to stay in Nanaimo
- Concerns regarding the Fairway Gorge Paddling Club not being local and the extra revenue not going to a local not-for-profit
- Capacity, volunteers, and Covid-19 creating issues when holding events in Nanaimo
- Organizations to run this event would need knowledge of the sport and have experience in running a similar event leaving very few options for local organizations to take it on
- Economic benefits from sporting events can be good for the community and if the event is not held in Nanaimo the City could lose the event altogether

It was moved and seconded that that the Finance and Audit Committee recommend that Council approve reallocation of \$12,000 in Downtown Event Revitalization grant monies returned by the Nanaimo Dragon Boat Festival Society to the Fairway Gorge Paddling Club Society. The motion carried unanimously.

(d) Neck Point Park Washroom Project

Introduced by Richard Harding, General Manager, Parks, Recreation and Culture.

- Inflation and the market have increased the total cost of the project since the project costs were calculated two years ago
- Amenities are needed for Neck Point Park
- A changing area on the side of the washrooms was added after budgeting for the project due to feedback from the community from the REIMAGINE NANAIMO process
- Costs of washrooms are high to facilitate accessibility for all and vandalism prevention

Committee discussion took place. Highlights included:

- Staff resources to build the City's own projects
- Bidding by contractors and price points that are higher than the value of the projects
- The City has carpenters on Staff, but they are completely booked with other projects and are unable to help with the Neck Point Park washroom project

5. QUESTION PERIOD:

The public was not in attendance to ask questions.

6. ADJOURNMENT:

It was moved and seconded at 9:30 a.m. that the meeting adjourn. The motion carried unanimously.

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C H A I R

CERTIFIED CORRECT:

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DEPUTY CORPORATE OFFICER

Please click on the link below to access the 2022-MAY-18 Finance and Audit Committee Agenda.

<https://pub-nanaimo.escribemeetings.com/Meeting.aspx?Id=293b2bc9-348c-4494-bb6a-8f4af6eae69c&Agenda=Agenda&lang=English>



## Delegation Request

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### **Delegations Information:**

John Horn, Nanaimo John Howard Society has requested an appearance before Council

City: Nanaimo

Province: BC

### **Delegation Details:**

The requested date is 2022-MAY-30

The requested meeting is:  
Council

Bringing a presentation: Yes

Details of the Presentation:.

Statistics / narrative on Rent Bank loans, rental subsidies, Restorative Justice and Urban Clean up Programs.

## Delegation Request

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### **Delegation's Information:**

Deborah Hollins and Jason Harrison, Nanaimo Community Advisory Board, have requested an appearance before Council.

City: Nanaimo

Province: BC

### **Delegation Details:**

The requested date is May 30, 2022

Bringing a presentation: Yes

### Details of the Presentation:

Reaching Home: Canada's Homelessness Strategy & the Community Advisory Board, (NCAB).

Information regarding the Reaching Home: Homelessness Strategy including the history of the Nanaimo Community Advisory Board (NCAB) and where we are headed. In addition, the delegation will highlight the importance of elected officials' participation & provide an invitation for NCAB membership.

DATE OF MEETING May 30, 2022

AUTHORED BY LISA BHOPALSINGH, DIRECTOR, COMMUNITY DEVELOPMENT,  
LISA BRINKMAN, MANAGER, COMMUNITY PLANNING

SUBJECT CITY PLAN BYLAW 2022 NO. 6600 - FIRST AND SECOND  
READING

## **OVERVIEW**

### **Purpose of Report**

To present Council with "City Plan Bylaw 2022 No. 6600" for consideration of first and second reading in accordance with adoption procedures under Section 477 of the Local Government Act in order to repeal and replace "Official Community Plan Bylaw 2008 No. 6500".

### **Recommendation**

1. That Council has considered the consultation opportunities provided during the development of the "City Plan Bylaw 2022 No. 6600", and has determined that those opportunities are appropriate, and satisfy the requirements of Section 475 of the *Local Government Act*;
2. That "City Plan Bylaw 2022 No. 6600" pass first reading;
3. That "City Plan Bylaw 2022 No. 6600" pass second reading;
4. That Council:
  - a) considers "City Plan Bylaw 2022 No. 6600" in conjunction with the City of Nanaimo's financial plan;
  - b) considers "City Plan Bylaw 2022 No. 6600" in conjunction with the Regional District of Nanaimo Liquid Waste Management Plan (2014) and Regional Solid Waste Management Plan (2018);
  - c) direct Staff to refer "City Plan Bylaw 2022 No. 6600" to the Agricultural Land Commission for comment; and,
  - d) direct Staff to arrange a public hearing.

## **BACKGROUND**

City of Nanaimo Council initiated a coordinated Strategic Plan Review in the fall of 2019 through a process now known as *ReImagine Nanaimo*. This involved a review and update of several key strategic planning and policy documents including the City of Nanaimo's PlanNanaimo Official Community Plan Bylaw 2008 No. 6500; Parks, Recreation and Culture Master Plan 2005; and the Transportation Master Plan 2014. The process also included updating the Economic Development Strategy 2011; Climate Action Plan 2012; as well as, developing a new Active and Sustainable Transportation Plan. Coordinating community engagement, and aligning the different

strategic plans, was central to the review process with the intended outcome of trying to amalgamate multiple plans.

Council endorsed the following guiding principles for the review process:

- a) Build on successful policies in existing documents;
- b) Incorporate Council's strategic themes identified in the Strategic Plan;
- c) Acknowledge and address the priorities of climate change, reconciliation, and sustainable service delivery;
- d) Include robust community engagement in the creation of plans and strategies;
- e) Provide a clear and coordinated vision to guide community-building for the next 25 years; and,
- f) Provide a method that allows for the evaluation and measurement of plans and strategies.

The results of this coordinated process has produced an integrated draft City Plan – *Nanaimo Reimagined* (“City Plan”) that will serve as the City’s:

- Official Community Plan (OCP);
- Parks, Recreation, Culture and Wellness Plan;
- Transportation Plan;
- Active Mobility Plan;
- Climate Action and Resiliency Plan; and,
- Accessibility and Inclusion Plan.

### **Draft City Plan Overview**

The draft City Plan (Bylaw 2022 No. 6600) reinforces and builds on existing directions considered effective in the 2008 Official Community Plan, while at the same time integrating new policy directions. The draft City Plan is a comprehensive approach to community planning that goes beyond the minimum requirements of a standard OCP under the *Local Government Act*. It is a document that connects goals and objectives for future land use, parks, recreation, culture, wellness, transportation, mobility, services, and asset management with directions on Truth and Reconciliation, climate adaptation, economic prosperity, housing, health and safety, accessibility, diversity, and more.

Although there are many new directions, at the same time, the draft City Plan builds on the strengths of the 2008 OCP and other existing policy documents. Key changes and continued directions between the 2008 OCP and 2022 draft City Plan include:

1. Structuring the Plan’s goals, desired outcomes (objectives), and policy directions around the Nanaimo Doughnut sustainability framework as endorsed by Council. This framework will also serve as the structure for monitoring the effectiveness of actions to implement the plan to achieve environmental and social sustainability goals.
2. Working government-to-government with Snuneymuxw First Nation to ensure that desired reconciliation outcomes are included throughout the document as well as in a designated section.

3. Reframing and integrating Parks, Recreation and Culture objectives to reflect a community wellness, accessibility, and inclusion lens throughout the document as well as in a designated section.
4. Reinforcing and strengthening green policies to address climate change mitigation through a range of measures including low carbon energy use, and compact and efficient land use linked to transportation and mobility networks. Policies also address resilience to climate change impacts (including sea level rise) through enhanced directions to manage land use and protect natural assets (tree canopy, protection of environmentally sensitive areas, etc.) and the services they provide.
5. Strengthening focus on social wellbeing outcomes including community safety, housing affordability, food security, and access to parks, recreation and cultural opportunities.
6. Embedding directions to improve accessibility and inclusion throughout the document as well as a specific section so that the plan meets the June 2021 *Accessible British Columbia Act* requirements for local governments.
7. Updated land use designations to reflect existing desired land uses along with ensuring capacity to meet projected demand for future residential, amenities, servicing, and employment land uses (commercial, institutional, and industrial). This involves ongoing designation of lands to support environmental, recreational, agricultural, and other values. Several studies informed the plan and land use designations including “The Regional District of Nanaimo Housing Needs Assessment” (April 2020), “City of Nanaimo Population, Housing and Employment Projections (June 2020), “City of Nanaimo Land Inventory and Capacity Analysis” (June 2020), and draft City Plan “Review of Land Use Designations” (April 2022).
8. Focussing the majority of the City’s future growth into seven urban centres based on existing centres with capacity to evolve into more livable, walkable, well-serviced centres. This includes a focus on Downtown as the primary Urban Centre with six Secondary Urban Centres linked by key mobility corridors intended to support efficient transit, as well as walking, biking, and rolling.
9. Supporting lighter, more modest growth, in existing neighbourhoods. This includes local services in designated Neighbourhood Centres as well opportunities for smaller scale neighbourhood hubs near or integrated with elementary schools where appropriate.
10. Enhancing and integrating land use and mobility so that the City Plan now serves as the updated transportation and active mobility plan. This ensures that existing and future transit hubs/exchanges align with identified Urban Centres.
11. Continuing to support the Regional Growth Strategy and growth management objectives (as described in the Regional Context Statement in Appendix A of the City Plan). This includes increasing the amount of land outside the City’s Urban Containment Boundary in order to protect these lands for rural uses while supporting efficient servicing of priority lands inside the Urban Containment Boundary. These priority lands within designated Urban Centres are intended to collectively absorb the majority of the City’s future growth and evolve into more sustainable complete, compact centres.

12. Continuing to designate and provide a rationale for Development Permit Areas (DPAs) in the City Plan Bylaw while transferring regulatory guidelines to the Zoning Bylaw to support more effective implementation.
13. Refining, streamlining, and updating mapping and language in the existing Development Permit Areas to reflect best practices. This includes combining current DPAs 1 and 2 so that aquatic and terrestrial ecosystems are integrated into one DPA for Environmentally Sensitive Areas (ESAs).
14. Adding two new DPAs to address hazards posed by anticipated Sea Level Rise and Coal Mine Workings.
15. Integrating and streamlining, policies and DPA guidelines for Form and Character to support neighbourhoods to become more attractive livable areas. As part of this, where neighbourhood plans exist, they will continue to serve as key guiding documents to inform future development in the areas they cover.
16. Given the need to ensure that urban areas can effectively absorb the majority of the City's future residential and employment growth, Area Plans are supported as an important tool to provide detailed policy direction to achieve desired land use and mobility patterns as well as sustainable servicing and amenities to create healthy, vibrant centres.  
Existing and new Area Plans will form part of the City Plan as appendices. Appendices B-F of the City Plan include:
  - B. Nanaimo Downtown Plan (2002)
  - C. Port Drive Waterfront Master Plan (2018)
  - D. Hospital Area Plan (2018)
  - E. Bowers District Master Plan (2022)
  - F. Sandstone Master Plan (2022)

## **DISCUSSION**

In order for the draft City Plan to serve as the City's OCP, it must be adopted by Bylaw following the statutory steps for the development and adoption of an OCP as outlined in Part 14, Division 4 of the *Local Government Act*. This includes the minimum requirements for engagement/consultation including a public hearing. Section 475 of the *Local Government Act* requires the City to provide opportunities for consultation that the City considers appropriate. On 2020-MAY-25, Council endorsed an Engagement Strategy that identified the entities that the City considered appropriate to consult with and outlined methods for engagement. In addition to the required referral/consultation with the Agricultural Land Commission (ALC) and School Districts, Council endorsed consultation with residents, an extensive list of community groups, Committees of Council, as well as the following levels of government/agencies identified below:

- Regional District of Nanaimo & Member Municipalities
- Islands Trust
- First Nations Governments
- Provincial agencies (including BC Housing; Island Health; Ministry of Transportation and Infrastructure; BC Ferries)
- Federal agencies (including Department of Fisheries and Oceans; Department of National Defence; Nanaimo Port Authority)

Despite the impacts and uncertainty posed by the global COVID-19 pandemic, the development of the draft City Plan involved thousands of inputs from the community received through surveys, online platforms, emails, virtual and in-person meetings, student classroom participation, workshops, an open house, and other methods. As well, feedback was solicited and received from a wide variety of agencies and organizations representing sports, recreation, culture, tourism, economic development, neighbourhoods, food security, climate change, community health and wellness, and other interest groups.

Discussions before and throughout the Relmagine process have taken place government-to-government with Snuneymuxw First Nation through the Protocol Agreement Working Group and Staff-to-Staff through the technical working group and other meetings.

### **Local Government Act Consultation Requirements (Section 475 and 476)**

During phases one, two, and three of the Relmagine Nanaimo process, the City consulted with many government agencies and other interested parties (including those identified in the 2020-MAY-25 Engagement Strategy report to Council) by providing information and several opportunities to participate and provide feedback. This involved emails with links to information, workshops, an open house, smaller meetings, and invitation to review the draft 2022-FEB-28 City Plan and provide feedback via survey, in writing or verbally. On 2022-MAY-09, Council received a summary of Phase 3 engagement on the draft City Plan.

### **Consideration of Financial Plan and Waste Management Plans**

While the City Plan Bylaw will be considered in conjunction with the City of Nanaimo's financial plan, it should be noted that the *Local Government Act* does not commit or authorize a municipality to proceed with any project that is specified in the plan. This allows current and future Councils the discretion to prioritize and fund how the plan is implemented. The intention is that Council through annual review of an Integrated Action Plan to implement the City Plan will prioritize projects, services, and programs vis-à-vis their annual budgeting/financial planning processes and strategic planning.

The City Plan supports ongoing consistency and alignment with the policies and directions in both the Regional District of Nanaimo's (RDN) Liquid Waste Management Plan (2014) and Regional Solid Waste Management Plan (2018). The development of policies to support efficient and sustainable service delivery, as well as the land use designations included in the City Plan, involved input from the RDN with regard to capacity of their facilities to meet projected demand for wastewater treatment and solid waste management disposal services. The process also involved a review of the capacity of the City's delivery systems for water and sewer, which then informed policies supporting the location and hierarchy of development of the seven urban centres identified in the plan.

### **Amendments to draft City Plan based on engagement**

Following an extensive review of input received on the 2022-FEB-28 draft City Plan, the Governance and Priorities Committee (GPC) received a Staff report on 2022-MAY-09 that summarized engagement throughout the process and provided the results of engagement on the 2022-FEB-28 draft City Plan. This showed a high level of community support for the vast majority of directions in the draft Plan.



On 2022-MAY-16, Council approved the 2022-MAY-09 GPC recommendations to amend the plan. At the same time, Council also approved amendments based on community input, as well as feedback from Snuneymuxw First Nation, other government agencies, and interested parties.

Staff have integrated the approved changes and are now presenting the revised draft as City Plan Bylaw 2022 No. 6600 for Council's consideration of first and second reading. In addition to Council's changes, the revised plan also includes changes that are more general/housekeeping in nature (i.e. to improve the document's clarity, consistency, organization, readability, and accuracy).

Pending Council direction, further opportunity to comment on the City Plan Bylaw will be provided in accordance with the bylaw adoption requirements of the *Local Government Act*.

### **Next Steps**

Should Council proceed with first and second reading of the OCP Bylaw on 2022-MAY-30, a public hearing could be scheduled for 2022-JUN-22 in order to allow the required time for notice of the public hearing to be given. The Bylaw would then be formally referred on 2022-MAY-31 to the ALC, and opportunity for input provided to other government agencies, the community and interested parties as per *Local Government Act* requirements. This would allow approximately three weeks for Council to receive further feedback on the Bylaw.

Based on a public hearing taking place on 2022-JUN-22, if Council is satisfied that the Bylaw as presented reflects their direction, and has community support, then Council could consider third and final reading (adoption) of the Bylaw on 2022-JUL-04. This timeline would ensure that the Bylaw is adopted within the term of this Council.

Council also has the option of considering changes to the Bylaw based on information received up to and during the public hearing. Changes considered minor could be included as part of third and final reading of the Bylaw. However, any proposed changes that are more substantive including those affecting lands uses, development density or tenure, may require another the bylaw to be amended at second reading, and scheduling another public hearing. Extending the timelines for adoption would potentially reduce the likelihood that the Bylaw is adopted within the term of this Council.

### **OPTIONS**

#### **OPTION 1:**

1. That Council has considered the consultation opportunities provided during the development of the "City Plan Bylaw 2022 No. 6600", and has determined that those opportunities are appropriate, and satisfy the requirements of Section 475 of the Local Government Act;
2. That "City Plan Bylaw 2022 No. 6600" pass first reading;
3. That "City Plan Bylaw 2022 No. 6600" pass second reading;
4. That Council:
  - a) considers "City Plan Bylaw 2022 No. 6600" in conjunction with the City of Nanaimo's financial plan;



- b) considers “City Plan Bylaw 2022 No. 6600” in conjunction with the Regional District of Nanaimo Liquid Waste Management Plan (2014) and Regional Solid Waste Management Plan (2018);
  - c) direct Staff to refer “City Plan Bylaw 2022 No. 6600” to the Agricultural Land Commission for comment; and
  - d) direct Staff to arrange a public hearing.
- The advantages of this option: The *Relmagine Nanaimo* process has allowed for an extensive engagement process to create an integrated plan that will guide the City until 2046. The draft City Plan reflects a high level of community endorsement for the land use designations and policy directions. Proceeding with first and second reading of City Plan Bylaw 2022 No. 6600 will continue the momentum of the project, and allow for consideration of the City Plan bylaw at a public hearing. Once adopted, Council can proceed with confirming priority actions to implement the plan. The City Plan provides a more streamlined approach for developers and other community builders to understand community supported policy directions and expectations. The City Plan bylaw would be regularly monitored, reviewed, and updated as needed to reflect City priorities as they evolve.
  - The disadvantages of this option: Should major concerns be identified with the City Plan Bylaw No. 6600, Council may wish to take more time to consider further amendments to the plan and delay the bylaw adoption process.
  - Financial Implications: The *Relmagine Nanaimo* process has been an important commitment and investment to create an integrated plan that sets the path for the next 25 years to guide land use; parks, recreation and culture; transportation and active mobility; climate action and resiliency; and accessibility and inclusion. Using a comprehensive and integrated approach to community planning will allow for more efficient use of resources to realise projects that achieve plan goals. Despite requirements under Section 478 of the *Local Government Act* for the City to ensure that “all bylaws enacted or works undertaken” are consistent with directions in the plan, the Act does not commit or authorize a municipality to proceed with any project that is specified in the plan. This allows current and future Councils the discretion to prioritize and fund how the plan is implemented.

## OPTION 2:

That Council provide alternate direction to Staff with regard to the City Plan Bylaw 2022 No. 6600. |

### **SUMMARY POINTS**

- The draft City Plan is proposed to be Nanaimo's new Official Community Plan; Parks, Recreation, Culture and Wellness Plan; Transportation Plan; Active Mobility Plan; Climate Action and Resiliency Plan; and Accessibility and Inclusion Plan.
- The development of the draft City Plan involved thousands of inputs from the community, interested and affected agencies, and organizations including government-to-government engagement with Snuneymuxw First Nation.
- "City Plan Bylaw 2022 No. 6600" is presented to Council for consideration of first and second reading, and direction to proceed to public hearing in accordance with the *Local Government Act*.

### **ATTACHMENTS:**

"City Plan Bylaw 2022 No. 6600" |

#### **Submitted by:**

Lisa Bhopalsingh  
Director, Community Development

Lisa Brinkman  
Manager, Community Planning

#### **Concurrence by:**

Laura Mercer  
Director, Finance

Richard Harding  
General Manager, Parks, Recreation & Culture

Bill Sims  
General Manager, Engineering & Public Works

Bill Corsan  
Director, Corporate & Business Development

Dale Lindsay  
General Manager, Development Services  
/Deputy CAO

Jake Rudolph  
CAO |

“City Plan Bylaw 2022 No. 6600” is too large to attach to the agenda and is provided separately on the City of Nanaimo website. A link is provided below:

<https://pub-nanaimo.escribemeetings.com/FileStream.ashx?DocumentId=42222>

DATE OF MEETING MAY 30, 2022

AUTHORED BY LAINYA ROWETT, MANAGER, CURRENT PLANNING

**SUBJECT DEVELOPMENT APPROVAL INFORMATION BYLAW**

## **OVERVIEW**

### **Purpose of Report**

To present Council with the City of Nanaimo “Development Approval Information Bylaw 2022 No. 7346” to specify the requirements and procedures for the provision of information to address the anticipated impacts of development as part of the development approval process.

### **Recommendation**

1. That City of Nanaimo “Development Approval Information Bylaw 2022 No. 7346” (to specify development information requirements) pass first reading;
2. That City of Nanaimo “Development Approval Information Bylaw 2022 No. 7346” pass second reading; and,
3. That City of Nanaimo “Development Approval Information Bylaw 2022 No. 7346” pass third reading”.

## **BACKGROUND**

Section 485 of the *Local Government Act* authorizes the City of Nanaimo to designate, by bylaw, a Development Approval Information (DAI) Area within which, the City may require information to address the anticipated impacts of a proposed development or activity on the community, including, but not limited to, information concerning impacts on:

- Transportation patterns and traffic flow;
- Local infrastructure;
- Public facilities including schools and parks;
- Community services; and
- The natural environment of the area affected.

Section 7.6 of the City’s Official Community Plan (planNanaimo 2008) currently establishes a DAI area with requirements and procedures to obtain development approval information in relation to development permit applications for lands designated within Development Permit Areas 1 and 2 (DPA1 – Watercourses and DPA2 – Environmentally Sensitive Features). The proposed OCP Bylaw (City Plan) designates all lands within the city boundaries as the specified area within which development approval information may be required.

The proposed Development Approval Information Bylaw (DAI Bylaw) is being introduced concurrently with City Plan, to support the implementation of the OCP policies for development

approval information and to ensure that new development meets the intent of the OCP's objectives and other City bylaws. |

## **DISCUSSION**

|While the DAI area will continue to be established through the OCP, the administration of the development approval information requirements will be regulated through a separate DAI bylaw as a recommended best practice. This structure will allow ease of administration, increased transparency to applicants, and it is consistent with the approach proposed to regulate Development Permit Areas (DPAs), which will be designated in the City Plan with the associated DPA guidelines will incorporated within the Zoning Bylaw.

In accordance with Section 486 of the *Local Government Act*, the DAI Bylaw establishes the policies and procedures for requiring development approval information at the applicant's expense. It also clarifies the substance of the information that may be required for applications involving: an amendment to the zoning bylaw, a development permit, or temporary use permit. The bylaw authorizes an officer or employee of the City to require development approval information such as technical studies (e.g. transportation impact assessments, geotechnical studies, bio-inventory assessments) which are necessary to evaluate a development proposal. It also specifies the appropriate professionals to undertake these assessments. The DAI Bylaw clarifies the general information requirements with further guidance provided in the approval process regarding the appropriate level of detail and terms of reference for analysis based on established City guidelines and given the context and scale of a proposed development.

The information requirements outlined in the DAI Bylaw are based on current best practices and align with the City's development application checklists, which identify required items to submit with a development application as established by the City's Development Approval Procedures and Notification Bylaw 1991 No. 3892. |

## **OPTIONS**

1. |That City of Nanaimo "Development Approval Information Bylaw 2022, No. 7346" (to specify development information requirements) pass first, second, and third reading.
  - The advantages of this option:
    - The bylaw supports the implementation of the OCP (City Plan) objectives for new development; ensures clarity for applicants on the scope and substance of development approval information; and reinforces Council's strategic priority for governance excellence in administration.
    - Establishing the DAI bylaw ensures the impacts of development on the community are appropriately considered and the approval process is streamlined with clear direction on the information submission requirements.
  - The disadvantages of this option: None identified.
  - Financial Implications: None.
2. That Council provide alternate direction to Staff for the establishment of regulations outlining the City's Development Approval Information requirements.
  - The advantages of this option: None identified.

- The disadvantages of this option:
  - City Plan (OCP) would be considered for bylaw introduction without the supporting DAI Bylaw to give clarity on the information requirements for evaluating development proposals.
  - The absence of a DAI Bylaw creates uncertainty for applicants concerning the scope and substance of development approval information that will be required by the City.
- Financial Implications: Potentially unanticipated costs for applicants and delays in application approvals in the absence of a bylaw to clarify the process and information requirements, scope of technical assessments, as well as the appropriate professionals to undertake these assessments.

### **SUMMARY POINTS**

- The proposed DAI Bylaw is being introduced concurrently with the new OCP (City Plan) to support the implementation of OCP objectives for new development.
- The bylaw outlines requirements for development approval information and clarifies the scope and substance of information that may be required for any amendment to the zoning bylaw, development permit, or temporary use permit application.
- The new bylaw will allow ease of administration, increased transparency to applicants, and clarity on the submission requirements in the development approval process.

### **ATTACHMENTS:**

“Development Approval Information Bylaw 2022 No. 7346 |

#### **Submitted by:**

Lainya Rowett  
Manager, Current Planning |

#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services /  
Deputy CAO |

CITY OF NANAIMO

BYLAW NO. 7346

A BYLAW TO ESTABLISH PROCEDURES AND POLICIES FOR REQUIRING  
DEVELOPMENT APPROVAL INFORMATION

WHEREAS under Section 485 of the *Local Government Act*, Council has specified in the Official Community Plan circumstances and designated areas for which development approval information may be required.

AND WHEREAS Section 486 of the *Local Government Act* requires the City to establish, by bylaw, procedures and policies on the process for requiring development approval information.

NOW THEREFORE the Council of City of Nanaimo enact as follows:

**PART I – GENERAL**

1. Title

This Bylaw may be cited as “Development Approval Information Bylaw 2022 No. 7346”.

2. Definitions

In this bylaw:

“Applicant”	means a person who applies for: a) an amendment to the City’s zoning bylaw; b) a development permit; or c) a temporary use permit.
“City”	means the City of Nanaimo
“Council”	means the Council of the City of Nanaimo
“Qualified Professional”	means an individual who is certified by a professional governing body or under the <i>Professional Governance Act</i> , where applicable, and is in good standing with the regulatory body for the individual’s profession, and when carrying out an assessment the individual is acting: a. within the individual’s area of expertise; b. within the scope of professional practice for the individual’s profession; and, c. under the code of ethics of the applicable regulatory body.
“Report”	means any study or information containing development approval information that fulfils or is intended to fulfil the requirements of this Bylaw and the Terms of Reference, if provided.
“Terms of Reference”	means a document prepared by the City regarding matters outlined in Schedule “A” of this Bylaw that defines the scope of development approval information and the deliverables required to be provided by the Applicant.

3. Procedures and Policies

- 3.1 An official or designate referred to in Section 3.2 may require that an Applicant provide development approval information in accordance with this Bylaw.
- 3.2 The authority to require development approval information is delegated by Council to the following City officials or designates:
  - a. General Manager, Development Services.
  - b. Director, Development Approvals.
  - c. General Manager, Engineering & Public Works.
  - d. Director, Engineering
  - e. Director, Community Development.
- 3.3 Development approval information must be provided by the Applicant at the Applicant's expense, in the form of a Report certified and signed by a Qualified Professional.
- 3.4 A Report provided under Section 3.3 must be prepared by an appropriately Qualified Professional including, but not limited to, those as outlined in Schedule "B" of this Bylaw.
- 3.5 The Report must be prepared in accordance with the professional practice standards and complete with the signature and seal of any Qualified Professional involved in its creation.
- 3.6 A Report provided under Section 3.3 must comply with and fully address the Terms of Reference that are provided.
- 3.7 The City may distribute the Report, publicize the results of any Report, and be able to rely on the findings and conclusions contained in the Report.

4. Terms of Reference

- 4.1 The Terms of Reference may require one or more Reports, as identified in Schedule "A" attached to this Bylaw, related to one or more of the subject areas identified.
- 4.2 In general, a Report must contain the following:
  - a. The legal description and property identifier (PID) for the subject property;
  - b. A description of all relevant land use covenants, easements, statutory rights-of-way or other charges that affect the use and development of the property registered on title for the subject property;
  - c. A location and context map for the property;
  - d. A description of the methodology and assumptions used to undertake the Report or sufficient detail regarding assessment and the methodology to facilitate a professional third party review if required under Section 5.2;
  - e. Identification and definition of the context, interaction, scope, magnitude and significance of the anticipated impacts of the proposed activity or development, as well as the data and methodological accuracy, assumptions, uncertainties, acceptability thresholds and how the anticipated impact may cumulatively contribute to existing risks stressors and threats; and,



- f. Recommendations for conditions or requirements that Council or its official or designate may impose to mitigate anticipated impacts.

5. Report Review

- 5.1 If the City determines that a Report is incomplete or deficient, it will notify the Applicant in writing of the nature of the deficiencies. The Applicant will be required to submit a new and/or updated Report to address the deficiencies.
- 5.2 Without limiting Section 5.1, the official or designate may, after receiving and reviewing a Report under this Bylaw, require a third party review of a Report at the expense of the Applicant.

6. Reconsideration

- 6.1 An Applicant may apply to Council for the reconsideration of an official or designate decision to require development approval information under this Bylaw by delivering to the City a written application for reconsideration within thirty (30) days after the decision is communicated in writing to the Applicant.
- 6.2 An application for reconsideration must set out the grounds upon which the Applicant considers the decision inappropriate and what, if any, decision the Applicant considers the Council ought to substitute and must include a copy of any materials considered by the Applicant to be relevant to the reconsideration by Council.
- 6.3 The City must place each application for reconsideration on the agenda of a regular council meeting as soon as reasonable and practicable after the delivery of a complete application for reconsideration and must notify the Applicant of the date of the meeting at which the reconsideration will occur.
- 6.4 At that meeting, Council may hear from the Applicant and may either confirm the decision or substitute their own decision.

7. Severability

If any section, subsection, sentence, clause, definition or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of the Bylaw.

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

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MAYOR

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CORPORATE OFFICER

## **SCHEDULE “A”**

The following are potential components that could create the Terms of Reference for the Reports that may be requested of the Applicant for a proposed development. The scope of the Terms of Reference will vary depending on the scale and potential impact of the specific development.

### **A. Transportation**

If the City requires development approval information relating to the impact of development on transportation, the following may be required:

- A Traffic Impact Assessment Report in accordance with the criteria outlined within the City's *Development Transportation Impact Assessment Guidelines*. The Report must outline the process, outcomes, and mitigation strategies needed to support the proposed development. Parking demand will be addressed through the City of Nanaimo Off-Street Parking Regulations Bylaw, as amended from time to time, and Policy for Consideration of a Parking Variance.

### **B. Local Infrastructure**

If the City requires development approval information in the form of a Report relating to the impact of development on the local infrastructure, the following information may be required:

- Servicing report(s) for stormwater management, sanitary sewer, water supply. The report(s) should include capacity analysis of the existing system, impacts of the development on the existing system(s), proposed improvements to the existing system(s) whether on-site or off-site to accommodate the development, and include consideration for the development of adjacent or tributary lands.

### **C. Stormwater Management / Erosion**

If the City requires development approval information in the form of a Report relating to the impact of development on stormwater, surface runoff and erosion, the following information may be required:

- Complete a stormwater management plan and downstream drainage system analysis as per City of Nanaimo *Manual of Engineering Standards & Specifications* (MoESS), as amended from time to time.
- Complete an erosion & sediment control plan for the property to ensure that local infrastructure, watercourses, ponds, lakes, wetlands, ocean and adjacent properties are not impacted by the proposed development.

### **D. Environmentally Sensitive Lands and Hazard Lands**

If the City requires development approval information in the form of a Report relating to the impact of development on environmentally sensitive lands, hazard lands or steep slopes, the following information may be required:

- Provide an analysis and Report on the natural environment, including ecosystems, biological diversity, species at risk, regionally significant species, and riparian ecosystems.
- Provide a bio-inventory assessment in accordance with the most recent edition of the Provincial “*Develop with Care: Bio-Inventory Terms of Reference*”.
- A detailed biophysical assessment of the property, prepared by a *Qualified Registered Professional*.
- Vegetation Management Plan including recommendations for restoration and maintenance.

- Demonstrate how the development will protect, retain and restore environmentally valuable resources.
- Provide a tree analysis and detailed tree retention strategy for the site and any potential impacts of tree removal on adjacent properties.
- Provide an analysis of the proposed development's impact on fish and wildlife habitat as well as the ground (ie: aquifer) and surface water quality, including pollution, nutrients, silt and pathogens.
- Provide an analysis of the geotechnical conditions of the site, as per the following City Guidelines:
  - *Guidelines for Geotechnical Reports;*
  - *Seismic Design Guidelines for Water, Sewer, Utilities and Roads.*
- Provide mapping of any hazardous lands or natural environmental features to be added to the City of Nanaimo base mapping.

E. Above Abandoned Mine Workings Hazards

If the City requires development approval information in the form of a Report relating to the impact of development on above abandoned mine workings hazards, the following information may be required:

- Provide an analysis of the geotechnical conditions of the site, as per the following City Guidelines:
  - *Guidelines for Geotechnical Assessments Above Abandoned Mine Workings;*
  - *Seismic Design Guidelines for Water, Sewer, Utilities and Roads.*
- Provide mapping of any hazardous lands or coal mine workings features to be added to the City of Nanaimo base mapping.

F. Sea Level Rise

If the City requires development approval information in the form of a Report relating to the impact of development on lands subject to sea level rise and associated risks to the development, the following information may be required:

- Provide an analysis of the geotechnical conditions of the site, including but not limited to: sea-level rise, 1:200 year flood event and inundation, and demonstrate that the lands are safe for the intended buildings and uses, in accordance with the Engineers and Geoscientists BC professional practice guidelines.
- Complete 1:200 year flood analysis and mapping for the site where the City has not completed mapping.

G. Wildfire Hazards

If the City requires development approval information in the form of a Report relating to the impact of development on the risk of wildfire hazards, the following information may be required:

- Complete a wildfire interface assessment of the property.
- Provide wildfire interface planning recommendations for the proposed development, including if required, windbreaks, setbacks, landscape plans, forest management strategy and modified building or subdivision design.

H. Climate Action

If the City requires development approval information in the form of a Report relating to the impact of development on climate change, the following information may be required:

- Demonstrate how the proposed development will contribute to greenhouse gas reduction targets, energy conservation and water conservation.
- Provide an analysis of the proposed development on air quality, including pollution, dust, fumes, smoke and odours.
- Demonstrate how the development incorporates elements of LEED guidelines for building materials and resources to be used, indoor environmental quality, use of natural light, innovation in design, and support for the reduction of personal vehicle use.
- Demonstrate that the development supports alternative transportation options.
- Provide an evaluation of embodied emissions of the proposed development.

I. Public Facilities and Services

If the City requires development approval information in the form of a Report relating to the impact of development on public facilities and services (including community services, parks and schools), the following information may be required:

- Identify services within a 5-minute walking distance of the proposed development.
- Identify the impacts on community services from the proposed development, including demand on: schools, protective services (e.g. police, fire, ambulance), health care and parks, recreation and cultural facilities and services.

J. Economic and Social Development

If the City requires development approval information in the form of a Report relating to the impact of development on the economic and social health of the community, the following information may be required:

- Provide an analysis of the economic impacts of the proposed development and how it may affect the day-to-day quality of life of residents, visitors and the community as a whole, including direct and indirect economic impacts, demographics, housing, local services and socio-cultural issues.
- If the application includes commercial uses, provide an analysis of the impacts of the development on: competition, traffic impacts, the effects on tenancy, and the impacts on neighbourhood stability.
- If the application includes industrial uses, provide an analysis of the impacts of the development on: supply and use of industrial land in the City.
- Provide an analysis of how affordable housing will be incorporated into the development, including: replacement of lost affordable housing (housing demolished to accommodate the new development), amount of rental housing proposed, variety of housing types, and the inclusion of new affordable housing.
- Examine the potential financial impacts of the proposed development on the existing community public facilities, such as schools, fire halls, police detachments, recreation and cultural facilities and parks.
- Outline any potential costs and identify possible strategies to mitigate against the potential impacts, including an outline of the potential funding sources for the provision of additional community services and public facilities that may be required as a consequence of the proposed development.

K. Archaeology

If the City requires development approval information in the form of a Report relating to the impact of development on the archaeological site, the following information may be required:

- A Report or letter submitted by a Qualified Professional providing clearance from the Archaeology Branch of the Province.

- If there is a known archaeological site impacting the subject property, the Applicant will need to contact the Provincial Government's Archaeology Branch to determine what permit/report requirements apply and provide this information to the City.
- If at any time during the construction process archaeological materials are identified on the site, work must stop, the Archaeology Branch must be contacted, and a Report submitted to the City.
- If a study was required, demonstrate how First Nations were involved in the archaeological study.

L. Heritage

If the City requires development approval information in the form of a Report relating to the impact of development on recognized heritage resources, the following information may be required:

- Complete a heritage impact assessment and impact mitigation study or heritage conservation plan that provides an analysis of the proposed development's impact on heritage resources on the site.
- Provide an analysis of how a building or site design reflects, conserves or enhances the heritage of the site.

M. Form and Character / Built Environment

If the City requires development approval information in the form of a Report relating to the impact of development on the form and character of the built environment, the following information may be required:

- Provide plans, sections, streetscapes, 3D or perspective architectural drawings, renderings, digital modelling.
- Demonstrate how the development complies with City bylaws and meets the goals and objectives of the Official Community Plan and any adopted Neighbourhood Plans and relevant Design Guidelines.
- Provide an analysis of landscape and visual impacts, including the impact on view corridors, the creation of shadows, prominent features, and experiential characteristics.
- Provide information on the phasing and timing of the activity or development and how this may impact the surrounding community.

### SCHEDULE “B”

	SUBJECT	QUALIFIED PROFESSIONAL
A	Transportation	Professional Engineer (P.Eng.) with applicable expertise in traffic and transportation.
B	Local Infrastructure	Professional Engineer (P.Eng.) with applicable expertise in civil engineering. Registered Onsite Wastewater Professional (ROWP) for septic systems only.
C	Stormwater Management / Erosion	Professional Engineer (P.Eng., P.Geo.) with applicable expertise in hydrology, geotechnical, geology, civil. Landscape Architect (BCSLA) Certified Professional in Erosion and Sediment Control (CPESC)
D	Environmentally Sensitive Lands and Hazard Lands	Registered Professional Biologist (R.P.Bio) Registered Biology Technologist (RBTech) Applied Biology Technician (ABTech) Qualified Environmental Professional (QEP) Professional Engineer (P.Eng., P.Geo.) with applicable expertise in hydrology, geotechnical, geology. Registered Professional Forester (RPF) Landscape Architect (BCSLA) Professional Agrologist (P.Ag.)
E	Above Abandoned Mine Workings Hazards	Professional Engineer (P.Eng., P.Geo.) with applicable expertise in hydrology, geotechnical, geology, civil, in relation to coal mining and subsidence due to coal workings.
F	Sea Level Rise	Professional Engineer (P.Eng., P.Geo.) with applicable expertise in hydrology, geotechnical, geology, civil, in relation to sea level rise.
G	Wildfire Hazards	Registered Professional Forester (RPF) Registered Forest Technologist
H	Climate Action	Registered Professional Planner (MCIP, RPP) Architect (MAIBC) Landscape Architect (BCSLA) LEED Approved Professional (AP) Certified Energy Manager Professional Engineer (P.Eng.) with applicable expertise such as mechanical engineering. Registered Professional Biologist (R.P.Bio) Economist

I	Public Facilities and Services	Registered Professional Planner (MCIP, RPP) Architect (MAIBC) Professional Engineer (P.Eng.) with applicable expertise such as civil engineering. Registered Social Worker (BCCSW) Chartered Professional Accountant (CPA)
J	Economic and Social Development	Registered Professional Planner (MCIP, RPP) Chartered Professional Accountant (CPA) Economist Appraiser (AIC) Land Economist (DULE)
K	Archaeology	Registered Professional Archaeologist (BCAPA)
L	Heritage	Qualified Heritage Conservation Professional (CAHP) Registered Professional Planner (MCIP, RPP) Architect (MAIBC)
M	Form and Character / Built Environment	Registered Professional Planner (MCIP, RPP) Architect (MAIBC) Landscape Architect (BCSLA) LEED Approved Professional (AP)

DATE OF MEETING MAY 30, 2022

AUTHORED BY LAINYA ROWETT, MANAGER, CURRENT PLANNING

**SUBJECT DEVELOPMENT PERMIT AREAS GUIDELINES – AMENDMENT TO ZONING BYLAW**

## **OVERVIEW**

### **Purpose of Report**

To present Council with amendments to the City of Nanaimo Zoning Bylaw 4500 to include development permit area guidelines, exemptions, and related definitions in addition to other amendments for consistency with the proposed Official Community Plan (City Plan).

### **Recommendation**

1. That “Zoning Amendment Bylaw 2022 No. 4500.199” (To include development permit area guidelines, exemptions, and related definitions in addition to other amendments for consistency with the proposed Official Community Plan [City Plan]) pass first reading; and,
2. That “Zoning Amendment Bylaw 2022 No. 4500.199” pass second reading.

## **BACKGROUND**

At the Governance and Priorities Committee meeting held 2022-MAY-09, Staff presented proposed changes to the Zoning Bylaw in alignment with the draft City Plan. The proposed bylaw amendment is being introduced concurrently with the bylaw introduction of City Plan to regulate development permit areas and support the policies and objectives of City Plan.

## **DISCUSSION**

Section 488 of the *Local Government Act* gives municipalities the authority to designate Development Permit Areas (DPA) in the Official Community Plan (OCP). Similar to the City of Nanaimo’s current OCP, the draft City Plan establishes development permit areas for the following purposes:

- protection of the natural environment, its ecosystems, and biological diversity;
- protection of development from hazardous conditions;
- establishment of objectives for the form and character of commercial, industrial, or multi-family residential development;
- establishment of objectives to promote energy conservation;
- establishment of objectives to promote water conservation; and,
- establishment of objectives to promote the reduction of greenhouse gas emissions.

The stated purpose, objectives, and justification for designating each DPA must be contained within an OCP. The draft City Plan includes appropriate objectives and justifications to designate



DPA's for specific purposes and includes maps as schedules to indicate where the following DPA's are designated:

- DPA 1: Environmentally Sensitive Areas Guidelines – Watercourse, Terrestrial & Marine Foreshore
- DPA 2: Hazardous Slopes Guidelines
- DPA 3: Sea Level Rise Guidelines
- DPA 4: Abandoned Mine Workings Hazards Guidelines
- DPA 5: Wildfire Hazard Guidelines
- DPA 6: Steep Slope Development Guidelines
- DPA 7: Nanaimo Parkway Design Guidelines
- DPA 8: Form and Character Guidelines

In an area where a DPA is designated, a development permit must first be obtained prior to certain types of development such as subdivision, construction, or land alteration. The *Local Government Act* requires that DPA's are designated in the OCP, but allows for the DPA guidelines to be in either the OCP or the zoning bylaw. The City Plan has been drafted with the intention of including the DPA guidelines in City of Nanaimo Zoning Bylaw 2011 No. 4500 (the Zoning Bylaw). Amendment Bylaw 4500.199 contains DPA guidelines and related definitions intended to achieve the objectives of the DPA's proposed in City Plan. Bylaw 4500.199 also includes DPA exemptions to specify conditions under which development can occur on a property within a DPA in a manner consistent with the DPA objectives without requiring a development permit. The Bylaw will also introduce a limited number of additional amendments for consistency with the City Plan, including an update to 'Schedule C' – Watercourses of the Zoning Bylaw to improve accuracy based on ground-truth data and to ensure consistency with the City Plan's Schedule 6 Watercourse mapping.

While DPA guidelines have more traditionally been located within OCPs, such as is the case with the City's current OCP, it has become better practice to include DPA guidelines within a zoning bylaw. There are several benefits to including DPA guidelines in a zoning bylaw, including:

- Transparency, clarity, and ease of administration. A zoning bylaw is a regulatory bylaw and DPA guidelines are regulatory in nature. Interested parties will be able to reference the applicable zoning bylaw regulations, DPA guidelines, exemptions, and definitions in the same document.
- Update efficiency and harmonization. The City's Zoning Bylaw receives an annual review and update, which will allow for a more regular review and update to DPA guidelines to respond to evolving best practices and changing conditions. This will also improve harmonization between Zoning Bylaw regulations and DPA guidelines.

DPA guidelines specify how proposed subdivision, construction, or land alteration within a DPA can address the special conditions or objectives for which the DPA was established. Some DPA guidelines require a report from a professional, such as a biologist or engineer, or other information to ensure the proposed development complies with the applicable guidelines. The permit itself generally includes conditions that must be adhered to during or after development. DPA's typically include exemptions, which are a list of types of development that do not require a development permit.

In reviewing the existing DPA guidelines and exemptions to support the objectives of new DPAs proposed within City Plan, the following principles were applied:

1. Improve ease of interpretation for the users and use of consistent language across DPAs where possible;
2. Adopt current best practices for DPA guidelines; and,
3. Streamline development approval processes through providing exemptions to the requirement for a development permit where the DPA objectives can be achieved by other means without requiring a development permit application.

The table included as Attachment A to this report, “DPA Comparison: City Plan vs Current OCP”, shows the DPAs in the draft City Plan and identifies the comparable DPA in the current OCP, where one exists. The table also identifies enhanced objectives for DPA1 and new objectives for new DPA3, DPA4, and DPA5. For DPA2, DPA6, DPA7, and DPA8 guideline drafting focused on updates to improve consistency, administrative efficiency, and clarity, as well as adding updates to exemptions in response to best practices, and identified needs in a manner consistent with the DPA objectives.

Attachment B Summary of Zoning Bylaw Changes outlines the changes to the Zoning Bylaw that will incorporate the draft DPA guidelines, exemptions, and related definitions consistent with the purpose and intention to achieve the objectives of the City Plan DPAs.

## **Stakeholder Engagement**

The proposed DPA Guidelines were made available for public review on the *ReImagine Nanaimo* project page on 2022-MAY-04. Staff further provided information and the draft guidelines to representatives of the development community in a workshop on 2022-MAY-05. The proposed amendments to the Form and Character DPA (DPA8) were also presented to the City’s Design Advisory Panel on 2022-APR-28. Minor text clarifications were suggested and incorporated into the Guidelines in response to stakeholder feedback. |

## **OPTIONS**

1. That “Zoning Amendment Bylaw 2022 No. 4500.199” (to include development permit area guidelines, exemptions, and related definitions in addition to other amendments for consistency with the proposed Official Community Plan [City Plan]) pass first and second reading.
  - The advantages of this option: Amending the Zoning Bylaw allows for alignment with the changes outlined in the proposed City Plan.
  - The disadvantages of this option: None identified.
  - Financial Implications: None.
2. That Council provide alternate direction to Staff to implement regulations for the guidelines associated with the Development Permit Areas proposed within City Plan.
  - The advantages of this option: None identified.

- The disadvantages of this option: City Plan would be considered for bylaw introduction without the supporting DP guidelines necessary to implement the DPA Guidelines. The amendments are intended to give clarity on the information requirements for evaluating development permit proposals.
- Financial Implications: Potential delays in application reviews and approvals in the absence of regulations to clarify the information requirements and exemptions for development permit applications. |

### **SUMMARY POINTS**

- The draft City Plan includes appropriate objectives and justifications to designate DPAs for specific purposes and includes maps as schedules to indicate where DPAs are designated.
- The *Local Government Act* requires that DPAs are designated in the OCP, but allows for the DPA guidelines to be in either the OCP or the zoning bylaw. There are several benefits to including DPA guidelines in a zoning bylaw.
- DPA guidelines specify how proposed subdivision, construction, or land alteration within a DPA can address the special conditions or objectives for which the DPA was established. DPAs typically include exemptions, which are a list of types of development that do not require a development permit.
- Proposed Zoning Bylaw Amendment Bylaw 4500.199 contains DPA guidelines, exemptions, and related definitions consistent with the purpose and intention to achieve the objectives of the City Plan DPAs. The Bylaw also includes a limited number of additional amendments for consistency with the City Plan, including an update to 'Schedule C' of the Zoning Bylaw to improve accuracy and consistency with the City Plan's Schedule 6 Watercourse mapping.

### **ATTACHMENTS:**

ATTACHMENT A: DPA Comparison: City Plan vs. Current OCP

ATTACHMENT B: Summary of Zoning Bylaw Changes

"Zoning Amendment Bylaw 2022 No. 4500.199" |

#### **Submitted by:**

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Director, Community Development

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General Manager, Development  
Services/Deputy CAO |

# ATTACHMENT A

## DPA Comparison: City Plan vs. Current OCP

DRAFT CITY PLAN DPA	CURRENT OCP COMPARABLE DPA	DRAFT DPA GUIDELINES – OBJECTIVES, COMPARISON, HIGHLIGHTS (Draft Bylaw 4500.199)
<p><b>DPA1: Environmentally Sensitive Areas – Watercourse, Terrestrial &amp; Marine Foreshore</b></p> <p>(Identified on Schedule 6 of City Plan)</p>	<p>DPA1: Watercourses</p> <p>DPA2: Environmentally Sensitive Areas</p>	<ul style="list-style-type: none"> <li>a. <u>Objectives</u> - Provide guidance for the protection of watercourse ESAs, Terrestrial ESAs, and Marine Foreshore ESAs.</li> <li>b. <u>Comparison</u> - Enhanced objectives compared to current DPA1 and DPA2.</li> <li>c. <u>Highlights</u> - Draft guidelines updated to reflect Council 2022-Feb-07 supported enhancements to the City's regulatory framework for watercourse protection based on the following principles: <ul style="list-style-type: none"> <li>i. Combine current DPA1 and DPA2 to provide consistent ESA protection and expand ESA values considered.</li> <li>ii. Prioritize avoidance of encroachment into ESA and setbacks, with mitigation and compensation required through DP only when encroachment cannot be avoided.</li> <li>iii. Improve transparency/clarity of factors considered in evaluating DP application.</li> <li>iv. Requirement for biophysical assessment to consider wildlife habitat, wildlife corridors, and ecological form and function of the ESA (in addition to the detailed RAPR assessment where applicable).</li> <li>v. “Net gain” in functional habitat to replace “no net loss” as principle for mitigation and compensation.</li> <li>vi. Inclusion of detailed restoration planting and maintenance standards rather than variable standards specified by QRP.</li> <li>vii. Requirement for QRP monitoring, post development inspection, and reporting.</li> </ul> </li> </ul>
<p><b>DPA2: Hazardous Slopes</b></p> <p>(Identified on Schedule 7 of City Plan)</p>	<p>DPA3: Natural Hazard Lands</p>	<ul style="list-style-type: none"> <li>a. <u>Objectives</u> - Provide guidance for the protection of development from hazardous slope conditions.</li> <li>b. <u>Comparison</u> - Consistent with objectives of current DPA3:</li> <li>c. <u>Highlights</u> - Draft guidelines updated to improve consistency, administrative efficiency, and clarity, such as actions and activities that do not require a DP. Reference to updated Guidelines for the Completion of Geotechnical Reports to reflect legislative framework and applicable professional practice guidelines.</li> </ul>

DRAFT CITY PLAN DPA	CURRENT OCP COMPARABLE DPA	DRAFT DPA GUIDELINES – OBJECTIVES, COMPARISON, HIGHLIGHTS (Draft Bylaw 4500.199)
<b>DPA3: Sea Level Rise</b>  (Identified on Schedule 8 of City Plan)	N/A	a. <u>Objectives</u> - Provide guidance for the protection of property and development from the impacts of sea level rise b. <u>Comparison</u> - New DPA per Climate Change Resilience Strategy Action 5.2.3. c. <u>Highlights</u> - Reference to Provincial Flood Hazard Area Land Use Management Guidelines and updated Guidelines for the Completion of Geotechnical Reports to reflect legislative framework and applicable professional practice guidelines.
<b>DPA4: Abandoned Mine Workings Hazards</b>  (Identified on Schedule 9 of City Plan)	N/A	a. <u>Objectives</u> - Provide guidance for avoiding or adequately addressing potential mining induced geological hazards. b. <u>Comparison</u> - New DPA to improve transparency and enhance protection of development from abandoned mine-working hazards. c. <u>Highlights</u> - Reference to proposed Guidelines for Geotechnical Assessments Above Abandoned Mine Workings and updated Guidelines for the Completion of Geotechnical Reports to reflect professional best practice considering the unique nature of the hazard.
<b>DPA5: Wildfire Hazard</b>  (Identified on Schedule 10 of City Plan)	N/A	a. <u>Objectives</u> - Provide guidance to minimize the risk to people and property from wildfire hazard. b. <u>Comparison</u> - New DPA per Climate Change Resilience Strategy Action 5.2.1. c. <u>Highlights</u> - Requires an assessment and recommendations to protect development from wildfire interface hazard, prepared by a Qualified Registered Professional registered in British Columbia with specific training and experience working with wildfire interface protection, (unless exempted).
<b>DPA6: Steep Slope Development</b>  (Identified on Schedule 11 of City Plan)	DPA5: Steep Slope Development	a. <u>Objectives</u> - Provide guidance to achieve environmentally sound and livable hillside neighbourhoods. b. <u>Comparison</u> - Consistent with objectives of current DPA5. c. <u>Highlights</u> - Draft guidelines updated to improve consistency, administrative efficiency, and clarity, such as actions and activities that do not require a DP.

DRAFT CITY PLAN DPA	CURRENT OCP COMPARABLE DPA	DRAFT DPA GUIDELINES – OBJECTIVES, COMPARISON, HIGHLIGHTS (Draft Bylaw 4500.199)
<b>DPA7: Nanaimo Parkway Design</b>  (Identified on Schedule 12 of City Plan)	DPA4: Nanaimo Parkway Design	a. <u>Objectives</u> - Provide guidance to maintain and reinforce a green aesthetic with the natural vegetative character along the full length of the Parkway. b. <u>Comparison</u> - Consistent with objectives of current DPA4. c. <u>Highlights</u> - Draft guidelines updated to improve consistency, administrative efficiency, and clarity, such as actions and activities that do not require a DP.
<b>DPA8: Form and Character</b>  (Identified on Schedule 13 of City Plan)	DPA6: Stewart Avenue Corridor	a. <u>Objectives</u> - Provide guidance to ensure a high level of design and quality of construction of all future developments. b. <u>Comparison</u> - Consistent with objectives of current DPA6, DPA7, DPA8, and DPA9. Reference to existing form and character guidelines, such as City of Nanaimo General Development Permit Area Design Guidelines (1992) and relevant neighbourhood guidelines, provides design guidance consistent with current DPA6, DPA7, DPA8, and DPA9. c. <u>Highlights</u> - Draft guidelines update to improve consistency, administrative efficiency, and clarity, such as actions and activities that do not require a DP. Notable revisions to DP exemptions include: <ul style="list-style-type: none"> <li>i. Allowance for minor additions of the lesser of 25% of gross floor area or 100m<sup>2</sup>, rather than current exemption for up to \$150,000 external construction value.</li> <li>ii. Construction of up to 4 dwelling units a lot without requiring a DP, rather than current exemption for 2 dwelling units on a lot. This exemption does not apply in the Old City Neighbourhood, where DPs are currently required for 2 units or more on a lot.</li> <li>iii. Exemption for construction, alteration, or addition of an institutional building or structure, rather than current exemption for construction or renovation is for a public school operated by School District 68.</li> <li>iv. Exemption for the construction of an accessory commercial or industrial building of less than 100m<sup>2</sup> and not located between the front face of a principal structure and abutting street.</li> </ul>
	DPA7: North Terminal Avenue Area	
	DPA8: Old City Neighbourhood	
	DPA9: Commercial, Industrial, Institutional, Multiple Family and Mixed Commercial/Residential Development	

## ATTACHMENT B

#	Section of Bylaw	Proposed Amendment	Rationale
1	<b>Part 5 – Definitions</b>	Add a definition for 'CERTIFIED ARBORIST'.	This definition will provide clarity on where tree cutting can be approved in the DPA exemptions.
2, 12	<b>Part 5 – Definitions</b>	Add definitions for 'CITY PLAN' and 'TREE BYLAW'.	These definitions will allow for greater accord between City of Nanaimo bylaws.
3, 11	<b>Part 5 – Definitions</b>	Add definitions for 'FILL' and 'SOIL'.	These definitions will provide clarity to the DPA guidelines and exemptions.
4, 7, 13, 14	<b>Part 5 – Definitions; Part 6 – General Regulations 6.3</b>	Remove reference to the sea from the definition for 'WATERCOURSE' and refer to watercourses and the sea / marine foreshore separately throughout the Bylaw.	These amendments will add clarity to the different setbacks that apply to watercourses and the sea, and will align with the DPA1 – Environmentally Sensitive Area Guidelines that distinguish between watercourses and the marine foreshore.
5	<b>Part 5 – Definitions</b>	Delete the definition for 'FLOODPLAIN SETBACK'	This definition was redundant and not referred to in the text of the Bylaw. Flood protection regulations are retained in Section 6.4 of the Bylaw and further protections will be added through DPA3 – Sea Level Rise Guidelines.
6	<b>Part 5 – Definitions</b>	Add a definition for 'HABITABLE AREA'.	This definition will provide clarity for the DPA3 – Sea Level Rise Guidelines.
8	<b>Part 5 – Definitions</b>	Amend the definition for 'MAJOR ROAD'.	This amendment will align with the new road classifications proposed in City Plan.
9, 10, 16, 17	<b>Part 5 – Definitions; Part 6 – General Regulations 6.3.3 6..10.4</b>	Delete the definition of 'PROFESSIONAL ENGINEER' and replace with 'QUALIFIED REGISTERED PROFESSIONAL' and refer to the latter consistently throughout the Bylaw.	The new definition for Qualified Registered Professional (QRP) will more accurately describe the types of professionals that are referred to throughout the DPA guidelines.

15	<b>Part 6 – General Regulations 6.3.1.4</b>	Combine 6.3.1.4 and 6.3.1.5 into a revised 6.3.1.4.	The proposed amendment will refer to ‘Schedule C’ of the Zoning Bylaw to determine the setbacks for all watercourses rather than including setback distances in the text of the Bylaw.
18	<b>Part 17 – Landscaping 17.10.2.1</b>	Add a new subsection to require different landscape bonding for landscaping related to Environmentally Sensitive Areas	This amendment will align with the expected landscaping that may be required through vegetation maintenance and restoration under DPA1 – Environmentally Sensitive Area Guidelines
19, 20	<b>Part 18; Part 19</b>	Add new Part 18 – Development Permit Area (DPA) Guidelines and re-number Part 19 – Effective Day of Bylaw.	This amendment will incorporate the DPA guidelines and exemptions within the Zoning Bylaw.
21	<b>Schedule C</b>	Replace ‘Schedule C – Watercourses’ with a new ‘Schedule C – Watercourses and Marine Foreshore’.	The revised ‘Schedule C’ will be consistent with the City Plan’s ‘Schedule 6’ mapping that has been updated to improve accuracy based on ground-truth data.
22	<b>Schedule D</b>	Amend the bonus density provision for Environmentally Sensitive Areas (ESAs) to refer specifically to Terrestrial ESAs.	This amendment will provide consistency between ‘Schedule D’ and other references to ESAs in the City Plan and Zoning Bylaw.
23	<b>Schedule E</b>	Add a new ‘Schedule E – Neighbourhood and Area Plan Form and Character Design Guidelines’ map.	This map will indicate the areas of relevant design guidelines specific to different neighbourhoods, as applied by DPA8 – Form and Character Guidelines.



CITY OF NANAIMO

BYLAW NO. 4500.199

A BYLAW TO AMEND THE "CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500"

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WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 466, 469, 479, 480, 481, 482, and 548 of the *Local Government Act*;

WHEREAS a zoning bylaw may specify guidelines and exemptions for development permit areas designated in an official community plan, pursuant to Section 488 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 Bylaw Amendment Bylaw 2022 No. 4500.199".

2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

(1) By adding the following definition for 'Certified Arborist' after 'Centre Line':

**CERTIFIED ARBORIST** – means a person certified under the *International Society of Arboriculture* (IAS) with specific training as a Certified Tree Risk Assessor and/or a Wildlife / Danger Tree Assessor.

(2) By adding the following definition for 'City Plan' after 'City Park':

**CITY PLAN** – means the "City of Nanaimo Official Community Plan Bylaw 2022 No. 6600" and any amendments thereto.

(3) By adding the following definition for 'Fill' after 'Fence':

**FILL** – means soil, sand, gravel, rock, or other material that can be used to alter the contours of the land or used to create land through deposition.

(4) By deleting the definition of 'Flood Construction Level' and replacing it with the following:

**FLOOD CONSTRUCTION LEVEL** – means a Designated Flood Level plus Freeboard, or where a Designated Flood Level cannot be determined, a specified height above the Natural Boundary of a watercourse or the sea, or any obstruction that could cause ponding.

(5) By deleting the definition of 'Floodplain Setback'.

- (6) By adding the following definition for 'Habitable Area' after 'Gross Floor Area, All Other Uses':

**HABITABLE AREA** – means any room or space within a building or structure that is or can be used for human occupancy or building systems which would be subject to damage if flooded.

- (7) By deleting the definition of 'Leave Strip' and replacing it with the following:

**LEAVE STRIP** – means a buffer of land, soil, and vegetation that is protected next to a watercourse, marine foreshore, or terrestrial environmentally sensitive area which is to be left in an undisturbed state.

- (8) By deleting the definition of 'Major Road' and replacing it with the following:

**MAJOR ROAD** – means a Highway, an Urban Arterial, or a Mobility Arterial as designated by the City Plan "Schedule 4 – Road Classifications".

- (9) By deleting the definition of 'Professional Engineer'.

- (10) By adding the following definition for 'Qualified Registered Professional' after 'Quadruplex':

**QUALIFIED REGISTERED PROFESSIONAL** – means an individual who is registered under the *Professional Governance Act* as any of the following professionals:

- 1) an agrologist;
- 2) an applied science technologist or certified technician;
- 3) a registered professional biologist or registered biology technologist;
- 4) a professional engineer or professional engineering licensee;
- 5) a professional forester or registered forest technologist;
- 6) a professional geoscientist or professional geoscience licensee;

And is in good standing with the regulatory body under that Act for the individual's profession, and when carrying out that part of the assessment, the individual is acting:

- a) within the individual's area of expertise;
- b) within the scope of professional practice for the individual's profession; and
- c) under the code of ethics of the applicable regulatory body.

- (11) By adding the following definition for 'Soil' after 'Social Services Resource Centre':

**SOIL** – means the loose surface material at the earth's surface and includes sand, clay, gravel, rock, and other substances of which land is composed.

- (12) By adding the following definition for 'Tree Bylaw' after 'Transient Tourist Accommodation':

**TREE BYLAW** – means the "Management and Protection of Trees Bylaw 2013 No. 7126" of the City of Nanaimo and amendments thereto, and any subsequent bylaw or bylaws which may be enacted in the substitution thereof.

- (13) By deleting the definition of 'Watercourse' and replacing it with the following:

**WATERCOURSE** – means any course or source of water in a channel with defined continuous banks, whether usually containing water or not, and includes any lake, river, creek, spring, wetland, or source of groundwater, and including any portions that may be within a conduit or culvert.

- (14) By deleting the title of section 6.3 and first sentence of subsection 6.3.1 and replacing with the following:

**6.3 LOCATION AND SITING OF BUILDINGS AND STRUCTURES TO WATERCOURSES AND THE SEA**

6.3.1 A leave strip from a watercourse or from the sea shall be required as follows:

- (15) By deleting subsections 6.3.1.4 and 6.3.1.5 and replacing with the following:

6.3.1.4 The leave strip on each side of all watercourses identified in Schedule C shall include that area between the centre of the watercourse and a perpendicular line inland from the top of bank to the distance indicated on Schedule C for each watercourse.

- (16) By amending subsection 6.3.3 by deleting the text "professional biologist (or a biological expert with equivalent knowledge)" and replacing with "Qualified Registered Professional".

- (17) By amending subsection 6.10.4 by deleting the text "professional engineer" from clause b) and replacing with "Qualified Registered Professional".

- (18) By adding the following as subsection 17.10.2.1 immediately following 17.10.2:

17.10.2.1 Notwithstanding the above, where landscaping is required under DPA1 – Environmentally Sensitive Areas as described in Part 18 of this Bylaw, the Standby Irrevocable Letter of Credit shall be equal to 100% of the estimated cost of the work for the length of the maintenance period, as recommended by a Qualified Registered Professional.

- (19) By adding 'Part 18 – Development Permit Area (DPA) Guidelines' after Part 17 - Landscaping, as shown in Schedule A of this Bylaw.

- (20) By re-numbering existing 'Part 18 – Effective Date of Bylaw' as 'Part 19 – Effective Date of Bylaw'.

- (21) By deleting 'Schedule C – Watercourses' and replacing it with 'Schedule C – Watercourses and Marine Foreshore', as shown in Schedule B of this Bylaw.

- (22) By deleting the row labelled “A” in Category 2: Retention and Restoration of Natural Features in ‘Schedule D – Amenity Requirements for Additional Density’, and replacing it with the following:

A	The subject property includes a Terrestrial Environmentally Sensitive Area (ESA), as designated by the City Plan “Schedule 6 – DPA1 Environmentally Sensitive Areas” and includes at least a 15m natural area buffer around the ESA.	2
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- (23) By adding ‘Schedule E – Neighbourhood and Area Plan Form and Character Design Guidelines’ immediately following ‘Schedule D – Amenity Requirements for Additional Density’, as shown in Schedule C of this Bylaw.

PASSED FIRST READING: \_\_\_\_\_  
PASSED SECOND READING: \_\_\_\_\_  
PUBLIC HEARING HELD: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

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

## PART 18 – DEVELOPMENT PERMIT AREA (DPA) GUIDELINES

### 18.1 DPA1: ENVIRONMENTALLY SENSITIVE AREA (ESA) GUIDELINES – WATERCOURSE, TERRESTRIAL & MARINE FORESHORE

#### Application

- 18.1.1 *Environmentally Sensitive Areas (ESAs)* are identified on “Schedule 6 – DPA1: Environmentally Sensitive Areas” of the *City Plan*.
- 18.1.2 A development permit is required prior to any proposed development in DPA1: Environmentally Sensitive Areas.
- 18.1.5 DPA1 applies to the following *ESAs*:
- a) Watercourse ESA
    - i. The width of the *Watercourse ESA leave strip* shall be determined as specified on Schedule 6 of the *City Plan*.
    - ii. The width of the *watercourse leave strip* is measured horizontally from, and at right angles to, the *top of bank* or *wetland* boundary of the *watercourse*.
  - b) Terrestrial ESA
    - i. Properties impacted by known Terrestrial *ESAs* are shown on Schedule 6 DPA1: *Environmentally Sensitive Areas* of the *City Plan*, and the width of the terrestrial *ESA leave strip* shall be determined by a *Qualified Registered Professional* through a detailed biophysical assessment and approved by the Director of Development Approvals.
  - c) Marine Foreshore ESA
    - i. Marine Foreshore *ESAs* are shown on Schedule 6 of the *City Plan*.

#### Guidelines

- 18.1.6 Where disturbance within an *ESA* or *ESA leave strip* cannot be avoided, the following information must be provided to support the DPA1 development permit application in order to ensure protection, connectivity and increased functional habitat through mitigation, compensation and restoration of the *ESA*:
- a) A detailed biophysical assessment of the property, prepared by a *Qualified Registered Professional*.
  - b) A survey, completed by a registered BC Land Surveyor, of the *ESA* and *ESA leave strip* area.
  - c) A *Riparian Areas Protection Regulation (RAPR)* assessment report prepared by a *Qualified Registered Professional* where applicable.
  - d) An assessment of the proposed development’s impact to the site hydrology completed by a *Qualified Registered Professional*.
  - e) An Executive Summary of the required strategy and recommended measures to protect the *ESA* prior to site disturbance, during the construction process and post

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construction must be included in the *Qualified Registered Professional* assessment.

- f) A restoration and enhancement management plan and detailed cost estimate for any restoration works, prepared by a *Qualified Registered Professional*, for the disturbed portion of the *ESA* and *ESA leave strip*. The plan shall meet the following criteria:
  - i. include restoration and enhancement of *ESAs* that were impacted by previous development activities;
  - ii. utilize vegetation that is indigenous to Vancouver Island; and
  - iii. meet or exceed the landscaping and maintenance requirements in Part 14 of the City of Nanaimo *Manual of Engineering Standards and Specifications* (MoESS), as amended from time to time.
- g) The principle of net gain will be followed, and a *Qualified Registered Professional* must demonstrate how an increase in the quality and quantity of functional habitat within the *ESA* and *ESA leave strip* will be achieved once the proposed development is complete, such that any areas restored shall be of better ecological value, and shall be contiguous with the original *ESA* and *ESA leave strip*. The following principles will apply to establishing net gain:
  - i. Outcomes through habitat creation, enhancement, and/or restoration;
  - ii. Target condition (functional habitat in 20 years); and
  - iii. Target metric (twice the area of encroachment into the leave strip).

18.1.7 To protect the *ESA* the following will be required:

- a) Prior to site clearing and construction:
  - i. permanent fencing shall be installed to sufficiently protect the *ESA* from construction and development activity;
  - ii. the fencing must have signage that identifies the area as an environmentally sensitive area;
  - iii. runoff, erosion and sediment control must be installed adjacent to the *ESA leave strip*; and
  - iv. demarcation of wildlife corridors, wildlife trees, and significant trees as identified in the *Tree Bylaw* may also be required.
- b) Provision shall be made, and works undertaken, to provide for the disposal of surface runoff and stormwater flowing over the land, contributed by either the proposed development or past development. Such works shall be required to divert drainage away from areas subject to sloughing. Post development surface flow and groundwater must be maintained in volume and direction.
- c) Restricting development activity during sensitive life cycle times, as determined by a *Qualified Registered Professional* and following the Develop With Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia as prepared by the Province and amended from time to time.
- d) The property owner or applicant will retain a *Qualified Registered Professional* to monitor and inspect the site during construction and during site restoration, for the duration of the project and the specified maintenance period, which will be the greater of three years from completion of restoration and enhancement, or as recommended by the *Qualified Registered Professional*. Post-completion monitoring and inspection reports will be provided to the City on a regular basis

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at a minimum of once every six months, or more frequently if recommended by the *Qualified Registered Professional*.

- e) Indigenous trees and vegetation, as well as their root zones, within the *ESA* and *ESA leave strip* should not be cut, pruned, altered, removed or damaged.
- f) Development should be located in the least environmentally sensitive areas, such as previously disturbed areas, to minimize impact on the ecology of the *ESA* and the *ESA leave strip*.
- g) Maintaining the connectivity of forested corridors is a priority and is strongly encouraged.
- h) The 'green shores' principles and guidelines in the Stewardship Centre for British Columbia's Green Shores for Home shall be applied to minimize impacts to the marine foreshore area.
- i) Gravel, sand, *soils*, and peat must not be removed from the *ESA*, or *ESA leave strip*, and *soil* or other *fill* must not be deposited in the *ESA* or *ESA leave strip*.
- j) *ESAs* and *ESA leave strips* must not be impacted by blasting or run-off of sediments and construction-related contaminants.
- k) To ensure long-term protection of the *ESA* and *ESA leave strip*, the registration of a *Land Title Act* Section 219 covenant on the title of the property may be required.
- l) Varying or relaxing other bylaw requirements (e.g., building setbacks, building height, or parking requirements) will be considered to facilitate safeguarding an *ESA* and *ESA leave strip*, particularly where the relaxation can make possible the development of the remainder of the lot, while avoiding disturbance within the *ESA* and *ESA leave strip*.

### Exemptions

18.1.8 A development permit is not required for the following activities in DPA1:

- a) Construction, alteration, or addition to a building or structure, or alteration of land occurring outside of an *ESA* and *ESA leave strip* on a lot, where the location of the *ESA* and *ESA leave strip* have been confirmed by the City of Nanaimo, or by a *Qualified Registered Professional* and identified on a survey, completed by a registered BC Land Surveyor. In addition, permanent fencing, signage, runoff and erosion and sediment control must be installed prior to site clearing and construction to protect the *ESA* and *ESA leave strip*.
- b) Internal alterations to an existing building or structure.
- c) External alterations to an existing building or structure that do not alter its footprint.
- d) The placement of temporary structures used for short-term special events and emergency facilities where no functional habitat is being disturbed.

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- e) Demolition of a building or structure located within the *ESA* and *ESA leave strip* on a lot provided no further disturbance of the *ESA* or *ESA leave strip* occurs outside of the footprint of the existing building or structure and provided the work is performed in accordance with the guidelines.
- f) The erection of a sign or fence provided no native vegetation is removed or disturbed.
- g) Routine maintenance of existing landscape conditions, such as lawn mowing, minor pruning of trees and shrubs, planting of vegetation, and minor soil disturbance that does not alter the general contour of the land, provided no removal of vegetation, replacement with non-landscaped surfaces, or removal of trees occurs and provided no further impact to the *ESA* or *ESA leave strip* occurs.
- h) Planting and maintenance of native (indigenous) trees, shrubs or groundcover and removal of invasive plants or noxious weeds (such as Scotch broom, Himalayan blackberry, morning glory and purple loosestrife) for the purpose of restoring or enhancing habitat values and/or soil stability within the *ESA* and *ESA leave strip*, provided such planting is carried out in accordance with the guidelines and meeting or exceeding the landscaping and maintenance requirements in Part 14 of the City of Nanaimo *Manual of Engineering Standards and Specifications* (MoESS), as amended from time to time.
- i) Tree cutting, pruning or removal, completed by a *Certified Arborist*, and approved through a permit issued by the City under the *Tree Bylaw*.
- j) Pedestrian trail construction within a *watercourse leave strip* or *marine foreshore* if:
  - i. it is for access to water only;
  - ii. only one trail is built;
  - iii. the trail is for pedestrian, non-vehicular use;
  - iv. the trail is less than 1.5 metres wide;
  - v. no native trees are removed;
  - vi. the trail's surface is pervious, including *soil*, mulch or gravel;
  - vii. the overall slope of the trail is less than 10% and where portions of the trail are greater than 10% the trail is designed to prevent erosion; and
  - viii. disturbance of *soil*, *fill*, or aggregates occurs within a corridor less than 2 metres in width.
- k) Subdivision of land where:
  - i. Minimum lot areas are met exclusive of the *watercourse leave strip*;
  - ii. Development activities related to the subdivision or servicing of lots does not occur in the *ESA* or *ESA leave strip*;
  - iii. The *ESA* and the *ESA leave strip* has been protected through dedication, *Land Title Act* Section 219 covenant or other provisions acceptable to the Approving Officer; and
  - iv. All requirements in accordance with the City of Nanaimo *Subdivision Control Bylaw* for identifying and marking *watercourses*, terrestrial *ESA*, *marine foreshore*, *natural boundary*, *top of bank*, *wetland boundary* and other *ESA* related features are met.
- l) Lot consolidation, road dedication, or a boundary adjustment subdivision where: a new building footprint is not proposed, and provided lot area requirements are met exclusive of the *ESA* and the *ESA leave strip*.



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- m) The removal of culverts for *watercourse* daylighting projects, as approved by a *Qualified Registered Professional* and accepted by the City of Nanaimo.
- n) Commercial or industrial activity or marine or transportation facilities occurring on an existing filled marine foreshore on land appropriately zoned for the use.
- o) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines.
- p) Emergency procedures undertaken by the City of Nanaimo, including:
  - i. Emergency flood, erosion or forest fire control protection works;
  - ii. Protection, repair or replacement of public utilities;
  - iii. Clearing of an obstruction from a bridge, culvert or drainage flow; and,
  - iv. Repairs to bridges or safety fences.
- q) Actions and activities necessary to prevent immediate threats to life or property provided any disturbance within the *ESA* and the *ESA leave strip* is immediately reported to the City. A development permit may be required for remediation once the emergency has passed.

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### 18.2 DPA2: HAZARDOUS SLOPES GUIDELINES

#### Application

- 18.2.1 Hazardous Slopes are identified on Schedule 7 - DPA2: Hazardous Slopes of the *City Plan*.
- 18.2.2 A development permit is required prior to any proposed development within DPA2: Hazardous Slopes.
- 18.2.3 If a steep or unstable slope is identified by a *Qualified Registered Professional* during site assessment and investigation the guidelines of DPA 2 may apply to the proposed development.

#### Guidelines

- 18.2.4 The following may be required to be provided to support the DPA2 development permit application:
- a) A geotechnical report that provides recommendations to protect the development from hazardous conditions, in compliance with the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports*, prepared by a registered professional geotechnical engineer. Development should take into account recommendations from the geotechnical report and a *Land Title Act* Section 219 covenant with the geotechnical report may be required to be registered on title of the property.
  - b) A construction management plan with mitigation strategies to avoid impacts to steep and unstable slopes during construction. Mitigation strategies may include erosion protection, selective vegetation removal, restricting site access, and removal of debris or other measures as recommended by *Qualified Registered Professional*.
  - c) A vegetation restoration and management plan, prepared by a *Qualified Registered Professional*, that meets or exceeds the landscaping requirements in Part 14 of the City of Nanaimo *Manual of Engineering Standards and Specifications* (MoESS), as amended from time to time.
- 18.2.5 To protect the development from hazardous conditions the following will be required:
- a) No vegetation removal, no significant excavation or placement of *fill* shall be undertaken, nor shall any building or permanent structure of any kind be constructed or placed in areas subject to bank instability.
  - b) Buildings and structures shall be sited in accordance with building setbacks as established by a registered professional geotechnical engineer to avoid areas subject to unstable slope and/or ground instability.

#### Exemptions

- 18.2.6 A development permit is not required for the following activities in DPA2:
- a) The construction, alteration, or addition to a building or structure, or alteration of land occurring outside of the designated development permit area, as determined by the

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City of Nanaimo, or by a *Qualified Registered Professional* and identified on a survey prepared by a BC Land Surveyor.

- b) Internal alterations to existing building or structure.
- c) External alterations to an existing building or structure that do not alter its footprint.
- d) The construction of new accessory buildings or structures, not on permanent foundations, less than 10m<sup>2</sup> in floor area.
- e) The construction, alteration, or addition to a building or structure where a geotechnical report has been prepared to the satisfaction of the building inspector following the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports*, satisfies the objectives and guidelines for DPA2 and provides a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed and this report, together with a “save harmless” *Land Title Act Section 219* covenant in favour of the City of Nanaimo requiring compliance with the recommendations, is registered on title.
- f) The placement of temporary structures used for short-term special events and emergency facilities.
- g) The erection of a sign or fence.
- h) Routine maintenance of existing landscape conditions provided no removal of vegetation, replacement with non-landscaped surfaces, or removal of trees occurs unless following the recommendations of and under the supervision of a *Qualified Registered Professional*.
- i) Actions and activities performed in accordance with the recommendations of a previously accepted geotechnical report where such report forms a schedule to a *Land Title Act Section 219* covenant registered on the property title, which effectively mitigates the hazardous conditions and saves harmless the City of Nanaimo.
- j) Subdivision where a geotechnical report has been prepared to the satisfaction of the Approving Officer following the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports*, satisfies the objectives and guidelines for DPA2 and provides a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed and this report, together with a “save harmless” *Land Title Act Section 219* covenant in favour of the City of Nanaimo requiring compliance with the recommendations, is registered on title.
- k) Lot consolidation, road dedication, or a boundary adjustment subdivision where a new building footprint is not proposed.
- l) Actions and activities necessary to prevent immediate threats to life or property provided any disturbance within the *DPA* is immediately reported to the City. A development permit may be required for remediation and permanent protective works once the emergency has passed.
- m) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area.

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### 18.3 DPA3: SEA LEVEL RISE GUIDELINES

#### Application

18.3.1 Areas of potential impact from sea level rise and the 2100 Flood Construction Areas are identified on Schedule 8 - DPA3: Sea Level Rise of the *City Plan*.

18.3.2 A development permit is required prior to any proposed development within DPA3: Sea Level Rise.

#### Guidelines

18.3.3 To protect development from sea level rise proposed buildings in DPA3 (along the shore and in areas at risk of coastal flooding, up to the year 2100) shall establish a required elevation to ensure that all *habitable area* is located above the sea level rise *flood construction level*.

18.3.4 The following must be provided to support the DPA3 development permit application:

- a) A report prepared by a *Qualified Registered Professional* with training and experience in sea level rise, such as a Coastal Engineer, that provides recommendations to protect the development from sea level rise, is in compliance with the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports* and is in compliance with the provincial *Flood Hazard Area Land Use Management Guidelines* or any similar, successor or replacement guidelines that may exist from time to time. The report shall model wave and wind effects, and identify setbacks, elevations and other conditions to protect development from sea level rise, as well as detailed calculations of the required *flood construction level* as it applies to the entire property.
- b) Should imported *fill* be required for site grading, the *fill* should be clean and free of debris and deleterious substances and adhere to fill specifications outlined by a *Qualified Registered Professional*.
- c) If any landfill is proposed, it should be adequately compacted, and the face of the landfill slope should be adequately protected against erosion from flood flows, wave action, ice or other debris. The fill must not adversely impact neighbouring properties by increasing the surface water elevation or directing flows toward those properties.
- d) Consider zoning bylaw variances in order to construct a home at the elevation of the calculated FCL or 15m from the future estimated natural boundary of the ocean at Year 2100, whichever is greater. Variances may include, but are not limited to, height and setback variances. Requested variances shall consider proximity to adjacent dwellings, as well as privacy and view impacts for neighbours.
- e) Where changes in site grading are proposed to mitigate coastal flooding, landscaping shall address grade differences to adjacent properties to consider privacy including light, view, and overlook and proximity issues between properties. In addition, site grading should consider the topography of a site, reducing the need for major site preparation or earthwork, maintenance or enhancement of desirable site features (natural vegetation, trees, natural shoreline, or rock outcrops/bluffs). The use of exposed retaining walls shall be minimized with specific consideration for exposed retaining walls facing adjacent properties.

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### Exemptions

18.3.5 A development permit is not required for the following activities in DPA3:

- a) The construction, alteration, or addition to a building or structure, or alteration of land occurring outside of the designated development permit area, as determined by the City of Nanaimo, or by a *Qualified Registered Professional* and identified on a survey prepared by a BC Land Surveyor.
- b) Internal alterations to an existing building or structure.
- c) External alterations to an existing building or structure that do not alter its footprint.
- d) The construction of an accessory building or structure for non-habitable area.
- e) The addition, or alteration to an existing building or structure for non-habitable area.
- f) The construction, or alteration by the City of Nanaimo, or its authorized agents of a recreation shelter, stand, washroom, and other outdoor facility designed to withstand periodic flooding.
- g) The construction, alteration, or addition to a building or structure where a geotechnical report has been prepared to the satisfaction of the building inspector following the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports*, satisfies the objectives and guidelines for DPA3 and provides a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed and this report, together with a “save harmless” *Land Title Act* Section 219 covenant in favour of the City of Nanaimo requiring compliance with the recommendations, is registered on title.
- h) The placement of temporary structures used for short-term special events and emergency facilities.
- i) The erection of a sign or fence.
- j) Routine maintenance of landscaping and minor soil disturbance that does not alter the general contour of the land.
- k) Tree cutting, pruning or removal, completed by a Certified Arborist, and approved through a permit issued by the City under the *Tree Bylaw*.
- l) Actions and activities performed in accordance with the recommendations of an accepted geotechnical report where such report forms a schedule to a *Land Title Act* Section 219 covenant registered on the property title, which effectively mitigates the hazardous conditions and saves harmless the City of Nanaimo.
- n) Subdivision where a geotechnical report has been prepared to the satisfaction of the Approving Officer following the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports*, satisfies the objectives and guidelines for DPA3 and provides a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed and this report, together with a “save harmless” *Land Title Act* Section 219 covenant in favour of the City of Nanaimo requiring compliance with the recommendations, is registered on title.

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- m) Lot consolidation, road dedication, or a boundary adjustment subdivision: where a new building footprint is not proposed, and provided lot area requirements are met exclusive of the *DPA*.
- n) Commercial or industrial activity or marine or transportation facilities occurring on existing filled marine foreshore on land appropriately zoned for the use provided such activities are designed to withstand flooding.
- o) Actions and activities necessary to prevent immediate threats to life or property provided such actions and activities within the *DPA* are immediately reported to the City. A development permit may be required for remediation and permanent protective works once the emergency has passed.
- p) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines.

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### 18.4 DPA4: ABANDONED MINE WORKINGS HAZARDS GUIDELINES

#### Application

- 18.4.1 Abandoned mine workings are identified on Schedule 9 – DPA4: Abandoned Mine Workings Hazards of the City Plan.
- 18.4.2 A development permit is required for any proposed development within DPA4: Abandoned Mine Workings Hazards.

#### Guidelines

- 18.4.3 The following may be required to be provided to support the DPA4 development permit application:
- a) A geotechnical report that provides an assessment and recommendations to protect the development from hazardous conditions in relation to the abandoned mine workings. The geotechnical report must be completed by *Qualified Registered Professional* experienced with abandoned mine working hazards in conformance with the City of Nanaimo *Guidelines for Geotechnical Assessments Above Abandoned mine workings* and the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports*. Where the *Qualified Registered Professional* is not able to verify that the land may be used safely for the use intended, the assessment report shall identify the further investigations required to assess the site and/or present recommendations under which the land may be used safely for the use intended.
  - b) To ensure that geotechnical recommendations are adhered to for the long term, a *Land Title Act* Section 219 covenant with the geotechnical report may be required to be registered on the title of the property.

#### Exemptions

- 18.4.4 A development permit is not required for the following activities in DPA4:
- a) The construction, alteration, or addition to a building or structure, or alteration of land occurring outside of the designated development permit area, as determined by the City of Nanaimo, or by a *Qualified Registered Professional* experienced with abandoned mine working hazards, and identified on a survey prepared by a BC Land Surveyor.
  - b) Internal alterations to existing building or structure.
  - c) External alterations to an existing building or structure that do not alter its footprint.
  - d) The construction of an accessory building or structure for non-habitable area.
  - e) The addition, or alteration to an existing building or structure for non-habitable area.
  - o) The construction, alteration, or addition to a building or structure where a geotechnical report has been prepared to the satisfaction of the building inspector following the City of Nanaimo *Guidelines for the Completion of Geotechnical Reports*, satisfies the objectives and guidelines for DPA4 and provides a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed and this report, together with a

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- “save harmless” *Land Title Act* Section 219 covenant in favour of the City of Nanaimo requiring compliance with the recommendations, is registered on title.
- f) The placement of temporary structures as permitted under 6.7 of this Bylaw.
  - g) The erection of a sign or fence.
  - h) Tree cutting, pruning or removal, completed by a Certified Arborist, and approved through a permit issued by the City under the *Tree Bylaw*.
  - i) Actions and activities performed in accordance with the recommendations of an accepted geotechnical report where such report forms a schedule to a *Land Title Act* Section 219 covenant registered on the property title, which effectively mitigates the hazardous conditions and saves harmless the City of Nanaimo.
  - p) Subdivision where a geotechnical report has been prepared to the satisfaction of the Approving Officer following the City of Nanaimo Guidelines for the Completion of Geotechnical Reports, satisfies the objectives and guidelines for DPA4 and provides a set of recommendations to address the hazard, concluded in a report that the land can be developed safely if the recommendations are followed and this report, together with a “save harmless” *Land Title Act* Section 219 covenant in favour of the City of Nanaimo requiring compliance with the recommendations, is registered on title.
  - j) Lot consolidation, road dedication, or a boundary adjustment subdivision where a new building footprint is not proposed.
  - k) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines.



## SCHEDULE A

### 18.5 DPA5: WILDFIRE HAZARD GUIDELINES

#### Application

18.5.1 Wildfire Hazard Areas are identified on Schedule 10 – DPA5: Wildfire Hazard Areas of the City Plan.

18.5.2 A Wildfire Hazard development permit is required prior to the construction of any residential building, or *subdivision* of land in the DPA5 wildfire hazard area.

#### Guidelines

18.5.3 The following may be required to be provided to support the DPA5 development permit application:

- a) A report that assesses risk and provides recommendations to protect development from the wildfire interface hazard, prepared by a *Qualified Registered Professional* registered in British Columbia with specific training and experience working with wildfire interface protection.
- b) A detailed tree survey, prepared by a *Qualified Registered Professional*, or *Certified Arborist*, showing tree location, size, condition and species.

18.5.4 To protect development from wildfire hazards the following may be required:

- a) Create a defensible space between development and the top of ridgelines, cliffs, ravines or slopes to reduce risk from approaching wildfire.
- b) Consider the location of proposed new parcels and building footprints in relation to forested lands, and consider roadways or trails to be placed as a buffer between new parcels and forested lands to provide a fire/fuel break.
- c) Avoid gullies or draws that accumulate fuel and funnel winds in subdivision design.
- d) Utilize fire resistive building materials (cladding, siding, roofing, and decking) and non-combustible fence materials.
- e) Design and install landscaping to reduce fuel surrounding buildings, ensure appropriate gaps between tree canopies, and ground coverings, and plants with low amounts of sap or resin.
- f) Maintain landscaping to ensure fuel reduction, such as regular pruning, and removing dead trees and shrubs.
- g) Locate fire access routes and fire hydrants strategically to allow for evacuation and emergency services.
- h) Ensure combustible materials, such as propane tanks and firewood are not located in close proximity to buildings.
- i) Restrict construction during times of extreme fire hazard.

## SCHEDULE A

- j) To ensure that fire hazard risk recommendations are adhered to for the long term, a *Land Title Act* Section 219 covenant may be required to be registered on the title of the property.

### Exemptions

18.5.5 A development permit is not required for the following activities in DPA5:

- a) Construction of a single residential dwelling, duplex, or related accessory buildings and structures on an existing lot.
- b) Addition or alteration to an existing single residential dwelling or duplex.
- c) For multi-family residential development:
  - i. Construction which is limited to the addition, replacement or alteration of doors, windows, building trim, or roofs and which would have no impact on the form and character of the building and would not impact the existing landscaping or access provisions;
  - ii. Interior building alterations;
  - iii. Exterior building alterations involving 25% or less of the façade of an existing building;
  - iv. A minor addition up to 50m<sup>2</sup> of the building's gross floor area, taken together with all additions to the building made within the previous five years; or
  - v. Replacement of a building that has been destroyed by natural causes, in cases where replacement of the building is identical to the original in both form and location.
- d) Tree cutting, pruning or removal, completed by a *Certified Arborist*, and approved through a permit issued by the City under the *Tree Bylaw*.
- e) Subdivision where a report that assesses risk and provides recommendations to design and protect development from the wildfire interface hazard has been prepared, to the satisfaction of the Approving Officer, by a *Qualified Registered Professional* registered in British Columbia with specific training and experience working with wildfire interface protection. The report may be required to be registered on title together with a "save harmless" *Land Title Act* Section 219 covenant in favour of the City of Nanaimo requiring compliance with the recommendations, at the discretion of the Approving Officer.
- f) Lot consolidation, road dedication, or a boundary adjustment subdivision where a new building footprint is not proposed.
- g) Any development where, in the opinion of the Fire Chief, the development will mitigate wildfire hazard.
- h) Where an existing *Land Title Act* Section 219 covenant is in place which effectively mitigates the hazardous conditions and saves harmless the City of Nanaimo. For the City to determine whether the proposed development qualifies for the exemption, applicants may be required to provide a report on the development and hazardous condition, prepared by a *Qualified Registered Professional*, registered in British Columbia with specific training and experience working with wildfire interface protection.

**SCHEDULE A**

- h) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area.

## SCHEDULE A

### 18.6 DPA6: STEEP SLOPES GUIDELINES

#### Application

18.6.1 Steep Slopes are identified on Schedule 11 – DPA6: Steep Slopes of the City Plan.

18.6.2 A development permit is required prior to any proposed development in DPA6: Steep Slopes.

#### Guidelines

18.6.3 Development in DPA6: Steep Slopes must follow the City of Nanaimo *Steep Slope Development Permit Area Guidelines*, which form part of the DPA6 guidelines.

#### Exemptions

18.6.4 A development permit is not required for the following activities in DPA6:

- a) Construction of two units or less on a lot.
- b) Construction on a property less than 0.5ha in area.
- c) Construction on a property which has less than 10% of the site with slopes of 20% or greater.
- d) Alteration of a building that is limited to envelope repair, replacement or alteration of doors, windows, building trim, awnings, or roofs.
- e) Alteration to site design, building design, and/or landscape design determined by the City to substantially comply with a previously approved Form and Character development permit.
- f) A minor addition up to the lesser of 25% of the building's gross floor area or 100m<sup>2</sup>, taken together with all additions to the building made within the previous five years, provided the addition is not undertaken within five years of building occupancy, or final approval being granted, and provided a variance is not required.
- g) Temporary buildings and structures as permitted under 6.7 of this Bylaw.
- h) The construction of new accessory buildings or structures, not on permanent foundations, less than 10m<sup>2</sup> in floor area.
- i) The construction of an accessory building or structure for non-habitable area.
- j) Routine maintenance of landscaping and minor soil disturbance that does not alter the general contour of the land.
- k) Tree cutting, pruning or removal, completed by a Certified Arborist, and approved through a permit issued by the City under the *Tree Bylaw*.
- l) Lot consolidation, road dedication, or a boundary adjustment subdivision where a new building footprint is not proposed.
- m) Actions and activities necessary to prevent immediate threats to life or property provided such actions and activities within the DPA are immediately reported to the

**SCHEDULE A**

- City. A development permit may be required for remediation once the emergency has passed.
- n) Works undertaken by the City of Nanaimo or its authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the City of Nanaimo.
  - o) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines.

## SCHEDULE A

### 18.7 DPA7: NANAIMO PARKWAY DESIGN GUIDELINES

#### Application

18.7.1 The Nanaimo Parkway Design development permit area is identified on Schedule 12 – DPA7: Nanaimo Parkway Design of the City Plan.

18.7.2 A development permit is required prior to any proposed development in DPA7: Nanaimo Parkway Design.

#### Guidelines

18.7.3 Development in DPA7: Nanaimo Parkway Design must respect the specific character zones and guidelines as set out in the *Nanaimo Parkway Design Guidelines*, which form part of the DPA7 guidelines.

#### Exemptions

18.7.3 A development permit is not required for the following activities in DPA7:

- a) The construction of, or an addition to, a single family dwelling or duplex on one lot.
- b) Tree cutting, pruning or removal, completed by a *Certified Arborist*, and approved through a permit issued by the City under the *Tree Bylaw* provided the cutting, pruning, or removal are performed in a manner consistent with the applicable development permit area guidelines
- c) A boundary adjustment subdivision application that:
  - i. does not result in an increase of the allowable density on the property; and,
  - ii. has been determined by the Director of Development Approvals to conform to the *Nanaimo Parkway Design Guidelines*.
- d) When the subject property or portion of the property being developed lies outside the Character Protection Area and Tree Protection Zone as identified by the *Nanaimo Parkway Design Guidelines*, unless the view corridors identified by the guidelines are impacted.
- e) Works undertaken by the City of Nanaimo, Regional District of Nanaimo, Federal or Provincial Government, or their authorized agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines.

## SCHEDULE A

### 18.8 DPA8: FORM AND CHARACTER GUIDELINES

#### Application

- 18.8.1 The Form and Character development permit area is all the land within the City of Nanaimo boundary, and is identified on Schedule 13 – DPA8: Form and Character of the City Plan.
- 18.8.2 A development permit is required for any proposed commercial, industrial, or multi-family development in DPA8: Form and Character.

#### Guidelines

- 18.8.3 Development in DPA8: Form and Character must respect the following guidelines, which form part of the DPA8 guidelines:
- a) *City of Nanaimo General Development Permit Area Design Guidelines* (1992) applicable for all development within the City of Nanaimo; and
  - b) *Innovative Housing for Neighbourhoods: Triplex and Quadruplex Infill Design Guidelines* (1995) applicable for all development with three or four units on the lot.
- 18.8.4 In addition to 18.8.3, the design guidelines in the following documents, which form part of the DPA8 guidelines, shall also apply for all development in the corresponding areas shown on Schedule E of this Bylaw:
- a) *Nanaimo's Old City Multi-Family Residential Design Guidelines* (1990)
  - b) *Design Guide: Chase River Town Centre* (2000)
  - c) *Departure Bay Neighbourhood Plan* (2006)
  - d) *Downtown Urban Design Plan and Guidelines* (2008)
  - e) *South End Neighbourhood Plan* (2010)
  - f) *Newcastle + Brechin Neighbourhood Plan Urban Design Framework and Guidelines* (2011)
  - g) *Harewood Neighbourhood Plan* (2013)
  - h) *Hospital Area Plan* (2018)
  - i) *Port Drive Waterfront Master Plan* (2018)
  - j) *Bowers District Master Plan* (2022)
  - k) *Sandstone Master Plan* (2022)

#### Exemptions

- 18.8.7 A development permit is not required for the following activities in DPA8:
- a) Alteration of a building that is limited to envelope repair, replacement or alteration of doors, windows, building trim, awnings, or roofs.
  - b) Alteration to site design, building design, and/or landscape design determined by the City to substantially comply with a previously approved Form and Character development permit.
  - c) A minor addition up to the lesser of 25% of the building's gross floor area or 100m<sup>2</sup>, taken together with all additions to the building made within the previous five years, provided the addition is not undertaken within five years of building occupancy, or final approval being granted, and provided a variance is not required.

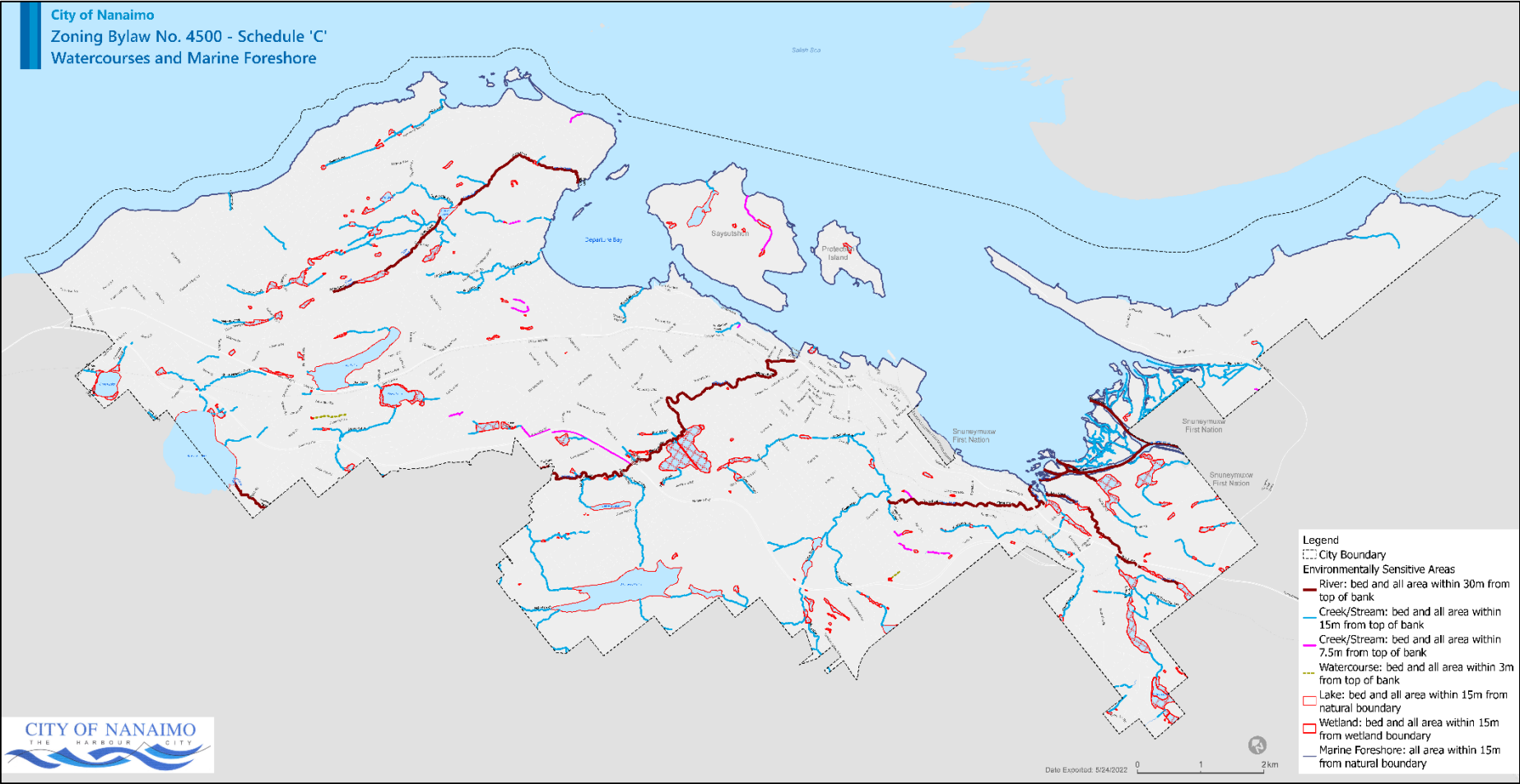
**SCHEDULE A**

- d) Construction that is limited to no more than a total of four dwelling units on one lot, provided the development is not located within the Old City Neighbourhood as shown on Schedule 13 of the *City Plan* and provided a variance is not required.
- e) Construction, alteration, or addition is for an institutional building, or structure.
- f) Construction of an accessory commercial, or industrial building, or structure with a total gross floor area of less than 100m<sup>2</sup> and not located between the front face of the principal structure and any abutting street and provided a variance is not required.
- g) Temporary buildings and structures as permitted under 6.7 of this Bylaw.
- h) Subdivision.

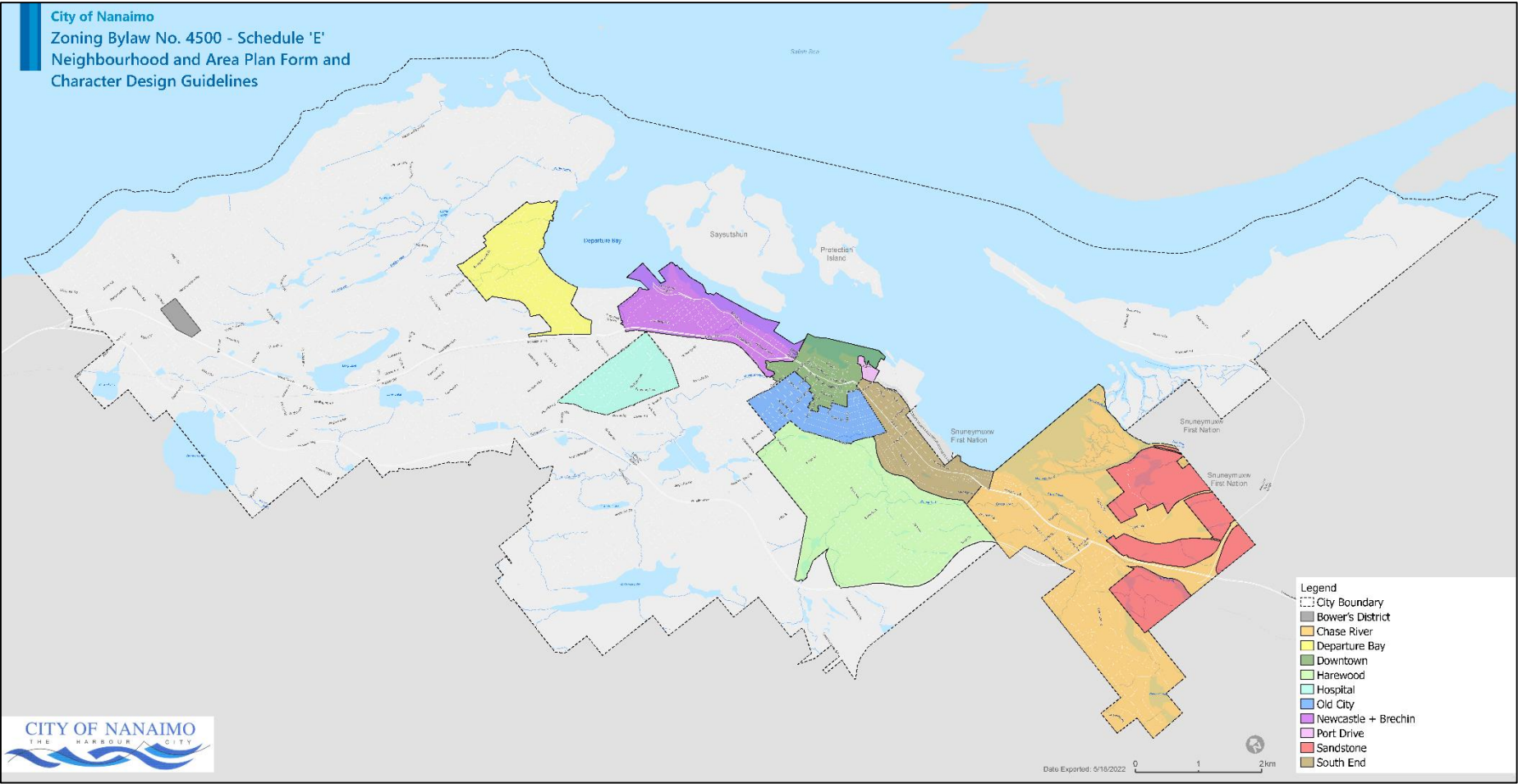


SCHEDULE B

Schedule C – Watercourses and Marine Foreshore



Schedule E – Neighbourhood and Area Plan Form and Character Design Guidelines



DATE OF MEETING May 30, 2022

AUTHORED BY SADIE ROBINSON, PLANNER, CURRENT PLANNING

**SUBJECT DEVELOPMENT PERMIT APPLICATION NO. DP1219  
– 2498 ROSSTOWN ROAD**

## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration, a development permit application to permit the proposed site works, servicing, and restoration within the watercourse leave strip in conjunction with a subdivision.

### **Recommendation**

That Council issue Development Permit No. DP1219 at 2498 Rosstown Road to reduce the minimum required watercourse leave strip from 7.5m to 0m in order to allow the proposed site works, servicing, and restoration within the watercourse leave strip area.

## **BACKGROUND**

A development permit application, DP1219, was received from Williamson & Associates Professional Surveyors on behalf of the property owner to vary the watercourse leave strip to permit site works, servicing and restoration within the watercourse leave strip in order to facilitate a subdivision (SUB01416) at 2498 Rosstown Road.

### **Subject Property and Site Context**

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located on the north side of Rosstown Road, east of the intersection of Rosstown Road and Sparrow Lane.
<i>Total Area</i>	7,692m <sup>2</sup>
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plans – Neighbourhood; Map 3 – Development Permit Area No. 1 – Watercourses

The subject property is a large lot with one single residential dwelling, one mobile home, and an outbuilding located on the property. The mobile home and outbuilding will be removed and the existing dwelling will be retained on proposed Lot 3. There are single residential dwellings on the properties immediately surrounding the subject property, with a number of Duplex Residential (R4) zoned lots on the south side of Rosstown Road.

The property has a deep valley (approximately 4m) with an unnamed stream that crosses the northeast corner of the subject property, from Quill Drive to the neighbouring properties to the east, and eventually to Rosstown Road. The stream runs relatively parallel to an existing sanitary sewer utility corridor.

The Qualified Environmental Professional (QEP) determined the stream is non-fish bearing and is functionally a drainage course as it is not considered to be a stream under the Riparian Areas Protection Regulation or the Water Sustainability Act; as such, no provincial or federal approval is required for the proposed works. The drainage course is a result of stormwater flowing over the property from the road and properties along Quill Drive, Porcupine Hill Trail, and Brian's Way. Downstream of the property, the drainage course continues to flow southeast until it is conveyed in a pipe for approximately 200m between Rosstown Road and a stream feeding a large wetland within Northfield Nature Park, south of Mountain Vista Drive. The drainage course currently provides limited functional habitat value.

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing a 13 lot subdivision (SUB01416) with site works and servicing required within the watercourse leave strip to create the new lots, as well as habitat enhancement measures to address the guidelines of the City's Watercourses Development Permit Area (DPA1).

The applicant proposes to pipe the drainage course for approximately 60m and daylight into a pond at the downstream end for stormwater detention and wildlife habitat. Enhanced habitat and greenspace will be provided around the wetland area, which is within a proposed park to be connected to Sparrow Lane and Quill Drive by public trails.

In the area of the existing drainage course, within the 7.5m leave strip, the following works are proposed: tree removal; site grading and lot servicing; the creation of new lots, development of trail and park areas including a stormwater pond, fencing and signage; and, implementation of the QEP recommended Enhancement Plan to create beneficial wildlife habitat. Overall, the goal of the proposal is to achieve stormwater objectives in support of the proposed subdivision, while enhancing habitat for aquatic and terrestrial wildlife within the areas proposed to be designated as greenspace.

The existing site conditions (Attachment D) shows the existing DPA1 area includes a drainage course with 433m<sup>2</sup> of aquatic habitat. The drainage course leave strip includes approximately 35 individual trees and many young red alder trees.

The intent of the Development Permit Area guidelines is to restore and enhance watercourses and riparian areas so they can provide biologically diverse corridors for wildlife movement and for the protection of natural features. The QEP proposes an enhancement plan which includes:

- removal of invasive plants from existing vegetated areas that will remain intact;
- incorporating functional aquatic and wildlife habitat features into a wetland area;
- restoration, including planting native trees and plant species, and riparian planting, within parkland greenspace and Lots 8 and 9;
- 1.2m high protection fencing will be built as a condition of subdivision approval around the perimeter of the proposed park and trail areas to minimize future disturbance of the proposed wetland area; and,
- a public trail through the subdivision and along the west edge of the park.

Collectively, approximately 63 trees and 1,903 shrubs/plants will be planted (864m<sup>2</sup>) within the proposed Treatment Areas as referenced within the Detailed Planting Plan (Attachment G). The

treatment areas can be seen on the proposed Subdivision Plan (Attachment E). Maintenance and monitoring are proposed to ensure the long term success of the restoration planting and invasive plant control. The QEP recommendations and bonding for three years will be secured as a condition of Development Permit to ensure the QEP's recommendations are followed and the planting is completed and maintained.

## **PROPOSED VARIANCES**

### *Minimum Watercourse Leave Strip*

The minimum required watercourse leave strip is 7.5m from the top of bank of the watercourse. The applicant proposes to reduce the minimum required watercourse leave strip from 7.5m to 0m in order to allow the necessary works to facilitate the proposed subdivision and proposes enhancement measures to fulfill the DPA guidelines.

Given the proposed lot layout for subdivision and wetland configuration, all principal dwellings will meet or exceed a minimum of 7.5m from the proposed wetland. Varying the watercourse setback will allow storm water objectives to be achieved for the development, while enhancing habitat for aquatic and terrestrial wildlife within the areas proposed to be designated as greenspace.

The QEP determined the drainage course is non-fish bearing, is not considered to be a stream under the Riparian Areas Protection Regulation or the Water Sustainability Act, and the proposed development results in no ecological loss.

A drainage course with limited habitat value is proposed to be replaced with a wetland area and wildlife corridor providing enhanced functional habitat value for aquatic and terrestrial wildlife over time. Staff support the variance and proposed restoration and enhancement.

## **SUMMARY POINTS**

- The applicant proposes to reduce the minimum required watercourse leave strip from 7.5m to 0m in order to allow the necessary works to facilitate the proposed subdivision and proposes enhancement measures to fulfill the DPA guidelines.
- The QEP determined the drainage course is non-fish bearing, and is not considered to be a stream under the Riparian Areas Protection Regulation or the Water Sustainability Act.
- A drainage course with limited habitat value is proposed to be replaced with a wetland area and wildlife corridor providing enhanced functional habitat value for aquatic and terrestrial wildlife over time.
- Staff support the variance and proposed restoration and enhancement.

## **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Context Map  
ATTACHMENT C: Location Plan  
ATTACHMENT D: Existing Site Conditions  
ATTACHMENT E: Proposed Subdivision Plan  
ATTACHMENT F: Executive Summary  
ATTACHMENT G: Detailed Planting Plan  
ATTACHMENT H: Aerial Photo

### **Submitted by:**

Lainya Rowett  
Manager, Current Planning

### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services  
/ Deputy CAO

# **ATTACHMENT A**

## **PERMIT TERMS AND CONDITIONS**

### **TERMS OF PERMIT**

The “City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:

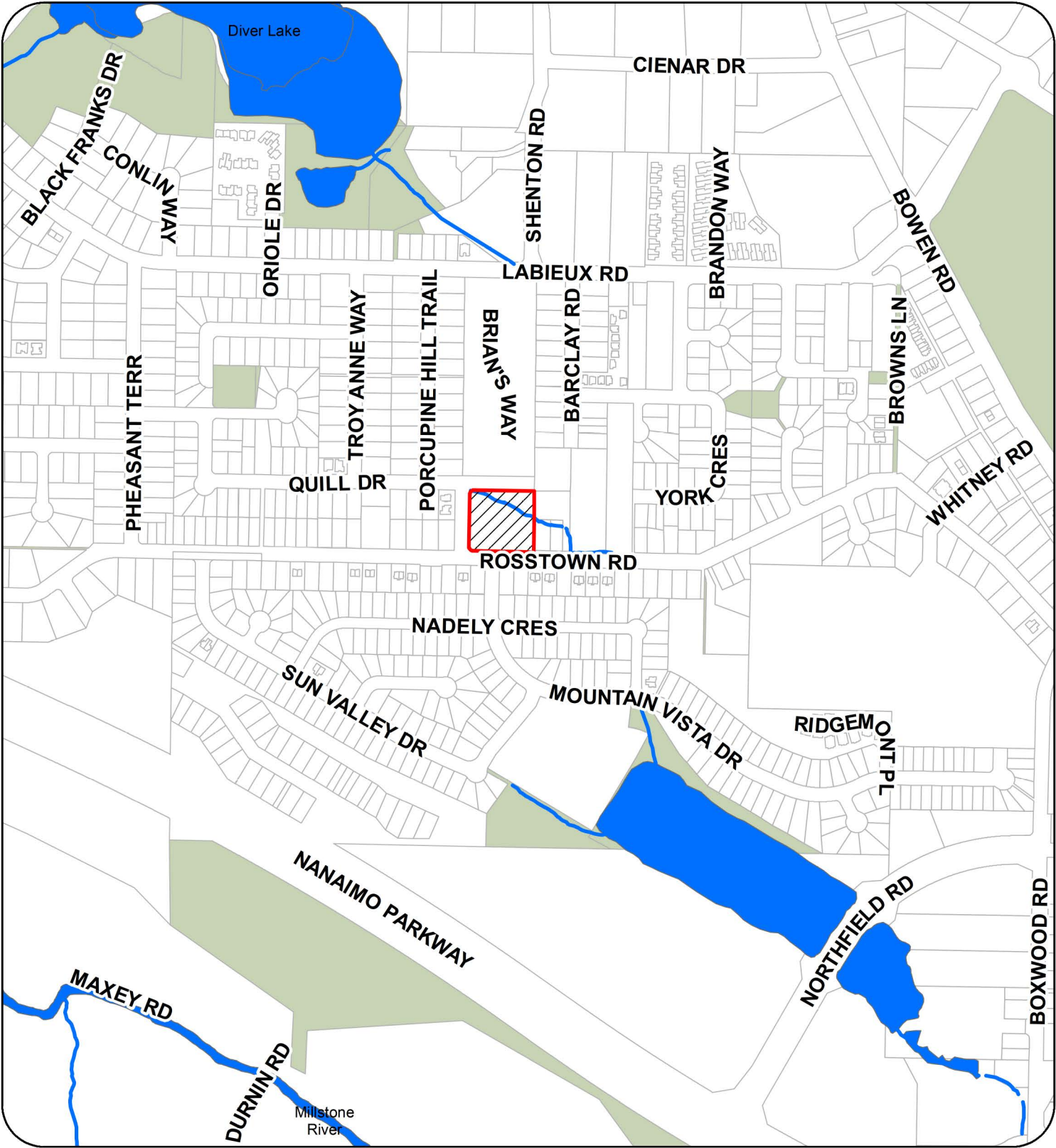
1. *Section 6.3.2 - Location and Siting of Buildings and Structures to Watercourses* - to reduce the minimum required watercourse leave strip from 7.5m to 0m in order to allow the proposed site works, servicing and restoration within the watercourse leave strip area.

### **CONDITIONS OF PERMIT**

1. The subject property is developed in accordance with the Proposed Subdivision Plan prepared by Williamson & Associates Professional Surveyors, dated 2021-OCT-29, as shown on Attachment E.
2. The subject property is developed and maintained in accordance with the Watercourse Leave Strip Variance Plan (received 2022-APR-14), and the Detailed Planting Plan, dated 2022-MAY-03, prepared by EDI Environmental Dynamics Inc. Environmental monitoring is required to ensure that environmental protection measures are being followed during site disturbance and construction.
3. Security is to be submitted prior to Design Stage Approval for the final subdivision plan and held for three years from the date of installation to ensure the property is developed and maintained in accordance with the Watercourse Leave Strip Variance Plan and Detailed Planting Plan. A certified Letter of Completion is required from a qualified professional at the end of the three-year maintenance period.



ATTACHMENT B  
CONTEXT MAP



2498 ROSSTOWN ROAD



# ATTACHMENT C LOCATION PLAN



## Development Permit Application No. DP001219

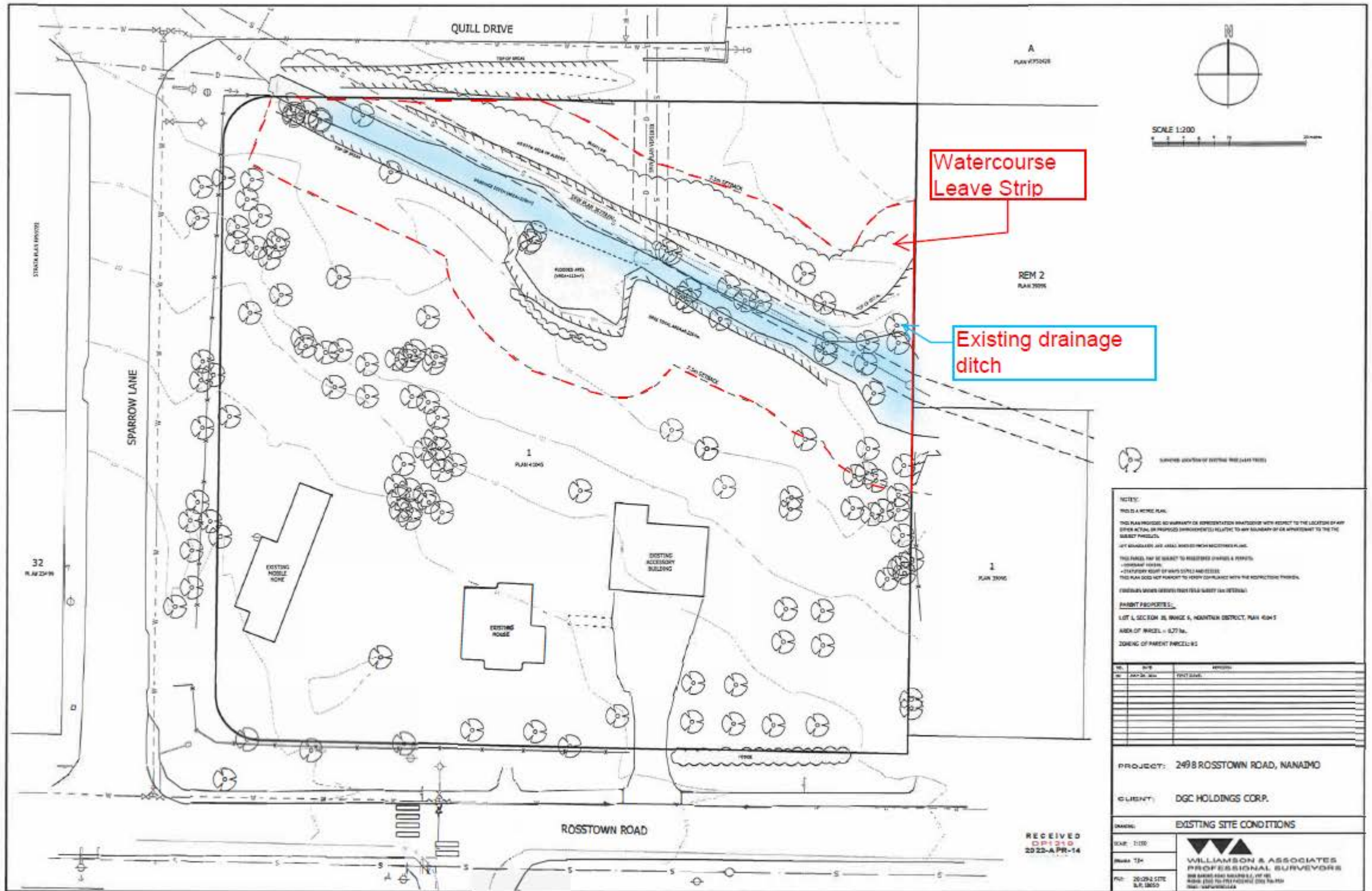


**Subject Property**

CIVIC: 2498 Rosstown Road

LEGAL: Lot 1, Section 19, range 6, Mountain District, Plan 41045

# ATTACHMENT D EXISTING SITE CONDITIONS



**NOTES:**

THIS IS A METRIC PLAN.

THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY EXISTING UTILITY OR PROPOSED IMPROVEMENTS RELATIVE TO ANY BOUNDARY OF OR ADJACENT TO THE SUBJECT PARCELS.

ANY BOUNDARIES ARE BASED ON THE MOST RECENT AVAILABLE PLAN.

THIS PLAN MAY BE SUBJECT TO MODIFICATIONS OR CHANGES TO THE LOCATION OF ANY EXISTING UTILITY OR PROPOSED IMPROVEMENTS.

THIS PLAN DOES NOT PURPORT TO BE A SUBSTITUTE FOR THE EXISTING RECORDS.

**PARCEL PRIORITIES:**

LOT 1, SECTION 26, RANGE 5, HONOLULU DISTRICT, PLAN 2000

AREA OF PARCEL: 0.77 Ha.

ZONING OF PARENT PARCEL: R1

NO.	DATE	REVISION
1	2022-01-14	FINAL PLAN

**PROJECT:** 2498 ROSSTOWN ROAD, NANAIMO

**CLIENT:** DGC HOLDINGS CORP.

**DRAWING:** EXISTING SITE CONDITIONS

**SCALE:** 1:200

**PLANNED BY:** T.M.

**FILE:** 20-2912 SITE  
S.P. 18050

**VILLIAMSON & ASSOCIATES**  
PROFESSIONAL SURVEYORS  
2000 BAYVIEW ROAD, NANAIMO B.C. V9T 1K1  
PHONE: (250) 754-1111 FAX: (250) 754-1112  
WWW.VILLIAMSON.SURVEYORS.BC.CA





**Photo 3.** Southeast (downstream) view of the leave strip area along the south side of the drainage course, from the northwest property corner.



**Photo 4.** Southeast (downstream) view of the storm sewer outlet headwall at the northwest property corner.



**Photo 5.** Downstream view typical of the northwest third of the drainage course.



**Photo 6.** Downstream view of the wider section dominated by slough sedge, just upstream of the stormwater outfall from Brian's Way.



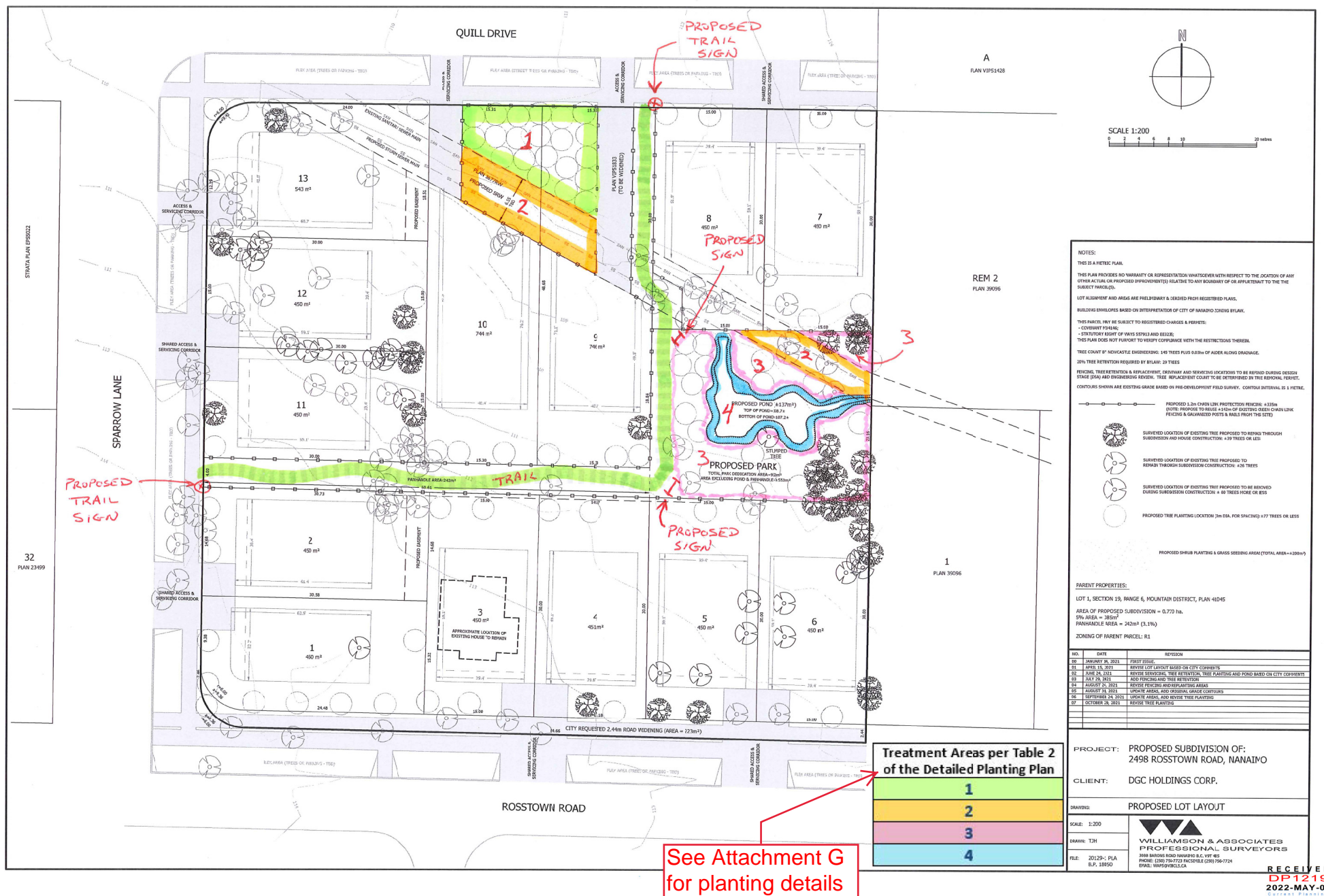
**Photo 7.** Upstream view of the narrow section downstream of the storm outfall from Brian's Way.



**Photo 8.** North view of the wide section at the east edge of the property.



# PROPOSED SUBDIVISION PLAN





## EXECUTIVE SUMMARY

This watercourse leave strip variance plan was prepared by EDI Environmental Dynamics Inc. (EDI) as part of the development permitting requirements for the proposed subdivision at 2498 Rosstown Road in the City of Nanaimo. The request is part of an application for subdivision of the 7,697 m<sup>2</sup> property into 13 residential lots. In association with varying the DPA 1 leave strip, the proposal involves: piping the drainage course for approximately 60 m from the northwest property corner and creating a pond at the downstream end for stormwater detention and wildlife habitat (Appendix A). A greenspace corridor will be retained along and north of a portion of the existing sanitary sewer main and proposed storm sewer main (north end of Lots 9 and 10). Greenspace will also be provided around the stormwater pond, which is within a proposed Park. Overall, the goal of the proposal is to achieve stormwater objectives and accommodate the subdivision layout, while enhancing habitat for aquatic and terrestrial wildlife within the areas proposed to be designated as greenspace.

As the watercourse within the subject property is not considered to be a stream under various regulatory definitions, it is referred to herein as a drainage course. This report and related plans provide conceptual designs for the planned subdivision. These conceptual plans shall be updated to provide substantially more detail during the detailed design phase of the project.

The enhancement plan has largely been developed as a result of previous discussions and reviews by City of Nanaimo staff, who have indicated to the developer and their consultants what the expectations/requirements of the project are, and what specific environmental objectives should be met. The total terrestrial and aquatic enhancement areas presented herein are not the result of any qualitative or quantitative ecological loss/gain measurements or calculations.

The existing DPA 1 area (shown in Appendix B) is approximately 2,260 m<sup>2</sup> and includes:

- Drainage course: 433 m<sup>2</sup> of aquatic habitat
- Drainage course banks and 7.5 m Leave Strip: 1,827 m<sup>2</sup>
- Approximately 35 individual trees and an approximately 300 m<sup>2</sup> area with many young red alder trees.

The proposed habitat enhancements include:

- Incorporating aquatic and wildlife habitat features into an approximately 137 m<sup>2</sup> stormwater pond.
- Planting native plant species throughout the Park in which the pond and its riparian area will be located (total of approximately 480 m<sup>2</sup> riparian planting within Parkland greenspace).
- Planting native trees and shrubs within a fenced area at the north end of Lots 8 and 9 (a total of approximately 325 m<sup>2</sup> of greenspace). The northern part will include trees and shrubs and the southern part, which overlaps with proposed sanitary and storm sewer right of ways, will only include shrubs.
- Removal of invasive shrubs from existing vegetated areas that will remain intact.
- Fencing to limit encroachment into greenspaces.
- Multiuse trail through the subdivision and along the east edge of the Park.

**RECEIVED**  
**DP1219**  
**2022-APR-14**  
Current Planning

# ATTACHMENT G

## DETAILED PLANTING PLAN

1 of 3



208A – 2520 Bowen Road  
Nanaimo, BC V9T 3L3  
P: (250) 751-9070

May 03, 2022

EDI Project No: 20N0412

Dueck General Contracting  
3- 4515 Uplands Drive  
Nanaimo, BC V9T 6M8

Attention: Blair Dueck, Owner

**RE: Detailed Planting Plan for 2498 Rosstown Road, City of Nanaimo**

This detailed planting plan has been provided to supplement information provided in the watercourse leave strip variance plan prepared by FDI (November 2021). Since the watercourse leave strip variance plan was prepared, Newcastle Engineering Ltd. has progressed civil designs. These designs have been reviewed to verify anticipated site characteristics, areas and dimensions, and pond design. Table 1 from the watercourse leave strip variance plan remains largely unchanged and the revised version is provided below. The subsequent table (Table 2) provides a summary of plant species for each treatment area.

**Table 1. Planting specifications by plant type.**

Plant Type	Stock Size	Spacing Interval (m)	Species Examples Suitable for this Site	Approx. Number
Trees	2 to 5 gallon	3.0 throughout Park Wide, variable spacing elsewhere	Douglas fir, bigleaf maple, red alder, Pacific dogwood, Pacific Willow, Western Hemlock	63
Large Shrubs	1 to 2 gallon	0.75	Nootka rose, ocean spray, Pacific ninebark, red osier dogwood, salmonberry, red-flowering currant, red huckleberry	1,243
Small Shrubs	1 gallon	0.5	Oregon grape, snowberry, thimbleberry	220
Aquatic Plants (Pond)	4"	0.5	slough sedge, common rush, water shield, hardhack	240
Groundcover	4" to 1 gallon	0.5	Salal, kinnikinnick, sword fern, bracken fern	200

RECEIVED  
DP1219  
2022-MAY-04  
Current Planning



Table 2. Table 2. Summary of Plant Species in Each Treatment Area.

Type	Common Name	Scientific Name	Treatment Area*				Stock Size	Totals	Notes
			1	2	3	4			
Tree	Red alder	<i>Alnus rubra</i>			12		5-gallon	12	Even distribution
Tree	Bigleaf maple	<i>Acer macrophyllum</i>	6		6		5-gallon	12	Even distribution
Tree	Pacific willow	<i>Salix lucida</i>			10		2-gallon	10	Pond edge
Tree	Pacific dogwood	<i>Cornus nuttallii</i>	6				5-gallon	6	South side of area
Tree	Douglas-fir	<i>Abies grandis</i>	9		14		5-gallon	23	Even distribution
Shrub	Salmonberry	<i>Rubus spectabilis</i>			50		2-gallon	50	Low lying, moist areas
Shrub	Nootka rose	<i>Rosa nutkana</i>	55	43	125		2-gallon	223	Even distribution
Shrub	Snowberry	<i>Symphoricarpos albus</i>	55	43	125		2-gallon	223	Even distribution
Shrub	Ocean spray	<i>Holodiscus discolor</i>	60	48	125		2-gallon	233	Even distribution
Shrub	Red Huckleberry	<i>Vaccinium parviflorum</i>	21	16	125		2-gallon	162	Even distribution
Shrub	Red Flowering Currant	<i>Ribes sanguineum</i>	47	35	125		2-gallon	207	Even distribution
Shrub	Red osier dogwood	<i>Cornus stolonifera</i>			52		2-gallon	52	Low lying, moist areas
Shrub	Saskatoon	<i>Amelanchier alnifolia</i>	45	28	20		2-gallon	93	South side of area
Groundcover	Salal	<i>Gaultheria shallon</i>	40	14	80		1-gallon	134	Even distribution
Groundcover	Swordfern	<i>Polystichum munitum</i>	30	13	80		1-gallon	123	Even distribution
Groundcover	Dull Oregon-grape	<i>Mahonia nervosa</i>	42	21	80		1-gallon	143	Even distribution
Groundcover	Kinnikinnick	<i>Arctostaphylos uva-ursi</i>		20			1-gallon	20	South half of area
Aquatic	Common Rush	<i>Juncus effusus</i>				80	1-gallon	80	Pond bench
Aquatic	Hardhack	<i>Spiraea douglasii</i>				80	1-gallon	80	Lower pond bank
Aquatic	Slough Sedge	<i>Carex obnupta</i>				80	1-gallon	80	Pond bench
<b>Total Area (m2)</b>			<b>187</b>	<b>137</b>	<b>480</b>	<b>60</b>		<b>864</b>	
<b>Total # of Plants</b>			<b>416</b>	<b>281</b>	<b>1029</b>	<b>240</b>		<b>1966</b>	

\*Treatment Areas:

1. Northern Greenspace within Lots 9 and 10 (suitable for trees, shrubs, and groundcover)
2. Southern Greenspace within Lots 9 and 10 (suitable for only shrubs and groundcover)
3. Parkland Pond Riparian Area (suitable for trees, shrubs, and groundcover)
4. Aquatic Area of Pond Perimeter (suitable for only aquatic plants)

## Cost Estimate

Table 1. Approximate cost of plants (based on Streamside Native Plant wholesale pricing).

Item	Approximate Cost Estimate
Plants (1-gallon)	\$4,620
Plants (2-gallon)	\$15,036
Plants (5-gallon)	\$1,325
Total Cost	\$20,981



**Table 2. Approximate total cost of planting plan (installation and irrigation estimates provided by owner through discussions with the City).**

Item	Approximate Cost Estimate
Plants	\$20,981
Installation	\$20,981
Irrigation	\$5,000
Total Cost	\$46,962

Please let us know if you have any questions or comments about this planting plan.

Yours truly,

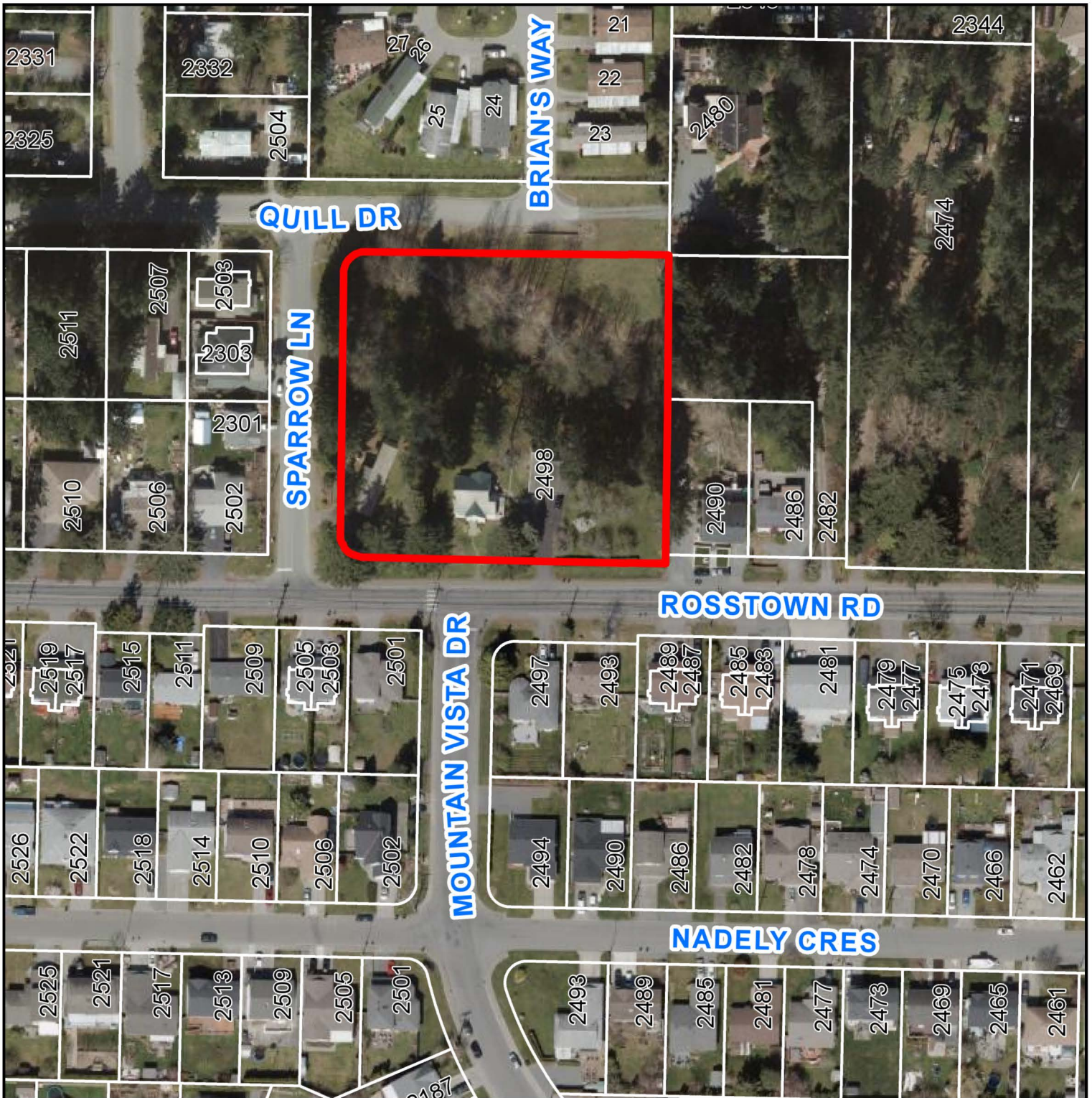
**EDI Environmental Dynamics Inc.**

Signed and sealed original on file

Adam Compton, R.P.Bio.  
Senior Biologist/Project Manager



ATTACHMENT H  
AERIAL PHOTO



**Development Permit Application No. DP001219**

CIVIC: 2498 Rosstown Road



**Subject Property**

DATE OF MEETING MAY 30, 2022

AUTHORED BY LAINY STEVENSON, ACTIVE TRANSPORTATION PROJECT SPECIALIST  
DARCIE OSBORNE, A/MANAGER, PARKS, RECREATION AND CULTURE

SUBJECT **ALTERNATIVE TRANSPORTATION TO SPECIAL EVENTS**

## **OVERVIEW**

### **Purpose of Report:**

To inform Council that Staff will be working with Regional District of Nanaimo Transit and third party contractors to provide free transit shuttle services and bike valet parking for at least four (4) days of Special Events in 2022.

## **BACKGROUND**

As provincial health restrictions lift, large public events in Nanaimo are resuming. Canada Day, Dragon Boat Festival, Silly Boat Races, Marine Festival, and the Vancouver Island Exhibition (VIE) are just a few of the major events that are restarting this summer. In anticipation, and in response to feedback received through the Downtown Mobility Hub project and the ReImagine Nanaimo process, Staff are exploring opportunities to support alternative modes of travel to and from events. The objective is to ease access to summer events and reduce reliance on vehicle travel.

### **Policy Context**

The 2014 Transportation Master Plan (TMP) outlines a strategy to manage the anticipated increase in travel within the City by supporting and promoting active and sustainable transportation. The TMP goal is to double walking, biking, and transit trips by 2041. In addition, strategic policy actions include:

- Encouraging travel to community events by walking, cycling, and transit;
- Reducing general parking while increasing shared bicycle parking; and,
- Providing better pedestrian access and transit amenities in mobility hubs, now known as primary and secondary urban centres.

In addition to the TMP, the Draft City Plan encourages a behavioural change to reduce the average distance driven. This will help reduce vehicle emissions and other environmental impacts, as well as congestion and travel delay. An overall policy of the “Connected” section is to implement Transportation Demand Management programs to shift trips to non-automobile modes and reduce parking demand.

Providing alternative transportation options such as a transit shuttle service and secure bicycle parking at events encourages more sustainable forms of transportation and reduces parking



demand at event sites. This supports the objectives of both the Transportation Master Plan and the Draft City Plan.

## **DISCUSSION**

Culture and Events and Transportation teams are organizing City support for the biggest special events this summer. Plans for these events are currently developing, and given the long hiatus of the pandemic, it may be an opportune time to refresh the City's approach to travel and parking for special events.

<b>Event</b>	<b>Date(s)</b>	<b>Location</b>	<b>Previous Attendance (total)</b>
Canada Day	July 1 <sup>st</sup>	Maffeo Sutton Park	10,000
Dragon Boat Festival	July 9 <sup>th</sup> -10 <sup>th</sup>	Maffeo Sutton Park	9,000
Silly Boat Races	July 17 <sup>th</sup>	Maffeo Sutton Park	8,000
Marine Festival	July 22 <sup>nd</sup> -23 <sup>rd</sup>	Maffeo Sutton Park	20,000-25,000
VIEx	August 26 <sup>th</sup> -28 <sup>th</sup>	Beban Park	12,000-15,000
Truth and Reconciliation Day	September 30 <sup>th</sup>	Maffeo Sutton Park	5,000 (PHO in effect)

Staff are exploring ways to make biking and transit more appealing so that the public will choose to leave their vehicles at home for the big events.

Regional District of Nanaimo (RDN) Transit services staff indicated that it would be possible to provide a transit shuttle service from a main transit exchange to and from major events. They have offered to provide two buses for each event day (9am-5pm) at an estimated cost of \$3,000. Woodgrove Mall and Vancouver Island University (VIU) would be the probable starting points for this service as they are already part of the existing transit system and are easily accessed by all modes of travel; however, other locations or additional pick up points may be considered. Representatives for both Woodgrove Mall and VIU provided approval in principle, pending final scheduling.

Staff contacted multiple organizations that provide bicycle valet services and received estimates of approximately \$2,000 per event. These organizations provide full service secure bicycle parking at the event, free of charge to attendees. This may also be an opportunity for training sessions for City Staff to provide a similar service at events in the future.

The estimated total for both the transit shuttle and bike valet is \$5,000 per event day. Users will not be charged. Budget for the trial is available in "Alternative Transportation Education and Marketing" budget and the "Healthamongus" budget. These funding sources are typically used for promotion, education, and marketing of a variety of healthy and sustainable community activities. If funding permits, additional shuttles and bike valets will be organized for other events.

Resources are prioritized to the busiest days of the busiest events. This includes one day of Marine Festival, VIEx and Dragon Boat Festival, plus Canada Day, for a total of four (4) days and an estimated cost of \$20,000. Public communication including maps and shuttle schedules

will be developed and advertised shortly, and will be aggressively promoted through multiple media platforms.

## **CONCLUSION**

Staff plan to allocate \$20,000 from the Alternative Transportation Education and Marketing and Healthamongus budgets to facilitate at least four (4) days of event service, prioritizing events based on past attendance numbers.

Staff will formally request the transit shuttle from the RDN Board and will engage a bike valet provider in anticipation of providing these services for one day of Marine Festival, VIEx and Dragon Boat Festival, plus Canada Day.]]

## **SUMMARY POINTS**

- Planning is in full swing for summer events in downtown Nanaimo.
- City Staff are proposing to provide transit shuttle services and bicycle valet parking for at least four (4) major events; one day of Marine Festival, Vancouver Island Exhibition and Dragon Boat Festival, plus Canada Day.
- Attendees are encouraged to leave their cars at home and take the shuttle to these special events.
- More information about where to park, and the shuttle schedule, will be announced in the coming weeks.

### **Submitted by:**

Lainy Stevenson  
Active Transportation Project Specialist

Darcie Osborne  
A/Manager, Parks, Recreation and Culture

### **Concurrence by:**

Jamie Rose  
Manager, Transportation

Poul Rosen  
Director, Engineering

Richard Harding  
General Manager, Parks, Recreation & Culture

Bill Sims  
General Manager, Engineering and Public Works

DATE OF MEETING | MAY 30, 2022 |

AUTHORED BY | DEANNA WALKER, FINANCIAL ANALYST  
ART GROOT, DIRECTOR, FACILITY & PARKS OPERATIONS  
BILL CORSAN, DIRECTOR, CORPORATE & BUSINESS  
DEVELOPMENT |

**SUBJECT                      STRATEGIC PRIORITIES FUND CAPITAL INFRASTRUCTURE  
STREAM**

## **OVERVIEW**

### **Purpose of Report**

To provide Council with information on potential projects for the Strategic Priorities Fund Capital Infrastructure Stream and obtain a Council resolution supporting an application under this program stream. |

### **Recommendation**

That Council

- a) Direct staff to submit an application to the Strategic Priorities Fund Capital Infrastructure Stream for the Westwood Lake Phase 2 project and that Council commits staff to providing overall grant management; and
- b) Amend the 2022-2026 Financial Plan to add the Westwood Lake Phase 2 project to 2023/2024 for \$1,800,000 funded from the Strategic Priorities Fund

## **BACKGROUND**

The Strategic Priorities Fund (SPF) Capital Infrastructure Stream is an application based funding program, which pools a portion of the annual Canada Community Building Fund (CCBF) for strategic investments that are considered large in scale, regional in impact, or innovative and support the CCBF national objectives of productivity and economic growth, a clean environment, and strong cities and communities. This is the third intake of the SPF program, which will see an investment of up to \$100 million to support infrastructure projects in communities across the province. The program is available to all local governments in British Columbia, outside of Metro Vancouver.

The Capital Infrastructure Stream of this fund targets projects that can be started no later than two years after grant approval, and completed no later than five years after grant approval. The program can contribute 100% of the cost of eligible activities, to a maximum of \$6 million. While stacking rules do not apply specifically to the SPF program, it is recommended that any other grant programs being considered for joint funding are consulted. For example, programs under the Investing in Canada Infrastructure (ICIP) do not permit stacking with SPF funding. Timing of the funding announcements are not defined with the program guidelines.

The grant application deadline is **2022-JUN-30**.

## **DISCUSSION**

Staff have short listed **four** projects for consideration under the current funding stream. The City can submit one application.

### **Westwood Lake Phase 2**

Westwood Lake Park has consistently seen annual increased use by diverse user groups and special events. More recently, during the COVID-19 Pandemic, demand for outdoor recreational space and activities has also increased. Providing public access to waterfront areas has been a priority for many years for the City of Nanaimo, and has continued to be a top priority by residents surveyed throughout the Relmagine Nanaimo process. Public feedback was sought on the draft Phase One Westwood Lake Park Amenity improvement options. These options focused on updates to the main entrance off Westwood Road, the First Beach and parking area, and the location formerly occupied by the Caretaker House.

Westwood Lake Phase 2 is an enhancement to the waterfront and will feature three raised grass picnic areas along the northern edge of the expanded beach area, as well as the addition of an amenity building, which would include universally accessible washrooms, lifeguard room, storage space for events and special needs equipment. Each picnic area is retained by means of seat walls that are punctuated by stairs to improve beach access. The amenity building will be set off the path to create a small plaza. A pass through path will provide direct access from the building to the beach, and an additional path through the planting area adjacent to the parking lot enhances pedestrian circulation.

Westwood Lake Phase 2 is not included in the approved 2022-2026 Financial Plan. Estimated costs for Phase 2 are \$1.8 million. The proposed grant application would provide 100% funding for the implementation of the suggestions received during Relmagine Nanaimo.

### **Stadium District Phase 2**

The Stadium District encompasses the new medium sized stadium with Artificial Turf Field, Serauxmen Stadium, the Rotary Bowl and joint amenities.

Ongoing improvements in recent years at Serauxmen Stadium have included baseball stadium lighting, new outfield fencing, outfield fence padding, infield and outfield renovations, and new seating. Bleacher seating was also planned under this first phase of the project, but has so far been delayed.

All of the rubberized surfaces at the Rotary Bowl were replaced in 2021, resulting in Class 2 Certification, which means the new track surfaces meet World Athletic Standards allowing for national and international level events to be held.

The development of a centralized entrance and event plaza area, improved onsite amenities, washroom and change room improvements, a temporary media and coaching booth, and the installation of perimeter fencing and safety netting allow for multiple venues to be used at the same time at the Stadium District.

Stadium District Phase 2 would feature bleacher seating, a permanent press/media booth, additional washrooms, change rooms, storage areas, as well as multi use spaces for user groups and event attendees.

The Stadium District Phase 2 project is not included in the approved 2022-2026 Financial Plan. Total costs for Phase 2 have been estimated to be up to \$5 million. The proposed grant application would provide 100% funding for the implementation of the suggestions received during Relmagine Nanaimo.

### **Commercial Street Relmagine**

Downtown is the heart of Nanaimo. It is the traditional meeting place, commercial centre and transportation hub for our community. Commercial Street was recognized as one of the Great Places in Canada due to its mix of historical buildings and lively commercial activity.

The City has made significant investments in Commercial Street over the past 10 years with the construction of the Vancouver Island Conference Centre, securing the new Marriot Hotel and acquiring key redevelopment sites at Commercial and Terminal Ave.

While Commercial Street has many positive attributes, the public realm has become tired and there is an opportunity to refresh this important area of downtown. The City, downtown stakeholders and the public have created an action plan to enhance the public realm space on Commercial Street. The action plan incorporates features such as public art, surface finishes, street trees and lighting. The draft City Plan recognizes the downtown as the main urban growth node for Nanaimo and Commercial Street has an important role to play for festivals, parades, dining and shopping. Commercial Street is linked to the proposed downtown transportation hub which will connect Nanaimo with other centres on the island as well as the lower mainland.

The Commercial Street Relmagine project is a multi phased project with total estimated costs in the range of \$8 million to \$12 million.

Due to timing of the expected grant announcement, and funding stacking rules, Staff are recommending the grant application is prepared for the Terminal Ave to Bastion St section of Commercial Street Relmagine for a total of \$3 million. This project has not been included in the approved 2022-2026 Financial Plan.

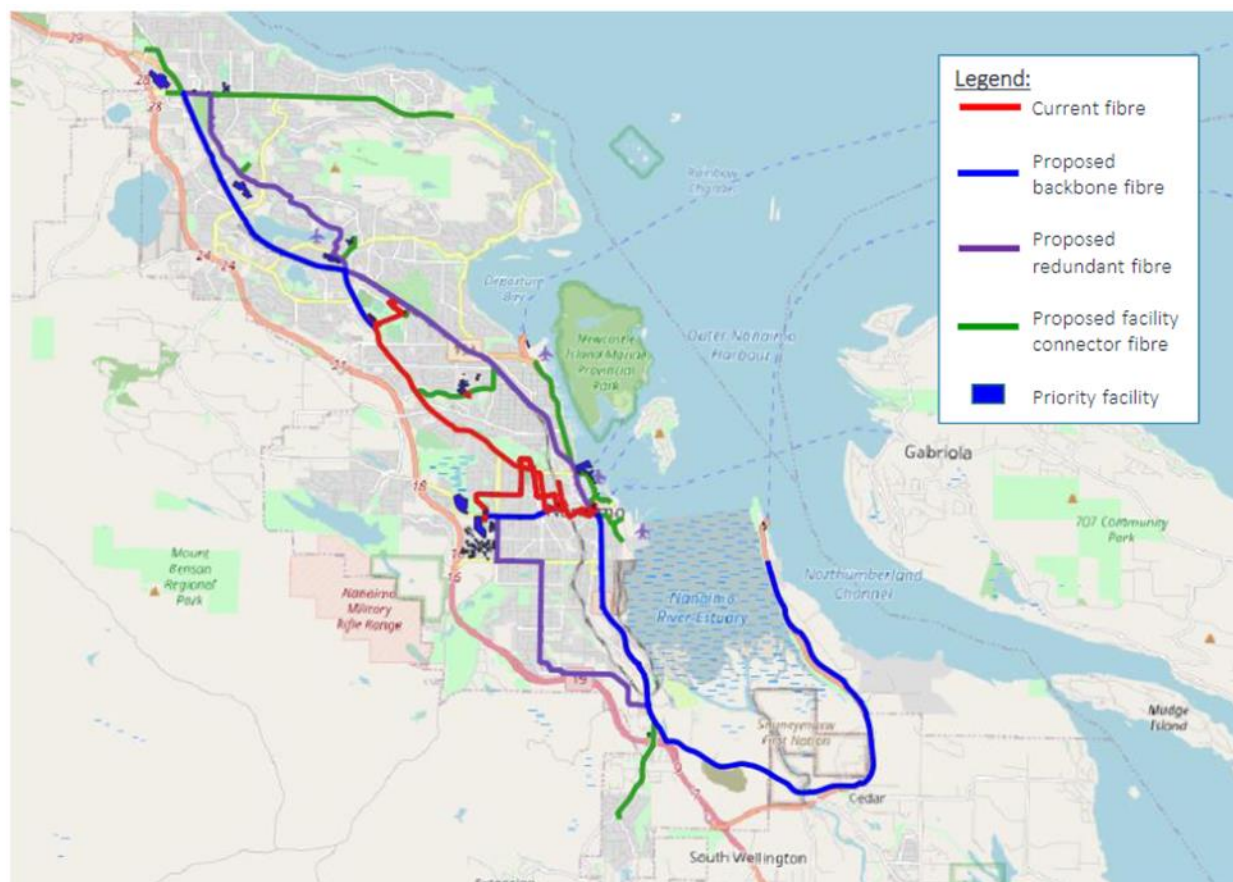
### **Broadband Connectivity**

In 2021, staff from the City of Nanaimo developed a Telecommunications Strategy to help guide future decision making around investment in critical broadband fibre optic infrastructure. The Strategy sets out a number of recommendations to enable the City to accelerate the digital transformation to become an Intelligent City.

There is broad consensus that demand for connectivity will continue to increase rapidly – both for the City itself, and for citizens, businesses and visitors. As the City and its partners move to remote health services, intelligent traffic systems, smart water and energy management, online education, virtual and augmented reality, industrial automation the need for high quality, fast connection through fibre will be required.

A key recommendation within the strategy is for the City to invest and expand on its own fibre network to service high priority facilities. In addition, the Strategy recommends connecting key

public partners to the network such as Vancouver Island University, the Hospital, libraries, schools and the Regional District of Nanaimo. Future growth of the network would enable the City to consider the creation of a standalone utility to provide private internet access to the community and local businesses.



The fibre optic network has been developed in alignment with the Reimagine Nanaimo process and will be implemented in accordance with the policies of the new City Plan. The fibre network supports the City's vision for a connected downtown core with residential and mixed use corridors linking each of the secondary urban centres including Chase River, the hospital, Vancouver Island University, Country Club, North Nanaimo Town Centre and Woodgrove.

The Strategy calls on the creation a 20km fibre backbone in the community from which redundant routes (17km) and facility connector routes (800 m) can be established over time. It is anticipated that the Fibre Optic network will take 5 years to complete, commencing in the summer of 2023.

Estimated costs of this project are \$5.4 million. The approved 2022-2026 Financial Plan includes \$30,000 a year for Broadband Network expansion for the years 2023 to 2026 for a total of \$120,000.

Other projects discussed but not brought forward to Council are listed in Appendix A. |



## **FINANCIAL CONSIDERATIONS**

### **Westwood Lake Phase 2**

Westwood Lake Phase 2 is not currently in the 2022-2026 Financial Plan. Estimated costs of this project are \$1.8 million.

The 2022-2026 Financial Plan would be amended to include Westwood Lake Phase 2 contingent on a successful grant application. The proposed grant application would apply for funding of 100% of the project budget.

### **Stadium District Phase 2**

The Stadium District Phase 2 project is not included in the approved 2022-2026 Financial Plan. Total costs for Phase 2 have been estimated to be up to \$5 million.

If the grant application is successful, the 2022-2026 Financial Plan would be amended to include Stadium District Phase 2. The Strategic Priorities Fund would provide 100% funding.

### **Commercial Street Relmaged**

The Commercial St Relmaged project is not in the approved 2022-2026 Financial Plan. Estimated costs to complete the suggested section, Terminal Ave to Bastion St, are \$3 million.

If the grant application is successful, the 2022-2026 Financial Plan would be amended to include the Terminal Ave to Bastion St section of Commercial St Relmaged, funded 100% from the Strategic Priorities Fund program.

### **Broadband Connectivity**

The approved 2022-2026 Financial Plan includes \$30,000 a year from 2023 to 2026 for a total of \$120,000 for expansion of the Broadband Network. Estimated costs to implement the Broadband Connectivity project as described in this report are \$5.4 million.

The 2022-2026 Financial Plan would be amended to include \$3,780,000 for the increased scope of this project until 2026 contingent on a successful grant application. The remaining \$1,620,000 would be added to years 2027 and 2028. The proposed grant application would apply for funding of 100% of the project budget. If the grant application is successful, the \$120,000 included in the approved 2022-2026 Financial Plan would be available to be used for other City projects. |

## **OPTIONS**

### **1. That Council**

- a) Direct staff to submit an application to the Strategic Priorities Fund Capital Infrastructure Stream for the Westwood Lake Phase 2 project and that Council commits to staff providing overall grant management; and
- b) Amend the 2022-2026 Financial Plan to add the Westwood Lake Phase 2 project to 2023/2024 for \$1,800,000 funded from the Strategic Priorities Fund

- The advantages of this option: A successful grant application would expedite the transformation of Westwood Lake, incorporating many of the ideas contributed by the residents of Nanaimo through the RelImagine Nanaimo process.
- The disadvantages of this option: There would be scheduled interruptions to the access of the Park during the construction period.
- Financial Implications: The Westwood Lake Phase 2 project is not currently funded in the 2022-2026 Financial Plan. If the grant application is successful, the project would be 100% funded by the Strategic Priorities Fund program, and the 2022–2026 Financial Plan would be amended to include the project.

## 2. That Council

- a) Direct staff to submit an application to the Strategic Priorities Fund Capital Infrastructure Stream for the Stadium District Phase 2 project and that Council commits to staff providing overall grant management; and
  - b) Amend the 2022-2026 Financial Plan to add the Stadium District Phase 2 project to 2023, 2024 and 2025 for \$5,000,000 funded from the Strategic Priorities Fund
- The advantages of this option: The ongoing development of the Council supported designation of this district as a medium stadium site will continue to be realized. Phase 2 improvements would enhance the community's experience at the stadium, both as a player or as a spectator.
  - The disadvantages of this option: Construction may interrupt regular seasons and accommodations would need to be made during the construction periods.
  - Financial Implications: The Stadium District Phase 2 project is not currently funded in the 2022-2026 Financial Plan. If the grant application is successful, the project would be funded 100% by the Strategic Priorities Fund program, and the 2022–2026 Financial Plan would be amended to include the project.

## 3. That Council

- a) Direct staff to submit an application to the Strategic Priorities Fund Capital Infrastructure Stream for the Commercial Street Relimagined project and that Council commits to staff providing overall grant management; and
  - b) Amend the 2022-2026 Financial Plan to add the Commercial Street Relimagined project to 2023/2024 for \$3,000,000 funded from the Strategic Priorities Fund.
- The advantages of this option: A successful grant application would expedite the transformation of the downtown core and Commercial St.
  - The disadvantages of this option: A successful grant application would not fund the entire project, which is estimated between \$8 - \$12 million.
  - Financial Implications: The Commercial Street Relimagined project is not currently funded in the 2022-2026 Financial Plan. If the grant application is successful, the project would be funded 100% by the Strategic Priorities Fund program, and the 2022–2026 Financial Plan would be amended to include the project.

4. That Council

- a) Direct staff to submit an application to the Strategic Priorities Fund Capital Infrastructure Stream for the Broadband Connectivity project and that Council commits to staff providing overall grant management; and
  - b) Amend the 2022-2026 Financial Plan to add the Broadband Connectivity project to 2023, 2024, 2025 and 2026 for \$3,780,000 funded from the Strategic Priorities Fund.
- The advantages of this option: A successful grant application would allow the City to invest and expand on its own fibre network to service more high priority facilities over a shorter period of time.
  - The disadvantages of this option: None expected.
  - Financial Implications: Grant funding is for 100% of eligible costs. If the grant application is successful, the project would be funded 100% by the Strategic Priorities Fund program, and the 2022–2026 Financial Plan would be amended to include \$3,780,000 for the project for years 2023 to 2026. The remaining \$1,620,000 would be added to years 2027 and 2028. The \$120,000 included in the approved 2022-2026 Financial Plan would be available to be used for other City projects.
5. That Council provide alternative direction to staff for a project to submit an application to the Strategic Priorities Fund Capital Infrastructure Stream. |

**SUMMARY POINTS**

- The Strategic Priorities Fund Capital Infrastructure Stream provides 100% funding for eligible project costs.
- The City may submit one application for this funding.
- Applications are due by 2022-JUN-30

**ATTACHMENTS:**

Appendix A |

**Submitted by:**

Deanna Walker  
Financial Analyst

Art Groot  
Directory, Facility & Parks Operations

Bill Corsan  
Director, Corporate & Business Development

**Concurrence by:**

Bill MacKay  
Director, IT/CIO

Bill Sims  
General Manager, Engineering & Public  
Works

Richard Harding  
General Manager, Parks Recreation and  
Culture

Laura Mercer  
Director, Finance

## **APPENDIX A**

### **Other Projects Considered for the Strategic Priorities Fund Capital Infrastructure Stream Program**

#### **Water Line Trail (Parkway)**

The Parkway Trail network is envisioned to be a walking, riding, rolling route that parallels the Nanaimo Parkway with crossings at strategic locations to provide connections within the community. The section of trail on the east side between Northfield Road and the Jingle Pot Road provides active mobility connections between Beban Park, Buttertubs Marsh, and Vancouver Island University. Ultimately this section will be constructed to an urban hard surface standard and will include a controlled (signalised) crossing at East Wellington Road and a bridge over the Millstone River. At the time of the watermain construction, the trail will be finished to a soft surface standard, except at the bridge and East Wellington crossing.

Design of this project has not progressed far enough to provide the information required for a June 2022 grant application deadline.

#### **South End Community Center**

This project is still in the development stage, and funding has not yet been secured. As total project costs would exceed the maximum grant available, we are not able to consider this project until all other funding has been secured.

#### **Loudon Park Improvements**

This project is scheduled for 2022. Funding announcements are not expected until mid-2023 and therefore this project was not brought forward as an option.

#### **Washrooms @ Maffeo Sutton Park**

This project was not suggested as an option as design has not progressed far enough to provide the information required for a June 2022 grant application deadline. The 2022 – 2026 Financial Plan does include \$100,000 for design review of this project.

DATE OF MEETING MAY 30, 2022

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

**SUBJECT PUBLIC NOTICE BYLAW**

## **OVERVIEW**

### **Purpose of Report**

To introduce a bylaw that provides for alternative methods for publication of statutory notices.

### **Recommendation**

That Public Notice Bylaw 2022 No. 7325 (a bylaw to provide for alternative means of publication) pass first reading.

That Public Notice Bylaw 2022 No. 7325 pass second reading.

That Public Notice Bylaw 2022 No. 7325 pass third reading.

## **BACKGROUND**

Through the *Community Charter* and *Local Government Act*, local governments are required to provide advance public notice of matters of public interest (e.g. public meetings, elections, public hearings, disposition of land, etc.). These notice requirements (found in Section 94 of the *Community Charter*) have been in place since the *Community Charter* was implemented in 2004 and serve to facilitate transparency and accountability, and inform the public of opportunities to participate in local government decision-making.

The specific provisions associated with those requirements stated that local governments must:

- Publish notices in a newspaper that circulates in the community once each week for two consecutive weeks; or
- If publication by a newspaper is not practicable, the notice may be given in the area by alternative means.

Since the above provisions were implemented, internet access has advanced resulting in an increase in online news services and a decline in citizens purchasing newspaper subscriptions. Over time, this shift affected businesses who published local newspapers and some were either closing or reducing their publications. This presented challenges for some local governments (particularly smaller communities) in meeting the legislated public notice requirements. Advertising was also affected as it adjusted to suit the new mediums. As a result, local governments wanted more flexibility in how the advertising requirements could be met. This meant changes to the legislation would be needed in order to make this happen so commencing in 2015, and every year after, resolutions were put forward to UBCM by various local

governments requesting that the Province modernize the language in Section 94 to allow statutorily required notices to be published using a variety of media channels.

The Province responded with new legislation on February 22, 2022 which gave local governments the option to continue using the default publication requirements (now outlined in section 94.1) of the *Community Charter* or the option to implement a bylaw that would provide for alternative means of publication through a new Section 94.2 which reads as follows:

- A Council may, by bylaw, provide for alternative means of publishing a notice instead of publishing the notice in a newspaper in accordance with section 94.1 (a) and (b).
- A bylaw adopted under this section must specify at least 2 means of publication by which a notice is to be published, not including posting in the public notice posting place.

Staff reviewed how the new legislation may benefit the City and recommend proceeding with a bylaw that would allow for alternative means of publishing notices based on the following identified benefits:

- reduce the timeline associated with development applications that require a public hearing;
- save money for applicants (as they are required to pay the full cost of advertising for those applications; and
- save the City money for other required advertising of notices associated with permissive tax exemptions, property dispositions, elections, etc.

Further rationale for pursuing this option is outlined below.

## **DISCUSSION**

Prior to 2016, due to its size, the City was able to meet the Section 94 statutory advertising requirements through the Daily News (which published five times a week) and the Nanaimo News Bulletin which published a paper twice a week (Tuesdays and Thursdays). By having two papers available, the requirement for advertising public hearings under the *Local Government Act* wherein last publication had to be advertised “not less than 3 days and not more than 10 days” could be accommodated. The total turnaround process from the time the application was considered by Council took 2.5 weeks with an approximate cost to the applicant of \$800 - \$1500 depending on the size of the ad.

For the reasons cited in the background section of the report, readership of the local paper started to decline and in January, 2016, the decision was made by the owners (Black Press) to close the Daily News. The owners did retain the twice-weekly Nanaimo News Bulletin so the City was still able to meet its statutory requirements for advertising public hearings without a reduction in turnaround time.

In March 20, 2020, due to COVID 19, the Nanaimo News Bulletin (the Bulletin) took the step of combining the Tuesday and Thursday print editions into a single edition. This affected the notification schedule, resulting in a delay to consider the development applications at a public hearing. The time to consider an application at a public hearing, once the bylaw received its first two readings, now went from 2.5 weeks to a minimum of 3.5 weeks. The move to produce a paper weekly was seen as temporary; however, when staff contacted the Bulletin to see if they might return to twice weekly publication, they advised that while they would like to, there were no immediate plans to do so.

With the new legislation now giving the option for local governments to provide alternative ways to meet the statutory advertising requirements through a Public Notice Bylaw, the City has an opportunity to once again reduce the turn around time for development applications as advertising dates could be legally done by alternative means. It would also mean an overall cost savings to the municipality of 50% when legal notices have to be advertising twice as the City could utilize the City's website as one of the methods in addition to the newspaper.

Prior to Council considering this option, the following principles must be considered:

- Reliable – the publication methods selected must be dependable and trustworthy. For example, is the method a well-established source of information and tested and able to reliably display the information?
- Suitable – the public methods must work for the purpose for which the public notice is intended. Can it display all of the legislative required notice information in a legible manner, meeting specific timing requirements outlined in the legislation, and allow for the local government to keep a record of the date and period of time that the notice was published?
- Accessible – the publication methods must be easy to access and have a broad reach. Is the method accessible to a broad spectrum of the local population (e.g. age, location); provide for different ways for the public to be informed (e.g. in print and on-line); have limited barriers to access (e.g. one is free if the other is a paid subscription)?

Possible methods that would meet the above principles include newspapers, local government website, local government subscription service, local government Facebook page, and direct mail out. Examples of sources that would not meet the principles of public notice would be Twitter (the character limit means it is not suitable for displaying all of the information) or radio/tv (because the information is only quickly displayed/read – it limits access to the information).

In addition to considering the above principles, as a best practice the Province also recommends that local governments consider how people access information from the local government. A survey was conducted in 2020 with the launch of the on-line public engagement tool "Get Involved Nanaimo". Through this survey, the City asked what topics the community was interested in providing feedback on and one of the questions specifically asked was "How do you stay connected with the City of Nanaimo?" The survey was open during March 2, 2020 through October 1, 2020. The most popular responses were the City's website and newspaper (see Attachment 2).

#### Next Steps:

Given Council's priorities of ensuring that expeditious decision-making and action occurs with development applications, and cost-effective service delivery, implementing a new Public Notice Bylaw would meet both those objectives.

If supported, the newspaper and City's website would be as the two statutorily required methods for advertising whereby one of the notices would be advertised through the newspaper and the other posted on the home page under the Public Notices tab on the City's website. Staff would also ensure that notices associated with development applications would have a link from the Public Notices tab to the "What's Building in my Neighbourhood" section.



It should be noted that there is no limit to the number of methods one can list in the bylaw; however, any methods listed would then be mandated to be used each and every time. As not every method would be applicable (depending on the type and size of notice) staff recommend that only the City's website and the newspaper be considered as those that are the legally required methods. Staff does, and would continue to, utilize other methods (where applicable) such as the City's Facebook page, weekly newsletter, Nanaimo News Now, and Twitter, in addition to the two primary methods.

## **OPTIONS**

### **Option 1:**

That Public Notice Bylaw 2022 No. 7325 (a bylaw to provide for alternative means of publication) pass first reading.

That Public Notice Bylaw 2022 No. 7325 pass second reading.

That Public Notice Bylaw 2022 No. 7325 pass third reading.

- The advantages to this option are that: 1) it will reduce the turn around time to consider development applications that require a public hearing; 2) it will cut the advertising costs for applicants in half; and 3) it will save the City costs associated with the required advertising for permissive tax exemptions, property disposition notices, business improvement areas, etc.).
- There are no disadvantages for the City to this option; however, it is recognized that the newspapers would see reduced ad revenue through this option.

### **Option 2:**

That Council continue to utilize the newspapers for all statutory required advertisements and continue to utilize section 94.1 to meet the statutory notice requirements.

- There are no direct advantages to the option.
- The disadvantages of this option are that 1) development applications would continue to take 3.5 weeks before a public hearing could be held once Council has given first two readings to a development application bylaw; 2) there would be no cost saving opportunities for applicants who are required to pay for all advertising costs associated with their application; and 3) no cost savings would be realized for other statutory notices that require advertising under Section 94 of the *Community Charter*.

## **SUMMARY POINTS**

- Local governments must provide notice of matters of public interest.
- The notice requirements outlined in Section 94 of the *Community Charter* required local governments to meet the advertising requirements through newspapers.
- New legislation was introduced on February 22, 2022 giving local governments the option to continue advertising solely through the newspaper or the option to also advertise through other methods.
- The City conducted a survey in 2020 which demonstrated that citizens obtain their City-related news equally from newspapers and the City's website.

- Having the ability to meet the statutorily required advertising through both methods would provide the opportunity to reach a larger audience and provide a cost savings to the City and to applicants who pays for the legally required advertising associated with their development applications.
- Through either method, the City would continue to post notices on the City's Facebook page, Nanaimo News Now, Twitter and the City's newsletter (where applicable).

**ATTACHMENTS:**

Attachment 1 - BL7325 – Public Notice Bylaw

Attachment 2 – Public Survey Results – Get Involved Nanaimo

**Submitted by:** Karen Robertson, Deputy City Clerk

**Concurrence by:** Sheila Gurrie, Director of Legislative Services  
Laura Mercer, Director of Finance  
Bill Corsan, Director, Corp. & Business Development  
Dale Lindsay, Deputy CAO/Gen Mgr. Development Services  
Jake Rudolph, CAO

CITY OF NANAIMO

BYLAW NO. 7325

A BYLAW TO PROVIDE FOR ALTERNATIVE MEANS OF PUBLICATION

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WHEREAS a council must give notice of certain bylaws, public meetings, elections, public hearings, disposition of land or other things by advertising, if the *Community Charter* or another Act requires notice to be given;

AND WHEREAS pursuant to section 94.2(1) a council may, by bylaw, provide for alternative means of publishing a notice instead of publishing the notice in a newspaper in accordance with section 94.1(1)(a) and (b);

AND WHEREAS pursuant to section 94.2(2) a bylaw adopted under this section must specify at least two means of publication by which a notice is to be published, not including posting in the public notice posting places;

AND WHEREAS Council is satisfied that the advertising methods set out in this bylaw are likely to bring matters advertised by that method to the attention of substantially all residents in the area to which the bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held;

AND WHEREAS Council considers that the advertising methods set out in this bylaw are reliable, suitable for providing notices, and accessible, within the meaning of the *Public Notice Regulation* B.C. Reg. 52/2022;

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 "Public Notice Bylaw 2022 No. 7325".

2. Advertising Method:

Any notice required to be advertised under section 94 of the *Community Charter* of a bylaw, resolution, meeting, public hearing or other matter may be given by using the following methods to advertise statutory notices, not including posting in the public notice posting places:

- a) Newspaper
- b) City of Nanaimo website

PASSED FIRST READING: \_\_\_\_\_

PASSED SECOND READING: \_\_\_\_\_

PASSED THIRD READING: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

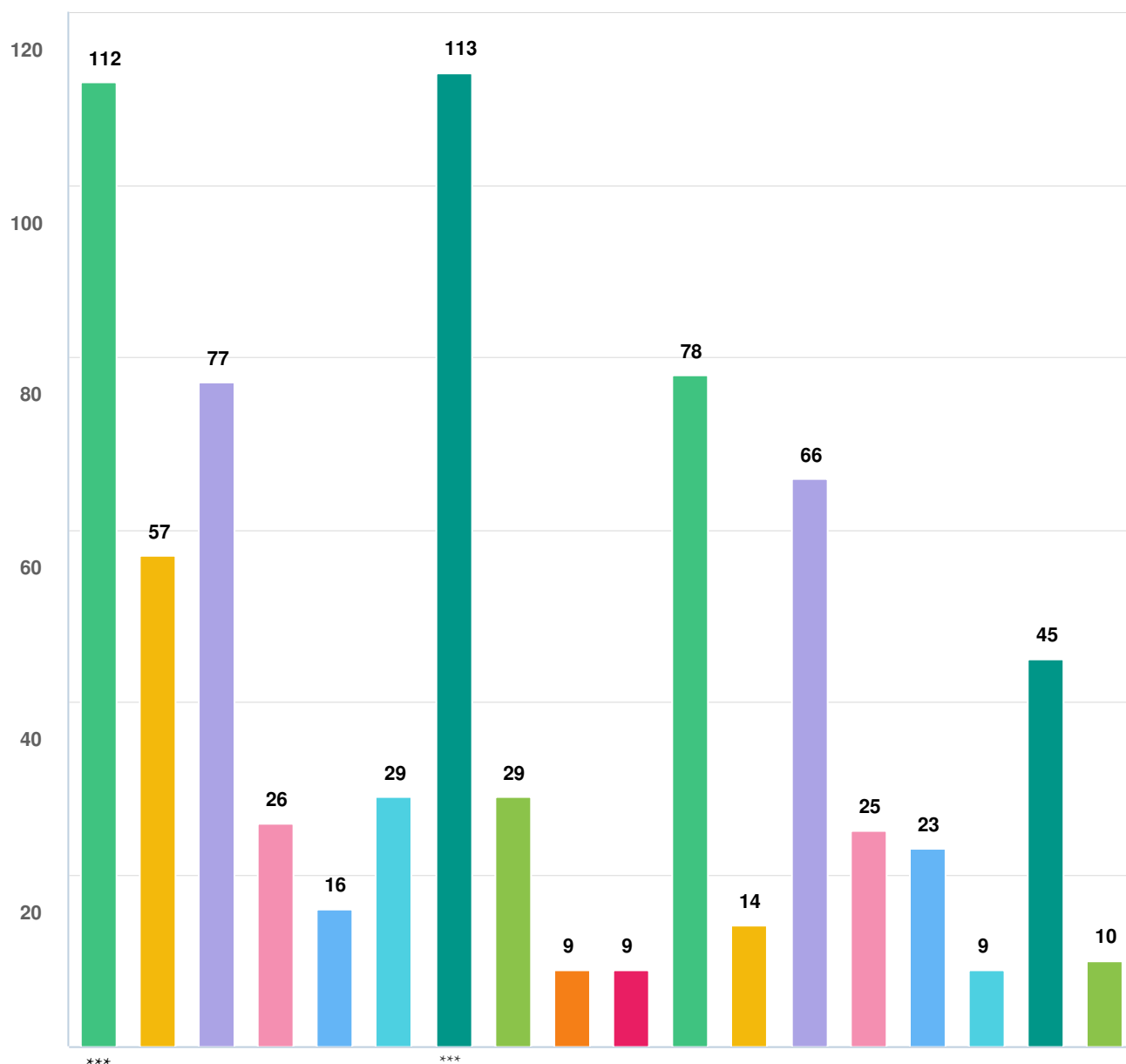
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MAYOR

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CORPORATE OFFICER

**Q2 How do you stay connected with the City of Nanaimo? (check all that apply)**



**Question options**

- City website (www.nanaimo.ca)
 ● City of Nanaimo Parks and Recreation Activity Guide
- City Facebook page (facebook.com/cityofnanaimo)
 ● City Twitter feed (twitter.com/cityofnanaimo)
- City Instagram (@cityofnanaimo)
 ● Annual City Newsletter sent with tax notice
 ● Nanaimo News Bulletin
- Island Radio (102.3 The Wave, 106.9 The Wolf)
 ● 91.7 Coast FM
 ● CHLY 101.7 FM
 ● Nanaimo News Now
- Shaw TV Channel 4
 ● Word of Mouth
 ● City Employees
 ● Community blogs
- Nanaimo Parks and Recreation Instagram (@nanaimoparksandrec)
 ● Other Facebook Pages/Twitter Feeds
- Other (please specify)

Mandatory Question (150 response(s))  
Question type: Checkbox Question

CITY OF NANAIMO

BYLAW NO. 7348

A BYLAW TO REGULATE THE CONDUCT FOR COUNCIL AND COMMITTEE MEMBERS

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WHEREAS Council and Committee Members are keepers of the public trust and must uphold the highest standards of ethical behaviour in order to build and inspire the public's trust and confidence in local government;

AND WHEREAS Council and Committee Members are expected to:

- (a) make decisions that benefit the community;
- (b) act lawfully and within the authorities of the *Community Charter, Local Government Act* and other applicable enactments; and
- (c) be free from undue influence and not act to gain financial or other benefits for themselves, family, friends or business interests;

AND WHEREAS Council and Committee Members wish to conduct its business in a transparent, efficient, accountable and respectful fashion;

AND WHEREAS it is to the benefit of the community for Council and Committee Members to conduct their business in accordance with the City's guiding principles of integrity, accountability, respect, leadership and collaboration;

AND WHEREAS Council and Committee Members intend to demonstrate their leadership in ethical behaviour and to promote the principles of transparency, accountability and civility through their decisions, actions and behaviour;

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

**PART I – GENERAL**

1.1 Title

This Bylaw may be cited as "Code of Conduct Bylaw 2022 No. 7348".

1.2 Definitions

In this bylaw:

"CAO"	Means the Chief Administrative Officer for the City of Nanaimo.
"Bully and Harass"	Includes, without limitation, any unwelcome or objectionable conduct or comment by a Council or Committee Member that causes that individual to be humiliated or intimidated, including verbal aggression or insults, making derogatory comments, including questioning the professional competence of a Committee Member, Volunteer, Municipal Officer, or Staff, calling someone derogatory names, hazing

	or intimidation practices, vandalizing personal belongings or spreading malicious and untrue rumours.
"Committee Member"	Means a person appointed to a committee, sub-committee, task force, commission, board, or other Council established body under the <i>Community Charter</i> – Division 4 – Committees, Commissions and Other Bodies or the <i>Local Government Act</i> .
"Complaint"	Means a formal allegation that a Member has breached this Bylaw in accordance with the complaint procedure set out in Part 4 of this Bylaw.
"Complainant"	Means a person who has submitted a complaint under Part 4 of this Bylaw.
"Confidential Information"	Means information or records held in confidence by the City, including to which Section 117 of the <i>Community Charter</i> applies.  For clarity, this includes all information and records from closed meetings of Council until publicly released.
"Conflict of Interest"	Refers to pecuniary and non-pecuniary conflicts of interest governed by the <i>Community Charter</i> , S.B.C., 2003, c. 36 and the common law.
"Council Member"	Means the Mayor and Councillors for the City of Nanaimo.
"Commissioner"	Means the person appointed as the Ethics Commissioner by Council to fulfill the duties and responsibilities assigned to that position as set out in this Bylaw or an <i>ad hoc</i> Commissioner appointed by the CAO to administer this Bylaw in respect of an individual complaint.
"Gifts and Personal Benefits"	Means an item or service of value that is received by Council and Committee Members for personal use. This would include, but is not limited to, cash, gift cards, tickets to events, items of clothing, jewellery, pens, food or beverages, discounts or rebates on purchases, free or subsidized drinks or meals, entertainment and admission fees to social functions.
"Member"	Means a Council Member or a Committee Member.
"Municipal Officer"	Means a member of Staff designated as an officer under Section 146 of the <i>Community Charter</i> .
"Personal Information"	As defined in the <i>Freedom of Information &amp; Protection of Privacy Act</i> .
"Respondent"	Means a Council or Committee Member whose conduct is the subject of a complaint.
"Staff"	Means an employee of the City.
"Volunteer"	Means a person serving the City who is not a Council Member, Committee Member.

1.3 Purpose and Interpretation:

- 1.3.1 This Bylaw sets out the rules Members must follow in fulfilling their duties and responsibilities as elected or appointed officials, and the powers and procedures of the Commissioner in exercising oversight over Council Members.
- 1.3.2 The provisions of this Bylaw are to be interpreted broadly and in a manner that is consistent with the *Community Charter* S.B.C. 2003, c. 36.
- 1.3.3 For clarity, the provisions of this bylaw that reference Committee Members only are intended to apply also to Council Members.

1.4 Application:

- (a) This Bylaw applies to Council Members and Committee Members.
- (b) This Bylaw does not apply to a Member's conduct in their personal life, except to the extent that such conduct reasonably undermines public confidence in City governance.
- (c) This Bylaw does not apply to Staff.
- (d) In the event of a conflict between this Bylaw and another City bylaw or Council policy governing Member conduct, this Bylaw prevails.
- (e) In this Bylaw, a reference to a person who holds an office includes a reference to the persons appointed to act for that person from time to time.

1.5 Severability:

If any definition, section, subsection, paragraph, subparagraph, clause or phrase in this Bylaw is held invalid by a Court of competent jurisdiction, the invalid definition, section, subsection, paragraph, subparagraph, clause or phrase must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed definition, section, subsection, paragraph, subparagraph, clause or phrase.

## **PART 2 – STANDARDS AND VALUES**

2.1 Foundational Principles

These guiding principles provide a basis for how Members fulfill their roles and responsibilities, including in their relationships with each other, Staff and with the public.

- (a) Integrity: being honest and demonstrating strong ethical principles.

Members are expected to act with integrity by:

- i. Behaving in a manner that promotes public confidence in the City, including actively avoiding any Conflicts of Interest, improper use of office or unethical conduct.
- ii. Being truthful, honest and open in all dealings.
- iii. Upholding the public interest and making decisions in the best interests of the community.
- iv. Following through on commitments, engaging in positive communication with the community and correcting errors in a timely and transparent manner.

- v. Acting lawfully and within the authority of the *Community Charter, Local Government Act, Workers Compensation Act of B.C. and B.C. Human Rights Code*.

- (b) Accountability: an obligation and willingness to accept responsibility or to account for one's actions.

Members are expected to act with accountability by:

- i. Being transparent in how they individually and collectively conduct business and carry out their duties.
- ii. Ensuring information is accessible, and that citizens can view the process and rationale behind each decision and action, while protecting confidentiality where appropriate or necessary.
- iii. Accepting that they are collectively accountable for local government decisions, and that individual Members are responsible and accountable for the decisions they make in fulfilling their roles.
- iv. Listening to and considering the opinions and needs of the community in all decision making, and allowing for respectful discourse and feedback.

- (c) Respect: having due regard for others' perspectives, wishes and rights; displaying deference to the offices of local government, and the role of local government in community decision-making.

Members are expected to act with respect by:

- i. Treating every person, including other Members, Staff and the public with dignity.
- ii. Showing consideration for colleagues and Staff.
- iii. Creating an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as derogatory.
- iv. Valuing the role of diverse perspectives and debate in decision-making.
- v. Acting in a way that is respectful of the roles and responsibilities of the office of Mayor and Council.
- vi. Valuing the distinct roles and responsibilities of local government Staff and the community in local government considerations and operations, and committing to fostering a positive working relationship between Staff, the public and elected officials.

- (d) Leadership and Collaboration: an ability to lead, listen to, and positively influence others; coming together to create or meet a common goal through collective efforts.



Members are expected to demonstrate leadership and collaboration by:

- i. Demonstrating behaviour that builds and inspires public trust and confidence in local government.
- ii. Calmly facing challenges and providing considered direction of the issues of the day, and enabling colleagues and Staff to do the same.
- iii. Creating space for open expression by others, taking responsibility for one's own actions and reactions and accepting the decisions of the majority.
- iv. Accepting that it is the equal responsibility of the Council and Committee Members individually and collectively to work together to achieve common goals.
- v. Being an active participant in ensuring these Foundational Principles and the standards of conduct are followed.

### 2.1.1 Interpretation

The standards and values above are to inform the interpretation of the substantive provisions of this Bylaw and are not to be standalone bases for Complaints.

### 2.2 Roles and Responsibilities

- (a) Council is the governing body of the City. It has the responsibility to govern the City in accordance with Part 5 of the *Community Charter* and other applicable legislation.
- (b) The Mayor is the head and chief executive officer of the City and has a statutory responsibility to provide leadership to the Council and to provide general direction to Municipal Officers respecting City policies, programs and other directions of the Council as set out in Part 5 of the *Community Charter*.
- (c) Staff provide professional advice to the Council and carry out decisions in an effective, efficient and non-partisan manner. The CAO is Council's one employee.



## **PART 3 – CONDUCT OF ELECTED OFFICIALS**

### 3.1 General Conduct

3.1.1 A Member shall not:

- (a) contravene this Bylaw, as amended or replaced from time to time;
- (b) contravene any other City bylaw or policy, as amended or replaced from time to time;

- (c) contravene a law of British Columbia or Canada, including the British Columbia *Human Rights Code* or the *Freedom of Information and Protection of Privacy Act*;
- (d) Bully or Harass a Member, Staff, or Volunteer;
- (e) defame a Member, Staff, or Volunteer.

3.1.2 A Member shall treat other Council Members, Committee Members, Staff, and Volunteers with respect and dignity.

3.1.3 A Council Member shall not:

- (a) breach their oath sworn upon taking office as a Council Member; or
- (b) abuse their office.

### 3.2 Interactions with Staff, Volunteers and Committee Members

3.2.1 A Member must direct inquiries regarding departmental issues or questions to the CAO, General Manager, or department Director of the appropriate department and refrain from contacting Staff directly unless the communication is minor and of a day-to-day operational nature.

3.2.2 Members must not interfere with, hinder or obstruct Staff, Volunteers or Committee Members in the exercise or performance of their roles, responsibilities, powers, duties or functions, nor shall they impair the ability of Municipal Officers and Staff to implement Council policy decisions in accordance with Section 153 of the *Community Charter*.

3.2.3 Members must not request or require Staff to undertake personal or private work on behalf of a Member.

3.2.4 If a Council Member has information about Staff or a Volunteer that the Council Member wishes to bring to the attention of the City for the purposes of a review or investigation into the conduct or an omission of the individual, the Council Member may only do so by delivering the information in writing to the CAO. On receipt of such information, the CAO shall conduct a review or investigation and address the matter in accordance with the City's employment agreements, bylaws and policies and with the applicable employment law or professional responsibility enactments.

3.2.5 Members must not publish statements attacking Members, Staff, or Volunteers.

3.2.6 Information obtained by any Council Member, which is likely to be used in a Council or political debate, must be provided to all other Council Members, and to the CAO.

### 3.3 Interactions with the Public and Media

3.3.1 Members must not communicate on behalf of the City unless authorized to do so by Council resolution or by virtue of a position or role the Member has been authorized to undertake by Council.

3.3.2 Without limiting the ability of the Council Member to hold a position on an issue and respectfully express their opinions, a Council Member must:

- (a) ensure that their communications relating to Council business are accurate and not issue any communication that the Member knows, or ought to have known, to be false; and
- (b) ensure that all communications by, and on behalf of a Member, including communications made via social media, are respectful and do not discriminate against, harass, or defame any Member, Staff, or Volunteer.

3.3.3 Members are not to issue instructions to any of the City's contractors, tenderers, consultants or other service providers unless expressly authorized to do so.

3.3.4 Outside of a Council or committee meeting, a Member shall not communicate with a tenderer or proponent regarding the subject matter of the procurement.

### 3.4 Public Meetings

3.4.1 A Member must act with decorum at Council and Committee meetings in accordance with the Council Procedure Bylaw 2018 No. 7272, as amended or replaced from time to time.

### 3.5 Collection and Handling of Information

3.5.1 A Member must:

- (a) comply with the provisions of the *Freedom of Information and Protection of Privacy Act* and the policies and guidelines as established by the City;
- (b) comply with section 117 of the *Community Charter*, including by protecting, and not disclosing publicly, Confidential Information;
- (c) only access information held by the City for City business, and not for personal purposes; and
- (d) not alter City records unless expressly authorized to do so.

### 3.6 Use of Social Media

3.6.1 The provisions of this Bylaw apply, without limitation, to the use of a Member's personal and official social media accounts.

3.6.2 Members must regularly monitor their social media accounts and immediately take measures to deal with the publication of messages or postings made by others on their behalf that violate the terms of this Code of Conduct Bylaw.

### 3.7 Conflict of Interest

3.7.1 A Member shall not participate in discussion of a matter, or vote on a question in respect of that matter, where the Member has a Conflict of Interest.

3.7.2 In respect of each matter before Council, a Council Member shall:

- (a) assess whether they have a Conflict of Interest, if necessary, with the advice of the Commissioner; and
- (b) determine whether it is necessary to seek independent legal advice, at their own cost except where the CAO approves the cost, with respect to any situation which may result in a Conflict of Interest.

3.7.3 If a Member believes they have a Conflict of Interest in respect of a matter in a Council or Committee meeting, the Member shall:

- (a) notify the Mayor or the Chair of the meeting that the Member has a Conflict of Interest prior to the matter being considered, and the Member shall restate the Conflict of Interest each time the matter arises before Council;
- (b) refrain from discussing the matter with any other Member publicly or privately; and
- (c) leave the meeting room if the matter is discussed and not return until the discussion has ended or voting on the matter has been concluded.

### 3.8 Use of Influence

3.8.1 A Member must not attempt to influence a decision of Council, a Committee, Municipal Officer, or Staff if the Member has a pecuniary Conflict of Interest in relation to that decision.

3.8.2 A Member must not use their office to provide preferential treatment to any person or organization except as warranted by the ordinary and lawful discharge of their duties.

3.8.3 A Member must not intimidate, improperly influence, threaten, or coerce Staff.

### 3.9 Gifts and Personal Benefits

3.9.1 A Council Member must not accept a Gift or Personal Benefit, unless accepted in accordance with section 105 of the *Community Charter*.

3.9.2 A Council Member must disclose a Gift or Personal Benefit, received in accordance with section 105 of the *Community Charter*, as per section 106 of the *Community Charter*.

3.9.3 Committee Members must comply with 3.9.1 and 3.9.2 as though they were Council Members.

## **PART 4 – COMPLAINT AND RESOLUTION PROCEDURES**

### 4.1 Council Members

#### 4.1.1 Confidential Requests

- (a) If a Council Member, Committee Member, or Staff believes that they have been subject to conduct by a Council Member in breach of this Bylaw, that person may approach the Commissioner on a confidential basis, without the need to file a Complaint, to request that the Commissioner inform the Council Member of the alleged breach. Upon receipt of the confidential request, the Commissioner may attempt to address the conduct with the Council Member.
- (b) The Commissioner must protect the confidentiality of a person making a request under 4.1.1(a) unless the person making the request consents to disclosure.

4.1.2 Complaint Procedure:

- (a) Any Council Member, Committee Member, or Staff may submit a Complaint to the Commissioner.
- (b) A Complaint must be in writing and describe with sufficient detail:
  - i. the name of the Complainant;
  - ii. the name of the Respondent;
  - iii. the conduct that the Complainant alleges to have breached the Code;
  - iv. the date of the alleged conduct;
  - v. the part or parts of this Bylaw that the Complainant alleges has or have been breached; and
  - vi. the basis for the Complainant's knowledge about the conduct.
- (c) A Complainant may specify in the Complaint if they are willing to participate in an informal resolution of the Complaint.
- (d) The Commissioner may accept a Complaint notwithstanding that the form of the Complaint does not comply with all of the requirements set out in Section 4.1.2 (b) if, in the Commissioner's opinion, the circumstances warrant.
- (e) The Commissioner must not accept multiple Complaints concerning the same matter. In the event that the Commissioner receives multiple Complaints concerning the same matter, the Commissioner must proceed with the first Complaint accepted, but may expand the Complaint and/or add Complainants for the purpose of conducting the investigation and preparing the investigation report.
- (f) The Commissioner must reject a Complaint received more than 90 days after the Complainant knew or reasonably ought to have known of the alleged breach of this Bylaw. The Commissioner is authorized to extend this 90 day deadline up to a further 90 days if circumstances warrant an extension.
- (g) The Commissioner must reject a Complaint received regarding a Council Member seeking re-election in the period from the first day of the nomination period to the general voting day.
- (h) In the 90 days prior to general voting day, the Commissioner may suspend any investigation underway.

#### 4.1.3 Dismissal or Suspension of Complaint

- (a) If a Complaint is submitted that, on its face, is not made with respect to a breach of this Bylaw, or if a Complaint would be more appropriately addressed through another process, including if the Complaint is:
- i. with respect to non-compliance with the *Freedom of Information and Protection of Privacy Act*;
  - ii. with respect to non-compliance with a more specific Council policy or bylaw with a separate Complaint procedure; or
  - iii. with respect to a matter that is subject to another outstanding process, such as a court proceeding or human rights complaint,
- the Commissioner may reject the Complaint, or part of the Complaint, and must notify the Complainant in writing that the Complaint is not within the jurisdiction of this Bylaw, or that the Complaint would be more appropriately addressed through another process, as the case may be, and set out any additional reasons and referrals the Commissioner thinks appropriate.
- (b) If the Commissioner, at any stage in the Complaint procedure, determines that there are reasonable grounds to believe that there has been a contravention of the *Criminal Code* (Canada), the Commissioner must immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to Council.
- (c) Where a Complaint is made against a Council Member who, during the course of the Complaint procedure, ceases to hold office, the Commissioner may close the Complaint and notify the Complainant and Respondent of this decision.

#### 4.1.4 Preliminary Assessment

- (a) On receipt of a Complaint, the Commissioner must conduct a preliminary assessment and if at that time, or any time thereafter, the Commissioner is of the opinion that:
- i. the statement is not with respect to a breach of this Bylaw;
  - ii. the Complaint is frivolous, vexatious, or not made in good faith;
  - iii. the investigation is, or might be, hampered, or the Council Member might be prejudiced by the Complainant's failure to provide a Complaint in compliance with Section 4.1.2(b), or otherwise cooperate with the investigation;
  - iv. the Complainant wishes to withdraw the Complaint, and it would be appropriate in the circumstances to allow the withdrawal; or
  - v. there are no grounds or insufficient grounds for concluding that a violation of this Bylaw has occurred,

the Commissioner must notify the Complainant and the Respondent in writing that the Commissioner is closing the Complaint, set out the reasons therefore, and close the Complaint.

- (b) Notwithstanding Section 4.1.4 (a), the Commissioner may request further information from the Complainant before determining whether or not there are sufficient grounds for believing that a breach of this Bylaw may have occurred.

#### 4.1.5 Informal Resolution:

- (a) When the Commissioner has decided to proceed with a Complaint, the Commissioner must determine whether the Complaint requires a formal investigation, or whether the Complaint may be resolved informally. In the latter case, the Commissioner may either attempt to resolve the Complaint directly, or refer the Complaint to the CAO.
- (b) When determining whether the Complaint may be resolved informally, the Commissioner may consider culturally appropriate, or transformative or restorative justice approaches, and may engage a third party to assist the Commissioner for this purpose.
- (c) Where the Commissioner refers the Complaint in accordance with Section 4.1.5(a) the CAO may agree to assist in resolving the Complaint directly, or may appoint a third party to assist in resolving the Complaint at their discretion.
- (d) The person assisting in the informal resolution of a Complaint will assess the suitability of the Complaint for settlement or resolution on an on-going basis and may decline to assist at any point.
- (e) The Complainant, or the Respondent, can decline to participate in an informal resolution at any time.
- (f) If a Complaint is resolved informally, the person assisting in resolving the Complaint must notify the Commissioner in writing of the terms of the resolution, upon receipt of which, the Commissioner must close the Complaint.
- (g) If a Complaint cannot be resolved informally, the person assisting in resolving the Complaint must refer the Complaint back to the Commissioner for a formal investigation.

#### 4.1.6 Formal Resolution:

- (a) If a Complaint is not rejected, closed, or resolved informally, the Commissioner must proceed with a formal investigation.
- (b) The Commissioner must serve the Complaint on the Respondent with a request that the Respondent provide a written response to the Complaint together with any submissions the Respondent chooses to make within 10 days, subject to the Commissioner's discretion to extend the timeline.
- (c) The Commissioner may serve the Complainant with the Respondent's written response together with any submissions, on a strictly confidential basis, and request a reply in writing within 10 days, subject to the Commissioner's discretion to extend the timeline.

- (d) The Commissioner may:
  - i. speak to anyone relevant to the Complaint;
  - ii. request disclosure of documents relevant to the Complaint; or
  - iii. access any record in the possession or control of the City, except a record that is subject to privilege.
- (e) The Commissioner must ensure that the formal investigation complies with the rules of procedural fairness and natural justice required in the circumstances.
- (f) Notwithstanding 4.1.6(a), nothing prohibits the Commissioner from summarily dismissing a Complaint where it becomes apparent, after some investigation, that the Complaint has no chance of success.
- (g) If the Commissioner summarily dismisses a Complaint at the Formal Resolution stage, the Commissioner shall report to the Complainant and Respondent in the manner set out in 4.1.4(a).

4.1.7 Adjudication and Reporting:

- (a) The Commissioner must make a decision within 90 days of making the determination to proceed with a formal investigation, unless the Commissioner determines that doing so is not practicable, in which case the Commissioner must notify the Complainant and Respondent of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days on provision of written notice to the Complainant and the Respondent.
- (b) A notification issued pursuant to sections 4.1.3(a), 4.1.3(b), 4.1.4(a), or 4.1.7(a) is confidential and must not be disclosed except in the following circumstances:
  - i. to Council for the purpose of considering a resolution for reimbursement of legal fees pursuant to section 4.4.2; and
  - ii. the Respondent may disclose the fact that the Complaint has been closed, or that a finding has been made that the Respondent did not breach this Bylaw.
- (c) If after reviewing all material information, the Commissioner determines that the Respondent did not violate this Bylaw, then:
  - i. the Commissioner must prepare a written investigation report providing reasons for their determination that the Council Member did not breach the Bylaw;
  - ii. the Commissioner must deliver a copy of the investigation report or, where appropriate, a summary thereof, to the Complainant, Respondent and Council; and
  - iii. in consultation with Staff, the Commissioner shall produce and make publicly available a summary of the investigation report, in compliance with the *Freedom of Information and Protection of Privacy Act*.



- (d) If after reviewing all the material information, the Commissioner determines that a Council Member did violate this Bylaw, then:
  - i. the Commissioner must prepare a written investigation report providing reasons for their determination that the Council Member breached this Bylaw;
  - ii. the investigation report must make recommendations as to the appropriate sanction for the breach;
  - iii. if the Commissioner determines that a Council Member did breach this Bylaw, but that the Council Member took all reasonable steps to prevent it, or that it was trivial or done inadvertently or because of an error in judgment made in good faith, the Commissioner will so state in the investigation report and may recommend that no sanction be imposed;
  - iv. the Commissioner must deliver, on a strictly confidential basis, a copy of the investigation report to the Respondent; and
  - v. the Commissioner must deliver a copy of the investigation report to the Complainant and Council forty eight (48) hours after delivery of the investigation report to the Respondent.

#### 4.1.8 Report to be Public

- (a) Where the Commissioner has determined that a Council Member did violate this Bylaw, after the Commissioner has delivered a copy of the investigation report to the Complainant and Council, the City must make the investigation report available to the public.
- (b) The City will ensure that the investigation report complies with the City's obligations regarding disclosure of personal information set out in the *Freedom of Information and Protection of Privacy Act*, and ensure that appropriate redactions are applied prior to release to the public.

#### 4.1.9 Final Determination by Council

- (a) Council must, within 30 days of delivery of the investigation report pursuant to Section 4.1.7(d)(v), or a longer period if approved by a 2/3 vote of Council, decide on the appropriate measures, if any, that are warranted by the breach of this Bylaw, and will take such actions as Council considers appropriate in the circumstances.
- (b) Prior to Council making any decision regarding the findings and recommendations set out in the investigation report, the Respondent must be provided with an opportunity, either in person or in writing, to comment on the decision and any recommended censure, sanctions or corrective actions.
- (c) While an investigation report provided to Council may be considered in a closed meeting for the purpose of receiving legal advice, or other valid reason, when Council deliberates and votes on the investigation report, it will do so in a public meeting and the investigation report must be made available to the public in a form that complies with section 4.1.8 (b).

- (d) Notwithstanding section 4.1.9(c), Council may deliberate on and vote on a report in a closed meeting where there is a valid reason to close the meeting under section 90 of the *Community Charter*.

#### 4.1.10 Remedies

Sanctions that may be imposed for a violation of this Bylaw include the following:

- (a) a letter of reprimand from Council addressed to the Council Member;
- (b) a request from Council that the Council Member issue a letter of apology;
- (c) the publication of the letters contemplated in subsections (a) and (b), along with the Council Member's written response, if any;
- (d) directions to the CAO regarding the provision of documents, including documents containing Confidential Information, to the Council Member;
- (e) a recommendation that the Council Member attend specific training or counselling;
- (f) limitations on access to certain City facilities;
- (g) suspension or removal of the Council Member from some or all Council committees and bodies to which the Council Member was appointed by Council;
- (h) prohibition from representing the City at events and/or attending conferences and seminars;
- (i) suspension or removal of the appointment of a Council Member as the Acting Mayor;
- (j) public censure of a Council Member;
- (k) reduction in compensation in accordance with the Council Spending and Amenities Policy; and
- (l) any other sanction recommended by the Commissioner, so long as that sanction is within the authority of Council.

#### 4.1.11 Confidentiality of the Investigation

The Commissioner must make all reasonable efforts to investigate Complaints in confidence.

- (a) The Commissioner and every person acting under the Commissioners' instructions must preserve confidentiality with respect to all matters that come into the Commissioner's knowledge in the course of any investigation or Complaint except as required by law.
- (b) An investigation report must only disclose such matters as, in the Commissioner's opinion, are necessary for the purpose of the investigation report.
- (c) At the conclusion of the process, the Commissioner will destroy all the notes that were taken throughout the process of the investigation.

4.1.12 Interpretation

For clarity, and despite section 4.2, the procedure in section 4.1 is to apply to all allegations against Council Members including in their capacity as Committee Members.

4.2 Committee Members

4.2.1 Alleged breaches of this Bylaw by Committee Members shall be submitted simultaneously in writing addressed to the Mayor and CAO within 90 days of the last alleged breach.

4.2.2 A Complaint must comply with the standards set out at section 4.1.1.

4.2.3 The Mayor shall consider alleged breaches of this Code by Committee Members, direct that any enquiries they consider appropriate or desirable be undertaken, including a referral to the Commissioner, and recommend appropriate disciplinary action to Council.

- (a) The Mayor may recommend that Council take any actions provided for in the Code that the Mayor considers reasonable in the circumstances.
- (b) Where Council finds that a Committee Member has breached this Code, Council may decide by resolution to:
  - i) Require the Committee Member to apologize to any person adversely affected by the breach;
  - ii) Counsel the Committee Member;
  - iii) Terminate the Committee Member's appointment; or
  - iv) Implement such other measures as Council deems appropriate.

4.3 Reprisals and Obstruction

4.3.1 No Council Member, Committee Member, or Staff will obstruct the Commissioner in the carrying out of their duties or responsibilities.

4.3.2 No Council Member, Committee Member, or Staff will threaten or undertake any active reprisal against a Complainant or against a person who provides information to the Commissioner in the context of an investigation.

4.3.3 No Council Member, Committee Member, or Staff will tamper with or destroy documents or electronic records related to any matter under investigation under this Bylaw or refuse to respond to the Commissioner when questioned regarding an investigation.

4.3.4 Any individual covered by this Bylaw who is found to have engaged in any reprisal or retaliation in violation of this Bylaw will be subject to appropriate disciplinary action, which action may include, and is not limited to, the sanctions and remedies described above, or in the case of Staff, disciplinary action up to and including the termination of employment for just cause, as applicable.

#### 4.4 Reimbursement of Costs

4.4.1 For clarity, actions by Council Members as outlined in Indemnification Bylaw 2005 No. 7002, as replaced or amended from time to time, do not apply to this Bylaw.

4.4.2 A Council Member may make a request to Council for reimbursement for the costs of legal advice and representation in responding to the formal complaint process outlined in this Bylaw. If appropriate after considering all circumstances, Council may resolve to reimburse legal fees reasonably incurred by a Council Member, provided that all of the following are met:

- (a) It is the Council Member's first formal complaint process; and
- (b) The amount does not exceed \$10,000.

#### 4.5 Vexatious Allegations and Complaints

4.5.1 Any individual covered by this Bylaw who makes an allegation or Complaint under this Bylaw that is subsequently found to have been made in a deliberately vexatious or malicious manner, or otherwise to have been made in bad faith, will be subject to appropriate disciplinary action, which action may include, but is not limited to:

- (a) in the case of Council Members, sanctions and remedies described in Section 4.1.7.
- (b) in the case of Committee Members, termination of the Committee Member's appointment.
- (c) in the case of Staff, the termination of employment for just cause, as applicable.

### **PART 5 – ENACTMENT**

#### Effective Date

This bylaw comes into force and effect on 2022-OCT-15.

PASSED FIRST READING: 2022-MAY-16  
PASSED SECOND READING: 2022-MAY-16  
PASSED THIRD READING: 2022-MAY-16  
ADOPTED: \_\_\_\_\_

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MAYOR

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CORPORATE OFFICER

## **SCHEDULE A**

### **COMMITTEE MEMBER STATEMENT**

As a City of Nanaimo Committee Member, I agree to uphold the Code of Ethics adopted by the City of Nanaimo and conduct myself by the following model of excellence. I will:

- Recognize the diversity of backgrounds, interests and views in our community;
- Help create an atmosphere of open and responsive government;
- Conduct public affairs with integrity, in a fair, honest and open manner;
- Respect one another and the unique role and contribution each of us has in making the City of Nanaimo a better place to work, live, and play;
- Strive to keep the decision making processes open, accessible, participatory, understandable, timely, just and fair;
- Avoid and discourage conduct which is not in the best interests of the City of Nanaimo;
- Avoid any real or perceived Conflict of Interest and declare at the earliest opportunity, any interest that is or may be in conflict with the business of the body of the City of Nanaimo in which I am participating;
- Respect and uphold confidentiality requirements; and
- Treat all people with whom I come in contact in the way I wish to be treated.

I affirm that I have read and understand the City of Nanaimo Code of Conduct Bylaw.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (please print): \_\_\_\_\_

Committee: \_\_\_\_\_

CITY OF NANAIMO

BYLAW NO. 7349

A BYLAW TO CREATE THE POSITION OF ETHICS COMMISSIONER

---

WHEREAS the position of Nanaimo Ethics Commissioner is hereby established;

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 “Ethics Commissioner Establishment Bylaw 2022, No. 7349”.

2. Definitions

In this bylaw:

“CAO”	Means the Chief Administrative Officer for the City of Nanaimo.
“Code of Conduct	Means a bylaw adopted by Council to regulate the ethical conduct of Council Members and to establish the process by which the Commissioner may investigate complaints of violations thereof.
“Council Member”	Means the Mayor or a Councillor
“Formal Complaint:	Has the same meaning as in the Code of Conduct.

3. Creation of Office

The position of Ethics Commissioner is hereby established.

4. Appointment of an Ethics Commissioner

- 4.1 Council may by resolution appoint an individual to the position of Ethics Commissioner and approve the terms and conditions of the appointment.
- 4.2 The Ethics Commissioner may be appointed for an initial term of up to two-years.
- 4.3 An Ethics Commissioner may be appointed for more than one two-year terms.
- 4.4 If the Ethics Commissioner is involved in an ongoing investigation pursuant to the Council Code of Conduct when their appointment ends, or is revoked, the Ethics Commissioner may complete the investigation unless Council passes a resolution otherwise.
- 4.5 The appointment of an Ethics Commissioner may only be suspended or terminated by a 2/3 vote of all Council Members.

5. Ad Hoc Commissioner

5.1 The CAO may hire an ad hoc Commissioner to carry out one or more of the duties as set out in this Bylaw or in the Code of Conduct Bylaw in the following circumstances:

- (a) if the City has not yet entered into a contract for the appointment of an Ethics Commissioner;
- (b) in the interim period between the expiry of the appointment of one Ethics Commissioner and the appointment of a new Ethics Commissioner; or
- (c) if the appointed Ethics Commissioner is unable or unwilling to act.

6. Role

6.1 The Commissioner is authorized to:

- (a) provide advice and recommendations to a Council Member on questions of compliance with the Code of Conduct Bylaw;
- (b) deliver training as part of orientation, and twice yearly, on any aspects of ethical conduct that the Ethics Commissioner determines may be valuable for Council Members;
- (c) develop procedures, policies and protocols designed to ensure that Formal Complaints are fully and fairly investigated;
- (d) assist with informal resolution of confidential requests and complaints;
- (e) receive and assess all complaints to determine if the complaint must be rejected, closed, resolved or investigated;
- (f) report to Council as to whether a Council Member has breached the Code of Conduct Bylaw;
- (g) make recommendations on an appropriate remedy if a Council Member has breached the Code of Conduct Bylaw; and
- (h) publish an annual report that includes a summary of the work of the Ethics Commissioner and any advice or recommendations that the Ethics Commissioner has to improve the text or operation of the Code of Conduct Bylaw.

6.2 The Ethics Commissioner must perform the duties and responsibilities of their office in an independent manner.

7. Enactment

This bylaw comes into force and effect on 2022-OCT-15.

PASSED FIRST READING: 2022-MAY-16  
PASSED SECOND READING: 2022-MAY-16  
PASSED THIRD READING: 2022-MAY-16  
ADOPTED: \_\_\_\_\_

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MAYOR

---

CORPORATE OFFICER

CITY OF NANAIMO

BYLAW NO. 7350

A BYLAW TO ESTABLISH THE OATH OR SOLEMN AFFIRMATION OF OFFICE FOR MAYOR  
AND THE OFFICE OF COUNCILLOR

---

WHEREAS under section 120(2) of the *Community Charter*, a council may, by bylaw, establish the oath or solemn affirmation of office for mayor and the office of councillor;

AND WHEREAS the Council for the City of Nanaimo wishes to establish an oath or solemn affirmation of office for the City of Nanaimo elected or appointed officials;

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

1. Title

- 1.1 This Bylaw may be cited for all purposes as the "Elected Officials Oath of Office Bylaw 2022 No. 7350."

2. Administration

- 2.1 Pursuant to section 120 of the *Community Charter*, the oath or solemn affirmation of office for persons elected or appointed to the office of Mayor or Councillor, is as shown on Schedule "A" attached to and forming part of this Bylaw.

- 2.2 This Bylaw takes effect October 15, 2022.

PASSED FIRST READING: 2022-MAY-16

PASSED SECOND READING: 2022-MAY-16

PASSED THIRD READING: 2022-MAY-16

ADOPTED: \_\_\_\_\_

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MAYOR

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CORPORATE OFFICER



SCHEDULE "A"

I, \_\_\_\_\_[*name*], do solemnly swear/affirm [*circle one*] that:

1. I am qualified to hold the office of [Mayor/Councillor] for the City of Nanaimo to which I have been elected;
2. I have not, by myself or any other person, knowingly contravened the *Local Government Act* respecting vote buying or intimidation in relation to my election to the office;
3. I will faithfully perform the duties of the office of [Mayor/Councillor] diligently and with integrity, and will not allow any private interest to influence my conduct in public matters;
4. As required by the *Community Charter*, I will disclose any direct or indirect pecuniary interest I have in a matter and will not participate in the discussion of the matter and will not vote in respect of the matter;
5. I will honour and abide by the Code of Conduct Bylaw 2022 No. 7348, as amended or replaced from time to time, and other statutes, bylaws and policies that govern the City, and conduct myself in a manner that reflects accountable and responsible leadership.

Sworn/Affirmed [*circle one*] by me, at Nanaimo, B.C., this \_\_\_\_\_day of \_\_\_\_\_, 20\_\_\_\_.

Witnessed by, \_\_\_\_\_[*witness name*], at Nanaimo, B.C.

This \_\_\_\_\_day of \_\_\_\_\_, 20\_\_\_\_.