
TO: Regional Parks and Trails Select Committee **MEETING:** February 4, 2020
FROM: Yann Gagnon
 Manager, Parks Services **FILE:** 2019-006
SUBJECT: Park Use Regulations Bylaw No. 1801, 2019

Please note: the recommendation was varied by the Committee with the addition of the following motion:

1. That “Regional District of Nanaimo Park Use Regulations Bylaw No. 1801, 2019” be amended to include “Coats Marsh Regional Park” to Schedule B, 2(c) of the bylaw.

RECOMMENDATIONS

1. That the “Regional District of Nanaimo Park Use Regulations Bylaw No. 1801, 2019” be introduced and read three times.
2. That the “Regional District of Nanaimo Park Use Regulations Bylaw No. 1801, 2019” be adopted.

SUMMARY

At the November 5, 2019 Regional Parks and Trails Select Committee (RPTSC), a resolution was approved for the Park Use Regulations Bylaw No. 1801 2019 report be deferred to the February 4, 2020 RPTSC to allow time for staff to meet with individual Electoral Area Directors to review Schedule B, Section 2 (c) of the proposed Bylaw.

Since the November 5th meeting, all Electoral Area Directors had the opportunity to review Schedule B with RDN staff. The Park Use Regulations Bylaw 1801 Schedule B, Section 2 (c) presented below on page 2 was updated accordingly in order to reflect the additional input received.

Proposed Bylaw 1801 introduces regulations that encompass homeless camping; a total smoking/vaping ban; cannabis consumption; off-road vehicle use; and aligns RDN fees for camping and special use events with rates comparable to those in other BC Parks.

Park Use Regulations Bylaw 1801 (Attachment 1) replaces and repeals Park Use Regulations Bylaw 1399, 2004 and 1399.01, 2009. By adopting the proposed Park Use Regulations Bylaw 1801, the Bylaw Notice Bylaw No. 1786, 2019 is amended by deleting Schedule 17 of that Bylaw and replacing it with the Park Use Regulations Bylaw 1801’s schedule of penalties (Schedule D).

Other local governments’ park use regulation bylaws were reviewed in the development of Bylaw 1801 to ensure it meets best practices pertaining to park use regulation, is in alignment with Federal and Provincial law and is relevant to the needs of the residents and guests of the RDN.

BACKGROUND

The Parks Use Regulation Bylaw 1801 will apply to all regional and community parks and trails in the seven electoral areas. Through the Bylaw, the Board delegates authority to the Manager of Parks Services to set out rules and regulations for park use.

This includes temporarily closing some or all of a park; controlling vehicular and non-vehicular passage within a park; restricting access to conservation zones within a park; and authorizing special use of a park.

In recent years, several municipal and regional district park use bylaws have been updated to address homeless camping in parks (Abbotsford 2016, District of North Cowichan 2017, Nanaimo 2019). In the absence of any applicable provincial law, a series of court decisions brought down over the last decade is being used as guide.

Bylaw 1801 reflects the general approach being taken, which is to limit homeless camping to parks and areas within parks where the use can be kept separate from designated conservation areas, facilities, including trails, parking areas, playgrounds, and neighboring residential properties.

Bylaw 1801 proposes that a homeless person may camp in a District park between 7:00 pm one day and 9:00 am the following day at which point the homeless person must vacate the park until at least 7:00 pm. In Bylaw 1981, homeless persons are prohibited from camping in the following District parks at any time:

- (a) all regional and community trails and paths;
- (b) all water accesses; and
- (c) the following parks:

Electoral Area	Park	
A	Cedar Plaza Community Park	Kipp Road Community Park
	Cedar Skatepark	MacMillan Road Community Park
	Fawcett Road Community Park	Thelma Griffith Community Park
	Glynneath Road Community Park	Woodridge Road Community Park
B	Blue Heron Community Park	Link Bay Road Community Park
	Bluewhale Community Park	Malaspina Galleries Community Park
	Captain Ahab's Terrace Community Park	Paisley Place Community Park
	Cardale Road Community Park	Pequod Crescent Community Park
	Clamshell Drive Community Park	Pilot Bay Community Park
	Coast Road Community Park	Queequeg Place Community Park
	Decourcy Drive Community Park	Rollo McClay Community Park
	Dodd Narrows Community Park	Sea Fern Lane Community Park
	Dunlop Lane Community Park	Stalker Road Community Park
	Hummingbird Community Park	The Strand Community Park
	Huxley Community Park	Town-Ho End Community Park
	Joyce Lockwood Community Park	Descanso Bay Regional Park

C	Extension Miners Community Park	South Forks Road Community Park
	Heather Way Community Park	Twilight Way Community Park
	Riverbend Road Community Park	Virostko Road Community Park
	Riverbend Community Park	
E	Amelia Crescent Community Park	Henley Place Community Park
	Arbutus Grove Community Park	Highland Road Community Park
	Blueback Drive Community Park	Jack Bagley Community Park
	Brickyard Community Park	Nanoose Road Community Park
	Carmichael Road Community Park	Park Place Community Park
	Claudet Creek Community Park	Redden Road Community Park
	Claudet Road Community Park	Richard Place Community Park
	Craig Creek Estuary Community Park	Rowland Road Community Park
	Crowsnest Lane Community Park	Rumming Road Community Park
	Davenham Road Community Park	Schooner Ridge Community Park
	Dolphin Lake Community Park	Stone Lake Drive Community Park
	Dolphin Marsh Community Park	Beachcomber Regional Park
	Es-hw Sme-nts Community Park	Moorecroft Regional Park
F	Allsbrook Road Community Park	Kerr Road Community Park
	Brooklin Lane Community Park	Little Qualicum Falls Community Park
	Coombs Station Community Park	Meadowood Community Park
	Errington Community Park	Melon Road Community Park
	French Creek School Community Park	Old Alberni Hwy Community Park
	Harris Crescent Community Park	
G	Blue Water Place Community Park	Maple Lane Community Park
	Boulbee Drive Community Park	Neden Way Community Park
	Brookfield Windridge Community Park	Peterson Rascal Community Park
	Centre Crescent Community Park	Quails Landing Way
	Cinnamon Sedge Matuka Community Park	Riley Sanika Community Park
	Columbia Drive East Side Community Park	San Malo Crescent Community Park
	Dalmatian Drive Community Park	Stanhope Community Park
	Dashwood Community Park	Stormwater Community Park
	Hawthorne Rise Community Park	Sumar Lane Community Park
	Kaye Peterson Community Park	Top Bridge Community Park
	Kaye Rivers Edge Community Park	Little Qualicum River Estuary RCA
	Kaye Road Community Park	Dashwood Community Park
	Matuka Drive Community Park	French Creek Community Park
	Miller Road Community Park	River's Edge Community Park
H	Deep Bay Creek Community Park	Wildwood Place Community Park
	Henry Morgan Community Park	Horne Lake Regional Park
	Lions Community Park	

Smoking in parks

Bylaw 1801 introduces a total ban on smoking or vaping of cannabis, tobacco or any other product anywhere in any RDN park. This will offer a healthier and safer environment for park users. A total ban on smoking will also help in reducing fire risk in District parks.

Cannabis

Bylaw 1801 treats cannabis like alcohol in that its consumption is only permitted at campsites in the RDN's campground parks. Cannabis consumption is distinguished from cannabis smoking or vaping. Bylaw 1801 introduces a total ban on smoking or vaping of cannabis.

Off-road vehicle use

Bylaw 1801 introduces the possibility of permitting off-road vehicle (ORV) use in RDN parks. To take effect, signage permitting such use would need to be posted at the individual park.

For example, the management plan for the Little Qualicum River Regional Park contemplates allowing the use of ORV through the regional park to neighbouring Crown Lands where ORV use is permitted by the Province.

Park permitting

Bylaw 1801 schedule of fees and regulations for special use of parks introduces:

- A non-refundable application fee for complex events and application deadlines.
- Higher fees for commercial filming.
- Reduced fees for the delivery of commercial recreation services.
- An increase to high season fees for camping at Horne Lake and Descanso Bay Regional Park campgrounds, comparable to other BC Parks fees.
- Higher fees for the boat launch at Horne Lake Regional Park, from \$5 to \$6 per launch.
- Reservation fees, similar to those collected in BC Parks.

ALTERNATIVES

1. Proceed with the introduction, reading and adoption of "Regional District of Nanaimo Park Use Regulations Bylaw No. 1801, 2019".
2. Provide alternative direction.

FINANCIAL IMPLICATIONS

The introduction of non-refundable application fees for commercial or complex applications and higher fees for commercial filming should contribute to a slight increase in revenue from special park use.

At Horne Lake Regional Park, the increase to high season fees for camping is expected to result in a reduction in the amount of RDN subsidy provided to the park operator, which was \$16,730 for the 2018 season.

Below is a table showing the existing (black font) and proposed (red font) camping and boating camping fees.

Proposed 2019 in red			
Camping and Boating Fees¹			
Horne Lake Regional Park			
Reservation fee: \$6 per night, maximum \$18			
Camping Fees			
Regular Sites (per site per night)	Lakefront Sites	Shared Sites	Forested Sites
High Season ²	\$24.00	\$40.00	\$20.00
	\$30.00	\$50.00	\$25.00
Low Season ³	\$10.00	\$10.00	\$10.00
	\$10.00	\$10.00	\$10.00
Group Sites (base fee per person)	Youth Group	Regular Group	
	\$2.50	\$5.00	
Boat Launch: \$6/launch; \$50 for 10-launch pass			
	1 Launch	10 Launch pass	
	\$5	\$50	
	\$6	\$50	
Descanso Bay Regional Park			
Reservation fee: \$6 per night, maximum \$18			
Camping Fees			
	Large Sites	Small Sites	
High Season ²	\$17	\$17	
	\$23	\$20	
Low Season ³	\$10.00	\$10.00	
	\$10.00	\$10.00	
¹ GST applies to all fees. Fees represent the maximum that may apply. Full or partial refunds may be available.			
² High season begins in April and ends in October.			
³ Low season begins in November and ends in March.			

Homeless camping

With the introduction of regulated homeless camping, readiness for additional homeless camping will also need to be taken into consideration. Homeless camping is generally not an issue in RDN Parks but if it were to be, there is currently no enforcement capacity to enforce these new park regulations.

It is recommended that additional enforcement resources be put in place to assist the RDN in assessing and managing the transition to regulated and enforced homeless camping. Funding for a 0.5 Full Time Equivalent (FTE) Bylaw Enforcement Officer would require an estimated \$44,000 per year.

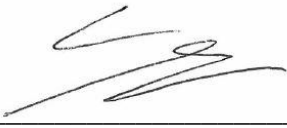
Site clean-up costs caused by homeless camping will be monitored in 2020 to determine if future changes to park operating budgets need to be made. Expenditures related to site clean-up would be charged to the parks service area in which the clean-up takes place i.e. Regional Parks or Electoral Area Community Parks.

STRATEGIC PLAN IMPLICATIONS

People and Partnerships - Improve the governance and awareness of RDN activities for citizens throughout the Region.

Environmental Stewardship - Protect and enhance the natural environment, including land, water, and air quality for future generations

Transportation and Transit - Provide opportunities for residents to move effectively through and around the Region.



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January 7, 2020

Reviewed by:

- G. Garbutt, General Manager, Strategic and Community Development
- T. Osborne, General Manager, Recreation and Parks Services
- P. Carlyle, Chief Administrative Officer

Attachment

1. Regional District of Nanaimo Park Use Regulations Bylaw No. 1801, 2019