



AGENDA REGULAR COUNCIL MEETING

Monday, November 4, 2024

4:30 p.m. To Proceed In Camera, Reconvene Regular Council Meeting 7:00 p.m.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE

80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS AT 9:00 P.M.

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:

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

(c) labour relations or other employee relations;

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality; and,

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

3. INTRODUCTION OF LATE ITEMS:

4. APPROVAL OF THE AGENDA:

5. ADOPTION OF THE MINUTES:

a. Minutes

8 - 15

Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Monday,

6. MAYOR'S REPORT:

7. RISE AND REPORT:

a. Appointment to the Nanaimo Port Authority Board of Directors

During the 2024-OCT-21 In Camera Council Meeting, Council appointed Donna Hais to the Nanaimo Port Authority Board of Directors, effective 2024-OCT-21, for a three-year term ending 2027-OCT-21.

b. 2025 Vancouver Island Regional Library Board Appointments

During the 2024-OCT-21 In Camera Council Meeting, Council appointed Councillor Hemmens as trustee to the Vancouver Island Regional Library Board, and Councillor Eastmure as an alternate, for the period January 1 to December 31, 2025.

8. PRESENTATIONS:

a. Meryl Ditchburn Heinz, President, Public Works Association of British Columbia (PWABC), to Present PWABC Women's Public Works Ambassador Award

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

9. COMMITTEE MINUTES:

a. Minutes 16 - 24

Minutes of the Public Safety Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2024-JUN-12, at 3:00 p.m.

b. Minutes 25 - 32

Minutes of the Special Public Safety Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2024-SEP-04, at 3:00 p.m.

c. Minutes 33 - 37

Minutes of the Design Advisory Panel Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2024-SEP-12, at 5:03 p.m.

10. CONSENT ITEMS:

a. Governance and Priorities Committee Meeting 2024-OCT-28 38

[Note: A link to the 2024-OCT-28 Governance and Priorities Committee Meeting Agenda is provided for information.]

1. Upcoming Topics and Initiatives

1. Incentives that Support City Plan (Part One)

That Council rescind the following motion, passed during the 2023-NOV-27 Governance and Priorities Committee Meeting, and adopted by Council on 2023-DEC-04:

"That Council direct Staff to prepare a report, for a future Governance and Priorities Committee Meeting, regarding ways to implement the following New City Plan incentives:

- Incentivize Affordable Housing
- Support Green Infrastructure
- Encourage Infill Development
- Support Small Businesses
- Prioritize Active Transportation"

2. Incentives that Support City Plan (Part Two)

That Council direct Staff to prepare a report, for a future Governance and Priorities Committee Meeting, regarding incentives that support City Plan.

3. Social Issues Initiatives

That Council direct Staff to provide an update, for a future Governance and Priorities Committee Meeting, regarding heating, cooling and feeding centres and shelter spaces, and that Island Health be invited to participate in the discussion.

4. Parking Management Strategy

That Council direct Staff to incorporate the topic of Parking Management Strategy into the 2024-DEC-09 Governance and Priorities Committee Meeting.

2. Nanaimo Doughnut Economic Framework Awareness Program

That Council direct Staff to present a proposed workplan and strategies related to the "Nanaimo Doughnut Economic Framework Awareness Program", including budget implications, for Council's consideration during the 2026-2030 budget deliberations.

11. DELEGATIONS:

a.	<u>Corry Gervais, CEO, Greater Nanaimo Chamber of Commerce re: Updates on the Greater Nanaimo Chamber of Commerce</u>	39
b.	<u>Patrick Ukoustoff re: Public Perception of the Third Alternative Approval Process for the Public Works Yard Updates</u>	40
c.	<u>Gil Yaron, Managing Director, Circular Innovation, Light House re: Vancouver Island Building Material Exchange Program</u>	41
d.	<u>Dan Hula re: Declaring a State of Climate Emergency</u>	42

12. REPORTS:

a.	<u>Cemetery Amendment Bylaw No. 7084.02</u>	43 - 67
	To be introduced by Bill Sims, General Manager, Engineering and Public Works.	
	<i>Purpose: To introduce amendments to the Cemetery Regulation Bylaw to authorize the 22 Commonwealth War Graves Commission memorials to be re-erected and address other housekeeping amendments.</i>	
	Recommendation: That:	
	1. "Cemetery Bylaw Amendment Bylaw 2024 No. 7084.02" (a bylaw to authorize Commonwealth War Graves Commission memorial and other housekeeping amendments) pass first reading.	
	2. "Cemetery Bylaw Amendment Bylaw 2024 No. 7084.02" pass second reading.	
	3. "Cemetery Bylaw Amendment Bylaw 2024 No. 7084.02" pass third reading.	
b.	<u>Cemetery Fees and Charges Amendment Bylaw</u>	68 - 76
	To be introduced by Bill Sims, General Manager, Engineering and Public Works.	
	<i>Purpose: To introduce fee increases associated with providing the services associated with cemetery operations.</i>	
	Recommendation: That:	
	1. "Fees and Charges Amendment Bylaw 2024, No. 7336.11" (a bylaw to amend the cemetery fees and charges) pass first reading.	
	2. "Fees and Charges Amendment Bylaw 2024, No. 7336.11" pass second reading.	
	3. "Fees and Charges Amendment Bylaw 2024, No. 7336.11" pass third reading.	
c.	<u>Rezoning Application No. RA504 - 335 Third Street</u>	77 - 88

To be introduced by Jeremy Holm, Director, Planning and Development.

Purpose: To present Council with an application to rezone 335 Third Street from Single Dwelling Residential (R1) to Residential Corridor (COR1) to facilitate a multi-family development.

Recommendation: That:

1. "Zoning Amendment Bylaw 2024 No. 4500.236" (to rezone 335 Third Street from Single Dwelling Residential [R1] to Residential Corridor [COR1]) pass first reading;
2. "Zoning Amendment Bylaw 2024 No. 4500.236" pass second reading; and,
3. "Zoning Amendment Bylaw 2024 No. 4500.236" pass third reading; and,
4. Council direct Staff to secure the conditions related to "Zoning Amendment Bylaw 2024 No. 4500.236" as outlined in the "Conditions of Rezoning" section of the Staff Report titled "Rezoning Application No. RA504 - 335 Third Street", dated 2024-NOV-04, prior to final adoption.

d. Development Permit Application No. DP1351 - 27 Hispanola Place

89 - 109

To be introduced by Jeremy Holm, Director, Planning and Development.

Purpose: To present for Council's consideration a development permit application to allow site improvements for an existing dwelling within the marine foreshore leave strip at 27 Hispanola Place.

Recommendation: That Council issue Development Permit No. DP1351 for site improvements within the marine foreshore leave strip at 27 Hispanola Place with a variance as outlined in the "Proposed Variance" section of the Staff Report titled "Development Permit Application No. DP1351 - 27 Hispanola Place", dated 2024-NOV-04.

e. Potential Road Closure and Land Exchange - 2209 Bowen Road

110 - 117

To be introduced by Laura Mercer, General Manager, Corporate Services.

Purpose: To obtain Council approval to close an unnamed lane adjacent to 2209 Bowen Road and obtain approval to enter into a Land Exchange Agreement with the owner of 2209 Bowen Road to dedicate a part of their property for road in exchange for the road closure area.

Recommendation: That:

1. Council authorize the road closure and disposition of an unnamed lane adjacent to 2209 Bowen Road, and direct Staff to enter into a Road Closure and Land Exchange Agreement;
2. "Highway Closure and Dedication Removal Bylaw 2024 No. 7376" (to

provide for highway closure and dedication removal of an unnamed lane adjacent to 2209 Bowen Road) pass first reading;

3. "Highway Closure and Dedication Removal Bylaw 2024 No. 7376" pass second reading; and
4. Council direct Staff to proceed with public notice for the closure and disposition of an unnamed lane adjacent to 2209 Bowen Road.

f. 2025 Acting Mayor Schedule

118 - 120

To be introduced by Sheila Gurrie, Director, Legislative Services.

Purpose: To present for Council's consideration the draft 2025 Acting Mayor Schedule.

Recommendation: That Council approve the 2025 Acting Mayor Schedule as presented in Attachment 'A' of the report titled "2025 Acting Mayor Schedule", dated 2024-NOV-04.

g. 2025 Council and Committees Key Date Calendars

121 - 134

To be introduced by Sheila Gurrie, Director, Legislative Services.

Purpose: To present the 2025 Council and Committees Key Date Calendars for Council's approval.

Recommendation: That Council approve the 2025 Council and Committees Key Date Calendars as presented in Attachments 'A' through 'G' of the Staff Report titled "2025 Council and Committees Key Date Calendars", dated 2024-NOV-04.

13. BYLAWS:

a. "Property Tax Prepayment Plan Bylaw 2024, No. 7390"

135 - 139

That "Property Tax Prepayment Plan Bylaw 2024, No. 7390" (a bylaw to authorize a property tax prepayment plan) be adopted.

b. "User Rates Auto Debit Plan Bylaw 2024, No. 7391"

140 - 142

That "User Rates Auto Debit Plan Bylaw 2024, No. 7391" (a bylaw to authorize a user rates auto debit plan) be adopted.

14. CORRESPONDENCE:

15. NOTICE OF MOTION:

16. OTHER BUSINESS:

a. Councillor Armstrong Motion re: City of Nanaimo Liquor Control Strategy

At the 2024-OCT-21 Regular Council Meeting, Councillor Armstrong advised that she would be bringing forward the following motion for consideration:

"That Council refer the City of Nanaimo Liquor Control Strategy to the December 18, 2024 Public Safety Committee Meeting for input."

17. **QUESTION PERIOD:**

18. **ADJOURNMENT:**



MINUTES
REGULAR COUNCIL MEETING

Monday, October 21, 2024, 4:30 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Members: Mayor L. Krog, Chair
Councillor T. Brown*
Councillor H. Eastmure
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor P. Manly
Councillor J. Perrino
Councillor I. Thorpe (arrived 7:00 p.m.)

Absent: Councillor S. Armstrong

Staff: D. Lindsay, Chief Administrative Officer
R. Harding, General Manager, Community Services/Deputy Chief Administrative Officer
L. Mercer, General Manager, Corporate Services
B. Sims, General Manager, Engineering and Public Works
J. Holm, Director, Planning and Development
D. Osborne, Director, Recreation and Culture
N. Vracar, Deputy Corporate Officer
D. Burgos, Manager, Corporate Communications and Community Relation
N. Sponaule, Communications Advisor
K. Lundgren, Recording Secretary

1. CALL THE MEETING TO ORDER:

The Regular Council Meeting was called to order at 4:30 p.m.

* Denotes electronic meeting participation as authorized by "Council Procedure Bylaw 2018 No. 7272"

2. PROCEDURAL MOTION:

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

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

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and,
- (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; and,
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The motion carried unanimously.

Council moved In Camera at 4:30 p.m.

Council moved out of In Camera at 4:48 p.m.

Council recessed the Open Meeting at 4:48 p.m.

Council reconvened the Open Meeting at 7:30 p.m.

3. APPROVAL OF THE AGENDA:

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

4. ADOPTION OF THE MINUTES:

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

- Minutes of the Special Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC on Monday, 2024-SEP-26 at 7:00 p.m.
- Minutes of the Regular Council Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC on Monday, 2024-OCT-07 at 5:01 p.m.

The motion carried unanimously.

5. MAYOR'S REPORT:

Mayor Krog advised that the Nanaimo Fire Rescue is participating in Fire Prevention Week. The 2024 theme is "Smoke alarms: Make them work for you!".

Nanaimo Fire Rescue is hosting an open house in support of Fire Prevention Week on October 23, 2024 at Fire Rescue Station 1. The Mayor encouraged residents to install and test smoke alarms, practice a home fire escape plan, and replace non-functioning smoke alarms.

6. COMMITTEE MINUTES:

The following Committee Minutes were received:

- Minutes of the Design Advisory Panel Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on 2024-JUN-13 at 5:00 p.m.
- Minutes of the Design Advisory Panel Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on 2024-JUN-27 at 5:00 p.m.
- 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, 2024-JUL-10 at 4:01 p.m.
- Minutes of the Finance and Audit Committee Meeting held in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC, on Wednesday, 2024-JUL-17 at 9:00 a.m.

7. CONSENT ITEMS:

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

(a) Public Safety Committee Meeting 2024-OCT-09

1. Updated Draft Public Safety Committee Work Plan

That Council approve the draft Public Safety Committee Term Work Plan.

(b) Finance and Audit Committee Meeting 2024-OCT-16

1. Nanaimo Restorative Justice Program Overview

That Council:

1. Add increasing the annual operating grant from \$50,000 to \$150,000 in 2025, for the Nanaimo Restorative Justice Program, as a decision point to the 2025 budget deliberations for Council's consideration; and,
2. Refer the report to a future Public Safety Committee Meeting.

2. Neighbourhood Association Grant Program

That Council:

1. Add a decision point for Council consideration to the 2025 budget deliberations to increase the annual Neighbourhood Association Grant Program budget from \$10,000 to \$20,000 starting in 2025;
2. Allow annual grant totals to exceed \$1,000 per neighbourhood association; and,
3. Delegate annual grant approvals to the Director of Planning and Development for recognized neighbourhood associations when grant criteria is respected.

3. Tourism Nanaimo Funding Request

That Council provide Tourism Nanaimo with an additional \$29,000 in grant funding for 2024 only to fund a new Sport Tourism Coordinator position.

4. Consideration of Other Grants - September 2024 Intake

That Council:

1. Award an Other Grant under the Capital Projects category for \$4,000 to the Nanaimo Lodge No. 1052 – Loyal Order of Moose for the replacement of the HVAC system at 1359 Cranberry Avenue.
2. Deny an Other Grant to Vancouver Island University to support the upcoming Vancouver Island Leadership Conference, but direct Staff to provide information to Vancouver Island University with regard to other potential event funding sources.

5. Permissive Tax Exemption Cash Grant Request

That Council award the Connective Support Society Nanaimo with a permissive tax exemption cash grant in the amount of \$1,400 for the 2024 property taxation year.

6. 2025 Project Contingency

That Council direct Staff to add a \$890,000 general fund project contingency budget for 2025 to the 2025 – 2029 Provisional Financial Plan funded from 2024 surplus.

The motion carried unanimously.

8. **DELEGATIONS:**

(a) Andrea Paris re: Zonta Club of Nanaimo's Annual Event

Andrea Paris, Advocacy Chair, Zonta Club of Nanaimo, spoke regarding bringing awareness to human trafficking and sexual exploitation. She invited Council to the Zonta Club of Nanaimo's next event on 2025-FEB-20 at Cedar Secondary School and requested Council's support and participation at an upcoming collaboration event on 2025-FEB-22 at the Nanaimo Hungarian Cultural Society.

Furthermore, the delegation requested Council consider establishing a task force on the subject matter, declare need for action regarding underground organized crime, and join the Human Trafficking Prevention Network of BC.

(b) Alan Clarke re: "Public Works Yard Updates Borrowing Bylaw 2024 No.7386"

Alan Clarke spoke regarding "Public Works Yard Updates Borrowing Bylaw 2024 No. 7386" and expressed concerns regarding the project, the determination of the cost estimates, the inclusion of public art in the budget, and suggested the use of portable units for required office space as well as that an independent consultant count the Alternative Approval Process elector response forms.

9. **REPORTS:**

(a) Development Permit Application No. DP1358 - 45 Haliburton Street

Introduced by Jeremy Holm, Director, Planning and Development.

It was moved and seconded that Council issue Development Permit No.DP1358 for an overheight multi-family residential building at 45 Haliburton Street with a variance as outlined in the "Proposed Variance" section of the Staff Report dated 2024-OCT-21. The motion carried unanimously.

(b) Small-Scale Multi-Unit Housing Zoning Amendment - 1432 Kaz Court

Introduced by Jeremy Holm, Director, Planning and Development.

It was moved and seconded that “Zoning Amendment Bylaw 2024 No. 4500.234” (amendment to implement the Provincial Small-Scale Multi-Unit Housing legislation) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2024 No. 4500.234” pass second reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2024 No. 4500.234” pass third reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2024 No. 4500.234” (amendment to implement the Provincial Small-Scale Multi-Unit Housing legislation) be adopted. The motion carried unanimously.

(c) Property Tax Prepayment Plan Bylaw

Introduced by Laura Mercer, General Manager, Corporate Services.

It was moved and seconded that “Property Tax Prepayment Plan Bylaw 2024, No. 7390” (a bylaw to authorize a property tax prepayment plan) pass first reading. The motion carried unanimously.

It was moved and seconded that “Property Tax Prepayment Plan Bylaw 2024, No. 7390” pass second reading. The motion carried unanimously.

It was moved and seconded that “Property Tax Prepayment Plan Bylaw 2024, No. 7390” pass third reading. The motion carried unanimously.

(d) User Rates Auto Debit Plan

Introduced by Laura Mercer, General Manager, Corporate Services.

It was moved and seconded that “User Rates Auto Debit Plan Bylaw 2024, No. 7391” (a bylaw to authorize a user rates auto debit plan) pass first reading. The motion carried unanimously.

It was moved and seconded that “User Rates Auto Debit Plan Bylaw 2024, No. 7391” pass second reading. The motion carried unanimously.

It was moved and seconded that “User Rates Auto Debit Plan Bylaw 2024, No. 7391” pass third reading. The motion carried unanimously.

10. BYLAWS:

Councillor Hemmens vacated the Shaw Auditorium at 7:59 p.m. declaring a conflict of interest as she sits on the Board of one of the organizations applying for a permissive tax exemption.

(a) "Permissive Tax Exemption Bylaw 2024 No. 7388"

It was moved and seconded that "Permissive Tax Exemption Bylaw 2024 No. 7388" (a bylaw to exempt certain land and buildings from taxation) be adopted. The motion carried unanimously.

Councillor Hemmens returned to the Shaw Auditorium at 8:00 p.m.

11. CORRESPONDENCE:

(a) Mid Vancouver Island Elder College Society Request for Letter of Support re: Community Gaming Grant

It was moved and seconded that the Mayor, on behalf of Council, provide a letter of support to Mid Vancouver Island Elder College Society, for their application for the Community Gaming Grant. The motion carried unanimously.

12. NOTICE OF MOTION:

(a) Councillor Armstrong Notice of Motion re: City of Nanaimo Liquor Control Strategy

Councillor Armstrong advised that she would be bringing forward the following Notice of Motion for consideration at a future Council Meeting:

"That Council refer the City of Nanaimo Liquor Control Strategy to the December 18, 2024 Public Safety Committee Meeting for input."

13. OTHER BUSINESS:

(a) Councillor Eastmure Motion re: Temporary Free Parking within City-Owned Parkades

It was moved and seconded that Staff be directed to prepare a report on options to provide two-hour free parking within City owned parkades during the Commercial Street redesign project. The motion carried unanimously.

14. QUESTION PERIOD:

Council received two questions from the public regarding agenda items.

15. ADJOURNMENT:

It was moved and seconded at 8:14 p.m. that the meeting adjourn. The motion carried unanimously.

MAYOR

CERTIFIED CORRECT:

DEPUTY CORPORATE OFFICER



MINUTES

PUBLIC SAFETY COMMITTEE MEETING

Wednesday, June 12, 2024, 3:00 P.M.
Boardroom, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

Members:	Councillor S. Armstrong, Chair Councillor H. Eastmure J. Bowen, At Large Member S. Brodie, At Large Member K. Coulthard, At Large Member D. Cowling, At Large Member D. Herman, At Large Member C. Middleton, At Large Member J. Millbank, At Large Member* (joined electronically 3:02 p.m.) R. Taylor, At Large Member
Absent:	K. Lambert, At Large Member
Staff:	D. Lindsay, Chief Administrative Officer B. Sims, General Manager, Engineering and Public Works* (joined electronically 3:00 p.m.; disconnected 4:30 p.m.) E. Rochette, RCMP T. Doyle, Fire Chief G. Whiting, Deputy Fire Chief D. LaBerge, Director, Public Safety P. Rosen, Director, Engineering E. Lloyd, Manager, Emergency Planning J. Rose, Manager, Transportation B. Thomas, Assistant Manager, Transportation K. Robertson, Deputy Corporate Officer N. Sponaule, Communications Advisor K. Lundgren, Recording Secretary

* Denotes electronic meeting participation as authorized by "Council Procedure Bylaw 2018 No. 7272"

1. CALL THE MEETING TO ORDER:

The Public Safety Committee Meeting was called to order at 3:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 6(a) 30 Km/h Speed Limits Near Elementary Schools:

- replace PowerPoint presentation slide titled “Recommendations” with an updated version
- replace introduction by Bill Sims, General Manager, Engineering and Public Works with Poul Rosen, Director, Engineering

(b) Agenda Item 7(a) Committee Workplan Roundtable – add Public Safety Initiatives submitted by Doug Cowling, Kevin Lambert, and Collen Middleton.

3. ADOPTION OF AGENDA:

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

4. ADOPTION OF MINUTES:

Jennifer Millbank joined the meeting electronically at 3:02 p.m.

Collen Middleton wanted it noted for the record that at the 2024-APR-10 Public Safety Committee Meeting he was unaware that he had to verbally declare a conflict of interest to the Chair and be absent during the pedestrian safety in the south end discussion as the delegation was his wife Echo McNaughton. A motion was also made as a result of that discussion and he wanted it noted that it was not his intention to vote on the matter and believed that by not participating in the discussion and not raising his hand during the vote that he was abstaining from the vote.

It was moved and seconded that the Minutes of the Public Safety Committee Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2024-APR-10, at 4:00 p.m. be adopted. The motion carried unanimously.

5. PRESENTATIONS:

a. FireSmart

Geoff Whiting, Deputy Fire Chief – Operations, provided a PowerPoint presentation. Highlights included:

- Community Wildfire Protection Plan (CWPP)

- Nanaimo has generally a low wildfire risk due to its climate, topography and vegetation, developed land and fast response to fires in the early stages
- Douglas Fir trees are much more resistant to fire than the Spruce and Pine found in other parts of the province
- Provided an overview of the Union of BC Municipalities (UBCM) Community Resiliency Investment Initiatives
- FireSmart principles include the “Home Ignition Zone” to protect homes from wildfires
- Fire weather reports are received from Mosaic weather station data
- The City has a mutual aid agreement with surrounding fire departments for support
- One of the biggest fires last year was maliciously lit on the Northfield block

Committee and Staff discussion took place. Highlights included:

- Linley Valley is a challenging area to access, and assistance from BC Wildfire would likely be requested
- Accidental fires in the downtown core and concern for businesses and residents
- Community Safety Officers are very active in areas such as Bowen Park in removing flammable material and speaking to people regarding fire risk
- The banning of butane lighters is a complex problem
- Ensuring the perimeter of businesses are clear of flammable debris
- Content messaging to go out through the City’s communication channels
- The 2022 Fire Master Plan added an increase to the number of firefighters
- Apartment buildings are much more resource intensive than other types of buildings
- From an emergency management perspective, the Port Alberni fire last year would be considered more of a corridor/infrastructure incident than a wildfire
- Vacant buildings can be inherently more dangerous than occupied buildings due to an earlier detection when there are people in the building
- The Fire Department and the City work closely to monitor vacant buildings and have the authority to have a vacant building secured

6. REPORTS:

a. 30 Km/h Speed Limits Near Elementary Schools

Introduced by Poul Rosen, Director, Engineering.

Presentation:

1. Barbara Thomas, Assistant Manager, Transportation, provided a PowerPoint presentation. Highlights included:

- High volume of complaints related to speed and pedestrian safety
- Speed limits within the City include a blanket 50 km/h speed and can be modified through bylaws
- 30km/h speed limits are used regularly in high-risk pedestrian areas
- School Zones have a specific application defined in the *Motor Vehicle Act* and School Zones are enforced only during school hours, where as other speed zones are enforced all the time
- Staff receive a large number of traffic calming requests

Committee and Staff discussion took place. Highlights included:

- Limitations to the crash data received from ICBC
- Being proactive versus reactive
- The City's web-based transportation complaint intake process is available on the website for the public to submit concerns or near misses
- A Traffic Signal Management System will identify congestion and make changes to traffic signals

Barbara Thomas, Assistant Manager, Transportation, continued the presentation.

- Traffic calming projects are resource intensive
- Vision Zero is an approach to eliminating all serious injuries and traffic fatalities
- There is a lack of adherence to posted speed limits and traffic users tend to choose speeds based on the design of the road
- The Complete Street Standards offer each road user (car, pedestrian and cyclist) their own space
- The Staff recommendation is to consider adding a project in 2025 to undertake a city-wide Speed Zone Study

Committee and Staff discussion took place. Highlights included:

- The Speed Zone Study is estimated to take at least a year with a consultant and public engagement
- Concerns regarding the costs associated with hiring a consultant
- There are several staff vacancies in the Transportation Section and City resources are stretched thin
- The Speed Zone Study could be done internally; however, it would take much longer without the external support
- There are typically an increase in accidents when speed limits are lowered
- Some of the City's school zone signs are inconsistent with the *Motor Vehicle Act*, and therefore RCMP are unable to enforce them
- Slower speed limits signs can cause a false sense of security as well as problems related to gaps from inconsistent speeds
- Improving traffic safety through education and acknowledging that this is more difficult to achieve as it requires a cultural shift
- Driving is becoming much more aggressive in Nanaimo with the City's rapid growth
- ICBC and RCMP "think of me" School Zone Safety Campaign
- The City has the authority to include time parameters to speed limit regulations; however, it becomes more complicated to enforce
- The scope of the Speed Zone Study
- Option 2 in the Staff report is more immediate and low cost

It was moved and seconded that the Public Safety Committee recommend that Council direct Staff to continue work on elementary school speed limits, applying 30 km/h school zones where the *Motor Vehicle Act* requirements can be achieved, and applying 30 km/h regulatory speed limits where *Motor Vehicle Act* requirements cannot be achieved. The motion carried unanimously.

The Public Safety Committee recessed the meeting at 4:29 p.m.

The Public Safety Committee reconvened the meeting at 4:40 p.m.

7. OTHER BUSINESS:

a. Committee Workplan Roundtable

Karen Robertson, Deputy Corporate Officer, informed the Committee of the process for the roundtable discussion.

Roundtable discussion took place and each member presented their top priority/initiatives. Highlights included:

- Long term monitoring and increased transparency for projects' impacts on neighborhoods, specifically the impact of low-barrier housing
- Increased use of CCTV
- The safety of officers on the street working with unhoused individuals
- Addiction issues and the Committee's role in advocacy
- Safety liaison in the school system
- The disproportionate number of unsheltered and unhoused individuals in Nanaimo compared to other municipalities
- The use of a collective voice to pressure provincial and federal governments to treat the opioid overdose public health and safety emergency as an emergency and address the root causes
- Reclaiming public spaces such as libraries and parks
- Graffiti removal and clean-up initiatives (ie: Bastion Street Bridge area)
- Tools and grant programs the City can offer to help businesses in the area with repairing vandalism and putting the City's best foot forward in terms of positive pedestrian tourism

Roundtable discussion took place and each member presented their second priority/initiatives. Highlights included:

- Increasing public access to green space considering many green spaces are fenced off and inaccessible
- Improving the perception of danger in Nanaimo. Providing indoor spaces for unhoused individuals to be safe and for residents to feel safe
- Improving safety of transit stops and the need for proper bus stop pull outs
- Creative ways and best practices to improve Nanaimo's image
- Advocacy for implementing a restorative justice program in Nanaimo
- The City should be demanding the Province to reimburse the municipal tax dollars spent supplementing provincial responsibilities
- Concerns regarding small businesses closing and moving from the downtown and south end due to crime and social disorder
- The Downtown Safety Action Plan grant program for vandalism relief recently includes provisions for security measures. The province has

a similar annual program that would apply to businesses throughout the community

- The City has been investing in cybersecurity training and authentication
- Acknowledging that the unhoused population is part of the community and the public
- The Point-In-Time count is well known to be an undercount, and there seems to be insufficient effort in understanding how the unhoused population has changed over time

Karen Robertson, Deputy Corporate Officer, noted that based on the discussion, the following themes, priorities and initiatives were identified:

Themes	Priorities and Initiatives
Transportation Safety	<ul style="list-style-type: none"> • Transit stop locations and improvements
Crime Prevention (City)	<ul style="list-style-type: none"> • Community Safety Officer's in school system • Increased use of CCTV • Stopping current business from moving or closing due to crime and social disorder, especially from the South end, Downtown area. • Graffiti removal and community clean-up initiatives (community-wide) (including private land – ie: Bastion Street Bridge area)
Homelessness, Addiction & Community Impacts	<ul style="list-style-type: none"> • Long Term Monitoring for the impacts on community impacts and safety, which would include when collecting a baseline or baseline monitoring. IE – interviewing local residents and businesses before and after supportive housing projects open in their areas. • Housing First initiatives and other best practices to address and reduce homelessness • Indoor spaces for unhoused (minimize impacts in public spaces)
Health & Wellness	<ul style="list-style-type: none"> • Create more parks, green spaces, larger riparian zones around lakes and streams, and better access to beaches, green spaces and swimming locations (ie – remove fencing) • Entice people to use public spaces - Libraries and parks etc. (ie: block

	parties, clean ups, funding for these types of community initiatives) <ul style="list-style-type: none"> • Safety improvements for first responders
Advocacy	<ul style="list-style-type: none"> • Put pressure on the Provincial and Federal Governments to treat the Opioid Overdose Public Health and Safety Emergency as the emergency that it is and address the root causes (ineffective public health, education, and judicial system to prevent and deter the manufacture and sale of illicit substances, and the lack of comprehensive addiction treatment, recovery-oriented care, and social reintegration) • Demand that the province reimburse the city for municipal tax dollars spent supplementing provincial responsibilities, and the predictable negative consequences of provincial public health and safety policies (e.g. fencing around green spaces, fire department calls for emergency response medical aid due to drug overdose, vandalism abatement, community safety officers, clean teams on provincial land, encampment removal, etc.). • Advocate for a restorative justice program • Better reporting on how Council is advocating and what they are advocating for
Education	<ul style="list-style-type: none"> • Improve Nanaimo's image, incorporating best practices

The Committee reviewed the finalized themes, initiatives and priorities in chart form, and by consensus, supported them as the Committee's top priorities.

Karen Robertson, Deputy Corporate Officer advised that the next step would be for Staff to review the priorities as presented to ensure that they fall within the City's jurisdiction and are achievable within the Committee's term, and then return to the next Committee meeting with them incorporated into a more finalized workplan for the Committee's consideration.

It was moved and seconded that the Public Safety Committee refer the themes priorities and initiatives to Staff for review and to incorporate them into a formalized draft workplan for the Committee's consideration. The motion carried unanimously.

b. Potential Special Meeting Dates

Karen Robertson, Deputy Corporate Officer, informed the Committee that the following dates were available to hold a Special Public Safety Committee Meeting:

- July 31, 2024
- September 4, 2024

Committee discussion took place regarding quorum for the potential special meeting dates and the urgency of the Committee's work.

It was moved and seconded that a Special Public Safety Committee Meeting be held on September 4, 2024. The motion carried.

Opposed: *Collen Middleton, Jennifer Millbank and Ruth Taylor*

It was moved and seconded that a Special Public Safety Committee Meeting be held on July 31, 2024.

The motion was defeated.

Opposed: *Councillor Armstrong, James Bowen, Scott Brodie, Kim Coulthard, Doug Cowling and Destany Herman*

8. QUESTION PERIOD:

The Committee received two questions from the public regarding agenda items.

9. ADJOURNMENT:

It was moved and seconded at 5:50 p.m. that the meeting adjourn. The motion carried unanimously.

CERTIFIED CORRECT:

CHAIR

DEPUTY CORPORATE OFFICER



MINUTES

SPECIAL PUBLIC SAFETY COMMITTEE

Wednesday, September 4, 2024, 3:00 P.M.
Boardroom, Service and Resource Centre
411 Dunsmuir Street, Nanaimo, BC

Members:	Councillor S. Armstrong, Chair Councillor H. Eastmure J. Bowen, At Large Member S. Brodie, At Large Member K. Coulthard, At Large Member D. Cowling, At Large Member D. Herman, At Large Member K. Lambert, At Large Member C. Middleton, At Large Member (entered 3:02 p.m.) J. Millbank, At Large Member R. Taylor, At Large Member* (joined 3:03 p.m., disconnected 4:01 p.m., entered 4:46 p.m.)
Staff:	Inspector E. Rochette, Nanaimo RCMP T. Doyle, Fire Chief S. Gurrie, Director, Legislative Services D. LaBerge, Director, Public Safety C. Wood, Manager, Social Planning N. Vracar, Deputy Corporate Officer N. Sponaule, Communications Advisor A. Chanakos, Recording Secretary

1. CALL THE MEETING TO ORDER:

The Special Public Safety Committee Meeting was called to order at 3:00 p.m.

* Denotes electronic meeting participation as authorized by "Council Procedure Bylaw 2018 No. 7272"

2. ADOPTION OF AGENDA:

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

3. REPORTS:

a. Draft Public Safety Committee Term Work Plan

Introduced by Sheila Gurrie, Director, Legislative Services.

Collen Middleton entered the Boardroom at 3:02 p.m.

The Director, Legislative Services noted that at the 2024-JUN-12 Public Safety Committee Meeting, a roundtable discussion took place regarding the Committee's work plan to identify key priorities and initiatives. Six themes were identified, each with several potential priorities and initiatives which were referred to Staff for review.

Ruth Taylor joined the meeting electronically at 3:03 p.m.

Nikolina Vracar, Deputy Corporate Officer, provided an overview of the draft work plan.

Under the "Transportation Safety" theme, the Deputy Corporate Officer noted that not all aspects of transportation safety fall under the City's jurisdiction and some may require action by the Regional District of Nanaimo (RDN).

Committee discussion took place. Highlights included:

- The Committee can make a recommendation to Council, which can then be sent to the RDN for consideration if necessary
- Each bus stop location must be considered separately being mindful of the municipal jurisdiction
- The desire to prioritize items following a review of the work plan

The Deputy Corporate Officer continued to review the work plan advising the following in relation to the "Crime Prevention" theme:

- The School Districts, which fall under provincial jurisdiction, are responsible for determining safety measures, and initiatives such as Community Safety Officer patrols in schools are beyond the Committee's scope
- The Committee may identify preferred locations for closed circuit television (CCTV), keeping in mind privacy limitations and legislation

- The Committee may provide recommendations on crime prevention measures, and graffiti and vandalism initiatives

Committee discussion took place regarding the City increasing regulations related to vacant properties.

Dave LaBerge, Director, Public Safety, noted that Staff are preparing a report for Council regarding vacant property bylaw options, and following Council receiving the report, possible recommendations may be requested from the Committee.

The Committee expressed the desire to reflect in the draft work plan that the City empowers neighbourhood associations as partners to raise concerns about the impacts of homelessness on residents and local businesses.

Committee discussion continued. Highlights included:

- The City's encouragement of residents to report all incidents related to crime and safety so the RCMP can maintain accurate records
- The RCMP's online reporting tool for non-emergency issues
- The desire to consider ways to encourage residents to report crimes to improve data collection (i.e. use of a mobile application)
- The desire to develop a communication plan on crime reporting

Committee discussion took place regarding potential gaps in crime and safety data and data collection relative to the impacts of BC Housing projects.

Tim Doyle, Fire Chief, provided information regarding data collection from 911 calls.

Committee discussion took place regarding graffiti removal and clean-up. Highlights included:

- The broad nature of the initiative provides opportunity for the Committee to identify clean-up projects in the future
- The Vandalism Relief Fund being currently only available for businesses located in the downtown area
- Community service work included as part of youth and adult probation orders assists with graffiti clean-up throughout the city; however, enforcement is affected due to the lack of resources
- Some cities have allocated certain areas for graffiti art to help promote tourism, as well as deter graffiti in other areas

The Deputy Corporate Officer continued to review the work plan, advising the following in relation to the “Homelessness, Addiction and Community Impacts” theme:

- In relation to the establishment of baselines and implementation of long-term monitoring for the impacts on community safety, the Committee may provide recommendations on residential and business safety based on provided data
- Implementation of the Housing First initiatives and related best practices to address or reduce homelessness is not within the Committee’s scope; however, the City supports several initiatives that provide similar services
- The Committee will be consulted throughout the process for establishing two daytime drop-in hubs to provide input on safety and security elements for the clients and the immediate surrounding neighbourhood

Committee discussion took place. Highlights included:

- The challenges of studying impacts of homelessness and addiction and the need for qualified individuals to interpret the data
- The City’s role in providing housing, including considerations such as maintenance and staffing costs, implications for property taxation and competition with private developers
- The City’s funding of the Systems Planning Organization, which has helped implement some recent housing projects
- The City’s provision of land to other levels of government who provide housing
- The desire to update the draft work plan to reflect that the Committee would advocate for rather than implement the Housing First initiatives
- The limits to what the City can do in regard to available funding and property for providing housing

The Deputy Corporate Officer continued to review the work plan, advising the following in relation to the “Health and Wellness” theme:

- Creation of green space is not consistent with the Committee’s mandate, and the Advisory Committee on Accessibility and Inclusiveness is responsible for identifying barriers to accessibility, providing feedback on the City’s accessibility actions, and raising awareness on related issues

- The Committee may provide recommendations regarding utilization of public spaces related to public safety concerns
- Implementation of safety improvements for first responders is an occupational health and safety matter beyond the Committee's mandate

Committee discussion took place in relation to reflecting in the work plan the desire to avoid closure or relocation of open public spaces in addition to businesses under the "Crime Prevention" theme.

Committee discussion took place in relation to the "Health and Safety" theme. Highlights included:

- The need for improved communication regarding rationale for closing a public space
- Residents not being comfortable using the City's public assets due to safety concerns
- The desire to identify what changes need to occur, or what enforcement is needed, to make public spaces safer

Ruth Taylor disconnected from the meeting at 4:01 p.m.

Committee discussion continued. Highlights included:

- The bike valet program and free transit service during events helps encourage people to use alternate modes of transportation
- The desire to reflect in the work plan that the Committee will work towards ensuring safe access to public spaces rather than entice residents to use public spaces

Committee discussion took place regarding provincial safety measures in place to support first responders.

The Deputy Corporate Officer continued to review the work plan, advising the following in relation to the "Advocacy" theme:

- Clarification needed from the Committee in regard to its desire to advocate for addressing root causes of the opioid overdose public health and safety emergency (hereon "the emergency") as social determinants are within provincial jurisdiction
- The Committee through Council may advocate to the Province to raise the awareness of increased costs of the emergency and safety implications

- Clarification needed from the Committee regarding its desire to advocate for a restorative justice program, noting there is a possibility for the Committee to advocate to senior levels of government regarding program funding

In response to a question from the Committee, Christy Wood, Manager, Social Planning, advised that social determinants include housing, education and health, and they provide the foundation to promote a healthy well-being. The Manager, Social Planning suggested the Committee may advocate for how the Social Planning Grant funds are used.

Committee discussion took place. Highlights included:

- Suggestion that Council ensure public safety items are referred to the Committee as they come up, so the Committee can provide advice and input on initiatives
- Concern regarding the Committee's input being added to a project that has been ongoing for some time potentially resulting in delays
- Ensuring the Committee is made aware of City projects in the works

Committee discussion took place regarding some municipalities sending bills related to the emergency to the Province for reimbursement; however, the upcoming Union of BC Municipalities Convention is the appropriate medium for Council to address the matter.

Tim Doyle, Fire Chief, provided the following information:

- Costs considered for reimbursement include wages, fuel and first responder supplies
- Once patient contact is made by the Fire Department, it must be maintained until paramedics arrive
- The Fire Department is considered an all-hazards responder
- 65% of calls dispatched to the Fire Department are medical calls
- Emergency services are intended to work together

Committee discussion continued. Highlights included:

- Vancouver's restorative justice program being more meaningful and onerous
- The Committee's role in relation to restorative justice focusing on advocacy to senior levels of government for more funding
- The desire to hear from the Municipality of North Cowichan regarding their restorative justice program

The Deputy Corporate Officer continued to review the work plan, advising in relation to the “Education” theme that the Committee may support sharing of information to improve the identified goal of improving perception of public safety.

Committee discussion took place. Highlights included:

- The need for education regarding safety precautions that residents can take
- Most homicide attacks being targeted, and not posing a threat to the general public

Ruth Taylor entered the Boardroom at 4:46 p.m.

Committee discussion continued. Highlights included:

- The desire to reflect in the work plan the goal to improve the understanding rather than perception of public safety in Nanaimo
- The need to consider both perceived and actual public safety rather than focusing solely on perceptions of safety
- Caution regarding focusing on specific cases rather than trends when assessing public safety risks and the desire for more outward facing communication
- The need for more support from senior levels of government to address public safety issues
- City Staff’s coordination with RCMP to share social media posts on public safety
- The need to advocate for mental health supports
- The possibility and challenges of potentially sharing success stories and the desire to focus on emphasizing care for community members

Arising from discussion, the Committee agreed for Staff to incorporate the Committee’s feedback into the updated work plan, and to prioritise identified initiatives for the Committee’s review at the 2024-OCT-09 meeting.

In response to a question from the Committee, Staff advised that the Committee will have opportunities to raise other matters under the “Other Business” portion of the meetings and during the annual work plan development process.

4. QUESTION PERIOD:

The Committee received no questions from the public regarding agenda items.

5. ADJOURNMENT:

It was moved and seconded at 5:13 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER



MINUTES

DESIGN ADVISORY PANEL MEETING

Thursday, September 12, 2024, 5:03 P.M.
Boardroom, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

Present: Marie Leduc, Chair*
Councillor Eastmure*
Hector Alcala, AIBC*
Angie Boileau, At Large*
Harry Law, At Large*
Nathan Middleton, AIBC*

Absent: Jonathan Behnke, BCSLA/CSLA
Kevin Krastel, At Large

Staff: L. Rowett, Manager, Current Planning
P. Carter, Planner, Current Planning*
K. Mayes, Planner, Current Planning*
C. Chee, Community Development Clerk
A. Bullen, Recording Secretary

1. CALL THE MEETING TO ORDER:

The Design Advisory Panel Meeting was called to order at 5:03 p.m.

2. ADOPTION OF AGENDA:

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

3. CHAIR'S REPORT:

Marie Leduc, Chair introduced the new Design Advisory Panel members, Harry Law and Angie Boileau.

* Denotes electronic meeting participation as authorized by "Council Procedure Bylaw 2018 No. 7272"

4. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Design Advisory Panel meeting held in the Boardroom of the Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2024-JUN-13 at 5:00 p.m. be adopted. The motion carried unanimously.

It was moved and seconded that the Minutes of the Design Advisory Panel meeting held in the Boardroom of the Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2024-JUN-27 at 5:00 p.m. be adopted. The motion carried unanimously.

5. PRESENTATIONS:

a. Development Permit Application No. DP001345 & DP001346 – 4125 Jingle Pot Road & 4300 Forge Road

Introduced by Payton Carter, Planner, Current Planning.

- New light industrial park, comprising three separate buildings for a total of 30 industrial units
- No variances are anticipated for this development

Presentations:

1. Ryan Cohen, CEO of PacSwell Developments Inc., presented an overview of the project, site plans, site characteristics, building renderings and elevations, building materials, and landscaping plans.

Panel discussion took place. Highlights included:

- The proposed colour palette
- Rainwater runoff management, including rain gardens and stormwater retention tank
- The façade of Building A
- Retention of existing vegetation
- Landscape plan review, including native plants
- Parapet roof and concealed building gutters
- Location of garbage and recycling enclosure
- The possible addition of a centralized path between the buildings
- Retaining walls clarification

It was moved and seconded that Development Permit Application No. DP001345 & DP001346 – 4125 Jingle Pot Road & 4300 Forge Road be accepted as presented. The following recommendations were provided:

- Consider adding a livelier hue to the grey palette of the exterior
- Consider ways to express the natural rainwater function as a feature of the site design
- Ensure pedestrian walkways are well-defined and consider adding a centralized path between the two buildings

The motion carried unanimously.

b. Development Permit Application No. DP001349 – 1935 Island Diesel Way

Introduced by Kristine Mayes, Planner, Current Planning.

- Light industrial building with accessory dwelling unit encompassing a total gross floor area of 624m²
- Variances are requested to reduce the rear yard setback and to reduce the dimensions and number of loading spaces from two to one

Presentations:

1. Karim Kadri, Architect, 2K Architecture Inc., presented the site and neighbourhood context, building renderings and elevations, building materials, site plans, civil servicing plan, project data, requested variances, architectural features, and landscape plan. Highlights included:
 - Retaining wall at rear of the property will address elevation changes between adjacent lots
 - The building is proposed to have three warehouse bays, an office, and a residential suite
 - Canopy LED lighting will be used around the perimeter to enhance safety and visibility while minimizing light pollution with low, directed lighting
 - Included are seven standard parking stalls, with one dedicated for residential use
 - The residential suite contains a private rooftop deck
 - Building finishing materials are selected to mirror the interior functionality of each space
 - A neutral colour palette ensures flexibility for future adaptations
 - Large windows in both the office space and residential area
 - The landscape plan features native plants and will potentially retain the Common Oak tree on the property (depending on service connections)

- A small common amenity area with bench seating will be provided to the corner of the site

Panel discussion took place. Highlights included:

- Clarification regarding storage and garbage enclosure at the back of the building
- Recommendations for additional landscaping
- Consideration of adding windows to the loading bays and alternatives to using brick veneer
- Discussion to incorporate timber details for the building and colour accents for the loading bays
- The building's integration of residential and industrial spaces
- Consideration of ways to reuse rainwater
- The possibility of elevating the residential entryway
- The strategic placement of the bike rack

It was moved and seconded that Development Permit Application No. DP001349 – Island Diesel Way be accepted as presented, with support for the proposed variances. The following recommendations were provided:

- Consider adding more landscaping at the rear of the building
- Consider adding windows to the loading bay doors
- Consider using another material in place of the brick veneer
- Consider adding some subtle colour changes to the loading bays to help differentiate the units
- Consider adding ways to use rainwater runoff to recharge the landscape before it goes into the city sewer system
- Consider subtly highlighting the residential entry

The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 6:18 p.m. that the meeting adjourn. The motion carried unanimously.

A handwritten signature in black ink, appearing to read "Nate", is written over a horizontal line.

CHAIR

CERTIFIED CORRECT:

A handwritten signature in blue ink, appearing to read "Alvin", is written over a horizontal line.

RECORDING SECRETARY

Please click the link below to access the 2024-OCT-28 Governance and Priorities Committee Meeting agenda:

<https://pub-nanaimo.escribemeetings.com/Meeting.aspx?Id=8a519379-5aed-462c-b8f1-252bc68102e1&Agenda=Merged&lang=English>

Delegation Request

Delegation's Information:

Corry Gervais, CEO, Greater Nanaimo Chamber of Commerce, has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is 2024-NOV-04

Bringing a presentation: Yes

Details of the Presentation: Updates on the Greater Nanaimo Chamber of Commerce.

Delegation Request

Delegation's Information:

Patrick Ukoustoff has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is 2024-NOV-04

Bringing a presentation: No

Details of the Presentation: To share interactions and conversations with City Council and Staff regarding optics of the third Alternative Approval Process for the Nanaimo Operations Centre.

Delegation Request

Delegation's Information:

Gil Yaron, Managing Director, Circular Innovation, Light House, has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is 2024-NOV-04

Bringing a presentation: Yes

Details of the Presentation: Light House has launched an initiative on Vancouver Island with the support of the RDN, Cowichan Valley Regional District and CRD called the Building Material Exchange (BMEx). BMEx supports the construction sector to offset their waste management costs and material costs by exchanging excess, salvaged or otherwise unwanted building materials with other businesses. BMEx also provides companies with an opportunity to showcase the work they are doing on projects to divert material from landfill. Will be making a request to introduce policy options to encourage deconstruction and diversion of building materials.

Delegation Request

Delegation's Information:

Dan Hula has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is 2024-NOV-04

Bringing a presentation: Yes

Details of the Presentation: Suggestions for improving the process of declaring and undeclaring a local state of emergency.

DATE OF MEETING NOVEMBER 4, 2024

AUTHORED BY DAVID THOMPSON, MANAGER, ROADS AND TRAFFIC
ANA FRANCISCO, ASSISTANT MANAGER, REVENUE SERVICES

SUBJECT CEMETERY AMENDMENT BYLAW NO. 7084.02

OVERVIEW

Purpose of Report

To introduce amendments to the Cemetery Regulation Bylaw to authorize the 22 Commonwealth War Graves Commission memorials to be re-erected and address other housekeeping amendments.

Recommendation

That:

1. "Cemetery Bylaw Amendment Bylaw 2024 No. 7084.02" (a bylaw to authorize Commonwealth war Graves Commission memorial and other housekeeping amendments) pass first reading.
2. "Cemetery Bylaw Amendment Bylaw 2024 No. 7084.02" pass second reading.
3. "Cemetery Bylaw Amendment Bylaw 2024 No. 7084.02" pass third reading.

BACKGROUND

The City of Nanaimo owns and operates three (3) public cemeteries. These cemeteries provide for interment of Nanaimo residents and create a connection to Nanaimo's past. The cemetery operations are run out of the Sanitation and Cemeteries Section at Public Works and supported by Revenue Services staff in the Finance Department. This small group of staff undertake between 60 and 70 interments each year. Each of the three operating cemeteries (Bowen, Townsite/Chinese, Wellington) are licensed by the Province under the *Cremation, Interment and Funeral Services Act*.

As the City has grown, the bylaw has failed to keep up with operational changes and the fees and charges no longer reflect the value of the real estate and the value of the effort from staff. The Cemetery Bylaw was last updated in 2009 and is overdue for review

The City was also approached by members of the public to amend the bylaw to authorize the re-erection of the headstones of the men and women of the Commonwealth that died in service during the First and Second World Wars. The memorials in the Bowen Cemetery were laid down during the modernization project in the 1960's. The proposed amendments as outlined in Attachment 1 would facilitate re-erection of the headstones by the Commonwealth War Graves Commission, along with some other required adjustments to maximize plot utilization, to interment hours to reflect actual staff capacity, and other housekeeping amendments.

DISCUSSION

The proposed update to the Cemetery Bylaw provides for the following:

- New language to allow the 22 Commonwealth War Graves Commission memorials to be re-erected;
- Administrative updates, such as definitions, legislated requirements, etc.;
- Operational requirements to maximize plot utilization;
- Adjustments to interment hours to reflect actual staff capacity; and
- Remove the Fees and Charges schedule so that they can be incorporated within the Fees and Charges Bylaw (see separate report on this topic)

In considering these updates, staff reviewed relevant changes to the *Cremation, Interment and Funeral Services Act* and followed advice from Consumer Protection BC as the responsible Provincial agency; and requests for new services from outside agencies.

The Commonwealth War Graves Commission (CWGC) is an intergovernmental agency created to commemorate the men and women of the Commonwealth that died in service during the First and Second World Wars. The memorials in the Bowen Cemetery were laid down during the modernization project in the 1960's. Staff support the initiative by members of the public to re—erect these historic memorials. Staff have connected with CWGC to undertake this initiative at CWGC's cost, pending a site review scheduled for spring 2025. The proposed language in the bylaw is in anticipation of this project. Care and maintenance of the memorials remains the responsibility of the CWGC in perpetuity.

OPTIONS

Option 1:

That:

- 1) "Cemetery Bylaw Amendment Bylaw 2024 No. 7084.02" (a bylaw to authorize Commonwealth war Graves Commission memorial and other housekeeping amendments) pass first reading;
- 2) "Cemetery Bylaw Amendment Bylaw 2024 No. 7084.02" pass second reading; and
- 3) "Cemetery Bylaw Amendment Bylaw 2024 No. 7084.02" pass third reading.

- The advantages to supporting this option is that it would authorize the re-erection of the historic memorials, maximize plot utilization and adjust interment hours to reflect actual staff capacity.
- It would also provide the opportunity to move the fees and charges out of the regulatory bylaw and add them to the Fees and Charges Bylaw.

Option 2:

That Council provide alternate direction to staff.

SUMMARY POINTS

- The Cemetery Bylaw is overdue for an update to reflect current practices.
- New language is included to allow for the re-erection of 22 Commonwealth War Grave memorial markers.
- The Commonwealth War Graves Commission will care for these memorials in perpetuity.

ATTACHMENTS

ATTACHMENT A – B7084-02

ATTACHMENT B – B7084 with tracked changes

Submitted by:

David Thompson
Manager, Roads and Traffic

Ana Francisco
Assistant Manager, Revenue Services

Concurrence by:

Karen Robertson,
Deputy Corporate Officer

Bill Sims,
GM, Engineering & Public Works

Dale Lindsay, CAO

ATTACHMENT A

CITY OF NANAIMO

BYLAW NO. 7084.02

A BYLAW TO AMEND “CEMETERY BYLAW 2009 NO. 7084”

The Council of the City of Nanaimo, in open meeting assembled, enacts as follows:

Title

1. This bylaw may be cited as “Cemetery Bylaw Amendment Bylaw 2024 No. 7084.02”.

Amendment

2. “Cemetery Bylaw 2009 No. 7084” is hereby amended as follows:

- 2.1 By deleting the definition of “DIRECTOR OF ENGINEERING AND PUBLIC WORKS” and adding the following definition:

“GENERAL MANAGER, ENGINEERING & PUBLIC WORKS	Means a person duly appointed as such from time to time by the Chief Administrative Officer.
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- 2.2 By deleting all references to the “Director” or “Director of Engineering and Public Works” except within the “Minister” definition and replace them with “General Manager of Engineering and Public Works”.

- 2.3 By deleting the the words “MEMORIAL” or “MEMORIAL MARKER” in the definition section and replacing it with the following:

“MEMORIAL”,
“MEMORIAL MARKER” or
“MARKER”

- 2.4 By deleting the definition of “MEMORIAL INSTALLATION PERMIT” and replacing it with the following:

“MARKER INSTALLATION PERMIT”, “MARKER RE- INSTALLATION PERMIT” or “MARKER ALTERATION PERMIT”	Means a City issued permit authorizing Cemetery Memorial suppliers to enter Cemetery grounds to install, alter, remove and/or re-install a Memorial Marker on a designated Burial Plot as shown on the permit
--	---

- 2.5 By deleting the words “his or her” in the “NON-RESIDENT” and “RESIDENT” definitions and replacing with the word “their”.

- 2.6 By deleting sections 5.3, 5.4 and 5.5 and renumbering section 5.6 as 5.3.

- 2.7 By deleting reference to “Schedule “A” to this Bylaw” in sections 5.2, 6.1, 6.2, and 10.3 and replacing with “the City’s Fees and Charges Bylaw”.
- 2.8 By deleting section 6.3 and replacing it with the following:
- “6.3 All fees set out in the City’s Fees and Charges Bylaw, and in accordance with subsection 6.2, are due for any work or service or amenity supplied in full for all other work or service within thirty (30) days of the work or service or amenity being provided or the full cost of such amounts due are subject to interest charges for accounts receivable in accordance with the City’s Fees and Charges Bylaw.”
- 2.9 By deleting the words “City Hall” in section 7.2 and replacing them with “the Service and Resource Centre”.
- 2.10 By deleting the number “3” in section 7.2 and replacing it with “five (5)”.
- 2.11 By deleting section 7.3 and replacing with the following:
- “7.3 Any person who makes application for a Right of Interment Licence or who requires an Interment to be made, shall provide the Authorized Person the following information:
- (a) the name, age and date of death of the deceased;
 - (b) a copy of the burial permit issued by a vital statistics registrar under the *Vital Statistics Act*;
 - (c) whether a communicable disease, as defined in the *Health Act Communicable Disease Regulation* under the *Health Act*, caused the death;
 - (d) a Will of the lawful licence holder, with letters probate where applicable, showing that applicant as either the recipient of that cemetery space under that Will or as the person entitled to the residue of the estate after all the obligations and specific bequests under that Will have been settled;
 - (e) the time and date of the funeral;
 - (f) the name and mailing address of a person who had a kinship relationship with the deceased;
 - (g) a copy of the written authorization required under the *Cremation, Interment and Funeral Services Act* from the person who under the *Act* has the right to control the disposition of the human remains and the address of the person giving the authorization; and,
 - (h) any other information the Authorized Person may reasonably request.”
- 2.12 By deleting Sections 7.4 through 7.9 and replacing them with the following:
- “7.4 In the absence of a Will and where the Right of Interment Certificate holder is deceased, the control of disposition will be in accordance with the *Cremation, Interment, and Funeral Services Act*.
- 7.5 No Interments, Disinterments or Exhumations shall be permitted on:
- (a) any Saturday, unless the prescribed additional charge for Saturday Interments is paid as set out in the City’s Fees and Charges Bylaw.

- (b) on a Sunday or any other Statutory Holiday without the written permission of the General Manager of Engineering and Public Works except where necessary in order to comply with an order or direction of the Medical Health Officer.

7.6 Where the Medical Health Officer directs that a body be Interred, Disinterred or Exhumed in a Cemetery during any period when the City's offices are closed, the notification of the General Manager of Engineering and Public Works is required and must be obtained prior to the unscheduled Interment, Disinterment or Exhumation taking place.

7.7 Where an Interment, Disinterment or Exhumation is performed in a Cemetery under subsection 7.6 of this Bylaw, the Medical Health Officer or the person who permitted or performed the Interment, Disinterment or Exhumation shall report the matter to the Financial Officer together with a statement of the name, age, and date of death of the deceased, whether or not the death was caused by a Communicable Disease, together with such other information required by the Financial Officer to ascertain the circumstances of the Interment or Disinterment, together with such fees as may be required in accordance with the City's Fees and Charges Bylaw, if such fees have not already been paid to the City.

7.8 The person who must provide information under Section 7.7 of this Bylaw shall do so on the next regular scheduled working day following the Interment or Disinterment.

7.9 Pursuant to the *Cremation, Interment and Funeral Services Act* and all regulations under the *Act*, no deceased person Interred in City Cemeteries shall be Exhumed or Disinterred unless the City has received written permission from the person with the right to control disposition of the Human Remains or Cremated Remains and any authorization required by applicable enactments. Given such authorization/direction, Disinterment or Exhumation will take place if:

- (a) an approved receptacle has been provided into which the disinterred Human Remains can be placed by accompanying licensed funeral service provider(s);
- (b) the fee(s) for Disinterment of Human Remains or Cremated Remains have been paid to the Financial Officer;
- (c) the person who makes a request for the exhumation or disinterment under section 5 of the *Cremation, Interment and Funeral Services Act* must ensure that a funeral provider, employed at the expense of the requestor, receives the human remains immediately after the Burial Plot is opened."

2.13 By adding the following after section 7.9:

"7.10 Utmost care will be exercised by Cemetery staff and funeral service providers in performing a Disinterment or Exhumation but the City assumes no liability for damage to any casket, Remains, urn, Burial Liner incurred in performing the Disinterment or Exhumation."

2.14 By deleting section 8.9 and replacing with the following:

“8.9 The maximum number of Interments of Cremated Remains permitted per Burial Plot is as follows:

- (a) Single Burial Plot (Minimum Plot size 0.9M by 2.3M) - 8 Ash Interments plus 2 Full Interments
- (b) Half size or Cremation Burial Plot (Minimum Plot size 0.9M by 1.2M) - 4 Ash Interments plus 1 Child/Infant Full Interment
- (c) In cases where Cremated Remains are interred earlier than a Full Interment, Disinterment Fees will apply in accordance with the City’s Fees and Charges Bylaw.”

2.15 By deleting reference to “7.8” in section 9.4 and replacing it with “7.9”.

2.16 By deleting the reference to “Schedule A” in sections 10.3 and 10.4 and replacing with “the City’s Fees and Charges Bylaw”.

2.17 By deleting section 11 and replacing it with the following:

“11. Memorial Markers

11.1 No person shall remove, or place a Memorial Marker, tablet or monument, or memorial curbing on any Burial Plot without first obtaining a Memorial Installation Permit.

11.2 No person shall make on-site changes to a Memorial Marker, tablet or monument without first obtaining a Marker Alteration Permit.

11.3 Any Memorial Marker installed or removed on any Burial Plot in a City Cemetery must be installed or removed by a person who:

- (a) has applied for a Memorial Installation Permit;
- (b) has paid the Memorial Installation Permit fee set out in the City’s Fees and Charges Bylaw;
- (c) is a City Approved Installer authorized to do the work; and,
- (d) at the time of installation, any Approved Installer, other than City Cemetery staff, must have in their possession a copy of the Memorial Installation Permit, relevant to the specific Burial Plot where work is taking place. Further to this, if requested by a City representative, the Approved Installer must present the Memorial Installation Permit as proof/authorization to perform work in a Cemetery.

11.4 A Memorial Marker may only be made of granite or bronze and installed in a position and location on a Burial Plot according to the requirements established by the City as follows:

- (a) each Memorial Marker shall be rectangular in shape;
- (b) when installed, the top surface of a Memorial Marker must be set level and flush with the surface of the surrounding ground;
- (c) each bronze Memorial Marker shall be attached to a concrete or granite base not less than 10 centimeters (4

- inches) thick with side surfaces true and perpendicular with the top surface of the attached tablet;
 - (d) each granite Memorial Marker shall be not less than 10 centimeters (4 inches) thick and shall have its side surfaces true and perpendicular with its top surface;
 - (e) raised inscriptions shall only be permitted on a Memorial Marker provided the lettering is not raised more than 0.3175 centimeters (1/8 inch) above the face of such tablet;
 - (f) the top surface of a Memorial Marker and/or concrete base shall not at any time exceed the dimensions of the Burial Plot on which it is being placed. Further to this, the maximum dimension of any Memorial Marker and/or concrete base shall not exceed 46 centimeters by 91 centimeters (18 inches by 36 inches);
 - (g) pursuant to Subsection (c) above, a bronze Memorial Marker intended for installation on a Burial Plot may be smaller than its concrete base, provided the concrete base conforms to the size for the Burial Plot as required by Subsection (f) above, and provided the part of the base extending beyond the bronze tablet, does not exceed 5 centimeters (2 inches) wide and has a smooth, slightly beveled surface to shed water at its outer edges;
 - (h) a maximum of two Memorial Markers may be installed on each Burial Plot. Where two related persons are Interred side by side in adjacent Burial Plots, one 46 centimeter by 91 centimeter (18 inch by 36 inch) tablet which provides for the Memorialization for both Burial Plots may be used instead of two separate Markers provided the single Marker so used is set to embrace evenly the two Burial Plots concerned;
 - (i) a Memorial Marker providing a concrete encased containment area for Cremated Remains within its concrete base which conforms to pertinent requirements of Section 11.4, and which supports either a granite or bronze tablet, may enclose one or two containers of Cremated Remains of deceased persons as permitted by the terms and requirements of Section 8.8; and,
 - (j) the ownership upkeep or maintenance of any Memorial Marker remains the responsibility of the purchaser and their family and does not pass to the City.
- 11.5 Old Memorial Markers that have been laid flat may be re-erected if any inscription upon the marker has been buried below ground level. This work must be first approved by the City and carried out under a marker installation permit by an approved installer at the family's expense.
- 11.6 Commonwealth War Grave Commission Memorial Markers that have been laid flat may be re-erected. This work must first be approved by the City and carried out under a marker installation permit by an approved installer at the expense of the Commonwealth War Grave Commission."

2.18 By deleting section 12.13 and replacing it with the following:

“12.13 All Interments shall be scheduled to take place between the hours of 10:00 AM and 2:00 PM, and a maximum of two (2) Ash Interments and one (1) Full Interment shall be permitted and scheduled on any one day unless otherwise approved by the General Manager.”

2.19 By deleting section 13 and replacing it with the following:

“13. Penalty and Violations

13.1 Any Person who causes, permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to pay a fine of not more than \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter and Offence Act*.

13.2 This Bylaw may be enforced by bylaw notice pursuant to the Bylaw Notice Enforcement Bylaw 2012 No. 7159, as amended or replaced.

13.3 Each day that an offence continues or exists shall constitute a separate offence.

2.20 By deleting Schedule “A”.

3. Effective Date

This Bylaw comes into effect on 2025-JAN-01.

PASSED FIRST READING: _____
PASSED SECOND READING: _____
PASSED THIRD READING: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

ATTACHMENT B
Consolidated Bylaw with Tracked
Changes

CITY OF NANAIMO

BYLAW NO. 7084

A BYLAW RELATING TO THE OPERATION AND MAINTENANCE OF CEMETERIES AND
THE INTERMENT OR OTHER DISPOSITION OF THE DEAD

WHEREAS Council of the City of Nanaimo has the power under the *Community Charter* to enact a bylaw to regulate, prohibit and impose requirements in relation to cemeteries and the interment or other disposition of the dead;

AND WHEREAS the *Cremation, Interment and Funeral Services Act* provides that Council may establish itself as a board of trustees to operate a place of interment;

AND WHEREAS the *Cremation, Interment and Funeral Services Act* provides that every operator of a place of interment must make bylaws, including bylaws respecting the organization, operation and management of the place of interment, and the rights, privileges and responsibilities of the operator;

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

1. Title

This Bylaw may be cited as “CEMETERY BYLAW 2009 NO. 7084”.

2. Definitions

In this bylaw, unless the context otherwise requires:

“APPROVED INSTALLER”	Means a designated City employee or private sector company representative or individual who has been authorized by the City to install Memorial Markers on Burial Plots in City of Nanaimo Cemeteries pursuant to the terms of this Bylaw and the requirements of the City.
“BURIAL LINER”	Means a ridged fiberglass shell structure, polypropylene vault or concrete vault to cover a casket or cremation urn for an in-ground Interment.
“BURIAL PLOT”	Means an individual designated burial site for Interment of Human Remains or Cremated Remains.

"CARETAKER"	Means a person or persons employed by the City from time to time and charged with duties and responsibilities associated with Cemetery maintenance and the provision of services in City Cemeteries including the opening and closing of Burial Plots.
"CEMETERY"	Means land that is set apart or used as a place of Interment of Human Remains or Cremated Remains and includes any incidental or ancillary buildings on the land.
"CEMETERY CARE FUND"	Means the fund established for the care and maintenance of a place of Interment.
"CHILD"	Means a person one year old up to and including twelve years of age (Casket length not to exceed three feet six inches or one hundred seven centimeters).
"CITY"	Means the City of Nanaimo.
"COMMUNICABLE DISEASE"	Means an illness, due to a specific infectious agent or its toxic products, which arises through the transmission of that agent or its product.
"CONTRACTOR"	Means an authorized person, firm or corporation engaged in placing, erecting, or repairing any Memorial, or performing any work in a Cemetery other than an employee of the City.
"COUNCIL"	Means the Council of the City of Nanaimo.
"CREMATED REMAINS"	Means human bone fragments left after Human Remains are cremated.
"DIRECTOR OF ENGINEERING AND PUBLIC WORKS" or "DIRECTOR"	Means a person duly appointed as such from time to time by Council and includes any person appointed or designated by the Director of Engineering and Public Works to act on their behalf.
"DISINTERMENT"	Means the removal, for the purpose of permanent relocation, of: (a) Cremated or Human Remains; and (b) the container, or any of the remaining container, holding the Human Remains, from the plot in which the remains of a deceased person are interred.
"EXHUMATION"	Means the exposure and removal of interred human remains for the purposes of viewing or examination.
"FINANCIAL OFFICER"	Means a person duly appointed as such from time to time by Council, and the one charged with responsibility for the

<u>GENERAL MANAGER, ENGINEERING & PUBLIC WORKS</u>	administration of the Bylaw and includes any person appointed or designated by the Financial Officer to act on their behalf. <u>Means a person duly appointed as such from time to time by the Chief Administrative Officer.</u>
“GRAVE”	Means a space of ground in a Cemetery intended to be used for the permanent Interment in the ground for of the remains of a deceased person.
“HUMAN REMAINS”	Means a dead human body in any stage of decomposition, but does not include Cremated Remains.
“INFANT” “INTERMENT”	Means a person under one year of age. Means disposition by (a) burial of Human Remains or Cremated Remains; (b) entombment of Human Remains; or, (c) inurnment of Cremated Remains.
“INTERMENT RIGHTS CERTIFICATE”	Means a City issued certificate that recognizes the holder has pre-arranged access to Interment Rights at a specified location.
“MEDICAL HEALTH OFFICER	Means a person holding office as the Medical Health Officer with jurisdiction within the City.
“MEMORIAL” or “MEMORIAL MARKER” <u>or</u> <u>“MARKER”</u>	Means a tombstone, monument, plaque or other marker on a grave or burial plot used to identify a lot or memorialize a deceased person.
<u>“MEMORIAL MARKER INSTALLATION PERMIT”</u> , <u>“MARKER RE- INSTALLATION PERMIT”</u> <u>or “MARKER ALTERATION PERMIT”</u>	Means a City issued permit authorizing Cemetery Memorial suppliers to enter Cemetery grounds to install, <u>alter, remove and/or re-install</u> a Memorial Marker on a designated Burial Plot as shown on the permit.
“MINISTER”	Means that member of the Executive Council charged by Order of the Lieutenant-Governor in Council with administration of the Cremation, Interment and Funeral Services Act and/or the Business Practices and Consumer Protection Act and includes any person designated therein as having appropriate administrative authority to act as a Director under the Business Practices and Consumer Protection Act.

“NON-RESIDENT”	Means a person who has neither resided nor owned land within the City of Nanaimo for a minimum of one year or more immediately prior to his or her <u>their</u> death.
“RELATED FAMILY MEMBER”	Means husband, wife, spouse, son, daughter, brother, sister, father, mother, grandfather, grandmother, grandson, and granddaughter or their heirs.
“RESIDENT”	Means a person who has either resided or owned land within the City of Nanaimo for a minimum of one year prior to his or her <u>their</u> death.
“RIGHT OF INTERMENT LICENCE” or “LICENCE”	Means a licence issued by the City of Nanaimo.
“STATUTORY HOLIDAY”	Means a holiday as defined in the Interpretation Act other than a Sunday.
“WORKING DAY”	Means every calendar day that is not Saturday, Sunday or a Statutory Holiday.

- 2.1 All other words and phrases in this bylaw shall be construed in accordance with the meaning assigned to them in the *Cremation, Interment and Funeral Services Act* and the *Business Practices and Consumer Protection Act* and their associated regulations, all as amended or replaced from time to time.

3. Cemetery Designation

- 3.1 The following lands have been set aside to be operated, used or maintained as a Cemetery by the City:
- (a) the Nanaimo Cemetery, known as the Bowen Cemetery, legally described as that part of Section 1, Block 1396, Nanaimo District, containing 10.2 acres more or less with a street address of 555 Bowen Road;
 - (b) the Wellington Cemetery, located at 4700 Ledgerwood Road and legally described as Lot 2, Section 5, Wellington District, Plan 4633 containing 1.0 acres more or less; and,
 - (c) the Townsite Road Cemetery, known as the Chinese Cemetery legally described as Lot A, Section 14 & 15, Range 8, Mountain Land District, Plan 3257 except part in plan VIP60664 and located at 1598 Townsite Road containing 4.35 acres more or less.

4. Site Plans

A copy of site plans for each Cemetery shall be available for public inspection by the City in the Municipal Office.

5. Right of Interment

5.1 No Human Remains or Cremated Remains may be interred in a Cemetery unless a Licence for such Interment has been obtained from the City.

5.2 All persons applying for a Right of Interment must pay the fees prescribed in ~~Schedule “A” to this Bylaw~~ City’s Fees and Charges Bylaw.

~~5.3 A person at the time of need, may acquire an Interment Rights Certificate for one additional plot for future use by a related family member.~~

~~5.4 The Interment Rights Certificate can only be transferred to a related family member who will return the original Interment Rights Certificate to the City of Nanaimo, who will, in accordance with the terms of this Bylaw, issue a new certificate to the transferee. If the holder of the Interment Rights Certificate does not want to exercise this right in the future, a written request to transfer all rights back to the City must be made by the Authorized Person. The City of Nanaimo will refund the rights holder the original Certificate fee paid less the Perpetual Reserve Care Fund fees.~~

~~5.5 When all conditions of this Bylaw have been met the Financial Officer shall effect the desired transfer by an endorsement upon the Interment Rights Certificate and shall record the Burial Plot transfer in the books or other records kept by the Financial Officer for that purpose.~~

~~5.6~~ 5.3 All Licences and Certificates issued for use of a Burial Plot in a Cemetery shall be subject to the provisions of this Bylaw and all subsequent Bylaws passed by Council.

6. Fees and Charges

6.1 Council imposes the fees for Interment, Exhumation, Disinterment, use of a Burial Plot, and care of Burial Plots and charges for services, amenities or works provided by the City under this Bylaw as set out in ~~Schedule “A” to this Bylaw~~ the City’s Fees and Charges Bylaw.

6.2 The fees set out in ~~Schedule “A” of this Bylaw~~ the City’s Fees and Charges Bylaw shall be paid at City Hall. Financial arrangements must be completed prior to Certificates, Licences, and Permits being issued.

6.3 All fees set out in ~~Schedule “A” of this Bylaw~~ the City’s Fees and Charges Bylaw of this Bylaw, and in accordance with Subsection 6.2, are due for any work or service or amenity supplied in full for all other work or service within thirty (30) days of the work or service or amenity being provided or the full cost of such amounts due are subject to interest charges ~~for accounts receivable~~ receivable of 12% per annum (1% per month) in accordance with the Fees and Charges Bylaw.

7. Permission to Inter, Disinter, Exhume

7.1 A person must not inter Human Remains or Cremated Remains or install or remove a Memorial Marker in a Cemetery until the person has obtained and holds all applicable Memorial Installation Permits or Licences.

- 7.2 Permits and Licences for Cemetery related services or amenities are available at the ~~City Hall~~the Service and Resource Centre between the hours of 8:30 AM and 4:30 PM on any day of the week other than Saturday, Sunday or a Statutory Holiday. All such Memorial Installation Permits and Licences must be obtained by the applicants at least five (5)~~3~~ full Working Days before such Interment or installation takes place.
- 7.3 Any person who makes application for a Right of Interment Licence or who requires an Interment to be made, shall provide the Authorized Person the following information:
- (a) the name, age and date of death of the deceased;
 - (b) a copy of the burial permit issued by a vital statistics registrar under the *Vital Statistics Act*;
 - (c) whether a communicable disease, as defined in the *Health Act Communicable Disease Regulation* under the *Health Act*, caused the death;
 - ~~(c)~~(d) a Will of the lawful licence holder, with letters probate where applicable, showing that applicant as either the recipient of that cemetery space under that Will or as the person entitled to the residue of the estate after all the obligations and specific bequests under that Will have been settled
 - ~~(d)~~(e) the time and date of the funeral
 - ~~(e)~~(f) the name and mailing address of a person who had a kinship relationship with the deceased;
 - ~~(f)~~(g) a copy of the written authorization required under the *Cremation, Interment and Funeral Services Act* from the person who under the *Act* has the right to control the disposition of the human remains and the address of the person giving the authorization; and
 - (h) any other information the Authorized Person may reasonably request.
- ~~(g)~~ 74.5 In the absence of a Will and where the Right of Interment Certificate holder is deceased, the control of disposition will be in accordance with the *Cremation, Interment, and Funeral Services Act*.
- ~~7.4~~ 7.5 No Interments, Disinterments or Exhumations shall be permitted on:
- (a) any Saturday, unless the prescribed additional charge for Saturday Interments is paid as set out under Schedule "A" attached hereto.
 - (b) on a Sunday or any other Statutory Holiday without the written permission of the ~~Director~~ General Manager of Engineering and Public Works except where necessary in ~~order~~to order to comply with an order or direction of the Medical Health Officer.
- ~~7.5~~ 7.6 Where the Medical Health Officer directs that a body be Interred, Disinterred or Exhumed in a Cemetery during any period when the City's offices are closed, the notification of the ~~Director~~ General Manager of Engineering and Public Works is required and must be obtained prior to the unscheduled Interment, Disinterment or Exhumation taking place.

~~7.6~~ 7.7 Where an Interment, Disinterment or Exhumation is performed in a Cemetery under subsection ~~7.65~~ of this Bylaw, the Medical Health Officer or the person who permitted or performed the Interment, Disinterment or Exhumation shall report the matter to the Financial Officer together with a statement of the name, age, and date of death of the deceased, whether or not the death was caused by a Communicable Disease, together with such other information required by the Financial Officer to ascertain the circumstances of the Interment or Disinterment, together with such fees as may be required in accordance with Schedule "A", if such fees have not already been paid to the City.

~~7.7~~ 7.8 The person who must provide information under Section ~~7.76~~ of this Bylaw shall do so on the next regular scheduled working day following the Interment or Disinterment.

~~7.8~~ 7.9 Pursuant to the *Cremation, Interment and Funeral Services Act* and all regulations under the *Act*, no deceased person Interred in City Cemeteries shall be Exhumed or Disinterred unless the City has received written permission from the person with the right to control disposition of the Human Remains or Cremated Remains and any authorization required by applicable enactments. Given such authorization/direction, Disinterment or Exhumation will take place if:

- (a) an approved receptacle has been provided into which the disinterred Human Remains can be placed by accompanying licensed funeral service provider(s);
- (b) the fee(s) for Disinterment of Human Remains or Cremated Remains have been paid to the Financial Officer;
- (c) the person who makes a request for the exhumation or disinterment under section 5 of the *Cremation, Interment and Funeral Services Act* must ensure that a funeral provider, employed at the expense of the requestor, receives the human remains immediately after the Burial Plot is opened.

~~7.9~~ 7.10 Utmost care will be exercised by Cemetery staff and funeral service providers in performing a Disinterment or Exhumation but the City assumes no liability for damage to any casket, Remains, urn, Burial Liner incurred in performing the Disinterment or Exhumation.

8. Interment in a Cemetery

8.1 No Human Remains or Cremated Remains other than those of a deceased human shall be Interred in a Cemetery and all Interments shall be subject to the provisions of this Bylaw.

8.2 When Human Remains or Cremated Remains of a person who died while suffering a Communicable Disease are to be interred in a Cemetery, any instruction given by the Medical Health Officer respecting the Interment shall be fully and carefully followed.

8.3 When Human Remains or Cremated Remains of a person are delivered to a Cemetery for Interment and the Interment is subject to an order or direction of the Medical Health Officer, the person delivering the Human Remains to a Cemetery shall inform the City in writing.

- 8.4 Each Interment of Human Remains in a Cemetery requires not less than 0.75 meters of earth between the general surface level of the ground at the Burial Plot site and the upper surface of the Burial Liner enclosing the Human Remains resting in the Burial Plot.
- 8.5 A maximum of two Interments of Human Remains may be permitted in each single Burial Plot in a Cemetery if, upon investigation by the City it is determined that the existing ground conditions are conducive to performing a deeper depth Interment within the intended Burial Plot and, the performance of same will not negatively impact any adjacent Burial Plot or any Human Remains or Cremated Remains existing within any plot.
- 8.6 When two Interments of Human Remains are permitted in one Burial Plot, the Human Remains of the first body shall be interred in the Burial Plot at a lower depth than the second and at a depth that allows the second burial to conform with the requirements of Section 8.4.
- 8.7 A City approved Burial Liner shall be used for each Interment of Human Remains or Cremated Remains.
- 8.8 Each Interment of Cremated Remains in a Cemetery requires not less than 0.5 meters of earth between the general surface level of the ground at the Burial Plot site and the upper surface of the Burial Liner enclosing the Cremated Remains, except where a concrete encased container for Cremated Remains is incorporated into the construction of a Memorial Markers base used as the concrete foundation-base for a Memorial Marker and installed on a Burial Plot in accordance with Section 11.3.
- 8.9 The maximum number of Interments of Cremated Remains permitted per Burial Plot is as follows:
- (a) Single Burial Plot (Minimum Plot size 0.9M by 2.3M) - 8 Ash Interments plus 2 Full Interments
 - (b) Half size or Cremation Burial Plot (Minimum Plot size 0.9M by 1.2M) - 4 Ash Interments plus 1 Child/Infant Full Interment
 - (c) In cases where Cremated Remains are interred earlier than a Full Interment, Disinterment Fees will apply in accordance with the Fees and Charges Bylaw
- 8.10 Pursuant to Section 8.9, locations for Cremated Remains assigned to a Burial Plot will be evenly spaced across the length and width of the Burial Plot and assigned an individual Cremation Plot address within the Burial plot.
- 8.11 The Cremated Remains of each individual will be Interred in an assigned location within a Burial Plot or Cremation Plot.
- 8.12 All Interments, Disinterments or Exhumations shall be performed by the City or designate as authorized by the City, the ~~Director~~ General Manager of Engineering and Public Works or the Financial Officer.

- 8.13 When instructions regarding location of a Burial Plot cannot be obtained or are indefinite, or when, for any reason, a specific Burial Plot cannot be utilized the Caretaker may use an alternate Burial Plot in a Cemetery which is deemed best so as not to delay the scheduled funeral service. The Cemetery will not be liable for damages for any change of location made.

9. Administration

- 9.1 The Financial Officer shall maintain records as necessary for the administration and management of the Cemetery under this Bylaw and under other applicable enactments.
- 9.2 The Financial Officer is hereby authorized, subject to the provisions of this Bylaw, to grant an Interment Rights Certificate for any unoccupied and unlicensed Burial Plot in a Cemetery.
- 9.3 The Financial Officer shall issue all Licences and Permits for Interment and/or Memorial installation as required by this Bylaw except as otherwise provided herein.
- 9.4 Upon issuing any Licence for Interment in a Cemetery, or upon viewing an order for Disinterment or Exhumation from the proper authority as required by Section 7.98 hereof, the Financial Officer shall notify appropriate City staff prior to the intended Interment, Disinterment or Exhumation giving the name of the deceased, the number and location of the Burial Plot and any instructions of the Medical Health Officer relative to the Interment, Disinterment or Exhumation.
- 9.5 The City of Nanaimo reserves the right to claim the interment rights for an unused plot where such reclamation shall be carried out in compliance with and subject to the reclamation requirements set out in Section 25 of the Cremation, Interment, and Funeral Services Regulation of BC.

10. Cemetery Care Fund

- 10.1 A fund is hereby established to be known as the "Cemetery Care Fund" which shall be administered in accordance with the requirements of applicable enactments.
- 10.2 A bank account shall be established to be known as "Cemetery Care Fund" into which the Financial Officer shall pay all funds received for fund purposes. All such funds shall be deposited in said account, and held pending investment as hereinafter provided.
- 10.3 On each Right of Interment, Interment Rights Certificate and Memorial Marker Permit the Financial Officer shall pay into the Cemetery Care Fund, a Cemetery Care Fund Fee as specified in Schedule "A" the City's Fees and Charges Bylaw.
- 10.4 Per all Rights of Interment, Interment Rights Certificates and Memorial Marker Permits, the amount paid to the Cemetery Care Fund contribution purposes shall

be irrevocable and be for the amount specified in Schedule “A the City’s Fees and Charges Bylaw.

- 10.5 Investment of funds received for Cemetery Care Fund purposes shall be made as required by regulations under the *Cremation, Interment and Funeral Services Act*.
- 10.6 The income from the Cemetery Care Fund, including any appreciation thereof, shall be used for the sole purpose of upkeep and maintenance of properties licensed as City Cemeteries.
- 10.7 The principal sum of the Cemetery Care Fund shall not be reduced other than in accordance with provisions providing for such as contained within the *Cremation, Interment and Funeral Services Act*.
- 10.8 A separate account of all monies received and all monies expended under the provisions of this Bylaw shall be kept by the Financial Officer and any surplus shall be paid at the end of each financial year into a fund to be known as the “Cemetery Care Fund” and same shall be invested by the City in accordance with the provisions of the *Community Charter*. The interest derived from such investment shall be used for the upkeep of cemeteries and their attached grounds, fixtures and amenities.

11. Memorial Markers

- 11.1 No person shall remove ~~, or or place place~~ a Memorial Marker, tablet or monument, or memorial curbing on any Burial Plot without first obtaining a Memorial Installation Permit.

11.2 No person shall make on-site changes to a Memorial Marker, tablet or monument without first obtaining a Marker Alteration Permit.

- 11.32 Any Memorial Marker installed or removed on any Burial Plot in a City Cemetery must be installed or removed by a person who:

- (a) has applied for a Memorial Installation Permit;
- (b) has paid the Memorial Installation Permit fee set out in Schedule “A” to this Bylaw;
- (c) is a City Approved Installer authorized to do the work; and,
- (d) at the time of installation, any Approved Installer, other than City Cemetery staff, must have in their possession a copy of the Memorial Installation Permit, relevant to the specific Burial Plot where work is taking place. Further to this, if requested by a City representative, the Approved Installer must present the Memorial Installation Permit as proof/authorization to perform work in a Cemetery.

- 11.43 A Memorial Marker may only be made of granite or bronze and installed in a position and location on a Burial Plot according to the requirements established by the City as follows:

- (a) each Memorial Marker shall be rectangular in shape;

- (b) when installed, the top surface of a Memorial Marker must be set level and flush with the surface of the surrounding ground;
- (c) each bronze Memorial Marker shall be attached to a concrete or granite base not less than 10 centimeters (4 inches) thick with side surfaces true and perpendicular with the top surface of the attached tablet;
- (d) each granite Memorial Marker shall be not less than 10 centimeters (4 inches) thick and shall have its side surfaces true and perpendicular with its top surface;
- (e) raised inscriptions shall only be permitted on a Memorial Marker provided the lettering is not raised more than 0.3175 centimeters (1/8 inch) above the face of such tablet;
- (f) the top surface of a Memorial Marker and/or concrete base shall not at any time exceed the dimensions of the Burial Plot on which it is being placed. Further to this, the maximum dimension of any Memorial Marker and/or concrete base shall not exceed 46 centimeters by 91 centimeters (18 inches by 36 inches);
- (g) pursuant to Subsection (c) above, a bronze Memorial Marker intended for installation on a Burial Plot may be smaller than its concrete base, provided the concrete base conforms to the size for the Burial Plot as required by Subsection (f) above, and provided the part of the base extending beyond the bronze tablet, does not exceed 5 centimeters (2 inches) wide and has a smooth, slightly beveled surface to shed water at its outer edges;
- (h) a maximum of two Memorial Markers may be installed on each Burial Plot. Where two related persons are Interred side by side in adjacent Burial Plots, one 46 centimeter by 91 centimeter (18 inch by 36 inch) tablet which provides for the Memorialization for both Burial Plots may be used instead of two separate Markers provided the single Marker so used is set to embrace evenly the two Burial Plots concerned;
- (i) a Memorial Marker providing a concrete encased containment area for Cremated Remains within its concrete base which conforms to pertinent requirements of Section 11.3, and which supports either a granite or bronze tablet, may enclose one or two containers of Cremated Remains of deceased persons as permitted by the terms and requirements of Section 8.8; and,
- (j) the ownership upkeep or maintenance of any Memorial Marker remains the responsibility of the purchaser and their family and does not pass to the City.

11.54 Old Memorial Markers that have been laid flat may be re-erected if any inscription upon the marker has been buried below ground level. This work must be first approved by the City and carried out under a marker installation permit by an approved installer at the family's expense. (Bylaw No. 7084.01)

11.6 Commonwealth War Grave Commission Memorial Markers that have been laid flat may be re-erected. This work must first be approved by the City and carried out under a marker installation permit by an approved installer at the expense of the Commonwealth War Grave Commission. Wording for allowing Commonwealth to re-erect monuments

12. General

- 12.1 No person shall plant install or maintain any alternative landscaping such as a fence, coping, hedge, curb, railing or rockery of any kind on or adjacent to a Burial Plot in a Cemetery.
- 12.2 To facilitate the ongoing maintenance needs of any Cemetery, Burial Plot or Cemetery amenity the ~~Director~~ General Manager of Engineering and Public Works, is authorized to:
- (a) remove or cause the removal of any alternative landscaping installed contrary to Section 12.1 from any Burial Plot or area of a Cemetery; and
 - (b) lay any existing upright Memorial Marker in a horizontal position on its respective Burial Plot.
- 12.3 Changes in the boundaries of any Cemetery are governed by the *Cremation, Interment and Funeral Services Act*.
- 12.4 The City is authorized to do all such work in relation to the maintenance, operation and alteration of a Cemetery, including construction, removal, replacement or re-grading of roads, landscaped areas, drives and walks and all other fixtures and amenities attached to any Cemetery including the alteration of sprinkler and drainage systems, as considered advisable for the proper operation, maintenance and development of a Cemetery.
- 12.5 Subject to Section 43 of the *Cremation, Interment and Funeral Services Act*, the City is authorized to correct any error in the allocation of a Burial Plot or in performing or arranging Interments, Disinterment's, Exhumations or in the transfer, or conveyance of same. The purpose of this Bylaw does not include the assumption by the City of a duty of care toward any person. Where Human Remains have not been interred, the City may, in its discretion, refund an amount of money paid on account of the purchase involved. Prior to refunding any amount of money, the City will make reasonable efforts to offer alternatives including, if necessary, finding and offering an alternative Burial Plot in a City Cemetery of equal value and in as close a proximity as possible to the requestors location needs, to be substituted and conveyed.
- 12.6 Cut flowers, wreaths and floral offerings may be placed on a Burial Plot or in a Cemetery however:
- (a) no vase or flower holders are permitted, except as approved by the City in writing;
 - (b) the City, or its designate, may remove flowers, wreaths and floral offerings, at their sole discretion when their condition is considered to be detrimental to the aesthetics of the Cemetery; and,
 - (c) notwithstanding Subsections (a) and (b) above, no artificial flowers shall be placed on a Burial Plot between May 01 and September 30 in any year.
- 12.7 No person, other than a City employee, authorized Contractor or agent of the City or their designate authorized to do so, shall place, plant, remove, cut down or destroy any tree, shrub, plants, flowers, bulbs or rocks in a Cemetery. Any

unauthorized plant material or other unauthorized item left in a Cemetery or on a Burial Plot may be removed by the City at their sole discretion.

- 12.8 A person shall not park a vehicle of any kind in front of any Cemetery main entrance gate or in any manner which will obstruct access thereto or restricts access roads within a Cemetery, at any time.
- 12.9 A person shall not drive or park any vehicle on any landscaped area or walkway within a Cemetery except under situations involving authorized work being undertaken by a City employee, Contractor or agent of the City or their designate authorized to work in a Cemetery.
- 12.10 No unauthorized person shall enter the Cemetery in a vehicle after 4:30 pm daily or before 8:00 am daily, or drive a vehicle in the Cemetery at any time at a speed of more than 15 kilometers an hour, and all vehicles and their drivers while on Cemetery grounds shall be subject to the directions and orders of the City or its designate.
- 12.11 All persons and funeral processions in the Cemetery shall obey the reasonable instructions of the designated City representative responsible for the Interment service.
- 12.12 Any person not behaving with proper decorum within a Cemetery, or disturbing the quiet and good order of a Cemetery may be evicted there from by a designated City representative.
- 12.13 All Interments shall be scheduled to take place between the hours of 9:00 AM and 2:00 PM, and a maximum of three (3) Ash Interments and one (1) Full Interment shall be permitted and scheduled on any one day unless otherwise approved by the General Manager of Engineering and Public Works ~~Director~~.
- 12.14 No person shall, within the limits of a Cemetery, solicit orders or advertise the availability of, or arrange for the sale, lease or other transfer for consideration of any goods, works or services including, but not limited to Memorial services, Memorial Markers, memorial flowers, statues, carvings or urns in relation to any service attached to cemetery functions, Interment, Memorialization or a Burial Plot.
- 12.15 No person shall discharge a firearm within a Cemetery, other than in regular volleys as part of military interment service and where it has been first approved in writing by the Director General Manager, Engineering and Public Works prior to the service.
- 12.16 Unless authorized by the Director General Manager of Engineering and Public Works or provisions of this bylaw, any person who destroys, mutilates, defaces, injures, or removes:
 - (a) any monument, Memorial, Memorial Marker or other feature or structure at a Burial plot; or,
 - (b) any fence, railing, curbing, or other item or work for the delimitation or protection or adornment of a Cemetery, or any Burial Plot,

commits an offence under this Bylaw and upon conviction, is liable to the penalties set out in Section 13.

12.17 A person who on Cemetery grounds:

- (a) destroys, cuts, breaks or injures any tree, shrub, plant or other plant material within a Cemetery, other than in conjunction with maintenance or Cemetery renovations being performed by the City or on their behalf by their designate;
- (b) plays a game or sport;
- (c) discharges a firearm except with an approval under Section 12.15;
- (d) disturbs persons assembled for the purpose of Interment;
- (e) deposits any rubbish or offensive matter or thing in any part of a Cemetery,

commits an offence under this Bylaw and upon conviction, is liable to the penalties set out in Section 13.

13. Penalty

~~Any person guilty of an infraction of this Bylaw, shall be liable upon conviction, to a penalty not exceeding ten thousand dollars (\$10,000).~~

~~13.1 Any Person who causes, permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to pay a fine of not more than \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the Community Charter and Offence Act.~~

~~13.2 This Bylaw may be enforced by bylaw notice pursuant to the Bylaw Notice Enforcement Bylaw 2012 No. 7159, as amended or replaced.~~

~~13.3 Each day that an offence continues or exists shall constitute a separate offence.~~

14. Disclaimer of Warranties

Notwithstanding anything herein contained, the administration and operation of a Cemetery shall be carried out at all times in accordance with the *Cremation, Interment and Funeral Services Act* and/or the *Business Practices and Consumer Protection Act* and all pertinent regulations thereunder.

15. Severability

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, the invalid portion must be severed and the remainder of the bylaw is deemed valid.

16. Repeal

“CEMETERY BYLAW 1998 NO. 5302”, and all amendments thereto, are hereby repealed.

~~17. Effective Date~~

~~This bylaw shall come into force on 2010-JAN-01.~~

Schedule A

Cemetery Charges

All fees shall be payable by the Applicant at City Hall at the time of application.

RESIDENT FEES

Ground Burial	Right of Interment	Right of Interment Care Fund	Preparation & Placement	Preparation & Placement Care Fund	Liner (Supplied by City)
Full Plot—Adult	\$800.00	\$(320.00)	\$700.00	\$(50.00)	\$550.00 ^{*a}
Full Plot—Child/Infant	800.00	(320.00)	330.00	(30.00)	550.00 ^{*a}
Half Plot—Child/Infant	500.00	(250.00)	330.00	(30.00)	125.00
Cremation Plot	500.00	(250.00)	330.00	(30.00)	100.00 ^a

NON-RESIDENT FEES

Ground Burial	Right of Interment	Right of Interment Care Fund	Preparation & Placement	Preparation & Placement Care Fund	Liner (Supplied by City)
Full Plot—Adult	\$950.00	\$(420.00)	\$700.00	\$(50.00)	\$550.00 ^{*a}
Full Plot—Child/Infant	\$950.00	\$(420.00)	\$330.00	\$(30.00)	\$550.00 ^{*a}
Half Plot—Child/Infant	\$620.00	\$(290.00)	\$330.00	\$(30.00)	\$125.00
Cremation Plot	\$620.00	\$(290.00)	\$330.00	\$(30.00)	\$100.00 ^a

* Add \$100.00 additional fee for oversized grave liner.

^a \$200.00 for installation of approved burial liner supplied by outside source. \$50.00 for installation of approved cremation liner supplied by an outside source.

FEES FOR SERVICES & PRODUCTS

Memorials	Fee	Care Fund
Memorial Installation Permit	\$100.00	\$(50.00)
Marker Re-Installation Permit	\$ 75.00	
City to Install Marker	\$100.00	

Additional Administration Fees	Fee	Care Fund
Late Arrival—Monday to Friday, all services	\$75/ half hour	
Saturday Interment	\$500.00	
Disinterment/Exhumation—Adult	\$800.00	\$(80.00)
Disinterment/Exhumation—Child/Infant	\$400.00	\$(40.00)
Disinterment/Exhumation—Ashes	\$300.00	\$(30.00)
Double Depth Burial	\$300.00	\$(30.00)

City of Nanaimo

455 Wallace Street Nanaimo, BC V9R 5J6 Telephone: (250) 755-4501 Fax: (250) 755-4440
www.nanaimo.ca

Effective January 1, 2010

DATE OF MEETING NOVEMBER 4, 2024

AUTHORED BY DAVID THOMPSON, MANAGER, ROADS & TRAFFIC SERVICES
ANA FRANCISCO, ASSISTANT MANAGER, REVENUE SERVICES

SUBJECT CEMETERY FEES AND CHARGES AMENDMENT BYLAW

OVERVIEW

Purpose of Report

To introduce fee increases associated with providing the services associated with cemetery operations.

Recommendation

That Council give first reading to “Fees and Charges Amendment Bylaw 2024, No. 7336.11” (a bylaw to amend the cemetery fees and charges).

That Council give second reading to “Fees and Charges Amendment Bylaw 2024, No. 7336.11”.

That Council give third reading to “Fees and Charges Amendment Bylaw 2024, No. 7336.11”.

BACKGROUND

The City of Nanaimo owns and operates three (3) public cemeteries. These cemeteries provide for interment of Nanaimo residents and create a connection to Nanaimo’s past. The cemetery operations are run out of the Sanitation and Cemeteries Section at Public Works and supported by Revenue Services staff in the Finance Department. This small group of staff undertake between 60 and 70 interments each year the majority of which are cremations.

Each of the three operating cemeteries (Bowen, Townsite/Chinese, Wellington) are licensed by the Province under the Cremation, Interment and *Funeral Services Act*.

As with many services, cemetery operations have not kept pace with rapid growth in Nanaimo. Operational changes and the fees and charges no longer reflect the value of the real estate and the value of the effort from staff. The Cemetery Bylaw was last updated in 2009 and is overdue for review.

DISCUSSION

The City of Nanaimo's current cemetery fees are significantly lower than comparable municipalities by population (see Attachment B). This affordability has made Nanaimo's cemeteries an attractive option for residents and the Ministry, but it has also led to financial challenges in maintaining the facilities and services provided.

The 2024 expenditure budget for cemetery operations is \$287,310 and does not include the cost of Revenue Services staff time estimated at \$19,000 or time spent overseeing operations by the Manager, Sanitation, Recycling & Cemeteries. The 2024 revenue budget is \$87,000 however \$11,000 in fees is budgeted to be transferred to the Cemetery Care Reserve Fund.

The Cemetery Care Reserve Fund is an endowment fund and the City uses the interest earned on the fund for the care and maintenance of the cemetery. To the end of September, the fund earned approximately \$26,600 in interest which has helped fund care and maintenance costs. 2024 budgeted revenue and anticipated interest earnings on the Cemetery Care Reserve Fund will fund approximately 36% of operation costs (including Revenue Services staff time) with the remaining 64% funded by property taxation and other City revenue. Inflation and increased operational expenses, including staff wages and equipment, as well as the rising costs of maintenance and general upkeep have made it difficult to sustain the quality of service.

Given that fees have not increased in over 10 years, staff undertook a survey of 19 municipalities that have cemetery operations to compare fees. Of the 19 surveyed, ten are the comparator municipalities that the City uses for other surveys as they have a similar size and population to Nanaimo. As you will see on the attached chart, Nanaimo currently charges the second lowest rates. Even with the proposed increases for 2025 as outlined in Attachment B, Nanaimo's fees would still be lower than many surrounding municipalities. However, staff felt it would be challenging to increase the fees too drastically in a short period of time. As such, staff have proposed gradual increases over three years so that by 2026, Nanaimo would be at the median of those surveyed, and by 2027, the City will be closer to achieving cost recovery.

Nanaimo residents would continue to be provided with preferential rates over non-residents.

OPTIONS

Option 1:

That Council give first reading to "Fees and Charges Amendment Bylaw 2024, No. 7336.11" (a bylaw to amend the cemetery fees and charges)

That Council give second reading to "Fees and Charges Amendment Bylaw 2024, No. 7336.11"

That Council give third reading to "Fees and Charges Amendment Bylaw 2024, No. 7336.11"

- The advantage to this option is that by increasing the fees, the City can begin to recoup the costs associated with the cemetery operations. Even with the proposed increased, the City is still well below what other similar sized municipalities charge. It is hoped that by 2027, the City will be closer to achieving cost recovery.
- The disadvantage is that there will be an impact associated with increased fees. However, the bylaw will not take effect until January 1, 2025 and the fee increases would be gradual over a 3 year period.

Option 2:

That Council retain the existing fee structure for cemetery operations.

- The disadvantage to this option is that without increasing the fees, the City will continue to substantially subsidize the cemetery operations.

Option 3:

That Council provide alternate direction to staff.

SUMMARY POINTS

- The proposed fees and charges reflect reasonable increases for 2025 and onwards based on current service offerings.

ATTACHMENTS:

Attachment A - Fees and Charges Amendment Bylaw No. 7336.11

Attachment B - Survey of Municipalities Cemetery Fees

Attachment C - Existing Cemetery Fees and Charges

Submitted by:

David Thompson,
Manager, Roads and Traffic Services

Ana Fransisco,
Assistant Manager, Revenue Services

Concurrence by:

Karen Robertson,
Deputy Corporate Officer

Wendy Fulla,
Director of Finance

Laura Mercer,
General Mgr., Corporate Services

Bill Sims,
General Mgr., Engineering & Public Works

Dale Lindsay,
CAO

CITY OF NANAIMO

BYLAW NO. 7336.11

A BYLAW TO AMEND THE “FEES AND CHARGES BYLAW 2021 NO. 7336”

The Council of the City of Nanaimo, in open meeting assembled, enacts as follows:

1. Title:

This Bylaw may be cited for all purposes as “Fees and Charges Amendment Bylaw 2024, No. 7336.11”.

2. Amendments:

Schedule “A” to “Fees and Charges Bylaw 2021 No. 7336” is hereby amended by adding the following cemetery fees and charges:

CEMETERY FEES

Note: Cemetery fees do not include any applicable taxes such as GST. All fees shall be payable by the Applicant at the time of application.

Right Of Interment Fees					
		Jan. 1, 2025		Jan.1, 2026	Jan. 1, 2027
<u>Resident</u>					
Full Plot - First Interment		2,500.00		3,130.00	3,910.00
Care Fund Contribution		(320.00)		(320.00)	(320.00)
Half Plot		1,250.00		1,560.00	1,950.00
Care Fund Contribution		(250.00)		(250.00)	(250.00)
Cremation Plot		1,250.00		1,560.00	1,950.00
Care Fund Contribution		(250.00)		(250.00)	(250.00)

<u>Non-Resident</u>					
Full Plot - First Interment		5,000.00		6,250.00	7,810.00
Care Fund Contribution		(420.00)		(420.00)	(420.00)
Half Plot		2,500.00		3,130.00	3,910.00
Care Fund Contribution		(290.00)		(290.00)	(290.00)
Cremation Plot		2,500.00		3,130.00	3,910.00
Care Fund Contribution		(290.00)		(290.00)	(290.00)
INTERMENT FEES					
<u>Resident & Non-Resident</u>					
Full Burial - Preparation & Placement (1 st Interment)		1,680.00		2,100.00	2,630.00
Care Fund Contribution		(50.00)		(50.00)	(50.00)
Full Burial - Preparation & Placement (2 nd Interment)		1,200.00		1,500.00	1,880.00
Care Fund Contribution		(50)		(50)	(50)
Full Burial - Preparation & Placement (Child/Infant)		600.00		750.00	940.00
Care Fund Contribution		(30.00)		(30.00)	(30.00)
Cremated Remains - Preparation & Placement		600.00		750.00	940.00
Care Fund Contribution		(30.00)		(30.00)	(30.00)
LINER FEES					
Full Plot		760.00		950.00	1,190.00
Half Plot		180.00		230.00	290.00
Cremation Plot		150.00		190.00	240.00
DISINTERMENT/EXHUMATION FEES					
Full Burial Disinterment		1,400.00		1,750.00	2,190.00

Care Fund Contribution		(80.00)		(80.00)		(80.00)
Full Burial Disinterment (Child/Infant)		800.00		1,000.00		1,250.00
Care Fund Contribution		(40.00)		(40.00)		(40.00)
Cremated Remains Disinterment		800.00		1,000.00		1,250.00
Care Fund Contribution		(30.00)		(30.00)		(30.00)
MEMORIAL MARKER FEES						
Installation Permit		100.00		130.00		160.00
Care Fund Contribution		(50.00)		(50.00)		(50.00)
Alternation Permit		75.00		90.00		110.00
Re-Installation Permit		75.00		90.00		110.00
City to Install and/or Remove		100.00		130.00		160.00
ADDITIONAL FEES FOR SERVICES & PRODUCTS						
Cremation Liner from Outside Source		50.00		50.00		50.00
Full Liner from Outside Source		200.00		200.00		200.00
Oversized Grave Liner		100.00		100.00		100.00
Late Arrival (All Services) Billed in 30 min increments		75.00/ half hour		80.00/ half hour		85.00/ half hour
Rescheduling/Cancellation (less than three (3) business days notice)		Interment Fee		Interment Fee		Interment Fee
Weekend or Statutory Holiday Interment		500.00		530.00		560.00"

3. Effective Date

This Bylaw comes into effect on 2025-JAN-01.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____

ADOPTED: _____

MAYOR

CORPORATE OFFICER

ATTACHMENT B

Survey of Municipalities Cemetery Fees

Rank	City	2023 Census Population	Full Plot Interment Costs	Half Plot Interment Costs
1	Victoria	100,505	20,155	N/A
2	Coquitlam	166,584	9,650	2,755
3	North Vancouver	96,857	8,250	3,300
4	West Vancouver	47,396	8,046	3,145
5	2027 Nanaimo Proposed	108,277	7,730	3,180
6	Courtenay	31,042	7,730	3,130
7	Kelowna	161,166	6,707	1,900
8	New Westminster	88,408	6,328	3,110
9	2026 Nanaimo Proposed	108,277	6,180	2,540
10	Delta	120,049	5,343	1,547
11	Vernon	48,087	5,005	1,667
12	Maple Ridge	102,414	4,979	1,358
13	2025 Nanaimo Proposed	108,277	4,940	2,030
14	Kamloops	106,974	4,833	2,014
15	Prince George	82,637	4,220	1,598
16	Abbotsford	166,842	3,815	1,221
17	Port Coquitlam	66,974	2,900	613
18	North Cowichan	33,873	2,523	837
19	Campbell River	38,259	2,050	930
20	Nanaimo	108,277	2,050	955
21	Port Alberni	19,496	1,847	585

ATTACHMENT C

Bylaw No. 7084 – Consolidated
Page 16

Schedule A

Cemetery Charges

All fees shall be payable by the Applicant at City Hall at the time of application.

RESIDENT FEES

Ground Burial	Right of Interment	Right of Interment Care Fund	Preparation & Placement	Preparation & Placement Care Fund	Liner (Supplied by City)
Full Plot – Adult	\$800.00	\$(320.00)	\$700.00	\$(50.00)	\$550.00 ^{*a}
Full Plot – Child/Infant	800.00	(320.00)	330.00	(30.00)	550.00 ^{*a}
Half Plot – Child/Infant	500.00	(250.00)	330.00	(30.00)	125.00
Cremation Plot	500.00	(250.00)	330.00	(30.00)	100.00 ^a

NON-RESIDENT FEES

Ground Burial	Right of Interment	Right of Interment Care Fund	Preparation & Placement	Preparation & Placement Care Fund	Liner (Supplied by City)
Full Plot – Adult	\$950.00	\$(420.00)	\$700.00	\$(50.00)	\$550.00 ^{*a}
Full Plot – Child/Infant	\$950.00	\$(420.00)	\$330.00	\$(30.00)	\$550.00 ^{*a}
Half Plot – Child/Infant	\$620.00	\$(290.00)	\$330.00	\$(30.00)	\$125.00
Cremation Plot	\$620.00	\$(290.00)	\$330.00	\$(30.00)	\$100.00 ^a

* Add \$100.00 additional fee for oversized grave liner.

^a \$200.00 for installation of approved burial liner supplied by outside source. \$50.00 for installation of approved cremation liner supplied by an outside source.

FEES FOR SERVICES & PRODUCTS

Memorials	Fee	Care Fund
Memorial Installation Permit	\$100.00	(\$50.00)
Marker Re-Installation Permit	\$ 75.00	
City to Install Marker	\$100.00	

Additional Administration Fees	Fee	Care Fund
Late Arrival - Monday to Friday, all services	\$75/ half hour	
Saturday Interment	\$500.00	
Disinterment/Exhumation – Adult	\$800.00	(\$80.00)
Disinterment/Exhumation – Child/Infant	\$400.00	(\$40.00)
Disinterment/Exhumation – Ashes	\$300.00	(\$30.00)
Double Depth Burial	\$300.00	(\$30.00)

City of Nanaimo

455 Wallace Street

Nanaimo, BC V9R 5J6 Telephone: (250) 755-4501
www.nanaimo.ca

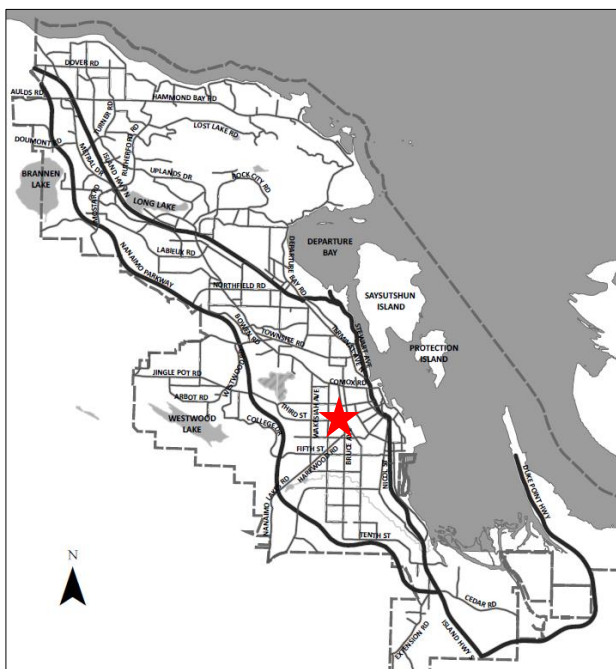
Fax: (250) 755-4440

Effective January 1, 2010

DATE OF MEETING November 4, 2024

AUTHORED BY PAYTON CARTER, PLANNER, CURRENT PLANNING

SUBJECT REZONING APPLICATION NO. RA504 – 335 THIRD STREET



Proposal:

To allow a multi-family development

Zoning:

R1 – Single Dwelling Residential

City Plan Land Use Designation:

Residential Corridor

Lot Area:

4,874m²

RA



OVERVIEW

Purpose of Report

To present Council with an application to rezone 335 Third Street from Single Dwelling Residential (R1) to Residential Corridor (COR1) to facilitate a multi-family development.

Recommendation

That:

1. “Zoning Amendment Bylaw 2024 No. 4500.236” (to rezone 335 Third Street from Single Dwelling Residential [R1] to Residential Corridor [COR1]) pass first reading;
2. “Zoning Amendment Bylaw 2024 No. 4500.236” pass second reading; and,
3. “Zoning Amendment Bylaw 2024 No. 4500.236” pass third reading; and,
4. Council direct Staff to secure the conditions related to “Zoning Amendment Bylaw 2024 No. 4500.236” as outlined in the “Conditions of Rezoning” section of the Staff Report dated 2024-NOV-04 prior to final adoption.

BACKGROUND

A rezoning application was received from Seward Developments Inc., on behalf of T. Hughes Holding Ltd., Michael Gogo, and Dwayne MacIntyre to amend the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to rezone the subject property at 335 Third Street from Single Dwelling Residential (R1) to Residential Corridor (COR1) to facilitate a multi-family development.

Subject Property and Site Context

The subject property is located within the Harewood neighbourhood, east of Downtown, along the Third Street corridor. The southern portion of the lot slopes up from north to south approximately 6m towards the intersection of Wharton Street and Georgia Avenue. The site currently contains a single-family dwelling and accessory buildings while established single residential dwellings, multi-family dwellings, places of worship, and City parkland characterize the surrounding area. The Cat Stream and a wetland are located east of the proposed development, within City parkland, which require a 15.0m leave strip that extends into the northeast corner of the property.

The property is centrally located within walking distance to Downtown, Third Street Park, and Vancouver Island University, as well as other schools and recreational facilities and outdoor amenities. The area is well-served by various transit routes and Third Street is expected to undergo utility and complete street upgrades in 2025.

Public Notification

Pursuant to Section 464(3) and 467 of the Local Government Act, a public hearing is prohibited for the proposed “Zoning Amendment Bylaw 2024 No. 4500.236” as the bylaw is consistent with the Official Community Plan (City Plan) and the purpose of the bylaw is to facilitate a residential development as outlined in this report.

Statutory notification of first reading occurred on 2024-OCT-24.

DISCUSSION

Proposed Zoning

The applicant is proposing to rezone the subject property from Single Dwelling Residential (R1) to Residential Corridor (COR1) to facilitate a multi-family residential development. The COR1 zone allows residential uses and limited number of other uses, including smaller office uses in mixed-use developments. The maximum allowable Floor Area Ratio is 1.00 and the maximum allowable building height is 14.0m, with the opportunity for an additional 4.0m (up to 18.0m) of height where the majority of parking is located under the building.

The conceptual plans submitted with the rezoning application illustrate how the site could be developed with two buildings in four to six-storey building forms, consisting of 56 dwelling units with underbuilding parking. The development concept demonstrates that the COR1 zoning requirements can be met, and the required parking can be provided onsite. The conceptual drawings also demonstrate that there will be no encroachment into 15.0m leave strip, which projects into the northeast corner of the subject property. While variances are not anticipated, this would be confirmed through the design review at the Development Permit stage.

Policy Context

City Plan – Future Land Use

City Plan identifies the subject property within the Residential Corridor future land use designation, which supports medium-density residential development along urban arterial and collector roads. The Residential Corridor designation supports a mix of building forms, including low to mid-rise residential apartments (three to six storeys). To address the transition of the development to neighbouring properties, the six-storey building is proposed to be built into the existing slope of the site. This results in the development appearing as four-storeys from the properties located south of the development, which are designated Neighbourhood and support four-storey building forms.

Rezoning to COR1 is supported by City Plan and meets the policy objectives of the Residential Corridor designation to allow residential densification near existing commercial areas and employment centres, schools, and recreation opportunities.

The applicant submitted a number of technical assessments in support of the proposed rezoning including an environmental assessment, shadow study, and preliminary servicing reports. Staff have reviewed and accepted the studies. The environmental assessment confirmed that the proposed use and density can be achieved without negatively impacting the leave strip.

City Plan – Mobility Network

The subject property is along the Third Street corridor, which connects the Downtown Primary Urban Centre to the University Secondary Urban Centre. Third Street is a mobility collector road and a future bus frequent transit line. Primary and secondary active mobility routes are located nearby. Densification in this area would support City Plan goals to increase housing diversity within existing neighbourhoods in close proximity to local services and mobility options.

Through the technical review of the application, it was determined that adequate capacity exists on local roads to accommodate vehicle traffic from the proposed development. Vehicle access to the site is anticipated to be from the intersection of Wharton Street and Georgia Avenue, which are designated as Urban Local roads in Schedule 4 (“Road Network”) of City Plan. This would provide connection to Howard Avenue, Fourth Street, and Bruce Avenue through a diffuse local road network. Providing access from local roads would avoid increasing conflicts on Third Street which is classified as a Mobility Collector. Placing the access on Third Street may negatively impact the proposed future pedestrian crossing and transit stops which are intended to link the Georgia Greenway to the greater mobility network. As a condition of rezoning, additional road dedication will be secured along Third Street and a 3m multi-use trail, complete with lighting and street trees will be secured and constructed within the existing road dedication of Georgia Avenue.

Community Consultation

The subject property is within the area of the Harewood Neighbourhood Association. The application was forwarded to the association. The applicant hosted a Public Information Meeting on 2024-JUN-27 at the Nanaimo Ice Centre, where approximately 11 members of the public attended the meeting. Attendees expressed concerns regarding site access, traffic, building heights, and protection of the Cat Stream, located on the neighbouring property.

Community Amenity Contribution

In exchange for the value conferred on the lands through rezoning, the application was reviewed in accordance with Council’s Community Amenity Contribution (CAC) as per Council’s *Community Amenity Contribution Policy*. Based on the 2023 rates at the time of application, the anticipated CAC value would be \$41 per m² of Gross Floor Area. The applicant is proposing a monetary contribution at this rate, payable at the time of building permit issuance, with 100% directed towards the City’s Housing Legacy Reserve Fund. Based on the proposed concept, this would result in a CAC of approximately \$410,696. Staff note that CAC contributions may be reduced by 50% for market rental dwelling units where the rental tenure of units is secured by a Section 219 covenant, or other legal means to the satisfaction of the City, to be confirmed at the time of detailed design.

Staff support the proposed CAC.

Conditions of Rezoning

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2024 No. 4500.236”, Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Road Dedication* – Road dedication to achieve a road width of 14.2m, as measured from the existing constructed centre line of Third Street and 100m² square-shaped road dedication at the intersection of Wharton Street and Georgia Avenue, located at the southwest corner of the property.
2. *Off-Site Improvements* – Completion of a multi-use trail within the existing road dedication of Georgia Avenue to the City’s Manual of Engineering Standards and Specification (MoESS standard CS-21) complete with street trees and lighting to be completed through the development of the site.

3. *Community Amenity Contribution* – A monetary contribution equal to \$41 per m² of Gross Floor Area with 100% directed to the City's Housing Legacy Reserve Fund. |

SUMMARY POINTS

- The application is to rezone the subject property from Single Dwelling Residential (R1) to Residential Corridor (COR1) to facilitate a multi-family development.
- The proposed development is consistent with City Plan policies for the Residential Corridor future land use designation.
- The conceptual plans illustrate two buildings consisting of 56 dwelling units.
- A monetary Community Amenity Contribution is proposed to be directed to the City's Housing Legacy Reserve Fund.
- Staff support the proposed Zoning Bylaw amendment. |

ATTACHMENTS

ATTACHMENT A: Subject Property Map
ATTACHMENT B: Conceptual Site Plan
ATTACHMENT C: Conceptual Building Perspectives
ATTACHMENT D: Shadow Study
"Zoning Amendment Bylaw 2024 No. 4500.236" |

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

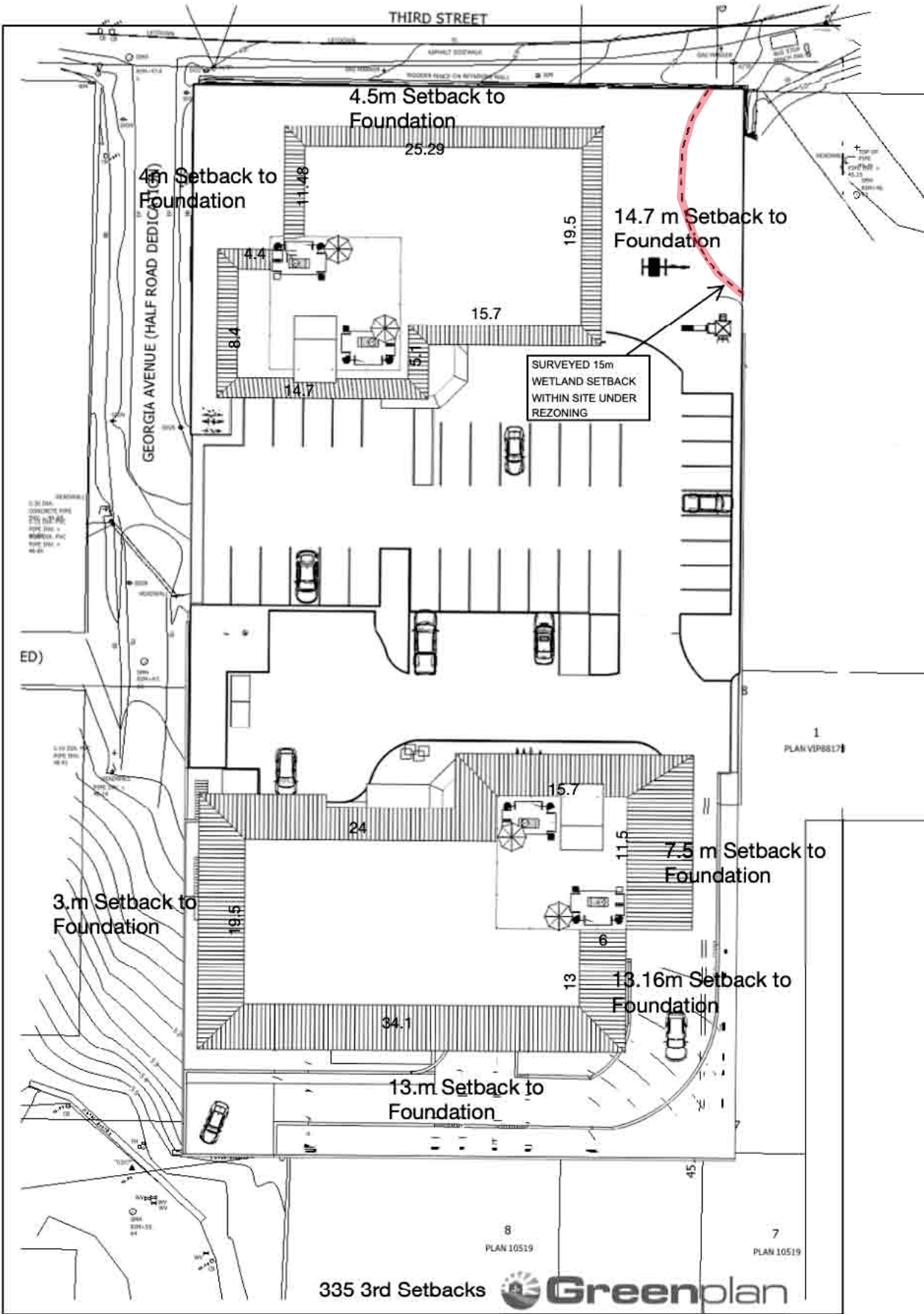
Jeremy Holm
Director, Planning & Development

ATTACHMENT A
SUBJECT PROPERTY MAP



335 THIRD STREET

ATTACHMENT B
CONCEPTUAL SITE PLAN



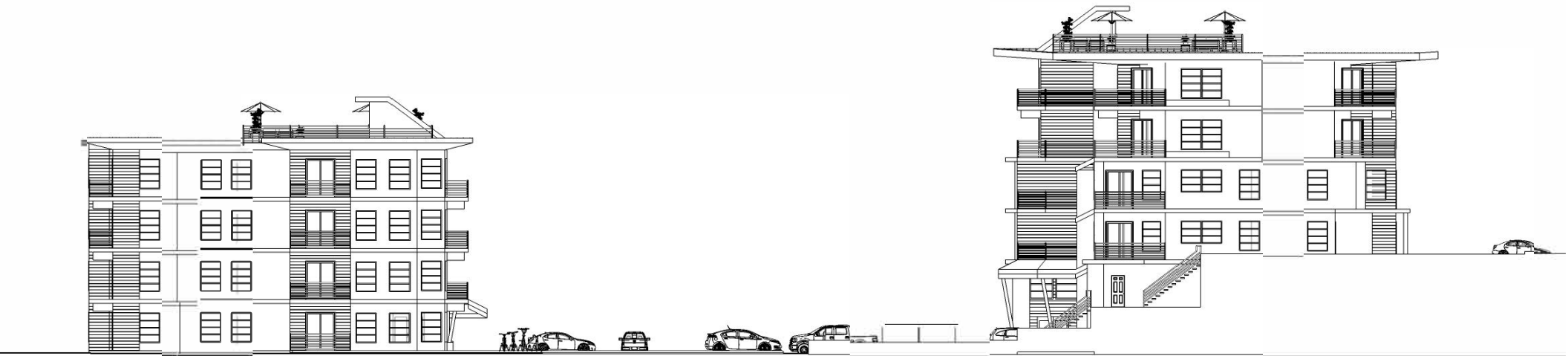
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RA504
2024-OCT-19
Current Planning

ATTACHMENT C
CONCEPTUAL BUILDING PERSPECTIVES

Page 1 of 2

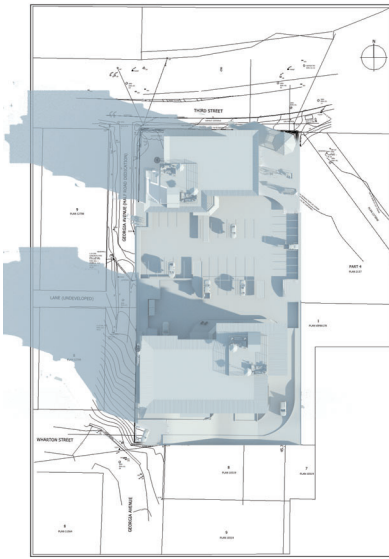


VIEW FROM THIRD STREET

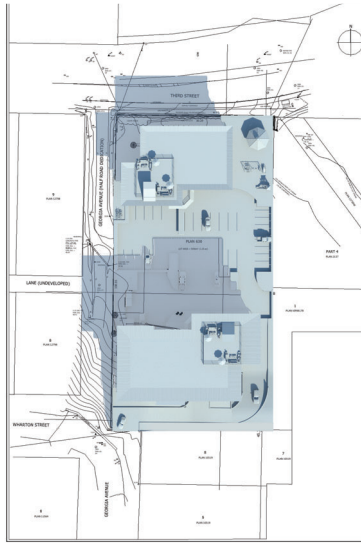


VIEW FROM WEST

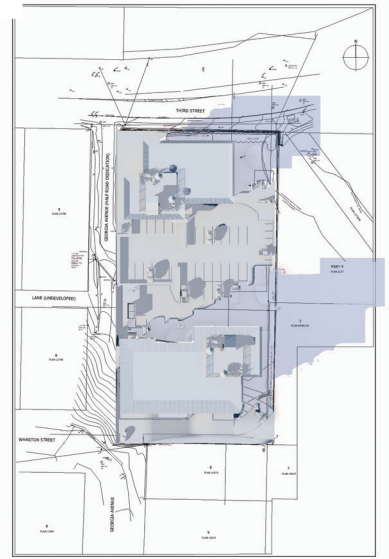
ATTACHMENT D SHADOW STUDY



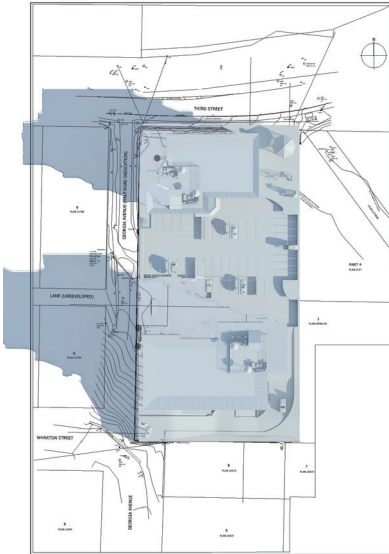
8:00 A.M March 20



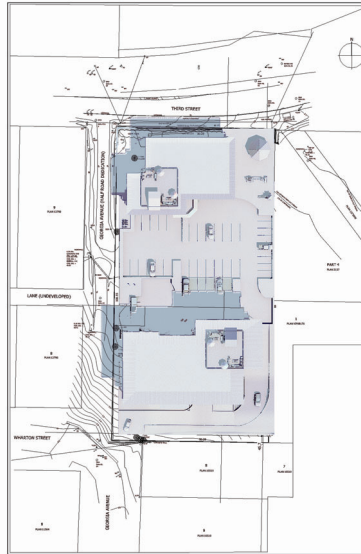
12:00 Noon March 20



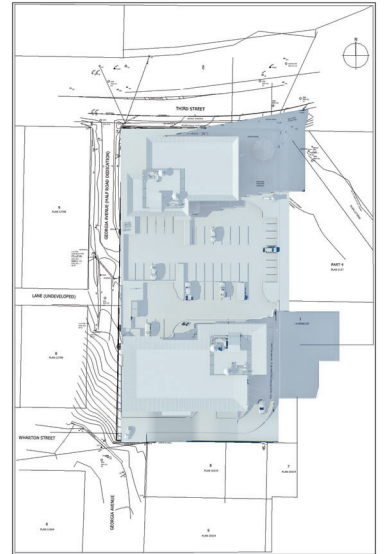
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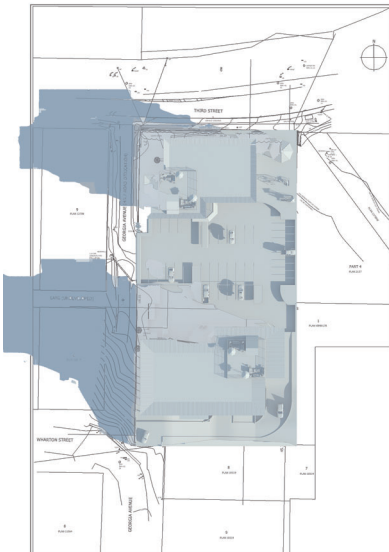
8:00 A.M June 21



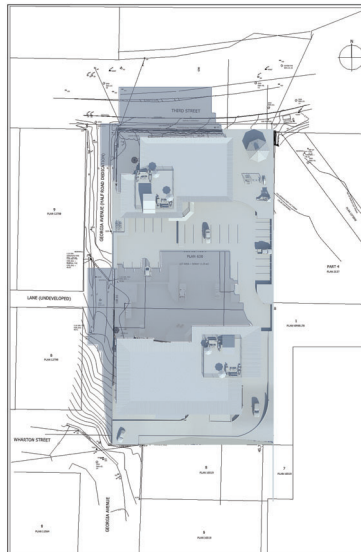
12:00 Noon June 21



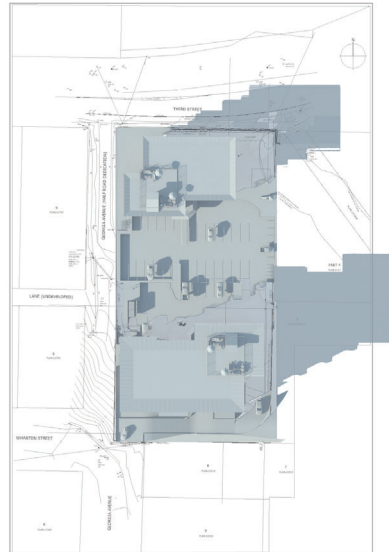
5:00 PM June 21



8:00 A.M Sept 22

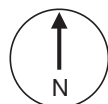


12:00 Noon Sept. 22



5:00 PM Sept. 22

Shadow Studies 335 3rd Street Nanaimo B.C
Latitude - 49° 09' 58.97 N
Longitude - 123° 56' 4.11 W
All Rendering In Full Sun



CITY OF NANAIMO

BYLAW NO. 4500.236

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

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 479, 480, 481, and 482 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 "ZONING AMENDMENT BYLAW 2024 NO. 4500.236".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as FRACTIONAL SECTION 32, RANGE 8, SECTION 1, NANAIMO DISTRICT, PLAN 630 (335 Third Street) from Single Dwelling Residential (R1) to Residential Corridor (COR1) as shown on Schedule A.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____

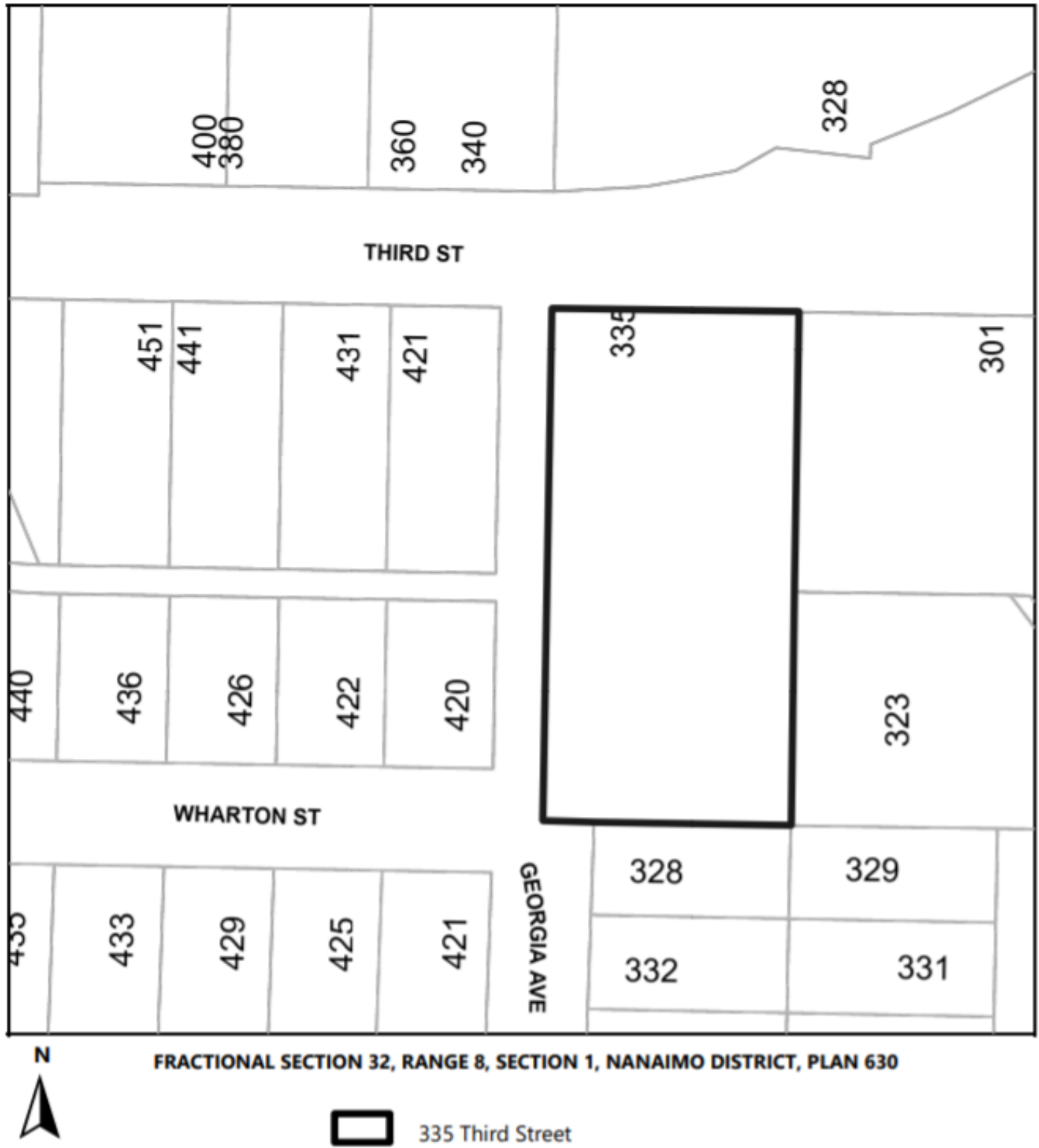
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000504
Address: 335 Third Street

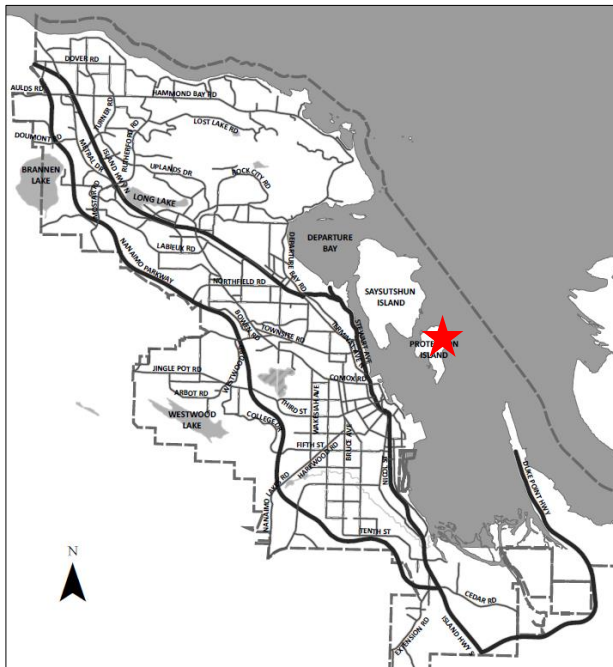
SCHEDULE A



DATE OF MEETING | November 4, 2024 |

AUTHORED BY | PAYTON CARTER, PLANNER, CURRENT PLANNING |

SUBJECT | **DEVELOPMENT PERMIT APPLICATION NO. DP1351 – 27**
HISPANOLA PLACE



Proposal:

Variance to allow site improvements for an existing dwelling within the marine foreshore leave strip.

Zoning:

R3 – Island Residential

City Plan Land Use Designation:

Suburban Neighbourhood

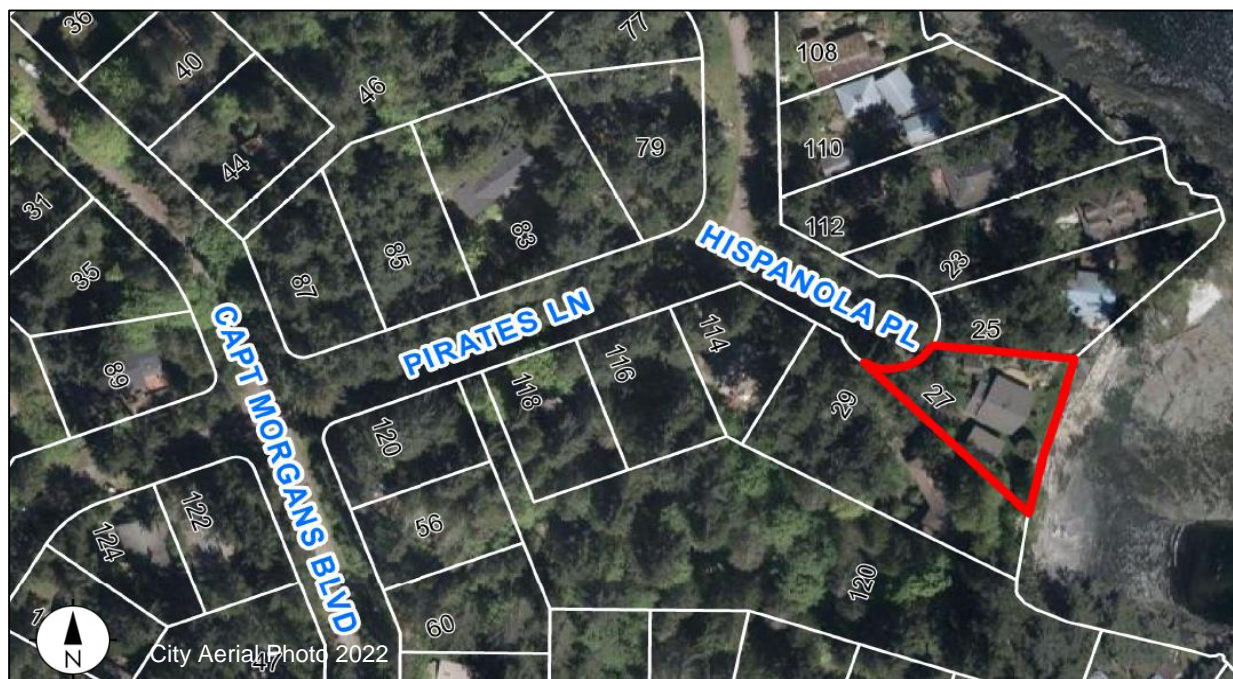
Development Permit Areas:

DPA1 – Environmentally Sensitive Areas

Lot Area:

1,093m²

DP



OVERVIEW

Purpose of Report

To present for Council's consideration a development permit application to allow site improvements for an existing dwelling within the marine foreshore leave strip at 27 Hispanola Place.

Recommendation

That Council issue Development Permit No. DP1351 for site improvements within the marine foreshore leave strip at 27 Hispanola Place with a variance as outlined in the "Proposed Variance" section of the Staff Report dated 2024-NOV-04.

BACKGROUND

A development permit application, DP1351, was received from Redwood Coastal Construction Ltd, on behalf of Kevin Thomson, to reduce the minimum required setback from the natural boundary of the sea (leave strip) within the Marine Foreshore Environmentally Sensitive Area (ESA) to allow the reconstruction and expansion of an existing deck and landscaping alterations at 27 Hispanola Place.

The existing dwelling was constructed before the property was designated within an ESA Development Permit Area (DPA), though setbacks applied at the time of the dwelling construction. A Board of Variance application (BOV94-27) was approved in 1994 to reduce the required leave strip from 15.0m to 7.5m to facilitate the construction of the single-family dwelling and detached garage largely within the leave strip. The applicant proposes to renovate the dwelling with site improvements. Since the dwelling renovations will not alter the building footprint, these works do not trigger a development permit requirement; however, the proposed replacement and expansion of the existing open deck within the ESA requires a development permit approval and variance to the leave strip.

Subject Property and Site Context

The subject property is located on the east side of Protection Island and nearly half of the lot is within the ESA. The property is flat and contains a single-family dwelling, accessory buildings and site improvements within the leave strip including a retaining wall along the natural boundary, boat ramp, stone patio, and raingarden. The existing landscaped area includes primarily lawn with some ornamental trees. The surrounding neighbourhood includes low-density residential development and Ben Gunn Park.

DISCUSSION

Proposed Development

The applicant is proposing to reconstruct an existing deck (41.6m²) within the rear yard in a similar footprint (40m²) and add a low-impact boardwalk (20m²) to connect the upgraded deck to a proposed hot tub and deck (22.7m²) between the dwelling and detached garage. The proposed

improvements will result in approximately 85m² of deck space within the leave strip, of which 41.6m² includes the reconstruction of the existing deck.

The rear yard is entirely within the leave strip and previously disturbed with lawn, a deck, gravel, and pavers. The lawn covers approximately 382m² and provides no functional habitat and minimal biophysical features. In addition to the deck improvements, the applicant proposes to remove and replace the lawn with coastal backshore habitat plantings, including trees, shrubs, perennials, and groundcovers, as identified on the Landscape Plan (Attachment E). Existing indigenous species that have been identified surrounding the existing raingarden will remain.

In support of the application and to address the Development Permit Area (DPA1) guidelines, the applicant submitted an Environmental Assessment, prepared by a Qualified Registered Professional (QRP) which concluded that the proposed works are minor in nature and the DPA guidelines will be met with a net gain in the quality and quantity of functional habitat within the ESA once the proposed improvements are complete. The report also confirmed there are no wildlife corridors or wildlife trees within the leave strip and that the existing hydrology will be maintained within the property.

To further support the site improvements and demonstrate compliance with the applicable guidelines, the following measures and maintenance strategies will be taken:

- To protect the Marine Foreshore ESA from disturbance, temporary silt fencing will be erected along the existing retaining wall to ensure protection from works occurring within the leave strip.
- To promote natural revegetation, organic mulch will be used to emulate natural conditions, minimize soil erosion and support plant growth.
- Existing indigenous trees will be retained and the proposed project will not disturb the root zone of any native vegetation.
- All existing and future invasive plants within leave strip will be removed by hand.
- Indigenous plantings shall be allowed to regenerate naturally to achieve the target condition of a functional habitat within 20 years.
- Fallen leaves, woody debris, and other natural litter will be left to support functional habitat growth.
- Replacement planting will occur, as required, for the die-off of any newly planted specimens.
- Adherence to the vegetation restoration plan, complete with a three-year monitoring and maintenance plan to ensure the health of the restoration plantings.
- The size of the existing stone patio will be reduced, ornamental vegetation will be replaced with indigenous trees, and the raingarden will be supplemented with indigenous planting.

Much of the leave strip area has been altered by the existing structures, limiting the area available for restoration planting to the 382m² of existing lawn. The conversion of existing lawn, which provides no functional habitat, to a contiguous area of coastal backshore habitat using marine coast plants will achieve a net gain through the creation of functional habitat with better ecological value and restoration of the existing conditions within the leave strip area.

Proposed Variance

Leave Strip Adjacent to the Sea

The minimum required leave strip adjacent to the sea is 15.0m from the natural boundary. The proposed leave strip is 4.5m from the natural boundary for the proposed open deck. This represents a variance of 10.5m from the City of Nanaimo Zoning Bylaw 2011 No. 4500 and is 3.0m closer to the natural boundary of sea than the previously approved Board of Variance application (BOV94-17).

Staff support the proposed variance to allow the site improvements and proposed restoration of the leave strip area. The minimal 43m² expansion and reconstruction of the open deck has no negative impact on the ESA and there is low ecological value within the existing lawn. The restoration of the 382m² lawn achieves the principle of net gain. The proposed site improvements meet the development permit area guidelines and improve existing site conditions with a net gain in the quality and quantity of functional habitat within the marine foreshore leave strip. |

SUMMARY POINTS

- Development Permit Application No. DP1351 requests a variance to the Marine Foreshore ESA leave strip from 15.0m to 4.5m to allow for site improvements and revegetation of existing landscape conditions.
- An Environmental Assessment, completed by a QRP was submitted in support of the application.
- The development permit application meets the development permit area guidelines and the QRP concluded that the proposal achieves improved site conditions and a net gain in the quality and quantity of functional habitat over existing conditions.
- Staff support the proposed variance. |

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Site Survey
ATTACHMENT D: Environmental Assessment
ATTACHMENT E: Landscape Plan & Details |

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Planning & Development

ATTACHMENT A PERMIT TERMS AND CONDITIONS

TERMS OF DEVELOPMENT PERMIT

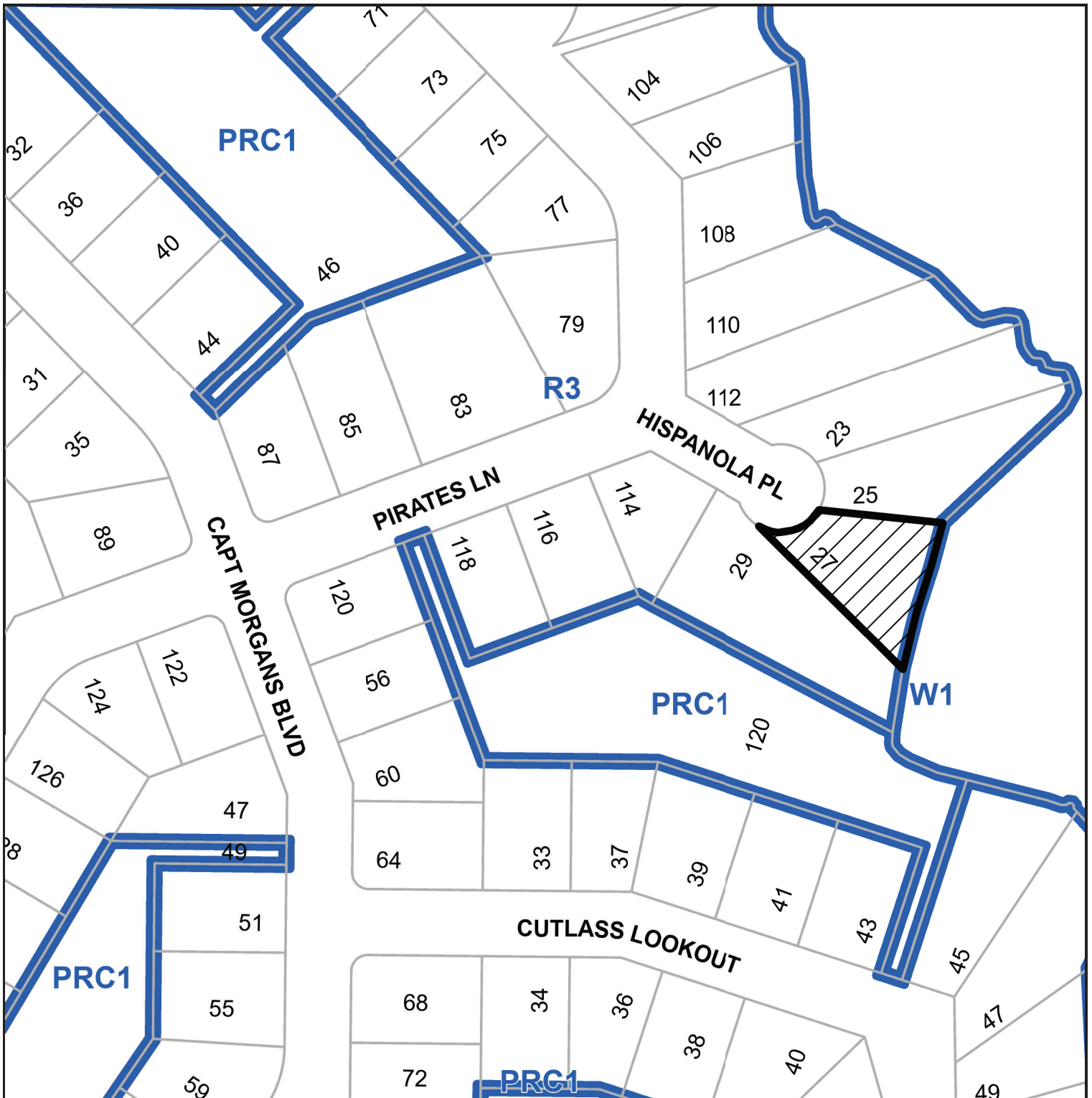
The “City of Nanaimo Bylaw 2011 No. 4500” is varied as follows:

1. *Section 6.3.1.1 Location and Siting of Buildings and Structures to Watercourses* - to reduce the minimum required leave strip from the natural boundary of the sea from 15.0m to 4.5m to allow outdoor improvements and revegetation of existing landscape conditions.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Survey prepared by J.E. Anderson & Associates, dated 2024-OCT-24, as shown on Attachment C.
2. The subject property shall be developed in accordance with Environmental Assessment prepared by Toth and Associates Environmental Services, dated 2024-JUL-04, as shown on Attachment D.
3. Site restoration shall be completed in accordance with the Landscape Plan prepared by Kinship Design Art Ecology, dated 2024-OCT-24, as shown on Attachment E.
4. A landscape bond is required equal to 100% of the value of the vegetation restoration works to be held for a 3-year maintenance period. A certified letter of completion is required from the Qualified Registered Professional at the end of the 3-year maintenance period.

ATTACHMENT B
SUBJECT PROPERTY MAP



27 HISPANOLA PLACE

ATTACHMENT C SITE SURVEY

SITE PLAN

REDWOOD COASTAL
CONSTRUCTION LTD.

LOT 46, DOUGLAS ISLAND,
(ALSO KNOWN AS
PROTECTION ISLAND),
NANAIMO DISTRICT,
PLAN 14111

ADDRESS : 27 HISPANOLA PLACE,
PROTECTION ISLAND, B.C.

PROJECT SURVEYOR : D.W. HOLME

DRAWN BY : CDB DATE : OCT. 24/24

OUR FILE : 90705 REVISION :



J.E. ANDERSON
& ASSOCIATES
SURVEYORS - ENGINEERS

1A - 3411 SHENTON ROAD, NANAIMO, B.C. V9T 2H1
TEL: 250 - 758 - 4631 FAX: 250 - 758 - 4660
E-MAIL : nanaimo@jeanderson.com
NANAIMO - VICTORIA - PARKSVILLE - CAMPBELL RIVER

LEGEND

ALL DIMENSIONS ARE IN METRES

DATUM FOR ELEVATIONS, IN METRES,
IS GEODETIC (CGVD28)

CONTOUR INTERVAL = 0.25 METRES

SUBJECT TO CHARGES SHOWN
ON TITLE NO. CB1002977
(P.I.D. 001-531-441)

DIMENSIONS ARE DERIVED FROM
LAND TITLE OFFICE RECORDS

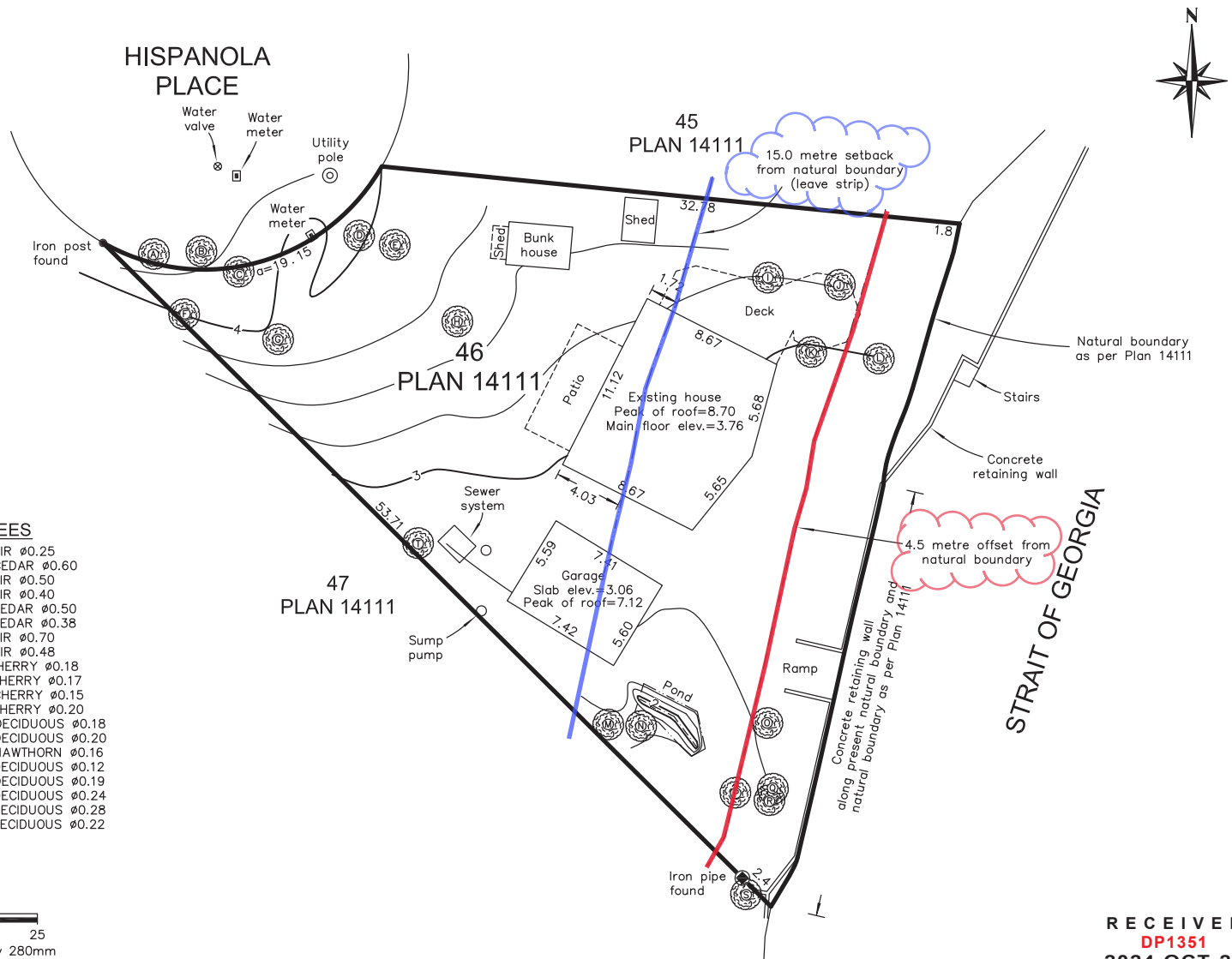
THIS PLAN HAS BEEN PREPARED IN
ACCORDANCE WITH THE PROFESSIONAL
REFERENCE MANUAL

TREES

A-FIR 00.25
B-CEDAR 00.60
C-FIR 00.50
D-FIR 00.40
E-CEDAR 00.50
F-CEDAR 00.38
G-FIR 00.70
H-FIR 00.48
I-CHERRY 00.18
J-CHERRY 00.17
K-CHERRY 00.15
L-CHERRY 00.20
M-DECIDUOUS 00.18
N-DECIDUOUS 00.20
O-HAWTHORN 00.16
P-DECIDUOUS 00.12
Q-DECIDUOUS 00.19
R-DECIDUOUS 00.24
S-DECIDUOUS 00.28
T-DECIDUOUS 00.22

0 2.5 5 10 15 20 25

The intended plot size of this plan is 432mm in width by 280mm
in height (B size) when plotted at a scale of 1:250.



RECEIVED
DP1351
2024-OCT-24
Current Planning



Toth and Associates Environmental Services

6821 Harwood Drive, Lantzville, B.C. V0R 2H0

Tel: (250) 390-7602

E-mail: stoth@shaw.ca

July 4, 2024

Dustin Hilderley

Redwood Coastal Construction

7355 Venture Road,

Lantzville, BC V0R 2H0

Re: Assessment of proposed development within the City of Nanaimo's Marine Foreshore DPA on 27 Hispanola Place (PID# 001-531-441), Protection Island.

Toth and Associates Environmental Services were retained by Redwood Coastal Construction to conduct an assessment of proposed development within the City of Nanaimo's Marine Foreshore Development Permit Area (DPA) on 27 Hispanola Place on Protection Island. The proposed development is largely interior renovations, including replacement of the oceanfront side of the house. Schedule 6 (Environmentally Sensitive Areas) of the City's Official Community Plan (OCP Bylaw No. 6600, 2022) indicates that the previously developed 0.1 ha, R3 zoned oceanfront property is located within the Marine Foreshore DPA and that the DPA applies to all areas within 15 m of the natural boundary of the ocean. A field assessment of the property was conducted on April 9, 2024 by Steve Toth, R.P.Bio.

The field survey documented that the 15 m Marine Foreshore DPA on the property (Photographs 1 – 5) consists largely of manicured landscaping, decks, flagstone, gravel and lawn. The existing house and garage are within the 15 m DPA and were built with an approved variance. A concrete retaining wall forms the natural boundary.

The only native trees within the 15 m DPA are 2 Pacific crabapple trees and 4 trembling aspen trees in the southeast corner of the property. There are 4 ornamental cherry trees around a wooden deck in the northeast corner of the property.

There are no Bald eagle or Great Blue heron nest sites documented within 100 m of the subject property by the BC Wildlife Tree Stewardship Atlas¹ or the BC Great Blue Heron Management Team Atlas² and no bird nests were observed during the field survey. There are no freshwater watercourses on or adjacent to the subject property. A small rock-lined pond is located in the southeast corner of the property, and it is our understanding that this pond provides a secondary treatment for rainwater derived from the overflow from rock pits which receive water from the roof run-off.

Kinship Design has prepared a landscape plan for the proposed development. Our recommendations for native plant species to be included in the design are provided in Table 1. The Environmentally Sensitive Area Guidelines of the City of Nanaimo's Zoning Bylaw (No. 4500, 2011) are provided in Table 2, along with our comments.

¹ https://cmnmaps.ca/WITS_gomap/

² https://cmnmaps.ca/gbhe_gomap/

*Assessment of proposed development within the Marine Foreshore DPA on 27 Hispanola Place,
Protection Island*

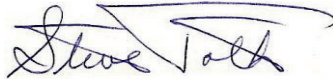
Table 1. Recommended Marine Foreshore DPA plant species for 27 Hispanola Place

Species	Common name
<i>Grindelia integrifolia</i>	Entire-leaved gumweed
<i>Elymus mollis</i>	Dune Grass
<i>Lathyrus japonicus</i>	Beach Pea
<i>Lupinus littoralis</i>	Seashore Lupine
<i>Vaccinium ovatum</i>	Evergreen huckleberry
<i>Lonicera hispidula</i>	Hairy honeysuckle
<i>Mahonia aquifolium</i>	Tall Oregon Grape
<i>Amelanchier alnifolia</i>	Saskatoon
<i>Symphoricarpos albus</i>	Common snowberry
<i>Rosa nutkana</i>	Nootka Rose
<i>Ribes sanguineum</i>	Red flowering currant
<i>Philadelphus lewisii</i>	Mock orange
<i>Holodiscus discolor</i>	Ocean spray

The proposed development appears to represent minimal potential to result in new impacts within the Marine Foreshore DPA.

Please contact us if you require any additional information.

Sincerely,
Steve Toth, R.P.Bio.



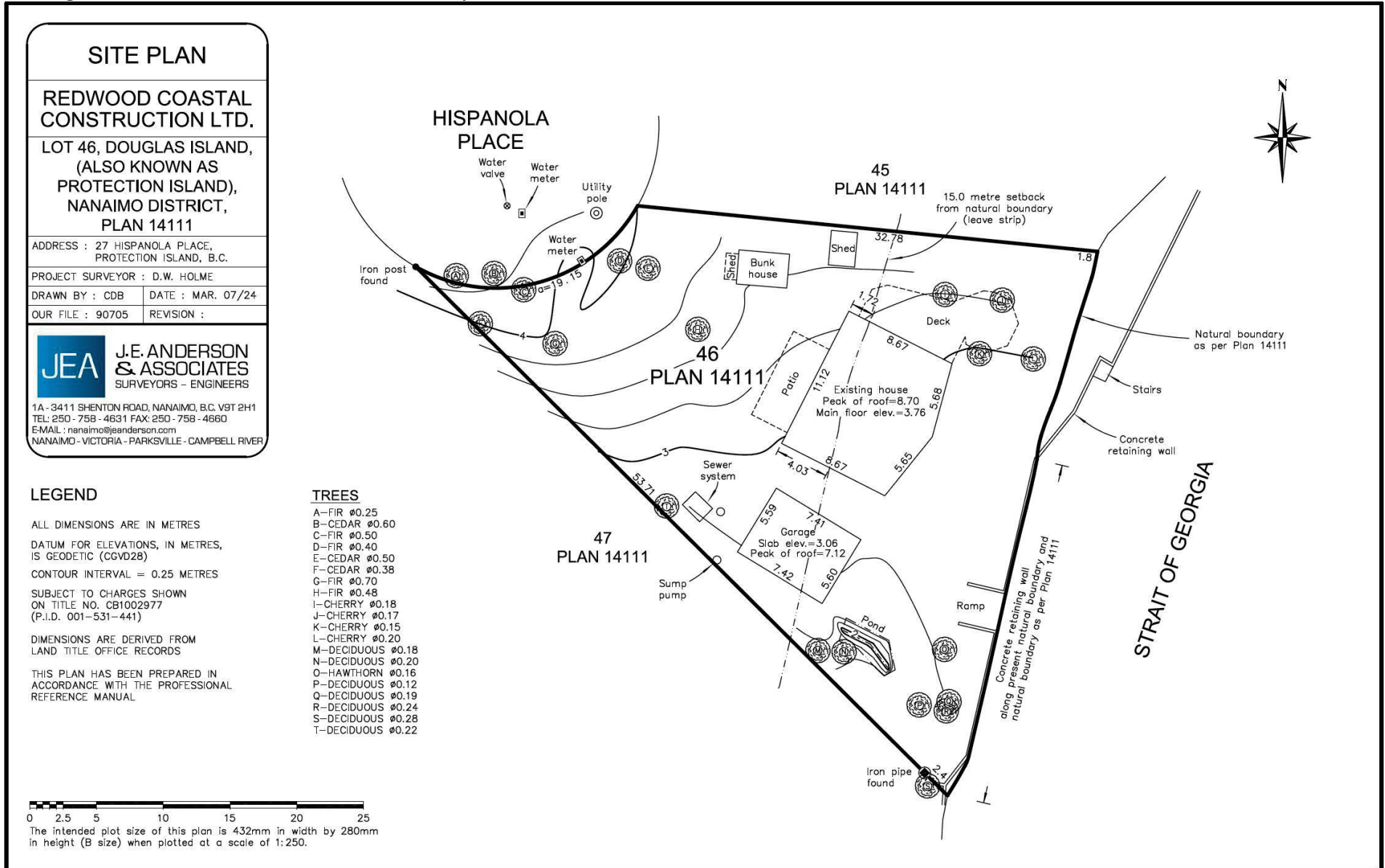
Toth and Associates Environmental Services



RECEIVED
DP1351
2024-JUL-25
Current Planning

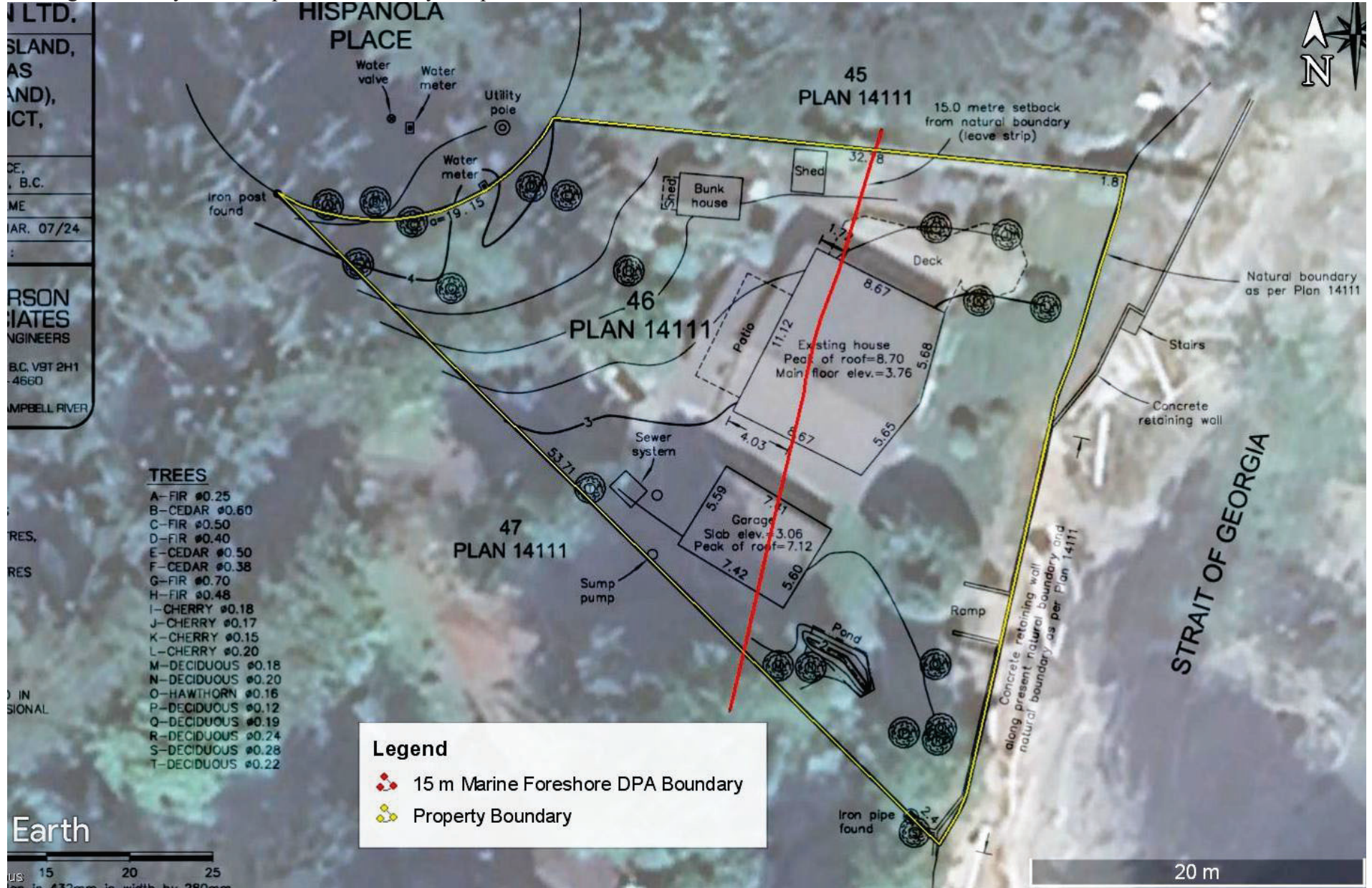
Assessment of proposed development within the Marine Foreshore DPA on 27 Hispanola Place, Protection Island

Figure 1. J.E. Anderson & Associates Survey Site Plan



Assessment of proposed development within the Marine Foreshore DPA on 27 Hispanola Place, Protection Island

Figure 2. May 2023 air photo with survey site plan overlaid



Assessment of proposed development within the Marine Foreshore DPA on 27 Hispanola Place, Protection Island

Table 1. City of Nanaimo's Marine Foreshore DPA Guidelines

Guideline	Comments / Recommendations
Where disturbance within an <i>ESA</i> or <i>ESA leave strip</i> 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 <i>ESA</i> :	The subject property consists of a 0.1 ha previously developed oceanfront lot. The existing house and garage are within the 15 m DPA and were built with an approved variance. The DPA outside of the building footprints consists of manicured landscaping, decks, flagstone, gravel and lawn. A concrete retaining wall forms the natural boundary.
a) A detailed biophysical assessment of the property, prepared by a <i>Qualified Registered Professional</i> .	Due to the small size and developed nature of the property there were minimal natural biophysical features to assess.
b) A survey, completed by a registered BC Land Surveyor, of the <i>ESA</i> and <i>ESA leave strip</i> area.	JE Anderson & Associates survey plan is provided as Figure 1.
c) A <i>Riparian Areas Protection Regulation</i> (RAPR) assessment report prepared by a <i>Qualified Registered Professional</i> where applicable.	Not applicable. There are no freshwater watercourses on or adjacent to the subject property.
d) An assessment of the proposed development's impact to the site hydrology completed by a <i>Qualified Registered Professional</i> .	The proposed development is largely related to renovations to the existing dwelling. Site hydrology will not be altered by the proposed development.
e) An Executive Summary of the required strategy and recommended measures to protect the <i>ESA</i> prior to site disturbance, during the construction process and post construction must be included in the <i>Qualified Registered Professional</i> assessment.	As this report is so short, we hope that the City will consider it in lieu of an executive summary.
f) A restoration and enhancement management plan and detailed cost estimate for any restoration works, prepared by a <i>Qualified Registered Professional</i> , for the disturbed portion of the <i>ESA</i> and <i>ESA leave strip</i> . The plan shall meet the following criteria: i. include restoration and enhancement of <i>ESAs</i> 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 <i>Manual of Engineering Standards and Specifications</i> (MoESS), as amended from time to time.	Kinship Design has prepared a restoration / landscape plan for the proposed development. We have provided a list of native marine coast plants for use in the landscape design.
g) The principle of net gain will be followed, and a <i>Qualified Registered Professional</i> must demonstrate how an increase in the quality and quantity of functional habitat within the <i>ESA</i> and <i>ESA leave strip</i> 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 <i>ESA</i> and <i>ESA leave strip</i> . 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).	The ability to meet the target metric is difficult due to the amount of existing development within the DPA. However, we believe that the outcome of the landscape plan will result in a net gain in functional habitat within the DPA.
To protect the <i>ESA</i> the following will be required: a) Prior to site clearing and construction: i. permanent fencing shall be installed to sufficiently protect the <i>ESA</i> from	As the 15 m DPA runs through the existing house and the detached garage there is no ability to fence the boundary of the 15 m DPA. As indicated in the site photographs, the subject property is largely flat and level. The

Assessment of proposed development within the Marine Foreshore DPA on 27 Hispanola Place, Protection Island

Guideline	Comments / Recommendations
<p>construction and development activity;</p> <p>ii. the fencing must have signage that identifies the area as an environmentally sensitive area;</p> <p>iii. runoff, erosion and sediment control must be installed adjacent to the <i>ESA leave strip</i>; and</p> <p>iv. demarcation of wildlife corridors, wildlife trees, and significant trees as identified in the <i>Tree Bylaw</i> may also be required.</p>	<p>potential for the proposed renovations to result in sediment in run-off is essentially nil. There are no wildlife corridors or wildlife trees within the 15 m DPA on the subject property. The only native trees within the 15 m DPA are 2 Pacific crabapple trees and 4 trembling aspen trees in the southeast corner of the property. As these trees are located within a DPA they are considered "Protected Trees" under the tree bylaw.</p>
<p>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.</p>	<p>The potential for the proposed renovations to result in sediment in run-off is essentially nil. There are no areas subject to sloughing on the property and rainwater from rock pits / rain-leaders will continue to be directed to a small retention pond area in the southeast corner of the property.</p>
<p>c) Restricting development activity during sensitive life cycle times, as determined by a <i>Qualified Registered Professional</i> 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.</p>	<p>As the proposed works are largely related to interior renovations and replacement of the oceanfront side of the house, there is minimal potential that the works will conflict with wildlife or nesting birds.</p>
<p>d) The property owner or applicant will retain a <i>Qualified Registered Professional</i> 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 <i>Qualified Registered Professional</i>. Post-completion monitoring and inspection reports will be provided to the City on a regular basis at a minimum of once every six months, or more frequently if recommended by the <i>Qualified Registered Professional</i>.</p>	<p>Considering the minor nature of the proposed works and that they are primarily interior renovations, we do not see a need for monitoring during construction. We would recommend that a post-completion site visit be conducted to document that the restoration / landscape plan has been successfully implemented. We also suggest that the twice annual monitoring & reporting requirements over the 3 year maintenance period represents a significant financial burden, and that the monitoring may be able to be conducted remotely via site photos provided by the landowners, with a final inspection after 3 years.</p>
<p>e) Indigenous trees and vegetation, as well as their root zones, within the <i>ESA</i> and <i>ESA leave strip</i> should not be cut, pruned, altered, removed or damaged.</p>	<p>The proposed project will not require removal or root zone disturbance of native trees or native vegetation. A large non-native hedge cedar (Photograph 2) will be removed as it occupies a large area that will be restored under the landscape plan.</p>
<p>f) Development should be located in the least environmentally sensitive areas, such as previously disturbed areas, to minimize impact on the ecology of the <i>ESA</i> and the <i>ESA leave strip</i>.</p>	<p>The development will be largely within the existing footprint of the existing dwelling.</p>
<p>g) Maintaining the connectivity of forested corridors is a priority and is strongly encouraged.</p>	<p>The proposed project will not require removal or root zone disturbance of native trees or native vegetation.</p>
<p>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.</p>	<p>The project does not involve works on or below the present natural boundary.</p>
<p>i) Gravel, sand, <i>soils</i>, and peat must not be removed from the <i>ESA</i>, or <i>ESA leave strip</i>, and <i>soil</i> or other <i>fill</i> must not be deposited in the <i>ESA</i> or <i>ESA leave</i></p>	<p>The project does not require fill placement or soil removal.</p>

Assessment of proposed development within the Marine Foreshore DPA on 27 Hispanola Place, Protection Island

Guideline	Comments / Recommendations
<i>strip.</i>	
j) <i>ESAs</i> and <i>ESA leave strips</i> must not be impacted by blasting or run-off of sediments and construction-related contaminants.	The project does not require blasting, and should not result in run-off. All potentially windblown construction materials should be collected and stored properly to prevent these materials from being deposited in the marine environment.
k) To ensure long-term protection of the <i>ESA</i> and <i>ESA leave strip</i> , the registration of a <i>Land Title Act</i> Section 219 covenant on the title of the property may be required.	Registration of a restrictive covenant is likely unnecessary, but is at the discretion of the City.
l) Varying or relaxing other bylaw requirements (e.g., building setbacks, building height, or parking requirements) will be considered to facilitate safeguarding an <i>ESA</i> and <i>ESA leave strip</i> , particularly where the relaxation can make possible the development of the remainder of the lot, while avoiding disturbance within the <i>ESA</i> and <i>ESA leave strip</i> .	It is our understanding that a variance was already granted for the siting of the existing dwelling.

*Assessment of proposed development within the Marine Foreshore DPA on 27 Hispanola Place,
Protection Island*



Photograph 1. April 9, 2024. View south – north along the east (oceanfront) side of the house.



Photograph 2. View north – south through the Marine Foreshore DPA with large non-native hedge cedar in background.

*Assessment of proposed development within the Marine Foreshore DPA on 27 Hispanola Place,
Protection Island*



Photograph 3. View to Pacific crabapple and Trembling aspens in the southeast corner of the property.



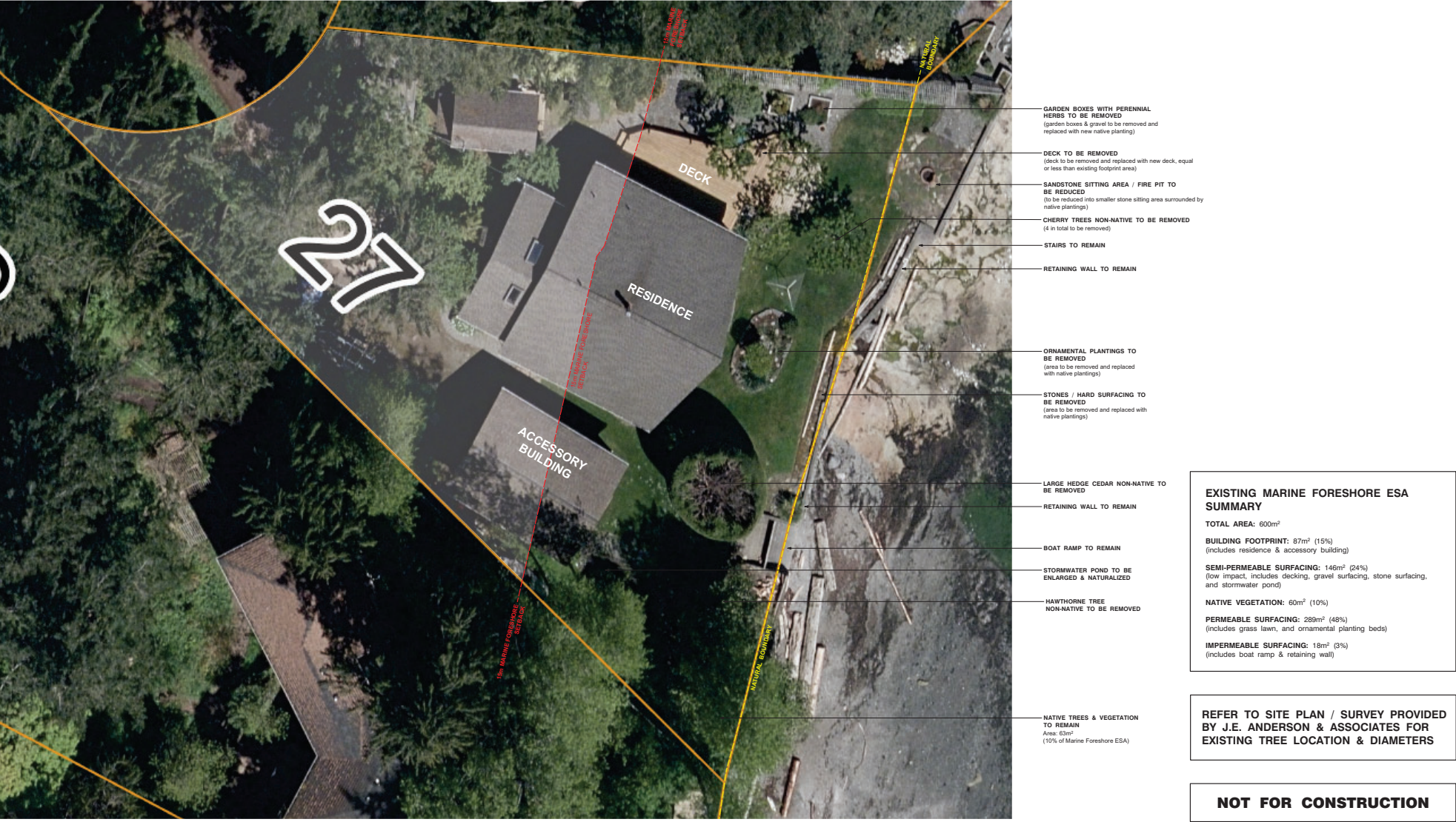
Photograph 4. View north – south along seawall forming natural boundary.

*Assessment of proposed development within the Marine Foreshore DPA on 27 Hispanola Place,
Protection Island*



Photograph 5. View of wood deck, ornamental cherry trees and landscaping along the north side of the house.

ATTACHMENT E
LANDSCAPE PLAN AND DETAILS

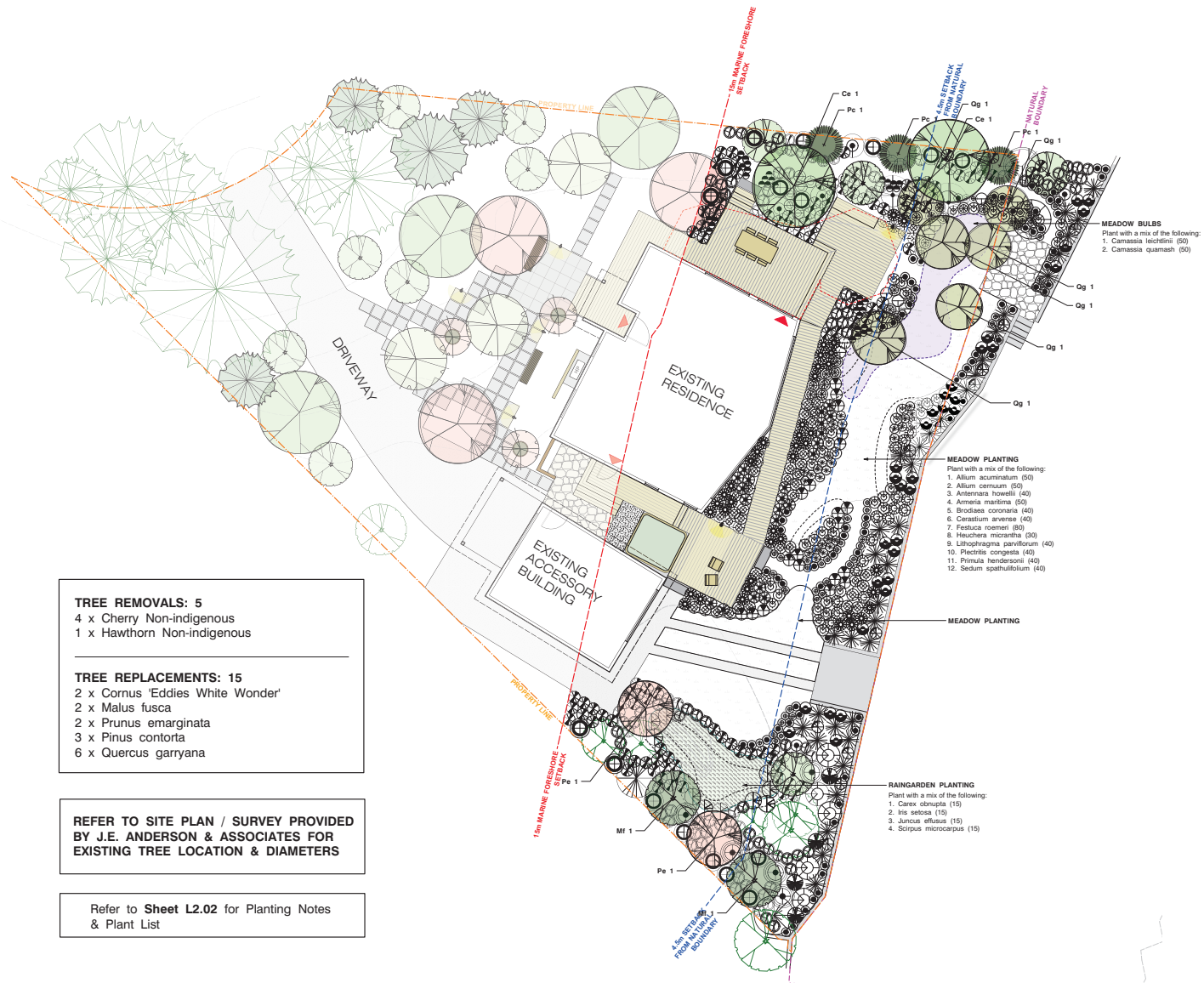




LANDSCAPE LEGEND	
	HOT TUB Area: 6m ² (1% of Marine Foreshore ESA)
	HOUSE ENTRANCE / EXIT
	LIGHTING: BOLLARD Quantity: 2
	STONE STEP Quantity: 4 Area: 0.55m ² (per step)
	15m MARINE FORESHORE SETBACK Setback Area: 600m ² (52% of Total Property Area)
	NATURAL BOUNDARY
	4.5m Proposed Setback Leaving Area: 228m ² (20% of Total Property Area)
	PROPERTY LINE Total Property Area: 1150m ²
	BOARDWALK / DECK Area: 74m ² (15% of Marine Foreshore ESA)
	CRUSHED GRANITE SURFACING Area: 23m ² (4% of Marine Foreshore ESA)
	PLANTED AREA Area: 383m ² (64% of Marine Foreshore ESA) Soil Depth: 150mm - 450mm (see sheet L2.01 Planting Plan & sheet L2.02 Planting Notes)
	RAINGARDEN Area: 27m ² (included in planted area) (4% of Marine Foreshore ESA) Soil Depth: 450mm Notes: Naturalized, enlarged existing ditch (see sheet L2.01 Planting Plan & sheet L2.02 Detail 01)
	SANDSTONE SURFACING Area: 10m ² (1.5% of Marine Foreshore ESA) Notes: reduced existing area by 50%

PROPOSED MARINE FORESHORE ESA SUMMARY	
TOTAL AREA: 600m ²	
BUILDING FOOTPRINT: 87m ² (15%) (includes residence & accessory building)	
PROPOSED SEMI-PERMEABLE SURFACING: 106m ² (18%) (low impact, includes boardwalk, decking, crushed granite, and sandstone surfacing)	
PROPOSED IMPERMEABLE SURFACING: 6m ² (1%) (concrete pad under hottub)	
PROPOSED NATIVE VEGETATION: 383m ² (64%) (includes raingarden)	
IMPERMEABLE SURFACING TO REMAIN: 18m ² (3%) (includes boat ramp & retaining wall)	

NOT FOR CONSTRUCTION



TREE REMOVALS: 5
4 x Cherry Non-indigenous
1 x Hawthorn Non-indigenous

TREE REPLACEMENTS: 15
2 x Cornus 'Eddies White Wonder'
2 x Malus fusca
2 x Prunus emarginata
3 x Pinus contorta
6 x Quercus garryana

REFER TO SITE PLAN / SURVEY PROVIDED
BY J.E. ANDERSON & ASSOCIATES FOR
EXISTING TREE LOCATION & DIAMETERS

Refer to **Sheet L2.02** for Planting Notes
& Plant List

TREE & PLANT LEGEND

Proposed Existing Trees to Remain

Coniferous Trees

Deciduous Trees

MEADOW BULBS
Area: 22m²
Plant with a mix of:
1. Camassia leichtlinii (50)
2. Camassia quamash (50)

MEADOW PLANTING
Area: 58m²
Plant with a mix of:
1. Allium acuminatum (50)
2. Allium cernuum (50)
3. Antennaria howellii (40)
4. Armeria maritima (50)
5. Brodiaea coronaria (40)
6. Cerastium arvense (40)
7. Festuca roemerii (80)
8. Heuchera micrantha (30)
9. Lithophragma paviflorum (40)
10. Plectritis congesta (40)
11. Primula hendersonii (40)
12. Sedum spathulifolium (40)

RAINGARDEN PLANTING
Area: 19m²
Plant with a mix of:
1. Carex cinerea (15)
2. Iris setosa (15)
3. Juncus effusus (15)
4. Scirpus microcarpus (15)

Deciduous Shrubs

Evergreen Shrubs

Ferns

Grasses

Groundcovers

Perennials

Vine

NOT FOR CONSTRUCTION

kinship
design • art • ecology

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kate.sterlak@kinshipdesign.ca
chris.midgley@kinshipdesign.ca



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CLIENT
Kevin Thomson & Allison Waine

NO.	DATE	ISSUE
1	21-07-2024	DP SUBMISSION
2	10-24-2024	DP RESUBMISSION

NO. | DATE | REVISION

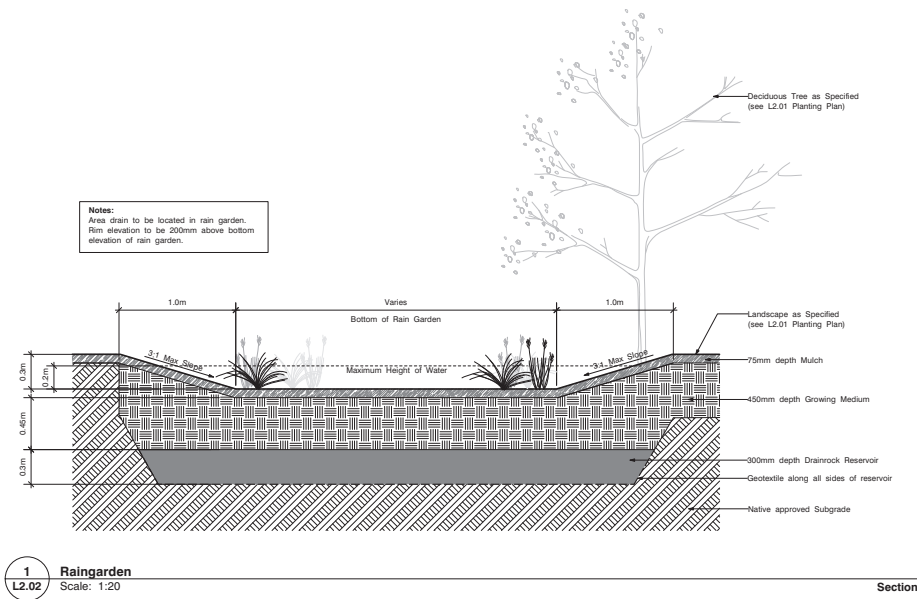
RECEIVED
DP1351
2024-OCT-24
Current Planning

PROJECT
THOMSON - WAINE RESIDENCE
27 Hispanola Place
Protection Island, BC

PLANTING PLAN

PROJECT ID 24004
DB KS **CB** KS
SCALE 1:100
DATE 2024-06-05

L2.01



PLANT LIST						
Key	Qty	Botanical Name	Common Name	Pot Size	Spacing	Notes
Marine Foreshore ESA Plants						
Coniferous Trees						
Pc	3	Pinus contorta var. contorta	Shore Pine	#15	10m ht	Native
Deciduous Tree						
Ce	2	Cornus 'Eddies White Wonder'	White Flowering Dogwood	#20		Hybrid-Native
Mf	2	Malus fusca	Pacific Crabapple	#10		Native
Pe	2	Prunus emarginata	Bitter Cherry	#10		Native
Qg	6	Quercus garryana	Garry Oak	#10	5-22m ht	Native
Deciduous Shrubs						
A	3	Amelanchier alnifolia	Service Berry	#3	Multistem	Native
Cs	1	Cornus sericea	Red Twig Dogwood	#1	2m o.c.	Native
Hd	2	Holodiscus discolor	Ocean Spray	#3	2m o.c.	Native
Pl	2	Philadelphus lewisii	Musk Orange	#2	2m o.c.	Native
Rb	5	Ribes sanguineum	Red Flowering Currant	#2	1.2m o.c.	Native
Rn	5	Rosa Nutkana	Nootka Rose	#2	1.2m o.c.	Native
Sy	5	Symphoricarpos albus	Snowberry	#1	1.2m o.c.	Native
Evergreen Shrubs						
Ge	101	Gaultheria shallon	Sadol	#1		
Mn	9	Mahonia nervosa	Dull Oregon Grape	#1	60cm o.c.	
Mc	1	Morella californica	California Wax Myrtle	#3	2m o.c.	Native
Vo	17	Vaccinium ovalum	Evergreen Huckleberry	#1	1m o.c.	
Ferns						
Al	10	Althium filix-femina	Lady Fern	#1	80cm o.c.	Native
Dg	49	Polypodium glycystriza	Licorice Fern	10cm	30cm o.c.	Native
Pm	113	Polystichum munifolium	Sword Fern	#1	60cm o.c.	Native
Grasses						
Dac	28	Danthonia californica	California Oatgrass	Plugs	45cm o.c.	Native
Dc	22	Deschampsia cespitosa	Tufted Hairgrass	10cm	60cm o.c.	Native
Fr	60	Festuca nelsonii	Romney's Fescue	10cm	45cm o.c.	Native
Km	19	Koeleria macrantha	Junegrass	Plugs	60cm o.c.	Native
Lm	36	Leymus mollis	Dune Wildrye	#1	80cm o.c.	Native
Groundcovers						
Au	47	Arctostaphylos uva-ursi	Kinnikinnick	10cm	45cm o.c.	Native
Fc	75	Fragaria chiloensis	Coastal Strawberry	10cm	45cm o.c.	Native
Perennials						
Am	42	Achillea millefolium	Yarrow	10cm	60cm o.c.	Native
Aa	50	Allium acuminatum	Hookers Onion	10cm	45cm o.c.	Native
Ac	50	Allium cernuum	Nodding Onion	10cm	45cm o.c.	Native
Ah	40	Antennaria howellii	Howell's Pussytoes	10cm	45cm o.c.	Native
Am	50	Artemisia maritima	Sea Thrift	10cm	45cm o.c.	Native
Bc	40	Brodiaea coronaria	Harvest Brodiaea	10cm	45cm o.c.	Native
Ca	40	Carduus arvensis	Field Chickweed	10cm	45cm o.c.	Native
El	20	Eriophyllum lanatum	Woolly Sunflower	10cm	60cm o.c.	Native
Gs	32	Grindelia stricta	Entire-leaved Gumweed	10cm	60cm o.c.	Native
Hes	30	Heuchera micrantha	Small-flowered Alumroot	10cm	45cm o.c.	Native
Lj	11	Lathyrus japonicus	Beach Pea	10cm	60cm o.c.	Native
Lp	40	Lithophragma paviflorum	Small-flowered Woodland	10cm	45cm o.c.	Native
Ll	17	Lupinus fibrilalis	Seashore Lupine	10cm	60cm o.c.	Native
Plc	40	Plectritis congesta	Sea Blush	10cm	45cm o.c.	Native
Ph	40	Primula hendersonii	Broad-leaved Shootingstar	10cm	45cm o.c.	Native
S	40	Sanicula crassicaulis	Pacific Sanicle	10cm	60cm o.c.	Native
So	41	Sedum spaldingii	Broad-leaved Stonecrop	10cm	45cm o.c.	Native
Syc	42	Symphoricarpos chilense	Canada Goldenrod	10cm	60cm o.c.	Native
Vine						
Lh	4	Lonicera hispidula	Hairy Honeysuckle	#1	80cm o.c.	Native
Raingarden						
Co	15	Carex obnupta	Slough Sedge	10cm	60cm o.c.	Native
Id	15	Iris setosa	Bristle-pointed Iris	10cm	60cm o.c.	Native
Je	15	Juncus effusus	Common Rush	10cm	60cm o.c.	Native
Sm	15	Scirpus microcarpus	Small-flowered Bulrush	10cm	60cm o.c.	Native
Bulbs						
C	50	Camassia leichlinii	Great Camas	#1	45cm o.c.	Native
Cq	50	Camassia quamash	Common Camas	#1	45cm o.c.	Native
Please contact the Landscape Architect for approval of any plant substitutions.						
KINSHIP DESIGN ART ECOLOGY						
Kate Stefuk BCSLA						
t: 250-753-8003 e: kate.stefuk@kinshipdesign.ca						
No substitutions will be accepted without prior written approval of the Landscape Architect.						

PLANTING NOTES	
1. All landscape construction to be in accordance with the City of Nanaimo Engineering Standards and Specifications .	
2. All landscape installation and maintenance to meet or exceed the current edition of the Canadian Landscape Standards as a minimal acceptable standard.	
3. Growing medium to meet or exceed the properties outlined in the Canadian Landscape Standard per Section 6 Growing Medium, Table T-6.3.5.3. Properties of Growing Media Level 2 "Groomed" - 2P.	
4. Growing Medium Depths (unless otherwise specified): Tree Planting Areas: 1 cu. m. per tree Shrub & Ground Cover Areas: 450mm (18") depth Seeded Areas: 150mm (6") depth	
5. Mulch to be Compost per Section 10 Mulching of the Canadian Landscape Standard. Mulch depth to be 50mm minimum depth over all trees, shrub, and groundcover planted areas.	
6. Plant material quality, transport and handling shall comply with the CNLA standards for Nursery Stock.	
7. All plant material shall match type and species as indicated on the planting plan. Contact the Landscape Architect for approval of substitutions. No substitutions will be accepted without prior written approval of the Landscape Architect.	
8. Check for locations of water lines and other underground services prior to digging tree pits. Excavated plant pits shall have positive drainage. Plant pits when fully flooded with water shall drain within one hour after filling.	
9. No plants requiring pruning or major branches due to disease, damage or poor form will be accepted.	
10. All tree, shrub, groundcover and lawn areas shall be watered via an underground automatic irrigation system utilizing Smart (ET/Weather-based) irrigation control. Irrigation emission devices to be high efficiency low volume rotary nozzles or drip irrigation equipment.	
Refer to Sheet L2.01 for Planting Plan	
NOT FOR CONSTRUCTION	

DATE OF MEETING November 4, 2024

AUTHORED BY NANCY SKEELS, ACTING MANAGER, REAL ESTATE

SUBJECT POTENTIAL ROAD CLOSURE AND LAND EXCHANGE – 2209 BOWEN ROAD

OVERVIEW

Purpose of Report

To obtain Council approval to close an unnamed lane adjacent to 2209 Bowen Road and obtain approval to enter into a Land Exchange Agreement with the owner of 2209 Bowen Road to dedicate a part of their property for road in exchange for the road closure area. |

Recommendation

That:

1. Council authorize the road closure and disposition of an unnamed lane adjacent to 2209 Bowen Road, and direct Staff to enter into a Road Closure and Land Exchange Agreement;
2. “Highway Closure and Dedication Removal Bylaw 2024 No. 7376” (to provide for highway closure and dedication removal of an unnamed lane adjacent to 2209 Bowen Road) pass first reading;
3. “Highway Closure and Dedication Removal Bylaw 2024 No. 7376” pass second reading; and
4. Council direct Staff to proceed with public notice for the closure and disposition of an unnamed lane adjacent to 2209 Bowen Road.

BACKGROUND

The Midtown Gateway Project (the “Project”) is an important capital works project which includes restoring a wetland area to a brownfield site and creating a revitalized neighbourhood gateway with a new transportation network. The Project will improve the safe flow of goods and people, add natural areas and walking trails, as well as improve public access to the many amenities of Beban Park. Construction of the Project is expected to be complete by summer 2025.

The Project requires improvements at the intersection of Bowen and Northfield Road. To facilitate a new crosswalk, bike lane and the signalized lights at the intersection, a portion of the 2209 Bowen Road (the “Property”) is required to be dedicated as road. The Property is located on the northwest corner of Bowen Road and Northfield Road, is zoned COR3 – Community Corridor and is 0.14ha (0.35 acres) in size. A Super Save Gas service station and convenience store has operated on the Property since the late 1990s.

The owners of the Property have agreed to enter into a land exchange agreement where the City will acquire a portion of the Property and in exchange the City will close a portion of an unnamed lane and will transfer it to the Owner for consolidation with the Property. The Owner

will also grant the City a statutory right-of-way agreement (“SRW”) for the waterline that is located within the proposed road closure area that services property at 2221 Bowen Road.

DISCUSSION

Road Closure and Land Exchange Proposal

Under the proposed Land Exchange, the City will receive 185m² from the Property and the Owner will receive 250.9m² from the City’s road right-of-way as shown on Attachment A. The market value of the road closure is \$152,000 and the portion of the owners Property and the granting the SRW to the City has a value of \$152,000. As the exchange in valuations are equal there is no compensation due to the owner or to the City.

Staff have reviewed the proposed road closure against all City standards and have confirmed that the unnamed lane road right-of-way adjacent to the Property is deemed to be surplus to City requirements.

Staff are seeking Council’s authorization for the Road Closure and Land Exchange Agreement and for Council to provide first and second reading to “Highway Closure and Dedication Removal Bylaw 2024 No. 7376”.

Next Steps

If Council provides first and second reading of “Highway Closure and Dedication Removal Bylaw 2024 No. 7376”, the next steps will occur:

1. a Notice of Disposition will be published, as required by Sections 40 and 94 of the *Community Charter*;
2. after publication of the Notice, Bylaw No. 7376 will be brought back to Council for their consideration of third reading; and
3. if Third Reading of Bylaw No. 7376 is passed, the Bylaw will be scheduled for Final Adoption at a forthcoming Council meeting.

OPTIONS

1. That:

1. Council authorize the road closure and disposition of an unnamed lane adjacent to 2209 Bowen Road, and direct Staff to enter into a Road Closure and Land Exchange Agreement;
2. “Highway Closure and Dedication Removal Bylaw 2024 No. 7376” (to provide for highway closure and dedication removal of an unnamed lane adjacent to 2209 Bowen Road) pass first reading;
3. “Highway Closure and Dedication Removal Bylaw 2024 No. 7376” pass second reading; and
4. Council direct Staff to proceed with public notice for the closure and disposition of an unnamed lane adjacent to 2209 Bowen Road.
 - The advantages of this option: The City will meet road dedication requirements that are part of the Project upgrades.
 - The disadvantages of this option: None identified.

- Financial Implications: The 2024-2028 Financial Plan will be amended to include the land exchange purchase. The City will be responsible for surveying, land title and legal costs estimated at \$40,000 which will be paid out of the 2024 Property Acquisition budget.
2. That Council deny the road closure and disposition of the unnamed lane adjacent to 2209 Bowen Road.
- The advantages of this option: None identified.
 - The disadvantages of this option: Should Council deny the road closure the City will not meet road dedication requirements that are part of the Project upgrades.
 - Financial Implications: Costs will be incurred to re-design the road works to exclude the road closure area. The amount of the cost is unknown. |

SUMMARY POINTS

- The Midtown Gateway Project (the “Project”) is an important capital works project which includes restoring a wetland area to a brownfield site and creating a revitalized neighbourhood gateway with a new transportation network.
- The Project requires improvements at the intersection of Bowen and Northfield Road. To facilitate a new crosswalk, bike lane and the signalized lights at the intersection, a portion of 2209 Bowen Road is required to be dedicated as road. The Owner has agreed to enter into a land exchange agreement where the City will acquire a portion of the Property and in exchange the City will close a portion of an unnamed lane and will transfer it to the Owner for consolidation with the Property.
- The proposed road closure (unnamed lane) is deemed to be surplus to City requirements.
- Staff are seeking Council’s authorization of the Road Closure and Land Exchange Agreement and for Council to provide first and second reading to “Highway Closure and Dedication Removal Bylaw 2024 No. 7376”.
- If Council provides first and second reading of the bylaw a Notice of Disposition will be published, and Bylaw No. 7376 will be brought back to Council for their consideration of third reading.

ATTACHMENTS:

ATTACHMENT A: Location Plan – Road Closure and Road Dedication
“Highway Closure and Dedication Removal Bylaw 2024 No. 7376”]

Submitted by:

Nancy Skeels
Acting Manager, Real Estate

Concurrence by:

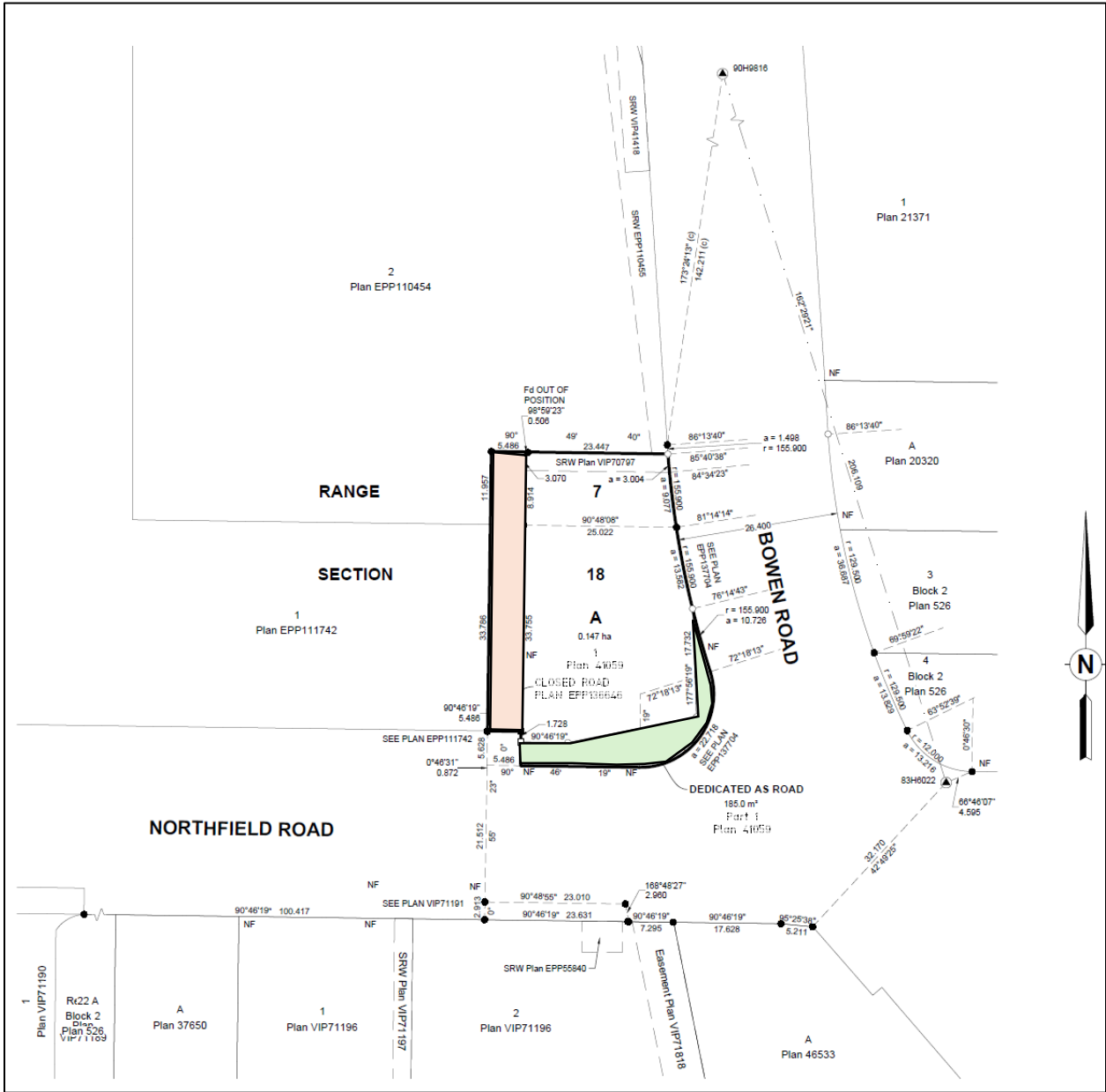
Poul Rosen
Director, Engineering

Wendy Fulla
Director, Finance

Bill Sims
**General Manager, Engineering and Public
Works**

Laura Mercer
General Manager, Corporate Services

ATTACHMENT A



Closed Road Area

Road Dedication Area

LOCATION PLAN

LAND EXCHANGE

CIVIC ADDRESS: 2209 BOWEN ROAD

CITY OF NANAIMO

BYLAW NO. 7376

A BYLAW TO PROVIDE FOR HIGHWAY CLOSURE AND DEDICATION REMOVAL

WHEREAS Council has deemed it expedient to stop up, close to traffic, and remove highway dedication of an unnamed lane adjacent to 2209 Bowen Road for the purpose of consolidating the adjacent land with the adjacent landowner's lands; and

WHEREAS all lands and premises immediately adjoining and in the vicinity of the portion of highway that is stopped up and closed are adequately serviced by well-established highways giving convenient access to all such premises; and

WHEREAS pursuant to Sections 40(3) and (4) and Section 94 of the *Community Charter*, the City of Nanaimo has published notice of its intention to adopt this Bylaw, has delivered notice to the operators of utilities whose transmission or distribution facilities or work Council considers will be affected, and has provided an opportunity for persons who consider they are affected to make representations to Council.

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

1. This Bylaw may be cited for all purposes as "Highway Closure and Dedication Removal Bylaw 2024 No. 7376".
2. An unnamed lane adjacent to 2209 Bowen Road comprising 250.9m², more or less, shown as "Road" on Plan EPP136646 prepared by Tyson Quocksister, B.C.L.S., a reduced copy of which is attached as Schedule A hereto, is hereby closed to all traffic.
3. The highway dedication of an unnamed lane adjacent to 2209 Bowen Road referred to in Section 2 is hereby removed.

4. His Worship the Mayor and Corporate Officer are hereby authorized to execute all the necessary documents as may be required for the due completion of the aforesaid highway closure and dedication removal.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

Notice of intention to proceed with this bylaw was published in the Nanaimo News Bulletin on the ____ day of _____, and on the City of Nanaimo website, www.nanaimo.ca, as per Section 94.2 of the *Community Charter*.

PASSED THIRD READING: _____

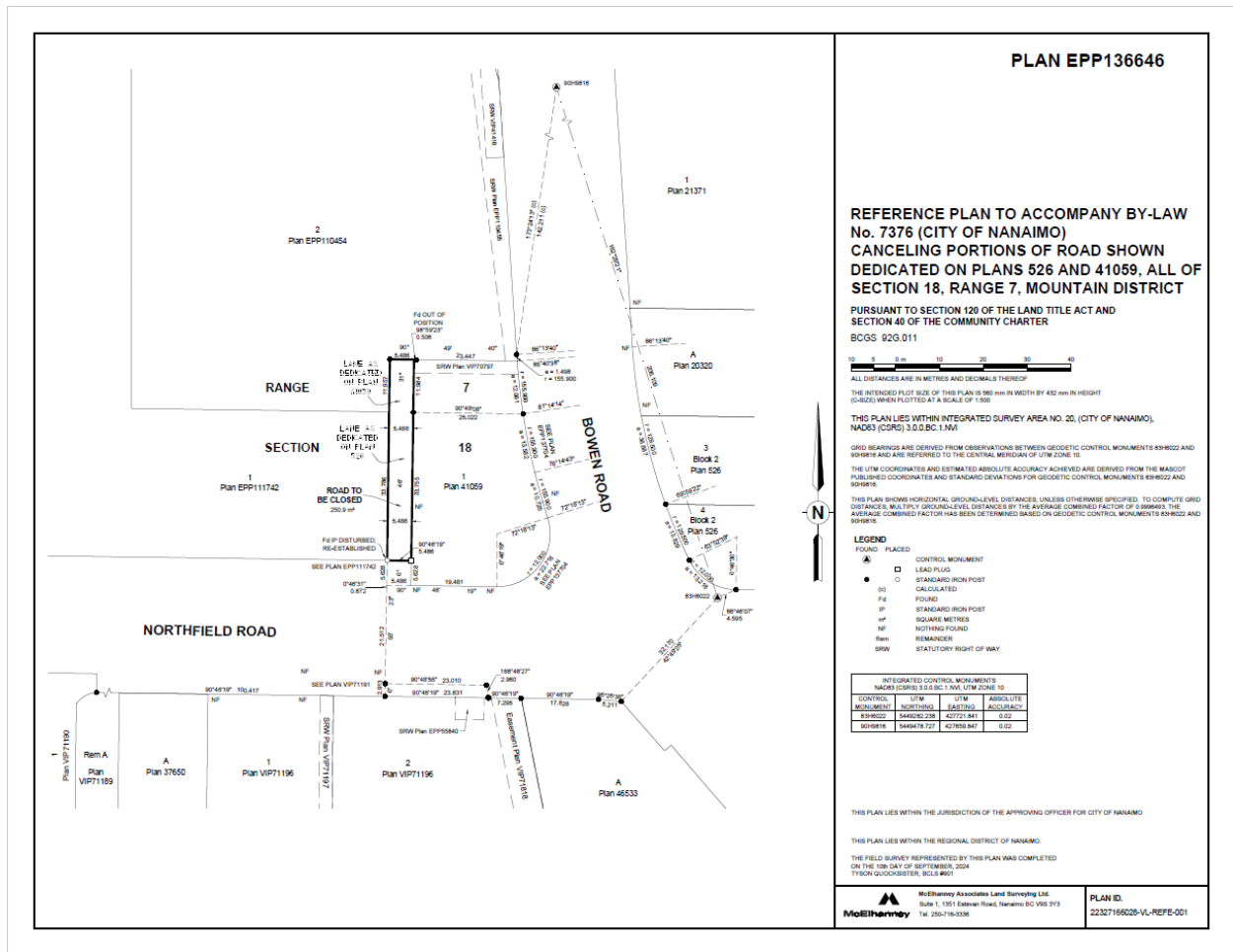
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: LD004138

Schedule A



DATE OF MEETING NOVEMBER 4, 2024

AUTHORED BY JESSICA VANDERHOEF, STENO COORDINATOR

SUBJECT 2025 ACTING MAYOR SCHEDULE

OVERVIEW

Purpose of Report

To present for Council's consideration the draft 2025 Acting Mayor Schedule. |

Recommendation

That Council approve the 2025 Acting Mayor Schedule as presented in Attachment 'A' of the report titled "2025 Acting Mayor Schedule", dated 2024-NOV-04".

BACKGROUND

Section 130 of the *Community Charter* requires that "...council must, in accordance with its applicable procedure bylaw, provide for the designation of a councillor as the member responsible for acting in the place of the mayor when the mayor is absent or otherwise unable to act or when the office of mayor is vacant." "Council Procedure Bylaw 2018 No. 7272" requires that the Corporate Officer annually prepare a schedule to designate Council members to serve as acting mayor on a rotating basis.

The Acting Mayor fulfills the responsibilities of the mayor in his absence and must attend meetings of Council in person. If both the Mayor and Acting Mayor are absent from a Council meeting, the Council member who is next in rotation as Acting Mayor attends the meeting in person to act as Chair of the meeting. Council members do not receive additional remuneration when acting in the Mayor's role. Each Acting Mayor period is for approximately seven weeks.

DISCUSSION

In the past many methods have been used to generate the Acting Mayor schedule such as scheduling members in seniority order and using a random generator. For continuity the 2025 Acting Mayor schedule has been drafted to repeat the same schedule as the 2024 and 2023 Acting Mayor schedules with one change or order between Councillors Eastmure and Perrino. If a Council member knows they will be absent during their assigned period they may wish to switch periods, via motion, with another member of Council. |

OPTIONS

1. That Council approve the 2025 Acting Mayor Schedule as presented in Attachment 'A' of the report titled "2025 Acting Mayor Schedule", dated 2024-NOV-04".
 - The advantages of this option: The schedule is based on the 2024 schedule to provide consistency for Council.
 - The disadvantages of this option: Council may wish to select a different schedule than what is presented. Council may, by motion, switch Acting Mayor periods with other members of Council.
 - Financial Implications: There are no financial implications associated with the Acting Mayor schedule.
2. That Council provide alternate direction.
 - The advantages of this option: Council may wish to alter the schedule.
 - The disadvantages of this option: Dependent on direction received.
 - Financial Implications: Dependent on direction received.

SUMMARY POINTS

- The Acting Mayor schedule is required by the *Community Charter* and "Council Procedure Bylaw 2018 No. 7272" and is prepared annually.
- Each Acting Mayor period is for approximately seven weeks.

ATTACHMENTS:

Attachment A – Draft 2025 Acting Mayor Schedule |

Submitted by:

Sheila Gurrie,
Director, Legislative Services |

Concurrence by:

Dale Lindsay,
Chief Administrative Officer |

Attachment A

City of Nanaimo

2025 Acting Mayor Schedule

NAME	DATE		
Councillor Brown	2025-JAN-01	to	2025-FEB-16
Councillor Armstrong	2025-FEB-17	to	2025-MAR-30
Councillor Thorpe	2025-MAR-31	to	2025-MAY-11
Councillor Geselbracht	2025-MAY-12	to	2025-JUN-29
Councillor Hemmens	2025-JUN-30	to	2025-AUG-10
Councillor Eastmure	2025-AUG-11	to	2025-SEP-28
Councillor Manly	2025-SEP-29	to	2025-NOV-09
Councillor Perrino	2025-NOV-10	to	2025-DEC-31

DATE OF MEETING NOVEMBER 4, 2024

AUTHORED BY JESSICA VANDERHOEF, STENO COORDINATOR

SUBJECT 2025 COUNCIL AND COMMITTEES KEY DATE CALENDARS

OVERVIEW

Purpose of Report

To present the 2025 Council and Committees Key Date Calendars for Council's approval.

Recommendation

That Council approve the 2025 Council and Committees Key Date Calendars as presented in Attachments 'A' through 'G' of the Staff Report titled "2025 Council and Committees Key Date Calendars", dated 2024-NOV-04.

BACKGROUND

Prior to December 31st of each year, a key date calendar for Council Meetings and Public Hearings for the upcoming year is prepared in accordance with "Council Procedure Bylaw 2018 No. 7272". Under Section 127 of the *Community Charter* (the *Charter*), a schedule of the date, time and place of Regular Council Meetings must be made available to the public, and under Section 94 of the *Charter*, notice must be given of its availability.

In accordance with the Section 46.1 of the "Council Procedure Bylaw 2018 No. 7272", the Corporate Officer establishes a regular schedule of meetings for the committees, including the dates, times and locations, and provides the required notice of the schedule. Historically, staff have presented committee meetings schedule to Council to ensure Council members are generally available to attend applicable committee meetings on the proposed meeting dates.

The 2025 Key Date Calendars for the Design Advisory Panel (DAP) and Board of Variance (BOV) have been prepared and reviewed by the Planning Department to ensure cohesiveness between the various meetings. The DAP calendar has been set in accordance with the "Design Advisory Panel Mandate and Objectives" document. The BOV calendar has been set in accordance with the "Board of Variance Bylaw No. 7213" and the *Local Government Act*.

DISCUSSION

COUNCIL KEY DATE CALENDAR

Regular Council Meetings and Public Hearings are held in the Shaw Auditorium, Vancouver Island Conference Centre. Public Hearings are livestreamed on the City's website, and Regular Council Meetings are recorded, livestreamed, and broadcast on Rogers/Shaw TV. Meetings are conducted in a hybrid format where members have the option to join in person or

electronically via Zoom in accordance with Section 26 of the “Council Procedure Bylaw 2018 No. 7272”.

The 2025 Council Key Date Calendar (Attachment ‘A’) was developed as follows:

- Public Hearings will be held on the third Thursday of the month at 7:00 p.m.
- Regular Council Meetings will be held on the first and third Mondays of the month at 4:30 p.m. to proceed in camera, and reconvene open portion at 7:00 p.m.
- Where a meeting falls on a statutory holiday or occurs during the week of the Union of British Columbia Municipalities Convention (UBCM), Association of Vancouver Island and Coastal Communities Conference (AVICC) or Federation of Canadian Municipalities (FCM) Conference, the meeting will be moved forward to the following Monday

There is opportunity to revise the calendar throughout the year. Regular Council Meetings may be cancelled or the date, time and location may be changed in accordance with “Council Procedure Bylaw 2018 No. 7272”. In addition, Special Council Meetings may be scheduled when needed. Where revisions are made, notice must be given, and the calendar updated.

There are 21 Regular Council Meetings, one (1) Special Council Meeting, and 10 Public Hearings scheduled for 2025. The following table identifies dates where a meeting deviates from the Bylaw, an alternate day is suggested, or a meeting of note is included.

Date	Rationale
February 24 th	Regular Council Meeting moved forward one week due to statutory holiday on February 17 th
April 28 th	Regular Council Meeting moved forward one week due to statutory holiday on April 21 st
May 26 th	Regular Council Meeting moved forward one week due to statutory holiday on May 19 th
June 9 th	Regular Council Meeting moved forward one week due to the *FCM Annual Conference ending 2025-JUN-01 resulting in Councillors potentially traveling from Ottawa on June 2 nd
July 28 th	Special Council Meeting scheduled for July 28 th to reduce the length of time between meetings due to the August break

*FCM – Federation of Canadian Municipalities

Once the calendar is approved by Council, public notice will be provided, and meeting Outlook calendar invitations will be distributed to Council and staff. |

COMMITTEE KEY DATE CALENDARS

The 2025 committee meeting schedules have been prepared based on the 2024 schedules and in consultation with the staff liaisons. The following key date calendars are attached:

- Governance and Priorities Committee meetings will be held on Mondays, alternating from Regular Council Meetings, from 1:00 p.m. to 5:00 p.m. (Attachment ‘B’)
- Finance and Audit Committee meetings will be held on Wednesdays, once a month, from 9:00 a.m. to 12:00 p.m. (Attachment ‘C’)
- Advisory Committee on Accessibility and Inclusiveness meetings will be held on select Wednesdays, every two months, from 4:00 p.m. to 6:00 p.m. (Attachment ‘D’)

- Public Safety Committee meetings will be held on select Wednesdays, every two months, from 4:00 p.m. to 6:00 p.m. (Attachment 'E')
- Design Advisory Panel meetings will be held every second and fourth Thursday of the month, except for August, from 5:00 p.m. to 7:00 p.m. (Attachment 'F')

The Governance and Priorities Committee and Finance and Audit Committee will continue to meet in a hybrid format to allow for both in person and electronic participation. Meetings will be held in the Shaw Auditorium, Vancouver Island Conference Centre, unless otherwise noted.

The Advisory Committee on Accessibility and Inclusiveness, Public Safety Committee, and Design Advisory Panel will continue to meet in a hybrid format to allow for both in person and electronic participation. Meetings will be held in the Boardroom, Service and Resource Centre.

The following table identifies dates where a meeting deviates from the typical schedule, an alternate day is suggested, or a meeting of note is included.

Date	Rationale
September 3 rd	Special Public Safety Committee Meeting scheduled for September 3 rd to reduce the length of time between meetings due to the August break
October 27 th	*GPC Meeting scheduled for the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, as the Shaw Auditorium is not available
November 24 th	*GPC Meeting moved forward two weeks due to statutory holiday on November 11 th
November 21 st , 26 th and 28 th	Special Finance and Audit Committee Meetings for Annual Budget Sessions
December 3 rd and 5 th	Special Finance and Audit Committee Meetings for Annual Budget Sessions

*GPC – Governance and Priorities Committee

BOARD OF VARIANCE CALENDAR

A copy of the BOV calendar is provided for information as Attachment 'H'. The Board of Variance will continue to meet in person.

COMBINED KEY DATE CALENDAR

The 2025 Meeting Schedule is provided in Attachment 'G' and includes all aforementioned meeting types for convenience.

OPTIONS

1. That Council approve the 2025 Council and Committees Key Date Calendars as presented on Attachments 'A' through 'G' of the Staff report titled "2025 Council and Committees Key Date Calendars", dated 2024-NOV-04.
 - The advantages of this option: Approving the 2025 Council and Committees Key Date Calendars is in accordance with "Council Procedure Bylaw 2018 No. 7272",

Section 127 of the *Community Charter* and “Design Advisory Panel Mandate and Objectives”.

- The disadvantages of this option: Council may wish to alter its meeting schedule.
- Financial Implications: The cost to book the Vancouver Island Conference Centre is increased 3% annually.

2. That Council provides alternative direction regarding the 2025 Council and Committees Key Date Calendars.

- The advantages of this option: Council may wish to select different meeting dates.
- The disadvantages of this option: Proposed meetings have been booked with the Vancouver Island Conference Centre and alternative dates may not be available.
- Financial Implications: Financial implications would vary depending on the direction provided.

SUMMARY POINTS

- In accordance with “Council Procedure Bylaw 2018 No. 7272” the 2025 Council Key Date Calendar must be adopted before December 31st of each year.
- Regular Council Meetings have been scheduled on the first and third Mondays of the month with exceptions noted. Public Hearings will be held on the third Thursday of the month.
- Council Meetings and Public Hearings are held in the Shaw Auditorium of the Vancouver Island Conference Centre. Council meetings are held at 4:30 p.m. to proceed In Camera and reconvene their open portion at 7:00 p.m. Public Hearings are held at 7:00 p.m.
- If the calendar is approved by Council, public notice will be given in accordance with Sections 94 and 127 of the *Community Charter*.
- Committees and Board of Variance Calendars are provided and will be published to inform the public of forthcoming meeting dates.

ATTACHMENTS:

Attachment A: 2025 Council Key Date Calendar
Attachment B: 2025 Governance and Priorities Committee Key Date Calendar
Attachment C: 2025 Finance and Audit Committee Key Date Calendar
Attachment D: 2025 Advisory Committee on Accessibility and Inclusiveness Key Date Calendar
Attachment E: 2025 Public Safety Committee Key Date Calendar
Attachment F: 2025 Design Advisory Panel Key Date Calendar
Attachment G: 2025 Meeting Schedule (Combined Calendar)
Attachment H: 2025 Board of Variance Key Date Calendar

Submitted by:

Sheila Gurrie,
Director, Legislative Services

Concurrence by:

Nikolina Vracar,
Deputy Corporate Officer

Dale Lindsay,
Chief Administrative Officer

Attachment A



COUNCIL KEY DATE CALENDAR – 2025

■ Council Meeting
■ Public Hearing (Special Council Meeting)
■ Statutory Holiday

Conferences/Conventions

JANUARY

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■ Council to proceed In Camera 4:30 p.m. (if necessary)/ Regular Council Meeting 7:00 p.m. Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, unless stated otherwise
■ Public Hearing (Special Council Meeting) 7:00 p.m. Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street

AVICC – Association of Vancouver Island and Coastal Communities Annual General Convention, April 11-13, Nanaimo, BC
 FCM – Federation of Canadian Municipalities Annual Conference, May 29-June 1, Ottawa, Ontario
 UBCM – Union of British Columbia Municipalities, September 22-26, Victoria, BC

Attachment B

City of Nanaimo

GOVERNANCE AND PRIORITIES COMMITTEE KEY DATE CALENDAR – 2025

Meetings are held in the Shaw Auditorium of the Vancouver Island Conference Centre, 80 Commercial Street unless otherwise stated.

Committee	Start Time	End Time	Day of the Month
Governance and Priorities Committee	1:00 p.m.	5:00 p.m.	Mondays alternating with Council meetings

January 1.....New Year's Day

January 27 Governance and Priorities Committee

February 10..... Governance and Priorities Committee

February 17.....Family Day

March 10..... Governance and Priorities Committee

March 24..... Governance and Priorities Committee

April 11-13..... AVICC Convention – Nanaimo

April 14..... Governance and Priorities Committee

April 18..... Good Friday

April 21.....Easter Monday

May 12..... Governance and Priorities Committee

May 19.....Victoria Day

May 29-June 1..... FCM Conference - Ottawa

June 23..... Governance and Priorities Committee

July 1.....Canada Day

July 14..... Governance and Priorities Committee

No Meetings in August (as per Council Procedure Bylaw No. 7272)

September 1..... Labour Day

September 22-26 UBCM Conference – Victoria

September 30..... National Day for Truth and Reconciliation

October 13.....Thanksgiving Day

October 27 Governance and Priorities Committee. Meeting located in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street.

November 11.....Remembrance Day

November 24..... Governance and Priorities Committee

December 8..... Governance and Priorities Committee

December 25.....Christmas Day

December 26.....Boxing Day

Attachment C

City of Nanaimo

FINANCE AND AUDIT COMMITTEE KEY DATE CALENDAR – 2025

Meetings are held in the Shaw Auditorium of the Vancouver Island Conference Centre, 80 Commercial Street unless otherwise stated.

Committee	Start Time	End Time	Day of the Month
Finance and Audit Committee	9:00 a.m.	12:00 p.m.	3 rd Wednesday

January 1.....New Year's Day
January 15 Finance and Audit Committee

February 17Family Day
February 19..... Finance and Audit Committee

March 19 Finance and Audit Committee

April 11-13..... AVICC Convention – Nanaimo
April 16 Finance and Audit Committee
April 18Good Friday
April 21 Easter Monday

May 19.....Victoria Day
May 21 Finance and Audit Committee
May 29-June 1..... FCM Conference - Ottawa

June 18..... Finance and Audit Committee

July 1.....Canada Day
July 16 Finance and Audit Committee

No Meetings in August (as per Council Procedure Bylaw No. 7272)

September 1..... Labour Day
September 17..... Finance and Audit Committee
September 22-26 UBCM Conference – Victoria
September 30National Day for Truth and Reconciliation

October 13.....Thanksgiving Day
October 15 Finance and Audit Committee

November 11.....Remembrance Day
November 19 Finance and Audit Committee
November 21 Special Finance and Audit Committee (Budget Meeting)
November 26 Special Finance and Audit Committee (Budget Meeting)
November 28 Special Finance and Audit (Budget Meeting)

December 3..... Special Finance and Audit Committee (Budget Meeting)
December 5..... Special Finance and Audit Committee (Budget Meeting)
December 17..... Finance and Audit Committee
December 25.....Christmas Day
December 26.....Boxing Day

DRAFT

Attachment D

City of Nanaimo

ADVISORY COMMITTEE ON ACCESSIBILITY AND INCLUSIVENESS KEY DATE CALENDAR – 2025

Committee meetings are currently held electronically and in person. In person meetings are held in the boardroom on the first floor of the Service and Resource Centre Building at 411 Dunsmuir Street unless otherwise stated.

Committee	Start Time	End Time	Day of the Month
Advisory Committee on Accessibility and Inclusiveness (ACAI)	4:00 p.m.	6:00 p.m.	Select Wednesdays every two months

January 8 ACAI Meeting

March 12 ACAI Meeting

May 14 ACAI Meeting

July 9 ACAI Meeting

No Meetings in August (as per Council Procedure Bylaw No. 7272)

September 10 ACAI Meeting

November 12 ACAI Meeting

Attachment E

City of Nanaimo

PUBLIC SAFETY COMMITTEE KEY DATE CALENDAR – 2025

Committee meetings are currently held electronically and in person. In person meetings are held in the boardroom on the first floor of the Service and Resource Centre Building at 411 Dunsmuir Street unless otherwise stated.

Committee	Start Time	End Time	Day of the Month
Public Safety Committee	4:00 p.m.	6:00 p.m.	Select Wednesdays every two months

February 12..... Public Safety Committee Meeting

April 9 Public Safety Committee Meeting

June 11 Public Safety Committee Meeting

No Meetings in August (as per Council Procedure Bylaw No. 7272)

September 3 Special Public Safety Committee Meeting

October 8 Public Safety Committee Meeting

December 10 Public Safety Committee Meeting

Attachment F

City of Nanaimo

DESIGN ADVISORY PANEL KEY DATE CALENDAR – 2025

Panel meetings are currently held electronically and in person. In person meetings are held in the boardroom on the first floor of the Service and Resource Centre Building at 411 Dunsmuir Street unless otherwise stated.

Committee	Start Time	Day of the Month
Design Advisory Panel	5:00 p.m.	2 nd and 4 th Thursday of each Month

January 9 Design Advisory Panel
January 23 Design Advisory Panel

February 13 Design Advisory Panel
February 27 Design Advisory Panel

March 13 Design Advisory Panel
March 27 Design Advisory Panel

April 10 Design Advisory Panel
April 24 Design Advisory Panel

May 8 Design Advisory Panel
May 22 Design Advisory Panel

June 12 Design Advisory Panel
June 26 Design Advisory Panel

July 10 Design Advisory Panel
July 24 Design Advisory Panel

No Meetings in August (as per Council Procedure Bylaw No. 7272)

September 11 Design Advisory Panel
September 25 Design Advisory Panel

October 9 Design Advisory Panel
October 23 Design Advisory Panel

November 13 Design Advisory Panel
November 27 Design Advisory Panel

December 11 Design Advisory Panel

2025 MEETING SCHEDULE

JANUARY

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JULY

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*Jul 28 - Special Council

AUGUST

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SEPTEMBER

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*Sep 3 - Special Public Safety Meeting

OCTOBER

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*GPC-SARC Boardroom

NOVEMBER

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*Nov 21, 26 & 28 – Special Finance and Audit Committee Meetings

DECEMBER

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*Dec 3 & 5 – Special Finance and Audit Committee Meetings

- Council to proceed In Camera 4:30 p.m. (if necessary)/ Regular Council Meeting 7:00 p.m. Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street
- Public Hearing (Special Council Meeting) 7:00 p.m. Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street
- Governance and Priorities Committee Meeting 1:00 p.m. Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street
- Finance and Audit Committee Meeting 9:00 a.m. Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street
- Advisory Committee on Accessibility and Inclusiveness 4:00 p.m. Boardroom, Service and Resource Centre, 411 Dunsmuir Street
- Public Safety Committee 4:00 p.m. Boardroom, Service and Resource Centre, 411 Dunsmuir Street
- Mayor's Leaders' Table 8:30 a.m. Boardroom, Service and Resource Centre, 411 Dunsmuir Street
- Design Advisory Panel 5:00 p.m. Boardroom, Service and Resource Centre, 411 Dunsmuir Street
- Board of Variance 4:00 p.m. Boardroom, Service and Resource Centre, 411 Dunsmuir Street
- Conferences/Conventions:
 - AVICC – Association of Vancouver Island and Coastal Communities Annual General Convention, April 11-13, Nanaimo, BC
 - FCM – Federation of Canadian Municipalities Annual Conference, May 29-June 1, Ottawa, Ontario
 - UBCM – Union of British Columbia Municipalities, September 22-26, Victoria, BC
- Statutory Holiday

Attachment H

City of Nanaimo

BOARD OF VARIANCE KEY DATE CALENDAR – 2025

Board of Variance meetings are currently held electronically and in person. In person meetings are held in the boardroom on the first floor of the Service and Resource Centre Building at 411 Dunsmuir Street unless otherwise stated.

Committee	Start Time	Day of the Month
Board of Variance	4:00 p.m.	1 st Thursday of each Month

January 2 Board of Variance

February 6 Board of Variance

March 6 Board of Variance

April 3 Board of Variance

May 1 Board of Variance

June 5 Board of Variance

July 3 Board of Variance

August 7 Board of Variance

September 4 Board of Variance

October 2 Board of Variance

November 6 Board of Variance

December 4 Board of Variance

CITY OF NANAIMO

BYLAW NO. 7390

A BYLAW TO AUTHORIZE A PROPERTY TAX PREPAYMENT PLAN

WHEREAS pursuant to Section 194(2)(d) of the *Community Charter*, Council may, by bylaw, establish terms and conditions for the payment of a fee, including discounts, interest and penalties;

AND WHEREAS pursuant to Section 235 of the *Community Charter*, Council may establish an alternative municipal tax collection scheme;

AND WHEREAS the Council of the City of Nanaimo deems it desirable as part of an alternative municipal tax collection scheme established in accordance with this Bylaw and for the convenience of taxpayers, to implement a preauthorized property tax installment payment plan for the taxpayers of the City of Nanaimo;

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

1. Title

This Bylaw may be cited as the “PROPERTY TAX PREPAYMENT PLAN BYLAW 2024, NO. 7390”.

2. Definitions

In this Bylaw:

“CITY”	means the City of Nanaimo.
“COLLECTOR”	means the person duly appointed as such from time to time by Council and includes any person appointed or designated by the Collector to act on their behalf.
“COUNCIL”	means the duly elected Council of the City of Nanaimo.
“MUNICIPAL SCHEME”	means the alternative municipal property tax collection scheme established under Section 3 of this Bylaw.
“PRESCRIBED RATE OF INTEREST”	means the rate of interest prescribed by the Lieutenant Governor in Council for the purposes of Section 239(2) of the <i>Community Charter</i> .
“TAXPAYER”	means any person or corporation who is or may be liable to the City of Nanaimo for payment of property taxes.

3. Alternative Municipal Tax Collection Scheme

- 3.1 Any *taxpayer* may apply to the *Collector* to pay property taxes before the due date in equal monthly installments on the terms and conditions set out in this Bylaw.
- 3.2 For the purposes of this Bylaw, the *Collector* may estimate the amount of property taxes that will become due on the due date. This estimate may be done before the annual issuance of the Tax Notice or any time during the year depending on when the *taxpayer* enrolls in the plan.
- 3.3 If the *taxpayer* chooses to pay property taxes by installment in accordance with this Bylaw, a form shall be executed which authorizes deductions from the taxpayer's account at a financial institution to the credit of the *City*, and the form left on file with the *Collector*.
- 3.4 The *Collector* is authorized to hold monies to be applied in payment of taxes at a future date on the real property designated by the *taxpayer* upon the following terms and conditions:
 - 3.4.1 the *taxpayer* must complete and submit to the *Collector* an application in the form set out by the *Collector* for each property being enrolled in the plan;
 - 3.4.2 prepayments are withdrawn on the 15th of each month from July to June for the upcoming year's property taxes;
 - 3.4.3 the minimum amount which shall be accepted on any property is twenty-five dollars (\$25.00);
 - 3.4.4 the taxpayer must designate the property tax account for which payments by installment are to be made;
 - 3.4.5 any payments accepted shall be applied against the property taxes for the year in which the payments are applicable in accordance with Section 244 of the *Community Charter*;
 - 3.4.6 provided that there are no taxes in arrears or delinquent, the interest rate payable under this tax installment plan shall be at the prescribed rate;
 - 3.4.7 interest will be credited on the last day of each month, with the exception of May and June.

4. Payment Of Taxes in Arrears And Delinquent Taxes By Installment

- 4.1 A *taxpayer* may apply to the *Collector* to pay property taxes that are in arrears or that are delinquent in equal monthly installments on the terms and conditions set out in this Bylaw.

- 4.2 A *taxpayer* who applies under Section 4 of this Bylaw must execute a form which authorizes deductions from the taxpayer's account at a financial institution to the credit of the City, and the form must be left on file with the *Collector*.
- 4.3 The following terms and conditions apply to the City's acceptance of payment by installment under Section 4 of this Bylaw:
 - 4.3.1 the *taxpayer* must complete and submit to the *Collector* an application in the form set out by the *Collector* for each property being enrolled in the plan;
 - 4.3.2 the minimum monthly payment which shall be accepted with respect to any one parcel of land will be equal to the total estimated amount of outstanding delinquent, arrears, and current year taxes outstanding plus applicable interest equally divided by the number of months remaining before the next property tax due date and last monthly withdrawal;
 - 4.3.3 when applying under Section 4 of the bylaw the *taxpayer* must designate the property tax account for which payments by installment are to be made;
 - 4.3.4 all installment payments shall be credited by the *Collector* in accordance with the requirements of Section 244 of the *Community Charter*.

5. General Provision

- 5.1 The *Collector* is authorized on the *City's* behalf to enter into an agreement with a *taxpayer* in the terms required under Section 3 and 4 of this Bylaw, as applicable.
- 5.2 The *Collector* shall indicate on the annual property tax notice:
 - 5.2.1 the total of all payments received in advance under this Bylaw plus any interest earned;
 - 5.2.2 the new monthly installment amount, if applicable; and
 - 5.2.3 the amount required to pay the balance of the taxes due on the due date.
- 5.3 If eligible, the Home Owner Grant must be claimed after receipt of the tax notice, but before the tax due date. Participation in the Property Tax Prepayment Plan is not a substitute for claiming the Home Owner Grant.
- 5.4 Any unpaid balance on the property tax notice after claiming the Home Owner Grant (if applicable) must be paid via payment that is separate from the installment plan.
- 5.5 Any balance remaining unpaid after the due date in any year will be subject to penalty provisions of the *Community Charter*.

- 5.6 The amount of the installment may vary in subsequent years.
- 5.7 The *Collector* may cancel a *taxpayer's* participation in an installment plan after two (2) installments fail to be honoured in a twelve (12) month period.
- 5.8 Any dishonoured or returned payment will be charged back to the Property Tax account, together with the applicable penalties applied, interest forfeited and will be subject to a service fee in accordance with the *Fees and Charges Bylaw*.
- 5.9 No interest shall be paid with respect to any amounts paid after April 30th for the current year's taxes.
- 5.10 Property tax installments are not refundable. If the subject property is sold, the *Collector* will determine if a refund is permitted under extraordinary circumstances. Refunds are subject to an administration fee pursuant to the currently enacted *Fees and Charges Bylaw*.
 - 5.10.1 In the event a refund is processed, interest will be calculated and payable to the end of the previous month of when the refund is processed.
- 5.11 A participating *taxpayer* may give notice in writing ten (10) business days prior to the installment date, to discontinue participation in the monthly installment plan or to make any other changes such as installment amount or banking information.
- 5.12 Participation in the installment plan shall continue until terminated by either party in writing.
- 5.13 In the event that an unpaid User Rates account or charge against the property is added to the tax account as arrears, any tax installment payments in the account will be applied against these arrears.
- 5.14 It is the taxpayer's responsibility to ensure that correct information is provided to the City for the purposes of processing payments.
- 5.15 Nothing in this Bylaw supersedes the provision of the *Local Government Act* or the *Community Charter*.

6. Severability

If any section, subsection, or paragraph of this Bylaw is found invalid by a decision of a Court of competent jurisdiction, the invalid section, subsection, or paragraph shall be severed without effect on the remainder of the Bylaw.

7. Repeal

“Tax Prepayment Plan Bylaw 1995 No. 4904” is hereby repealed.

PASSED FIRST READING: 2024-OCT-21
PASSED SECOND READING: 2024-OCT-21
PASSED THIRD READING: 2024-OCT-21
ADOPTED: _____

MAYOR

CORPORATE OFFICER

CITY OF NANAIMO

BYLAW NO. 7391

A BYLAW TO AUTHORIZE AN USER RATES AUTO DEBIT PLAN

WHEREAS pursuant to Section 194(2)(d) of the *Community Charter*, Council may, by bylaw, establish terms and conditions for the payment of a fee, including discounts, interest and penalties;

AND WHEREAS the Council of the City of Nanaimo deems it desirable as part of a user rates fees collection scheme established in accordance with this Bylaw, and for the convenience of ratepayers, to implement a user rates auto debit plan for the ratepayers of the City of Nanaimo;

THEREFORE the Council of the City of Nanaimo in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as the “USER RATES AUTO DEBIT PLAN BYLAW 2024, NO. 7391”

2. Definitions

In this Bylaw:

“CITY”	means the City of Nanaimo.
“COLLECTOR”	means the person duly appointed as such from time to time by Council and includes any person appointed or designated by the Collector to act on their behalf.
“COUNCIL”	means the duly elected Council of the City of Nanaimo.
“RATEPAYER”	means any person or corporation who is or may be liable to the City of Nanaimo for payment of user rates.
“USER RATES”	means the water, sewer and garbage charges.

3. User Rates Fees Collection Scheme

3.1 Any *ratepayer* may apply to the *Collector* to pay for user rates fees on the terms and conditions set out in this Bylaw.

3.1.1 the *ratepayer* must complete and submit to the *Collector* an application in the form set out by the *Collector* for each property being enrolled in the plan;

3.1.2 the User Rates account must be up-to-date, or at a credit balance, before the *ratepayer* can enroll in the plan if the next withdrawal date is less than ten (10) business days away;

- 3.1.3 full payment of outstanding user rates charges will be withdrawn on the due date as outlined on the Statement of User Rates;
- 3.1.4 the ratepayer must designate the user rates account for which payments are to be made.
- 3.2 If the *ratepayer* chooses to pay user rates fees in accordance with this Bylaw, a form shall be executed which authorizes deductions from the *ratepayer's* account at a financial institution to the credit of the *City*, and the form left on file with the *Collector*.

4. General Provision

- 4.1 The *Collector* is authorized on the *City's* behalf to enter into an agreement with a *ratepayer* in the terms required under Section 3 of this Bylaw, as applicable.
- 4.2 The *Collector* may cancel a *ratepayer's* participation in an installment plan after two (2) payments fail to be honoured in a twelve (12) month period.
- 4.3 Any dishonoured and returned user rates payments will be charged back to the user rates account, together with the applicable lost discount and will be subject to a service fee in accordance with the *Fees & Charges Bylaw*.
- 4.4 A participating *ratepayer* may give notice in writing ten (10) business days prior to the payment date to discontinue participation in user rates auto debit plan or to make any other changes such as banking information.
- 4.5 It is the *ratepayer's* responsibility to review their Statement of User Rates. In the event the *ratepayer* believes there is an error or omission to the user rates fees the *ratepayer* must contact the *Collector* at least ten (10) business days prior to the withdrawal date if they would like to request that the payment be stopped.
- 4.6 Participation in the auto debit plan shall continue until terminated by either party in writing.
- 4.7 It is the ratepayer's responsibility to ensure that correct information is provided to the City for the purposes of processing payments.
- 4.8 Nothing in this Bylaw supersedes the provision of the *Local Government Act* or the *Community Charter*.

5. Severability

If any section, subsection, or paragraph of this Bylaw is found invalid by a decision of a Court of competent jurisdiction, the invalid section, subsection, or paragraph shall be severed without effect on the remainder of the Bylaw.

PASSED FIRST READING: 2024-OCT-21
PASSED SECOND READING: 2024-OCT-21
PASSED THIRD READING: 2024-OCT-21
ADOPTED: _____

MAYOR

CORPORATE OFFICER